

<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 15 May 2019
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## AGENDA

1. Declaration of pecuniary and non-pecuniary interests
2. Leader - Call-in of Cabinet decisions

### Minutes

3. Minutes of the previous meeting held on 17th April, 2019 (Cab.15.5.2019/3)  
(Pages 5 - 8)

### Items for Noting

4. Decisions of Cabinet Spokespersons (Cab.15.5.2019/4) (Pages 9 - 10)

### Petitions

5. Petitions received under Standing Order 44 (Cab.15.5.2019/5)

### Items for Decision/Recommendation to Council

#### Core Services Spokesperson

6. Quarterly Analysis of Selective Voluntary Early Retirement and Voluntary Severance October 2018 - March 2019 (Cab.15.5.2019/6) (Pages 11 - 14)
7. Strategic Risk Register - Full Review - March 2019 (Cab.15.5.2019/7)  
(Pages 15 - 40)

#### People (Achieving Potential) Spokesperson

8. Unauthorised Pupil Absence and Leave of Absence From Schools  
(Cab.15.5.2019/8) (Pages 41 - 72)

#### Place Spokesperson

9. Adoption of New and Updated Supplementary Planning Documents (SPDs) and Planning Advice Notes (PANs) (Cab.15.5.2019/9) (Pages 73 - 424)  
RECOMMENDATION TO FULL COUNCIL ON 23<sup>RD</sup> MAY, 2019
10. Planned Maintenance Programme 2019-20 (Cab.15.5.2019/10)  
(Pages 425 - 440)
11. Housing Infrastructure Funding (HIF) Marginal Fund (Cab.15.5.2019/11)  
(Pages 441 - 482)
12. Housing Revenue Account (HRA) - Capital Works 2019/20 Programme  
(Cab.15.5.2019/12) (Pages 483 - 492)

13. NPS Barnsley Ltd Business Plan and Barnsley Norse Business Plan 2019-20 (Cab.15.5.2019/13) (Pages 493 - 558)
14. Proposed Waiting Restrictions at Stainborough Road and Keresforth Road, Dodworth - Consideration of Objections (Cab.15.5.2019/14) (Pages 559 - 570)
15. Proposed Waiting and Loading Restrictions at Park Road, Barnsley - Consideration of Objections (Cab.15.5.2019/15) (Pages 571 - 586)
16. Proposed Waiting Restrictions at Bloemfontein Street and Barnsley Road, Cudworth - Consideration of Objections (Cab.15.5.2019/16) (Pages 587 - 598)
17. Proposed Waiting Restrictions at Jackson Street and Co-operative Street Junctions with Barnsley Road, Cudworth - Consideration of Objections (Cab.15.5.2019/17) (Pages 599 - 610)
18. URBACT: TechRevolution (Cab.15.5.2019/18) (Pages 611 - 630)
19. Exclusion of Public and Press  
It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

#### **Place Spokesperson**

20. Community Asset Transfer - Penistone Leisure Centre (Cab.15.5.2019/20) (Pages 631 - 680)  
Reason restricted:  
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)
21. Community Asset Transfer - Land at Dearne Welfare Park, Bolton-upon-Dearne (Cab.15.5.2019/21) (Pages 681 - 690)  
RECOMMENDATION TO FULL COUNCIL ON 23<sup>RD</sup> MAY, 2019  
Reason restricted:  
Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

#### **Core Services Spokesperson**

22. Local Government Act 2000 Section 101 - Indemnities (Cab.15.5.2019/22) (Pages 691 - 694)  
Reason restricted:  
Paragraph (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

To: Chair and Members of Cabinet:-

Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Howard and Platts

Cabinet Support Members:

Councillors Franklin, Frost, Daniel Griffin, Saunders and Tattersall

Chair of Overview and Scrutiny Committee  
Chair of Audit Committee

Diana Terris, Chief Executive  
Rachel Dickinson, Executive Director People  
Matt Gladstone, Executive Director Place  
Wendy Lowder, Executive Director Communities  
Julia Burrows, Director Public Health  
Andrew Frosdick, Executive Director Core Services  
Alison Brown, Service Director Human Resources and Business Support  
Michael Potter, Service Director Business Improvement and Communications  
Neil Copley, Service Director Finance (Section 151 Officer)  
Katie Rogers, Head of Communications and Marketing  
Anna Marshall, Scrutiny Officer  
Martin McCarthy, Service Director Governance, Members and Business Support

Corporate Communications and Marketing

Please contact Martin McCarthy on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Tuesday, 7 May 2019

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<b>MEETING:</b>	Cabinet
<b>DATE:</b>	Wednesday, 17 April 2019
<b>TIME:</b>	10.00 am
<b>VENUE:</b>	Reception Room, Barnsley Town Hall

## MINUTES

**Present** Councillors Houghton CBE (Chair), Andrews BEM, Bruff, Cheetham, Gardiner, Miller and Platts

**Members in Attendance:** Councillors Franklin, Frost, Daniel Griffin, Pourali, Saunders, Sheard and Tattersall

### 256. Declaration of pecuniary and non-pecuniary interests

Councillor Pourali declared non-pecuniary interests in Minute Numbers 265 and 266 due to being a member of Berneslai Homes Board.

### 257. Leader - Call-in of Cabinet decisions

The Leader reported that no decisions from the previous meeting held on 1<sup>st</sup> April, 2019 had been called in.

### 258. Minutes of the previous meeting held on 1st April, 2019 (Cab.17.4.2019/3)

The minutes of the meeting held on 1<sup>st</sup> April, 2019 were taken as read and signed by the Chair as a correct record.

### 259. Decisions of Cabinet Spokespersons (Cab.1.4.2019/4)

There were no Records of Decisions by Cabinet Spokespersons under delegated powers to report.

### 260. Petitions received under Standing Order 44 (Cab.1.4.2019/5)

It was reported that no petitions had been received under Standing Order 44.

### Core Services Spokesperson

### 261. Overview and Scrutiny Committee - Task and Finish Group - Social Housing (Cab.17.4.2019/6)

Councillor Ennis attended the meeting as Chair of the Overview and Scrutiny Committee. Councillor Charlesworth presented the Task and Finish Group report regarding Social Housing.

**RESOLVED** that the report be received and the Executive Director Place be requested to co-ordinate a response to the recommendations in the report within 28 days.

**262. Overview and Scrutiny Committee - Task and Finish Group - Substance Misuse (Cab.17.4.2019/7)**

Councillor Carr presented the Task and Finish Group report regarding Substance Misuse.

**RESOLVED** that the report be received and the Executive Director Communities be requested to co-ordinate a response to the recommendations in the report within 28 days.

**263. Overview and Scrutiny Committee - Task and Finish Group - Adult Mental Health Crisis Care (Cab.17.4.2019/8)**

Councillor Hand-Davis presented the Task and Finish Group report regarding Adult Mental Health Crisis Care.

**RESOLVED** that the report be received and the Executive Directors Communities and Public Health be requested to co-ordinate a response to the recommendations in the report within 28 days.

**Place Spokesperson**

**264. Highways and Engineering: Transition to All Road Permits Scheme (Cab.17.4.2019/9)**

**RESOLVED:-**

- (i) that approval be given to the expansion of the current permit scheme from 320 of Barnsley's busiest streets to every street in the Borough's adopted road network, as detailed in Section 4 of the report now submitted; and
- (ii) that it be acknowledged that the need for additional resources to be employed to effectively administer the new permit scheme and that these positions will be financed by the additional income generated by the scheme.

**265. HRA - Section 106 Acquisition Programme (Cab.17.4.2019/10)**

**RESOLVED** that the Housing Revenue Account (HRA) Section 106 Acquisition Programme for the financial years 2019/20 and 2020/21, as set out in the report submitted, be approved.

**266. HRA - Empty Homes Acquisition Programme 2019/20 and 2021/22 (Cab.17.4.2019/11)**

**RESOLVED** that the Housing Revenue Account (HRA) Empty Homes Acquisitions Programme for the financial years 2019/20 through 2021/22, as detailed in the report, be approved.

## 267. Exclusion of Public and Press

**RESOLVED** that the public and press be excluded from the meeting during consideration of the following items, because of the likely disclosure of exempt information as described by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, as follows:-

<u>Item Number</u>	<u>Type of Information Likely to be Disclosed</u>
268	Paragraph 3
269	Paragraph 3

### **Core Services Spokesperson**

## 268. Building Schools for the Future Re-Financing Proposal and Change in Law (Cab.17.4.2019/14)

### **RESOLVED:-**

- (i) that the terms for refinancing the Building Schools for the Future (BSF) Phase 3 project, as outlined at paragraph 3.6 of the report submitted, be approved;
- (ii) that the Change in Law terms as outlined at paragraphs 3.11 to 3.20 of the report be approved;
- (iii) that the proposals be agreed in advance of the Education Funding Agency (EFA) written approval as outlined in paragraph 3.6 of the report; and
- (iv) that the Executive Director Core Services and the Service Director Funding (Section 151 Officer) ensure that financial close be reached on behalf of the Council and the necessary documentation be executed.

### **Joint Core Services and Place Spokespersons**

## 269. The Glass Works: Leasing Update and Recommendation to Proceed with Phase 2 Construction Contract (Cab.17.4.2019/13)

### **RESOLVED:-**

- (i) that the change in the risk profile for the Glass Works be noted and Cabinet be kept informed of any updates;
- (ii) that the options at section 5 of the report regarding the contract for construction of phase 2 be noted;
- (iii) that agreement be given to proceed with option 5.2, ie proceed with signing the contract; and
- (iv) that authority be delegated to the Executive Director Core Services to sign the contract for construction of phase 2 of the Glass Works at the earliest available opportunity following formal notification of agreement.

**270. Appreciation for Councillor Miller**

The Leader and Members of Cabinet noted this was Councillor Miller's last Meeting as Cabinet Spokesperson for Place. Colleagues placed on record their thanks and appreciation for Councillor Miller's dedication to the Council and public of Barnsley during his years of service and wished him a long and happy retirement.

Councillor Miller in turn thanked the Leader and colleagues for their sentiments and wished to convey his thanks to all Members of the Council past and present and for the support received from officers over the years.

.....  
Chair



**BARNSELY METROPOLITAN BOROUGH COUNCIL**

**CABINET SPOKESPERSONS' DECISIONS**

**Schedule of Decisions taken for week ending 26<sup>th</sup> April, 2019**

<b><u>Cabinet Spokesperson</u></b>	<b><u>Item</u></b>	<b><u>Decisions</u></b>
1. Place	Section 106 Strategic Panel Project Proposals – January 2019	that Section 106 monies be allocated to the following schemes:- <ul style="list-style-type: none"><li>• £22,971 towards an additional facility for Reds in the Community at Oakwell</li><li>• £27,000 towards a MUGA at Oxspring Playing Fields;</li><li>• £68,246 towards the final phase of works at Penistone St Johns Primary School; and</li><li>• £69,325.75 towards Dearne Welfare Pavillion (including £36,132.32 previously approved).</li></ul>
2. Place	Section 106 Strategic Panel Project Proposals – March 2019	that Section 106 monies be allocated to the following schemes:- <ul style="list-style-type: none"><li>• £150,000 towards improvements to Barnsley Golf Club clubhouse;</li><li>• £80,000 towards Monk Bretton cemetery;</li><li>• £18,000 towards the refurbishment of Millhouse Green play area;</li><li>• £25,615.16 towards Hoylandswaine Primary School Community Room;</li><li>• £25,615.16 towards Hoylandswaine Church Interior Reordering;</li><li>• £95,000 towards the Little Don Trail; and</li><li>• £68,716 towards additional groundworks at Catherines Walk, Barnsley.</li></ul>

\* Not for publication – contains exempt information, Local Government Act 1972, Part I, Schedule 12A Paragraph 3 apply.

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**QUARTERLY ANALYSIS OF SELECTIVE VOLUNTARY EARLY  
RETIREMENT AND VOLUNTARY SEVERANCE  
October 2018 to March 2019**

**1. PURPOSE OF THE REPORT**

- 1.1 The purpose of this report is to provide Members with information in respect of the Selective Voluntary Early Retirements and Voluntary Severances which have taken place during 1 October 2018 to 31 March 2019

**2. RECOMMENDATIONS**

- 2.1 It is recommended that the report be received in accordance with the required procedure.**

**3. BACKGROUND**

- 3.1 In November 1998 as part of the response to the Audit Commission's report on early retirement it was agreed to submit quarterly reports to Members in respect of the costs and numbers of employees taking voluntary early retirement.

**4. CURRENT POSITION**

- 4.1 This report covers the period 1 October 2018 to 31 March 2019

**5. CONSULTATIONS**

- 5.1 None required.

**6. COMPATIBILITY WITH THE EUROPEAN CONVENTION OF HUMAN RIGHTS**

- 6.1 There are no potential conflicts with Convention Rights in this report.

**7. REDUCTION OF CRIME AND DISORDER**

- 7.1 No implications.

**8. FINANCIAL IMPLICATIONS**

- 8.1 None arising from this report.

**9. EMPLOYEE IMPLICATIONS**

- 9.1 None arising from this report.

10. **LIST OF APPENDICES**

10.1 Document 1 – Analysis 1 October 2018 to 31 March 2019

11. **BACKGROUND PAPERS**

11.1 None arising from this report.

Officer Contact: Alison Brown

Date:

**CORE SERVICES**  
**SD HUMAN RESOURCES**

	Data					
Directorate	Sum of Cost of Redund.	Sum of Cost of PIL	Sum of Strain Costs	Sum of Total Cost	Sum of Total Saving	Sum of NET COST/ SAV
Core	£176,866	£0	£302,949	£479,815	£1,402,601	£922,786
People (schools)	£6,654	£2,520	£21,055	£30,229	£42,558	£12,329
Place	£227,272	£4,059	£590,853	£822,184	£1,634,297	£812,113
<b>Grand Total</b>	<b>£410,792</b>	<b>£6,579</b>	<b>£914,857</b>	<b>£1,332,228</b>	<b>£3,079,456</b>	<b>£1,747,228</b>

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## STRATEGIC RISK REGISTER – Full Review March 2019

### 1. Purpose of the Report

- 1.1 The Strategic Risk Register (SRR) contains high level risks which are considered to be significant potential obstacles to the overall achievement of the Council’s corporate objectives.
- 1.2 Like all risk registers, it is important that the SRR remains up to date and is reviewed regularly in order to accurately reflect the most significant risks to the achievement of corporate objectives and facilitate the timely and effective mitigation of those risks.
- 1.3 Following a review of the SRR in October 2018, a further review of the SRR was undertaken in March 2019. The outcomes of that review are detailed in the body of this report.

### 2. Recommendation

#### 2.1 It is recommended that Cabinet:

- i. confirms that the current strategic risks articulated within the SRR reflects the current position of the Council;
- ii. considers the content of this report, and continues to commit to support the Corporate Risk Management process and the embedding of a Risk Management culture within the organisation; and,
- iii. notes the intention to carry out a review of the Councils Strategic Risk Register following the 2019 Peer Review findings.

### 3. Introduction and Background

- 3.1 The Introduction and Background to the SRR has been included as an appendix to previous reports, and can now be located on the BMBC intranet [here](#).

### 4. Highlights Arising from the March 2019 Review

- 4.1 The main issues and changes arising from the March 2019 review are shown below:

Significant / ‘Red’ Risks:

- 4.2 Risk 3026: Failure to achieve a reduction in health inequalities within the Borough:

<b>Risk:</b>	<b>Risk Owner:</b>
Risk 3026 – Failure to achieve a reduction in health inequalities within the Borough.	Director of Public Health
<b>Consequences:</b>	
Health inequalities persist. Life expectancy in Barnsley remains well below the national average. Such health inequalities challenge not just the health and social care services but everyone interested in the future prosperity and well-being of the borough.	

<b>Mitigations:</b>
Delivery of Public Health Strategy and Action Plan (2018 – 2021) Local Accountable Care Partnership – working across whole system In-depth review of Health and Well Being Board

During the review meeting in March, the Director of Public Health confirmed that the risk score should not be changed. It was agreed to leave this risk on the SRR with a 'red' concern rating as:

- The risk is still relevant to the Councils objectives, and in particular the 'People achieving their Potential' priority which is underpinned by having stakeholders who are 'healthier, happier, independent and active; and,
- Further analysis of the data that underpins this risk (relating to current life expectancy) provides evidence that this risk is not improving.

New and Deleted Risks:

4.3. The total number of risks logged in the SRR has changed:

- Risk 3033 ('Failure to adapt the Authority into a sustainable organisation - 'Failure to maintain current services') has been removed and the replacement risk 4154 ('*Failure to ensure that the Future Council model is sustainable and provides the best services and outcomes possible to our customers*') has already been logged on the SRR; and,
- Risk 4271 ('Failure to ensure the Digital First Programme objectives are met through the robust management of Digital First Themes and the application of proportionate project management and governance activities') has been added to the SRR.

Re-Assessed Risks:

4.4. A number of risks have been reassessed, resulting in changes to risk concern ratings as follows:

- Risk 3543 ('Failure to ensure the adequate supply of land for housing and commercial property growth') has been improved from an amber '4' to a green '5' to reflect the benefits of having the Local Development Framework ('Local Plan') approved in January 2019; and,
- Risk 3022 ('Inability to direct corporate strategy') has been reassessed from a green '5' to an amber '4' to reflect proposed changes to the Scrutiny Committee structures, and allow time for these new arrangements to bed in;

Other Material Changes:

4.5. Details of all SRR risk concern ratings, including a direction of travel indicator to provide details of the 'trend' of the SRR risk profile are included as Appendix One to this report.

## 5. Risk Profile

5.1 The risk profile for the SRR is now presented within the 'highlight' report, included as Appendix Three of this report.

5.2 In order to improve the overall readability of Strategic Risk reports, and following comments made at previous Cabinet and SMT meetings, the 'highlight' report has been developed with the assistance



of an external communications and marketing company. The report is designed to present the SRR and key information in a simple, visual easy to understand format.

5.3 This summary document is envisaged to be published on the Councils internet to enable stakeholders and other interested parties the opportunity to better understand our risk management arrangements and to increase the overall transparency of strategic risk. It is also intended to assist in engaging with employees at all levels, which will assist in adopting a culture across the organisation that makes risk management everyone's business.

5.4 The slight improvement in the average concern rating from October 2018 is directly attributable to the changes detailed in section 4 of this report.

## **6. Assurance**

6.1 This report and the SRR (which is attached to this report as Appendix Two) itself has been submitted to the Audit Committee at their meeting dated 17<sup>th</sup> April 2019, in order to provide assurances that these significant risks are being managed appropriately.

6.2 The Audit Committee have expressed a clear interest in receiving assurance from Cabinet that appropriate challenge and scrutiny of corporate risk management arrangements take place, and engagement with significant risks through reports on the SRR will be a key source of assurance. The Audit Committee will be informed of the outcomes of Cabinet's consideration of the SRR.

## **7. Future Review of the SRR**

7.1 The recent Corporate Peer Review stated, as one of its key findings, that the strategic risk register contains a large number of risks and recommended some refinement to enable SMT to focus their attention on the current key risks. In the light of this recommendation, it is intended to carry out a review of the SRR and the outcome of this review will be reported into Cabinet in the near future.

## **8. Delivering Corporate Plan Ambitions**

8.1 The SRR lists those significant risks which could impact upon the delivery of the Council's priorities and objectives, as set out in the Council's Corporate Plan. Risks within the SRR are directly linked to the Corporate Plan in order to ensure that the register is focused upon those risks which are considered to be significant potential obstacles to the achievement of corporate objectives.

## **9. Risk Management Issues**

9.1 The report focuses on the further development of the SRR and the contribution this will make to the embedding of a risk management culture throughout the Council.

9.2 Failure to develop the SRR will present a significant risk to the successful implementation of the required Risk Management culture within the Council.

## **10. Financial Implications**

10.1 There are no specific financial implications arising directly from this report, although there is often a cost in taking (or not taking) specific actions that are identified through the risk management

process. Most individual Cabinet Reports have financial implications and so the application of good risk management practices is vital to ensure the most effective use of resources.

## **11. Appendices**

**Appendix One: Direction of Travel / Trend Report March 2019**

**Appendix Two: Full SRR as at March 2019**

**Appendix Three: Strategic Risk Highlight Report March 2019**

## **12. Background Papers**

12.1 Various papers and electronic files and risk registers are available for inspection at the Westgate Plaza One offices of the Council.

**Contact Officer: Strategic Risk, Insurance and Governance Manager**

**Date: 13<sup>th</sup> March 2019**

Appendix One: Direction of Travel / Trend Report (March 2019)

Risk Number	Risk Title	Direction of Travel	Mar 2019	Oct 2018	Mar 2018	Oct 2017	Mar 2017	Oct 2016
3543	Failure to ensure the adequate supply of land for housing and commercial property growth	Improving ↑	5	4	4	4	4	4
4170	Failure to ensure the Glassworks Programme delivers the appropriate levels of retail, market and leisure space that allows for a robust level of return on investment to be made that allows the Council to recover its borrowing within a suitable timescale and deliver the positive impacts on the Town Centre and wider economic landscape	Maintaining ↔	3	3	3	-	-	-
3025	Failure to Safeguard Vulnerable Service Users	Maintaining ↔	4	4	3	3	3	3
4248	Lack of adequate qualifications at L3 and above to progress through to further and higher education	Maintaining ↔	3	3	-	-	-	-
3026	Failure to achieve a reduction in health inequalities within the Borough	Maintaining ↔	2	2	2	2	2	2
3047	Failure to protect the population from preventable health threats	Maintaining ↔	3	3	3	3	3	3
3023	Failure to consult and engage with Stakeholders	Maintaining ↔	5	5	5	4	4	3
3792	Failure to be prepared to assist in the event of an emergency resilience event in the region	Maintaining ↔	3	3	2	2	2	2
3793	Failure to ensure that appropriate disaster recovery arrangements are in place to ensure the Council is able to recover in the event of a business continuity threat or incident	Maintaining ↔	3	3	2	2	2	2
3022	Inability to direct Corporate Strategy	Worsening ↓	4	5	4	3	3	3
3028	Workforce planning issues	Maintaining ↔	3	3	3	3	3	3
3029	Failure to safeguard personal and identifiable information	Maintaining ↔	3	3	3	4	4	4

Risk Number	Risk Title	Direction of Travel	Mar 2019	Oct 2018	Mar 2018	Oct 2017	Mar 2017	Oct 2016
3031	Strategic Performance, Governance or Compliance failure	Maintaining ↔	4	4	4	4	4	4
3034	Failure to deliver the Medium Term Financial Strategy ('Failure of the Future Council to be able to deliver the required level of savings')	Maintaining ↔	4	4	4	4	4	3
3035	Loss of assets and resources as a result of one-off incident of fraud / corruption / bribery or a sustained or widespread occurrence	Maintaining ↔	3	3	3	3	3	3
3794	Failure to ensure the governance arrangements underpinning and controlling the emerging City Region Deal Devolution Deal enable an appropriate blend of risk and reward for the Council	Maintaining ↔	3	3	3	3	4	4
4154	Failure to achieve the full benefit of our change work to date and to ensure it is sustainable for the future	Maintaining ↔	4	4	4	-	-	-
4249	Failure to ensure that the Council is able to fully understand the implications of BREXIT, and is able to ensure that opportunities that may arise are fully understood and exploited, and that risks arising from BREXIT are understood and mitigated	Maintaining ↔	3	3	-	-	-	-
4271	Failure to ensure the Digital First Programme objectives are met through the robust management of Digital First Themes and the application of proportionate project management and governance activities	n/a	4	-	-	-	-	-
3699	Failure to ensure the Council's commercial / trading arm is effective in its operations, and is a well governed organisation	n/a	Closed	Closed	4	4	4	4
3024	Lack of Educational Attainment	n/a	Closed	Closed	4	4	4	4
3033	Failure to adapt the Authority into a sustainable organisation ('Failure to maintain current Services')	n/a	Closed	4	4	4	4	4
3514	Failure to be able to deliver the ambitions and outcomes associated with the Customer Service Organisation (CSO) Programme	n/a	Closed	Closed	4	4	4	4

Key	
1	Category One
2	Category Two
3	Category Three
4	Category Four
5	Category Five
6	Category Six

Strategic Risk Register - as at March 2019



Think Theme	Priority	Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Oct-17	Mar-18	Oct-18	Mar-19	Risk Mitigation Action	Owner	% comp	Review Date
Build It Develop It Thriving and Vibrant Economy		3543	Failure to ensure the adequate supply of land for housing and commercial property growth	<p>Without an adequate supply of land, the Council will face:</p> <ul style="list-style-type: none"> <li>A decline in the Town Centre;</li> <li>Decline in the value and quality of available housing stock;</li> <li>A Decline on the overall Council Tax base available;</li> <li>Lack of a conducive environment for developers;</li> <li>Negative impact on Jobs and Business Growth Plan;</li> <li>Lack of overall positive impact on the local Economy.</li> </ul> <p>There are some important opportunities that Barnsley needs to exploit in order to ensure that it continues to meet its economic growth aspirations. These include the delivery of good quality and affordable housing and a range of commercial property. Underpinning this includes the potential offered through the delivery of superfast broadband, the use of low carbon technology and the scope to improve the area's visitor economy through better operation of its cultural assets (to attract visitors and spend) which will add to the overall viability of such housing and commercial schemes.</p> <p>In order to address the challenges and to maximise these and other opportunities, it will be essential to work in partnership with a variety of stakeholders to deliver a suite of priorities and key interventions, complete major regeneration projects, target both housing growth and business development and growth, and link new and existing jobs more effectively to local people.</p> <p>There are financial pressures making the delivery of the Local Plan difficult, but the positioning in two city regions (Leeds and Sheffield) provides opportunities to identify and maximise funding from these sources.</p> <p>Schemes that have been successful in obtaining external funding must be able to demonstrate adequate progress towards achieving their ambitions within appropriate timescales or face the risk of having the external funding removed;</p>	SMT SMT	<p>Local Plan - Examination in public (May, July and October 2017) followed by adoption in early Spring 2018. Examination and consultation process underway;</p> <p>Strategic Business Park - Working with Sheffield City Region regarding SCRIF funding to facilitate the development of Strategic Business Park infrastructure;</p> <p>Property Investment Fund - Working with Sheffield City Region regarding JESSICA funding to facilitate the identification of land to build speculative developments to aid commercial growth;</p> <p>Glassworks Programme - Ambitious programme of redevelopment with Barnsley Town centre which includes new developer led retail offer;</p> <p>SY Superfast Broadband programme which is intended to improve the infrastructure in the Borough, to benefit both commercial and residential stakeholders;</p> <p>Enterprising Barnsley schemes focusing on attracting inward investment, investing in infrastructure, growing existing businesses and encouraging higher activity start ups;</p> <p>Strategies in place include Jobs and Business Growth Plan, Transport and Employment and Skills that aim to make the Borough a thriving and unique place to live, work, visit and trade;</p> <p>Quarterly Developer Forums in place to ensure the Council is consultations throughout 2016 and 2017 - plans were submitted to Planning Inspectorate in December 2016 - feedback provided in December 2017 - Plan progressed to Stage 3 in early October 2017;</p> <p>Local Plan approved by Cabinet in January 2019 - which considers the future use of all land in Barnsley up to the year 2033. As part of Town Spirit, the Council has committed to #BuildIt and #DevelopIt by making the most of the available land to meet residents' needs. The Local Plan aims to provide better housing with the creation of over 21,000 new homes and attract more businesses and investment to grow Barnsley's economy and create over 28,000 new jobs. The plan will be used when considering planning applications, and its adoption will provide clarity to businesses, residents and council partners and will now provide certainty to how the borough is developed and protected, playing a big part in helping to make Barnsley a better place to live, work, invest and visit;</p> <p>Outcomes:                      Create more and better jobs and good business growth (GREEN)                      Increase skills to get more people working (AMBER)                      Develop a vibrant Town Centre (GREEN)                      Strengthen our visitor economy (GREEN)                      Create more and better housing (GREEN)                      Protecting the Borough for future generations (AMBER)</p>	4	4	4	5	<p>Delivery of SCRIF Programmes:</p> <p>M1 J36 Phase One Business Park - infrastructure completed, Master Planning Framework being progressed by the Developers with regard to the allocation of employment sites;</p> <p>M1 J36 Phase Two Business Park - Full Business Case has been approved - Grant Funding Agreement anticipated by Spring 2019;</p> <p>M1 J37 Business Park - Outline Business Case approved by Sheffield City Region, agreed to progress full business cases in two phases;</p> <p>- Phase One - Full Business Case has been approved: Grant Funding Agreement anticipated by Spring 2019;</p> <p>- Phase Two - Business Case now in development - anticipated appraisal by Sheffield City Region due by Summer</p>	ED Place	90% Green	30/09/19
		4170	Failure to ensure the Glassworks Programme delivers the appropriate levels of retail, market and leisure space with the agreed resource envelope that enables a robust level of return on investment to be made - allowing the Council to obtain the best deal possible in terms of being able to recover its borrowing within a suitable timescale and deliver the positive impacts on the Town Centre and wider economic landscape	<p>Inability to recover borrowings in a timely and cost effective manner;</p> <p>Lack of improvement for Town Centre;</p> <p>Disruption to Town Centre businesses;</p> <p>Inability to let space resulting in the failure of the business case;</p> <p>Specific Project Risks include:                      Ensuring there is sufficient funding in place to deliver the aspired project outcomes and that appropriate levels of diligence are undertaken to understand funding requirements and outputs;                      Ensure there is sufficient financial control throughout the project;                      Managing and maintaining the integrity of the project programme, including the opportunity to collaborate with wider project team and Phase 1 / Phase 2;                      Ensuring that conflicts between vehicles and pedestrians are minimised during and after redevelopment works;                      Ensuring the costs associated with the sewer diversion (which is required as a result of the Cinema operator) are contained and are not significantly increased as a result of the position of the bridge; and,                      Ensuring the effective sequencing and programming of the bridge, the sewer diversion and the cinema operator to minimise cost and the impact on the programme.</p> <p>Pressure in terms of the overall viability of the High Street and retail sector generally and the ability to attract wider investment in commercial properties that are being developed as part of the Glassworks Programme;</p>	SMT SMT	<p>Programme Management arrangements in place, including joint board / jopint governance arrangements for Phases 1 and Phase 2;</p> <p>Nearing completion of Phase One works;</p> <p>DMO tender underway;</p> <p>Quarterly to Cabinet;</p> <p>Regular reports to wider Town Centre Board, Glassworks Board and wider market experts;</p> <p>Working with development partners to seek cost certainty on areas such as the bridge and sewer works to provide some financial stability;</p> <p>Wider issues regarding town centre spaces such as begging, ASB and car-parking being addressed;</p>	N/A	3	3	3	<p>Working with DMO to identify and secure high end retailers to ensure scheme is cost effective and has strong public support</p> <p>Working with architects, designers and DMO to ensure new builds are high quality, aspirational and draw in the correct type of retailers</p> <p>Working with stakeholders to consult and collaborate on the scheme and to ensure there is a high level of awareness in place</p>	ED Place	40% Green	30/09/19
												ED Place	75% Green	30/09/19
											ED Place	50% Green	30/09/19	

Think Theme	Priority	Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Oct-17	Mar-18	Oct-18	Mar-19	Risk Mitigation Action	Owner	% comp	Review Date
Live It	PEOPLE ACHIEVING THEIR POTENTIAL	3025	Failure to safeguard vulnerable service users	<p>The risk of not safeguarding vulnerable children, adults and families who are either known or not known to the service;</p> <p>The risk is made more significant due to a rise in the number of referrals (a 21% increase in the last 12 months) along with many cases having high levels of complexity which is affecting the overall capacity of the Service;</p> <p>Changes in demographics mean there are more 'older-older' people which means an increased demand for services;</p> <p>As increased pressure mounts to reduce budgets / spending, there will be a likely increase in demand for assistance, intervention and help from service users who are also under significant financial pressure;</p> <p>Better care at an young age for those with physical or other forms of disability means life expectancy increases which puts further pressure on Adult Services;</p> <p>Arrangements are not sufficient to keep children and young people safe from harm, abuse or neglect;</p> <p>National and local child abuse enquiries affecting public confidence and reputation of local authorities and other agencies;</p> <p>The risk is compounded by whether or not the children at risk are known to the service;</p> <p>The system that delivers to children, vulnerable adults, young people and families is increasingly complex. Complexity arises from a number of factors; the number of partners with responsibilities for commissioning and/or delivering services to vulnerable children; the changing legislative, policy and financial landscape; the different mechanisms for partnership working to align delivery and test the effectiveness of services; the potential for changes within the workforce at operational levels and strategic levels;</p>	SMT SMT	<p>Adults Safeguarding Board;</p> <p>Barnsley Safeguarding Children Board;</p> <p>Opportunities to undertake Lessons Learnt reviews are fully exploited by the Safeguarding Board (including regional and joint learning);</p> <p>Service Delivery Plans / Business Plans;</p> <p>Service Improvement Plan (Children's) developed to deliver OFSTED Safeguarding Recommendations;</p> <p>Overview and Scrutiny arrangements;</p> <p>Action Plan developed using OFSTED inspection framework;</p> <p>Adults Social Care Peer review (which looked at the use of resources) - outstanding actions consolidated into Business Plan for 2019;</p> <p>Making Safeguarding personal programme - outstanding actions consolidated into Business Plan;</p> <p>Adults and Childrens Safeguarding Business Plans refreshed 2018;</p> <p>Review of Governance and Performance Arrangements undertaken for Stronger Community Partnership who own the Early Help workstream;</p> <p>More capacity in place to be able to assess quality in Adult Services;</p> <p>Regional Self Assessment undertaken against the OFSTED Framework in October 2017 - action plan developed;</p> <p>More forensic self-evaluation undertaken in March 2018 and this has been provided to OFSTED as part of their unplanned visit in October 2018 which has confirmed Barnsley's self-assessment to be accurate and valid;</p> <p>Safeguarding Week 2018 successful;</p> <p>Outcomes:</p> <p>Children and Adults are safe from harm (GREEN)</p>	3	3	4	4	<p>Adults Safeguarding - development of outcome based Performance Framework - use of qualitative data to improve outcomes</p> <p>Delivery of Action Plan following self-assessment against OFSTED Framework</p> <p>Planning for Safeguarding Awareness Week 2019</p> <p>Outcomes of OFSTED evaluation of self-assessment will feed into next iteration of Business Plans for People</p>	ED People	75% Green	30/09/19
		ED People	95% Green	30/09/19										
		ED People	50% Green	30/09/19										
		ED People	50% Green	30/09/19										
Achieve It Live It	PEOPLE ACHIEVING THEIR POTENTIAL	4248	Lack of adequate qualifications at L3 and above to progress through to further and higher education	<p>Negative impact on pupils and parents in terms of health, economic, employment and life choices;</p> <p>Insufficient number of learners progressing to higher and further education;</p> <p>Damage to reputation through poor performance in published league tables compared to the national average, and in poor inspection outcomes;</p> <p>Reputational damage from press and social media;</p> <p>Poor educational outcomes will result in skills gaps and a negative impact on the development of the Boroughs economy;</p>	SMT SMT	<p>Performance Management Framework;</p> <p>People related Policies and Strategies;</p> <p>Barnsley Alliance established with reporting lines to DMT and SMT;</p> <p>Overview and Scrutiny arrangements - regular review of CYPF Annual Report;</p> <p>Children's and Younger Peoples Plan 2016 - 2019 refreshed;</p> <p>Barnsley College OFSTED rating of 'Outstanding';</p> <p>The commissioning and use of the Advanced Level Performance Analysis System (ALPS) to analyse L3 performance (summative in depth analysis of previous final results to identify strong and under performance; benchmark nationally; support evaluations of learning and teaching and inform development planning by individual organisations);</p> <p>Use of ALPS Connect for formative data analysis by providers (on line system enabling current tracking data for current cohorts to be analysed in a format to the summative reports; informs targeting of interventions to address underperformance);</p> <p>Monitoring by Post-16 Partnership Board;</p> <p>BMBC ranking for all L3 quals moved up to 85th nationally for exams taken summer 2018 BMBC ranking for A level moved up to 71st nationally for exams taken in summer 2018;</p> <p>Penistone Grammar School 6th Form College in top tier for ALPS (2018) and 97th (out of 151) for 'A' Level results (was 137th in previous years);</p> <p>Raising Participation Strategy now being fully implemented which focuses on encouraging all 16-18 year olds to participate in education and training;</p> <p>NEET cohort has included no young people in a position, due to prior attainment, to commence level 3 studies;</p> <p>Sufficiency planning facilitates the continuation of this as sufficient post 16 places exist to accommodate in the increasing numbers of learners leaving KS4 able to commence study at level 3 post-16;</p> <p>A significant minority of learners, although resident in Barnsley, study L3 outside of the Borough and their outcomes are not included in the SRF - meeting with ALPS to explore whether it is possible for them to provide some understanding of the outcomes achieved by BMBC learners educated out of district;</p> <p>Outcomes:</p> <p>Every Child attends a good school and is successful in learning (AMBER)</p> <p>Reducing demand through improving access to early help (GREEN)</p>	N/A	N/A	3	3	<p>Refresh of Barnsley Alliance Strategy</p> <p>Refreshed Children's and Younger Peoples Plan 2016 - 2019 to be approved and adopted by TEG</p> <p>Development of strategies to improve KS4 issues</p>	ED People	0% Green	30/09/19
		ED People	0% Green	30/09/19										
		ED People	0% Green	30/09/19										
Live It	PEOPLE ACHIEVING THEIR POTENTIAL	3026	Failure to achieve a reduction in Health inequalities within the Borough.	<p>Life expectancy in Barnsley remains well below the national average and varies between different parts of the borough;</p> <p>Health inequalities challenge not just the health and social care services but every one interested in the future prosperity and well-being of the borough;</p> <p>The cost of health inequalities is borne not just by health and social care services and parents, carers and children, but by employers and the local economy;</p> <p>Healthy people are less likely to be socially excluded and more likely to be in work;</p> <p>Healthy children are more likely to do well at school;</p> <p>Available evidence shows that health is closely associated with people's standard of living, occupation, level of education and where they live;</p>	SMT SMT	<p>Various plans and strategies in place with key partners aimed at addressing health inequality;</p> <p>Liaison with Clinical Commissioning Group (CCG) and GPs to ensure that the right services are being commissioned;</p> <p>Joint Strategic Needs Assessment (JSNA) undertaken to ensure an appropriate understanding of the requirements of the population of Barnsley;</p> <p>Public Health Strategy and Implementation Plan has been considered by H&amp;WB Board and includes references the Sustainability Transformation Plan (STP);</p> <p>Tobacco and Alcohol prevention plans link to STP and the local Barnsley Plan feeds into this also;</p> <p>Barnsley Place Based Plan has been developed and feeds into the STP (which acts as the delivery vehicle for the health and Wellbeing Partnership);</p> <p>Current Life Expectancy data justifies the maintenance of this this risk rating - life expectancy at birth analysis at ward level for the time period 2013-2017 suggests the gaps for both men and women has not improved;</p> <p>Outcomes:</p> <p>People are happier, healthier, independent and active (AMBER)</p>	2	2	2	2	<p>Public Health Strategy 2018 - 2021 - Cabinet approval in 2018 - Delivery of Action Plan which provides a focus on three key areas:</p> <ul style="list-style-type: none"> <li>• Resilience;</li> <li>• Food;</li> <li>• Alcohol;</li> </ul> <p>Which complement the existing strands of Tobacco, Oral Health and Physical Activity.</p> <p>Local Integrated Care Partnership arrangements (which includes representation from BMBC) developed which is responsible for delivery of the Place Based Plan and includes responsibility for delivering Place based elements of the STP and Healthy Lives workstream - ongoing development in this area include working across whole health system and ensuring health issues have a suitably high profile within the group 19/20</p> <p>In-depth review of Health and Well Being Board (and other Integrated Care arrangements, including:</p> <ul style="list-style-type: none"> <li>• Governance;</li> <li>• Partnerships;</li> <li>• Ownership of actions and activities;</li> <li>• Accountability.</li> </ul>	Director Public Health	50% Green	30/09/19
		Director Public Health	0% Green	30/09/19										
		Director Public Health	0% Green	30/09/19										
		3047	Failure to protect the health of the population from preventable health threats.	<p>Failure to protect health and population against preventable disease by ensuring appropriate levels of vaccination, immunisation and screening.</p>	SMT SMT	<p>Liaison with NHS and Public Health England regarding large scale response;</p> <p>Currently Barnsley has above average coverage regarding public health related screening and vaccinations;</p> <p>Health Protection Board functioning well;</p> <p>BMBC DPH is co-chair of Local Health Resilience Partnership;</p> <p>HPB established – good engagement from partners at local and regional meetings and proportionate systems are in place;</p>	3	3	3	3	<p>Audit of Health Protection Arrangements undertaken - national audit programme has identified a number of improvement opportunities, but some rely on national guidance to implement - Good practice is in place and regular training exercises are designed to test Health Protection Arrangements - as a result of not getting national guidance local arrangements are being developed which includes the consideration of who will pay for mitigations in the event of outbreaks and how the Health Protection Board and BMBC would share costs</p>	Director Public Health	50% Green	30/09/19

Think Theme	Priority	Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Oct-17	Mar-18	Oct-18	Mar-19	Risk Mitigation Action	Owner	% comp	Review Date
Love It Change It	STRONG AND RESILIENT COMMUNITIES	3023	Failure to consult and engage with stakeholders	Non ability to explain Councils position and / or public relations; Failure to communicate effectively with community/stakeholders; Lack of proper engagement with stakeholders, at the right level, and at the right time; Loss of confidence in ability to deliver services or respond to problems; Lack of community support which prevents and / or hinders improvement or effective implementation of change; High expectation of service delivery and resource availability despite budget reductions; Poor engagement with regard to Future Council Activity could result in legal challenge; Increased community tensions as a result of Brexit decision resulting in a loss of community cohesion and increased incidents of hate crime;	SMT SMT	Community Engagement Strategy; Town Spirit - making clear exactly what the Council offers and sets out what support is needed from people living and working in Barnsley; Supported by the Love Where You Live campaign (3,500+ volunteers have stepped forward to support their communities in different ways, and the work of all of our communities was recognised in March 2017 when Barnsley won the Local Government Chronicle Award for Community Involvement). Residents' survey - 20% of residents would like to get involved in their local community and to improve their neighbourhood; Review of voluntary, community and social enterprise infrastructure undertaken; Smart Survey arrangements in place to replace U-Engage; Town Spirit launched in November 2018 aims to bring Barnsley Council, partner organisations, businesses, residents and communities together achieve more than ever before and continue to build a brighter future, a better Barnsley. It is made up of eight key themes – Build it, Love it, Achieve it, Change it, Develop it, Protect it, Live it, and Imagine it, the aim of Town Spirit is to tell stories and showcase the ambitions for all of Barnsley's towns and communities. Town Spirit is intended to show businesses how the work of the council and other partners fits together – helping to remove the barriers so people can see the links between services they receive;  Outcomes: People volunteering and contributing towards stronger communities (GREEN)	4	5	5	5	Refresh of Community Engagement Strategy that underpins Stronger Communities Partnership and Community Safety Partnership (council, not multi-agency) - revised Community Engagement Strategy and Implementation Plan developed to underpin the 'deal' between the Council and its stakeholders - strengthening of relationship between Council, Partners and Stakeholders - Community Engagement Strategy runs to 2020 - feedback from Peer Review 2019 suggests this strategy requires more corporate oversight in order to share outcomes and to pull things together	ED Communities / ED Core	65% Green	30/09/19
											Review of engagement activities within the Council including Core and Communities to identify improvement options	ED Communities / ED Core	15% Green	30/09/19
Protect It	STRONG AND RESILIENT COMMUNITIES	3792	Failure to be prepared to assist in the event of an emergency resilience event in the region	Reduced employee numbers, service rationalisation, third party service delivery models and on-going budget cuts may challenge the Authority's ability to fulfil its Civil Contingencies Act 'Category One' responder duties to an extent expected by residents and their political representatives; Recent responses to emergency events proves there is still an inappropriate reliance on the increasingly limited resources of the HS&ERS to manage and lead on the management of emergency events;	SMT SMT	Business Unit/Service Business Continuity Plans developed using the template provided and reviewed in 17/18; Corporate Resilience Plan and supporting specific plans; Ongoing liaison with SMT regarding aspirations and expectations during emergency events; Formal on-call arrangements by the Health, Safety and Emergency Resilience Service (bronze/operational) and BLT (strategic/gold); Multi-agency working across the Local Resilience Forum; Operational Services role as 'Lead Local Flood Authority'; Corporate emergency plans appear robust and are well delivered - concern raised regarding the management of those incidents that occur 'out-of-hours'; Ward Alliances encouraged to consider and develop Community Flood plans - Dodworth, Darfield and Penistone visited; Corporate Resilience Plan reviewed following transition to Future Council; Exercise Refresh - October 2018; All Business Unit / Service continuity plans reviewed in 17/18 - some gaps identified which were highlighted to SMT in Spring 2018 which will include a 'check and challenge' session with relevant business units / service representation; Business Units now have the appropriate skills to be able to develop their own BCPs, Emergency Response Plans and resilience arrangements;	2	2	3	3	Flooding report being developed for SMT in Spring 2018 - will be asking Ward Alliances for copies to their own Flood Plans which will then feed into the Overview and Scrutiny task and finish group analysis which is currently in draft - reported drafted but put back to 2019 to ensure feedback from BU6 is amalgamated into the report which provides two main options:  1) Ensuring the provision of what stakeholders such as Elected Members and members of the public would want us to deliver on their behalf (which may require increased / extra resources); or,  2) Ensuring we promise to deliver what is reasonable and what we can do (without incurring any extra cost).	Executive Director, Core Services	50% Amber	30/09/19
		3793	Failure to ensure that appropriate disaster recovery arrangements are in place to ensure the Council is able to recover in the event of a business continuity threat or incident	In the event of a business continuity threat the Council will be unable to recover in an effective manner resulting in lost time and resources; Inability to process customer queries resulting in dissatisfaction, complaints and possible issues regarding safeguarding and vulnerable customers; Lack of support to employees such as that provided to lone workers as a result of IT and telephony systems being unavailable for significant lengths of time; Inability for customers to be able to access services; Lack of access to IT systems to enable employees to undertake their duties effectively; The Council could be held to ransom by third parties demanding financial compensation on return for our data;	SMT SMT	Working with Health and Safety and Emergency Resilience Service; Data Centre located at Beevor Court; Working with Business Units to understand their requirements; Informal testing programme in place; Power supplies tested on a weekly basis; Infrastructure Team in place to provide limited support out of hours / weekend activities; In the event of ransom, seek advice and guidance from the National Cyber Security Centre and Yorkshire and Humber Cyber Crime Unit (police) - general advice is do not pay ransoms - issue will be escalated to ED Core and CX; Exercise 'Refresh' in 2018 focused on an IT outage incident, and was complemented by an actual IT outage incident in September 2018;	2	2	3	3	Immediate / 24 hour priority services identified and aligned with IT systems with the external data centre. This has now been mapped by the Enterprise Architect team and the 'top' 30% technical dependent systems identified - the recovery order is yet to be agreed - services are to be chased for updates  Following development of recovery order, consider how best to undertake a 'safe' test of arrangements in place - likely to be a recommendation to the Information Governance Board as to whether a test could be undertaken in a manner that can guarantee a speedy and robust recovery - IT are reluctant to undertake a managed test due to significant uncertainty regarding recovery	Executive Director, Core Services	60% Amber	30/09/19
												Working with partners to undertake reciprocal testing of cyber security in March 2019	Executive Director, Core Services	50% Green
Change It	STRONG AND RESILIENT COMMUNITIES	3022	Inability to direct corporate strategy	The Authority may be challenged by internal friction between Elected Members and appointed leadership, especially with regard to challenging decisions with significant political consequences or local repercussions; Proposed changes to the Scrutiny Committee structures require time for these new arrangements to bed in and provide the assurances that are expected and required;	SMT SMT	Council Constitution; Corporate Plan; In the event of Constitutional dispute, role of Monitoring Officer to adjudicate as and when tensions arise; Area Council Arrangements in place, with supporting documentation in the form of 'Area Governance Handbook', 'Ward Alliance Governance Handbook', 'Ward Alliance Community Representative Handbook', 'Consulting and Engaging our Communities through Neighbourhood Networks' and 'Working with you to support your Community'; Private / informal Cabinet meetings used as a forum to discuss sensitive and confidential issues; SMT meetings and processes to ensure leadership is able to keep in touch with regard to pressures; Area Chairs meet each other on a regular basis to ensure cooperation and consensus; Member information session held regarding Conduct and Commissioning; Officer Working Group in place to support commissioning and procurement activity; Area Council Officer Coordinating Group to unpick issues relating to Area Governance - developing Member Protocol to deal with potential tensions within Ward Alliances in place and working effectively; Area Council Commissioning Group to unpick issues relating to procurement and commissioning in place and working effectively; Area Council Chairperson Group to encourage cooperation and consensus amongst Area Councils in place and working effectively;	3	4	5	4	Monitor and Review Area Council activity (in terms of Area Council Coordinating Group, Area Council Commissioning Group and Area Council Chairperson Group) and revised Ward Alliance Arrangements (19/20)	Executive Director, Core Services	0% Green	30/09/19
											Monitor and review the implementation and effectiveness of revised Contract Procedure Rules to deal with commissioning of internal services from Area Council budgets (19/20)	Executive Director, Core Services	0% Green	30/09/19
												Ongoing review of Overview and Scrutiny arrangements to reflect revised capacity issues in relation to the breadth of the Scrutiny agenda	Executive Director, Core Services	0% Green
Achieve It	STRONG AND RESILIENT COMMUNITIES	3028	Workforce planning issues	The Council requires employees to have different skill sets that underpin a transformed business model. Operationally, risks inherent in organisational down-sizing initiatives will include: - Increasing workforce productivity; - Getting the balance right between cost and benefit; - Need to reduce deficit reductions; - Balancing the impact of reducing the workforce and the economic impact on the community; and, - Maintaining morale in the remaining workforce.	SMT SMT	HR Policies; Council Constitution; Equalities and Diversity Policy; Risk Management Policy; Management and monitoring of 'Future Council' / KLoE activity; Organisational Development Strategy monitoring reports to Scrutiny; Regular progress reports against Future Council characteristics to SMT; NW Employers session - workforce planning now a more important element of Business Planning processes; Workforce Planning arrangements now embedded into Business Planning activities; New P&DR Arrangements in place;	3	3	3	3	Delivery of Organisational Improvement Strategy (2017 - 2020) including oversight and governance arrangements being delivered by Organisational and Improvement Board 18/19 - monitoring arrangements undertaken via Organisational Improvement Board - development of Workforce Plans for 2019/20	Executive Director, Core Services	75% Green	30/09/19
											Delivery of SAP Success Factors - in relation to succession and development and workforce planning - 3rd phase 2020 - 2021 - delayed 12 months - timescales slipping due to resources and costs	Executive Director, Core Services	15% Amber	30/09/19

Think Theme	Priority	Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Oct-17	Mar-18	Oct-18	Mar-19	Risk Mitigation Action	Owner	% comp	Review Date	
Change It		3029	Failure to safeguard personal , identifiable information	Breaches of GDPR / DPA legislation; Potential ICO fines and censure; Poor relationship with ICO; Embarrassment or personal loss to the customer; Reputational damage to the Council; Poor data quality; Missed opportunity to link Council records with partners to improve data quality and preventative services; Considerations have not formally been assessed for peoples privacy impacts;	SMT SMT	Policies all reviewed and published; ICO consensual Audit 2017 - concluded that the Council had provided 'reasonable assurances'; Engaged with an external health check auditor / advisor with annual audit support; PSN achieved on 16/08/2018; Monitoring of all denial of service attacks; Training released to all employees regarding the importance of records management and retention periods; Annual GDPR training undertaken; Incident reporting processes in place, and easy to inform; Caldicott Guardian, DPO and SIRO are all actively involved when a serious breach is identified; Incidents are all reported into the Information Governance Board and Audit Committee; Administrative procedures, contain the breach and collect documentation; Phishing and vishing are regularly (4x per year) undertaken across all users and reported into the Information Governance Board and Service Directors; All systems administrators and those using cloud technology always use multi-factor authentication; Phase 1 - Information Flow Mapping has been undertaken capturing all the risks, information sharing agreements etc. Phase 2 - to include systems, security considerations and business data; IT Project Management includes DPIA's within both business cases and project initiation documents; Corporate Business Cases include DPIA template; Training has been deployed (GDPR) which includes DPIA's and why they are required; DPO role assigned; DPO trained to a basic level; Internal Audit days included in plan to support DPO; DPO attending IS Board and IG Team meetings; DPO undertaking continuous training; PSN accreditation received (2018); Existing Governance and Security policies to be reviewed annually, and amended as appropriate; Cyber Essentials Plus accreditation received (February 2019);	4	3	3	4	All GDPR outcomes to be monitored and reviewed during 2018/19 by DPO and Internal Audit Action Plan;	Executive Director, Core Services	80% Amber	30/09/19	
											Line managers to discipline those employees who regularly breach the Act;				
											Undertake regular audits with previous comparisons of similar exercises to check for 'offenders'tion Flow Mapping revisited and regularly reviewed with Business Units which will feed into DPO plan for 2019/20				
											Monitor and review 2019/20 with external health check partners	Executive Director, Core Services	0% Green	30/09/19	
											Build into HR and ITIL processes for movers, changers and leavers for the management of user access to council systems - Portal going live April 2019	Executive Director, Core Services	30% Amber	30/09/19	
It Page 24		3031	Strategic Performance, governance or compliance failure	Budgetary pressures to minimise back office functions may drive the Authority to downgrade the focus on meeting proper governance standards and ultimately, remaining 'safe'. The implementation of the Area Council Arrangements has required the Council's Constitution to have been significantly reviewed to ensure Area Council governance and Ward Alliance governance issues are included.	SMT SMT	Council Constitution; Local Code of Corporate Governance; Information Management and Governance Policies; ToR for Audit Committee; ToR for Scrutiny Committees; Internal Audit; Risk Management Policy; Performance Management Arrangements including revised Corporate Plan Performance Report and 'We Will Statements'; Terms of reference for all Overview and Scrutiny Committees reviewed; Scrutiny Committee workplans are now aligned to Corporate Priorities; Briefing for Elected Members relating to Performance Management of Area Council activity; Revised AGR process for 14/15; Analysis of Casey Rotherham Safeguarding Report undertaken - report to SMT in February 2015 including recommendations for Internal Audit activity; Improvements to the recording of officer delegated decisions to ensure this is in line with legislation completed via AGS Action Plan; Ward Alliance arrangements revised with revisions to chairing arrangements, decision making and quoracy, membership, induction and renewal, review processes, interventions and the allocation of funding and clarity regarding the role of the secretary;	4	4	4	4	Monitoring of AGS Action Plan (19/20)	Executive Director, Core Services	0% Green	30/09/19	
											Development of Managers Toolkit and Accountability Framework	Executive Director, Core Services	25% Green	30/09/19	
											Monitoring the effectiveness of revised Contract Procedure Rules (19/20)	Executive Director, Core Services	0% Green	30/09/19	
											Monitoring the effectiveness of revised procedural standing order relating to Council governance activities (19/20)	Executive Director, Core Services	0% Green	30/09/19	
											Await the findings and outcomes of the recent Peer Review undertaken in January 2019	Executive Director, Core Services	0% Green	30/09/19	



Think Theme	Priority	Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Oct-17	Mar-18	Oct-18	Mar-19	Risk Mitigation Action	Owner	% comp	Review Date
Imagine It		3034	Failure to deliver the Medium Term Financial Strategy and its underlying financial assumptions	<p>Unsustainable financial position for the Council;</p> <p>Requirement for further KLOE process and consequential impact on front line services;</p> <p>Adverse effect on the Council's reserves and possibly falling below minimum working balances;</p> <p>Adverse External Audit report / opinion and possible Government intervention with impact on Council flexibility;</p>	SMT SMT	<p>Strong and timely service and financial planning processes in place reported to SMT/ Cabinet to assess the impact and deal with it;</p> <p>Robust MTFs in place refreshed on a regular basis to reassess the underlying assumptions and incorporate national and local focus - subject to approval;</p> <p>Balanced MTFs through to 2020/21 and plans in place to manage a small remaining deficit in 2021/22;</p> <p>Strong governance framework including refreshed Financial Regulations, Annual Governance Action Plan and other supporting strategies;</p> <p>Implementation of the Future Council model based on a Business Unit model;</p> <p>Financial Services structure and systems set up to support the above framework and business partnering model;</p> <p>Robust governance of savings, efficiencies and improvements;</p> <p>Strong Financial Monitoring and Performance Management Framework in place and Q2 currently reporting £0.5M underspend on services;</p> <p>Working groups established to specifically review any major over spending services eg. between Finance and People (ASC) to understand issues that are now stabilising - eg. specific review of BU6 with collaboration between Finance and Service staff;</p> <p>Robust processes in place to monitor the delivery of Service savings over the next three years including regular reports into SMT and Cabinet on progress;</p>	4	4	4	4	<p>The current budgeting and forecasting software (Business Planning and Consolidation (BPC)) has been enhanced in terms of software upgrades and bespoke reporting functionality to improve navigation and accessibility to information.</p> <p>The system now includes improved navigational functionality, drill-downs to SAP and a new user friendly report layouts.</p> <p>Promoted Finance staff assisting with the use of the system to maximise financial governance and budget management with one system.</p> <p>Finance staff have also received additional training and now provides full financial support to budget managers raising raising their financial knowledge and boosting the financial information and management information exchange during budget management meetings.</p> <p>Now monitoring the impact of the above improvements on the quality of financial budgeting and forecasting.</p>	Executive Director, Core Services	90% Green	30/09/19
											<p>Finance currently working with Budget Managers to develop Power BI Dashboards showing financial information that management can access on a monthly basis which will enable the Council to be more reactive and responsive to financial information. Dashboard software has been demonstrated to budget managers and they are keen to utilise this type of visual information which allows for swift responses due to the ease of access and the understanding of information.</p> <p>Now collaborating with departments - Business Improvement and Communications (BU15) and Information Technology (BU12) are leading the way in terms of the data and server support, with Environment and Transport (BU6) have developed a suite of dashboards already.</p> <p>The Commercial 'Toolkit' has been developed by Finance which includes the provision of dedicated training sessions and workshops, along with access to a range of resources and online support. A Commercial intranet site has been developed which includes 'An Introduction to Commercial Awareness' training package for all budget managers - further training planned which includes Commercialism in Local Government, Financial Management and Procurement.</p>	Executive Director, Core Services	15% Amber	30/09/19
											<p>Financial Services at the forefront of understanding and influencing major government changes proposed in next 2 years such as 75% business rate retention and Fair Funding review - consultations responded to via BLT session - reports to be submitted to SMT and Cabinet as required</p>	Executive Director, Core Services	0% Green	30/09/19
											<p>Financial Services at the forefront of understanding and influencing any local / regional / national issues including Devolution and Brexit including its impact on Bamsley and its partners - currently leading in the understanding and analysis of issues such as Comprehensive Spending Review 2019 and BREXIT</p>	Executive Director, Core Services	0% Green	30/09/19
Imagine It		3035	<p>Loss of assets and resources as a result of a one-off incident of fraud / corruption / bribery or sustained or widespread occurrences.</p> <p>Occurrence or incidents of sustained and / or widespread and / or one off / big bang occurrence of Fraud and Corruption leading to financial loss, loss of income, property and other assets; Fraudulent transactions, contracts / payments and the like perpetrated by employees and / or third parties;</p> <p>External Audit public interest report;</p> <p>Loss of management time in undertaking investigations, be they 'real' incidents, or vexatious claims;</p> <p>The consequences of this risk will greatly depend on the context of the individual incidents, and will be greatly influenced by both the scale of the incident, and the position of the perpetrator within the Organisation;</p> <p>Negative impact on employee morale either through actual incidents, or suspicions of incidents being perpetrated;</p> <p>Tensions and issues with morale within groups / teams as a result of changes within and to the organisation;</p> <p>Increased opportunities to commit fraud due to management attention being distracted by change programmes and increased workloads;</p> <p>Losses arising from officers not doing their jobs properly, or not expending the amount of effort that may have been normal previously, due to morale and motivation issues;</p> <p>Increased risk of third party IT attacks on BMBC systems such as hacking for personal data, general mischief and disruption or to facilitate the transacting or processing of false documents;</p> <p>Negative impact on BMBCs reputation through the actions of partners and the perception that BMBC could be guilty by association;</p> <p>Societal issues appear to be influencing increasing trends in respect of fraudulent activity, cyber risks including hacking, phishing and vishing and identity related thefts;</p>	SMT SMT	<p>Anti Fraud, Corruption and Bribery Policy which is developed and refined following analysis of the Annual Fraud Risk Self Assessment (FRSA);</p> <p>Anti Money Laundering Policy which is developed and refined following analysis of the FRSA;</p> <p>Whistleblowing Policy which is developed and refined following analysis of the FRSA;</p> <p>Prosecutions Policy in place to ensure the Authority is open regarding censure relating to inappropriate behaviour;</p> <p>Council Constitution;</p> <p>Local Code of Corporate Governance;</p> <p>Member and Officer Codes of Conduct;</p> <p>Police involvement / criminal investigations;</p> <p>NFI Data Matching;</p> <p>Membership of NAFN;</p> <p>IT usage policies and procedures;</p> <p>IA for CA and other major organisations;</p> <p>Corporate Fraud Team in place;</p> <p>Fraud and Corruption included in AGR process;</p> <p>BOLD Elearning modules in place;</p> <p>Relationship in place between Internal Audit, Human Resources, Legal Services and the Police which was refreshed as part of the development of the Corporate Anti-Fraud Team;</p>	3	3	3	3	<p>Review corporate training programme utilising corporate PDR information and further development of POD online training - trialling a pilot package</p>	Executive Director, Core Services	90% Green	30/09/19	
										<p>Prosecution Policy and Whistleblowing Policy to be reviewed and considered by the Audit Committee and Cabinet</p>	Executive Director, Core Services	50% Amber	30/09/19	
										<p>Communication of arrangements via training and awareness sessions regarding anti fraud and corruption arrangements to publicise these throughout the Council - main focus will be new POD training package</p>	Executive Director, Core Services	50% Amber	30/09/19	
										<p>Reinstatement of annual Fraud Risk Self Assessment at Business Unit level</p>	Executive Director, Core Services	75% Green	30/09/19	
										<p>Fraud Awareness Week (17-24 September 2018) - follow up work to create internet pages for public information</p>	Executive Director, Core Services	50% Green	30/09/19	
										<p>Review of outcomes arising from Fraud Awareness Week to enhance internal awareness of fraud risks and engage with other BMBC services</p>	Executive Director, Core Services	50% Green	30/09/19	
										<p>Development of further anti-fraud and corruption arrangements such as Cyber, Identity Theft, and other local and national trends</p>	Executive Director, Core Services	0% Green	30/09/19	
Change It		3794	<p>Lack of certainty regarding the outcome of wider Yorkshire devolution deal and the city region devolution</p> <p>Potential loss of external funding such as the Mayoral Funding lost to City Region;</p> <p>Loss of devolution funding and other additional funding opportunities that other regional areas appear to have successfully secured;</p> <p>Increased officer time required to support both organisations;</p> <p>Increased risks regarding project activities, where the CA may be unwilling to underwrite risk on behalf of constituent Councils;</p> <p>Increased reliance of CA funding;</p> <p>Significant reputational damage in the event the devolution model fails or is seen to fail as a result of BMBC support;</p>	SMT SMT	<p>Development of protocols for dealing with potential conflicts of interest;</p> <p>Escalation of issues through Chief Executives;</p> <p>De-briefs following significant interaction with the Combined Authority;</p> <p>Ongoing collaborative work with Yorkshire Authorities to progress Yorkshire Mayoral Combined Authority to reflect community preferences as expressed in the Community Poll in late 2017;</p> <p>Mayor in office as at May 2018;</p>	3	3	3	3	<p>Ensuring that the Authority is able to learn from its experiences in terms of conflicts that may have arisen and identifying areas of potential improvement in terms of how conflict are identified, handled and addressed (19/20)</p>	Executive Director, Core Services	50% Green	30/09/19	
										<p>Close BMBC Officer engagement on the development of one Yorkshire proposals</p>	Executive Director, Core Services	0% Green	30/09/19	

Think Theme	Priority	Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Oct-17	Mar-18	Oct-18	Mar-19	Risk Mitigation Action	Owner	% comp	Review Date
It		4154	Failure of the Future Council change programme to ensure a sustainable and effective organisation going forward: Delivering the best possible services for our customers	Lack of improved service provision; Scant resources being targeted on inappropriate areas; The Council runs the risk of moving away from addressing problems with long-term solutions, such as capital investment projects essential to meet social and area-based economic challenges; Significant budget cuts have driven the 'Future Council' programme which has dramatically transformed the organisation's business model; Need to ensure that the Council has the right people to ensure sustainable opportunities are being exploited to their maximum; Delivering services and outcomes through mixed economy partnerships and outsourced contracts, Infrastructure transformation initiatives, process re-engineering and organisational change programme and projects may be challenged by cost over-runs and failure to meet	SMT SMT	Council Constitution; Performance Management Framework; Growing Barnsley's Economy (2012-2033) - Economic Strategy; Future Council Strategy and Workforce development refreshed and approved by Cabinet in March 2017; Talkabout sessions throughout 2017 (business planning and 'golden thread') and 2018 (Town Spirit); SMT responsible for the Delivery of the Councils Corporate Plan 2017 - 2020; Forward look for Corporate Plan 2020 - 2022 underway; Organisational Improvement Strategy 2017 - 2020 in place and being monitored; BLT responsible for tracking KLOE activity; Organisational Improvement Board in place to oversee the delivery of organisational development and change programmes; Delivery of Digital First agenda which cuts across Council and aims to modernise the Councils IT estate and change ways of working to ensure the Council has a 'digital first' mind-set when considering improvements to processes transactions					Monitor and review the progress made in 19/20 against key strategies such as: • Organisational Improvement Board; • Barnsley Leadership Team; • Digital First; • Other key boards	Chief Executive	50% Green	30/09/19
											Corporate Talkabouts being developed for Spring / Summer 2019 which form a key element of the organisations development	Executive Director, Core	50% Green	30/09/19

Think Theme	Priority	Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Oct-17	Mar-18	Oct-18	Mar-19	Risk Mitigation Action	Owner	% comp	Review Date											
Change				change programme and projects may be managed by external teams and hence to meet expectations.		<p>Working to create the system, that a sign-off from external contractors implementing processes, procedures, communications etc.</p> <p>Development of plans in terms of organisational development, despite not having a clear understanding of the financial context in which the Council will operate as a result of uncertainties relating to devolution and Fair Funding arrangements; Integrating areas of work and consideration of new Service Delivery models such as traded services or social enterprise; Significant investment in leadership and management training throughout the Council, including the 'Future Leaders' apprenticeship programme;</p> <p>Programmes of activity include: Facilitating and accelerating growth, Supporting Early Help, Developing local Devolution Models, Supporting behaviour change within communities, Brexit Implications and Technology;</p>	N/A	4	4	4	Development of Performance Management Arrangements for 2019 and beyond - new reporting arrangements - will include consideration as to how reports are submitted to SMT, a 'dashborad' for SMT and a revised Corporate Plan and performance dataset	Executive Director, Core Services	30% Green	30/09/19											
											Recruitment underway for: 1x Project Manager to assist in the delivery of Agile arrangements; and, 2x Change Managers to assist in the delivery of Digital First outcomes.	Executive Director, Core Services	0% Green	30/09/19											
												Await outcomes of Peer Review December 2019	Chief Executive	0% Green	30/09/19										
Change		4249	Failure to ensure that the Council is able to fully understand the implications of BREXIT, and is able to ensure that opportunities that may arise are fully understood and exploited, and that risks arising from BREXIT are understood and mitigated	Missed opportunities that may be present within the agreed BREXIT package; Risks arising from BREXIT that may affect the Council, its partners, stakeholders and other interested parties;	SMT SMT	<p>Initial BREXIT Impact Assessment undertaken; BLT focussed session on BREXIT issues - BLT have assessed the 'top three' potential risks as:</p> <ul style="list-style-type: none"> <li>Impact on the macro-economy;</li> <li>Impact on community tensions/cohesion; and,</li> <li>Impact on essential supplies.</li> </ul> <p>These risks along with a range of additional risks are subject to weekly assessment by South Yorkshire Local Resilience Forum (SYLRF).</p> <p>To inform this assessment an internal cross-Business Unit EU Exit Planning Group has been convened to consider issues such as local economy/ businesses, social care, health, public order and community cohesion (including hate crime and EU nationals rights), critical supply chains (including food, water, energy and fuel), finance, data handling, workforce, Regulatory Services, environment (including waste), transport, communications and legal.</p> <p>SYLRF have been meeting monthly as a Strategic Co-ordination Group and from the beginning of March will be meeting weekly to lead the contingency planning effort;</p> <p>The strategic meeting is supported by a tactical group chaired by BMBC;</p> <p>SYLRF has set the overall strategic aim "to ensure that Local Resilience Forum (LRF) partners work together to protect life and maximise the safety of all communities in South Yorkshire; It is essential the partners and Sheffield City Region work collaboratively to minimise the risks and threat of the UK's EU Exit and also to help maximise the opportunities for the region";</p> <p>One Chief Executive from each English region has been designated a co-ordination point for local authorities and direct communication/liaison with the Ministry of Housing, Communities and Local Government (Leeds City Council are the lead in Yorkshire and the Humber).</p> <p>A national 'command, control and co-ordination' plan is being developed that will dictate/guide the arrangements necessary within the Council should a 'response phase' to EU exit be necessary;</p> <p>These will translate into regional and then local arrangements and may necessitate the rostering of staff to be points of contact for both attending meetings and information on key themes;</p>	N/A	N/A	3	3	<p>Further development of BREXIT strategy following BLT session - focussing on mains areas such as:</p> <ul style="list-style-type: none"> <li>Local Economy / Businesses - working with Enterprising Barnsley and Sheffield City Region to monitor local impacts and provide support of local businesses with the Chamber of Commerce to be commissioned to provide support / workshops / training for affected businesses;</li> <li>Social care - the impact on local social care providers is being monitored;</li> <li>Health - NHS currently responding as 'business as usual' with existing BCP arrangements utilised</li> <li>Public order and community cohesion (including hate crime and EU nationals rights) - community tension monitoring systems in place via SYP - no current increase is being reported;</li> <li>Critical supply chains (including food, water, energy and fuel) - Enterprising Barnsley are liaising with food manufacturers and suppliers, supply chain issues regarding School Meals being examined, internal fuel supplies considered, the LRF Fuel Plan is available.</li> </ul> <p>(Key Partners have developed risk register for EU exit including the consideration of and BCP impacts)</p> <ul style="list-style-type: none"> <li>Finance - potential impacts have been included within the Council's Medium Term Financial Strategy;</li> <li>Data handling - confirmation of specific impacts being identified by Legal / IG / IA including a number of potential safeguarding cases that may be affected;</li> <li>Workforce - the Council is providing 'Digital Assist' via libraries to support EU nationals achieving 'settled-status';</li> <li>Regulatory Services - liaison with FSA regarding food import / export regimes - workshops planned for 2019, liaison with Enterprising Barnsley regarding food import / export businesses, monitoring impact on ability to deliver Food Inspection programme (may require external resources), mutual aid with other authorities being explored;</li> <li>Environment (including waste) - a charge for export certificates is in place from 01/04/2019;</li> <li>Transport - issues being assessed by BU6 -initial assessment from Waste BDR Partnership suggests no concerns;</li> <li>Communications - EU exit specific website in place: <a href="http://www.barnsley.gov.uk/brexit">www.barnsley.gov.uk/brexit</a>, LRF comms plan and internal tactical plan in place;</li> <li>Legal - national issue with national advice awaited;</li> </ul>	Executive Director, Core Services & ED Place	ED Communities	ED Communities	ED Communities	Executive Director, Core Services	Executive Director, Core Services	Executive Director, Core Services	ED Place	ED Place	ED Place	Executive Director, Core Services	Executive Director, Core Services	0% Green	30/09/19
			4271	Failure to ensure the Digital First Programme objectives are met through the robust management of Digital First Themes and the application of proportionate project management and governance activities	<p>Inability to enhance access to the technology solutions required to deliver excellent services in support of the council's outcomes and strategies;</p> <p>Inability to enable teams to thrive and innovate through excellent communication channels and collaboration tools;</p> <p>Missed opportunities to simplify day to day service delivery tasks and the technology systems that underpin them;</p> <p>Lack of automation and streamlining of individual IT service offers creating a lack of improvement to efficiencies and effectiveness;</p> <p>Inability to treat data as a critical asset which could enable improvements to performance through enhanced management information and business intelligence;</p> <p>Lack of training provision and support to the council workforce resulting in missed opportunities to make the best use of available technology solutions to fulfil their roles;</p> <p>Lack of governance arrangements to support the programme;</p>	SMT SMT	<p>The Digital Leadership Team (DLT) subsumes the previous Customer Strategy Delivery Group and IT Steering Board;</p> <p>The overall purpose of DLT is to be collectively responsible for effective strategic leadership of the Digital agenda, through effective decision making, driving forward digital initiatives and leading &amp; championing culture change both within the organisation and to our customers, businesses and the community;</p> <p>This is not a statutory board nor is it part of the Council's Constitution;</p> <p>DLT is a strategic approach to the Council's digital agenda and therefore it is not the correct arena for members to represent the interests of or bid for, digital resources for their own Business Units/Directorates;</p> <p>In terms of governance arrangements a Digital First programme highlight report will be considered as an agenda item at regular Executive Directors management team meetings along with the Digital First communications plan &amp; evaluation report;</p> <p>Work package (project) progress and RAG status will be updated weekly and made available through the DF Whiteboard, which will be made accessible to all networked employees via the Digital First SharePoint site;</p> <p>The Workforce mobilisation theme will form part of the wider agile programme governed by the Organisation Improvement Board in respect of this being a key theme within the Organisation Improvement strategy;</p> <p>Risk register in place which is regularly discussed at DLT sessions;</p> <p>There are clear key linkages to the Organisation Improvement Strategy, Commercial Strategy, Asset Strategy and Corporate Plan, in respect of supporting and enabling the council to achieve its priorities and aspirations for both the organisation and the borough;</p>	N/A	N/A	N/A	4	<p>Delivery of key Digital First Themes:</p> <ul style="list-style-type: none"> <li>Business Intelligence and Analytics</li> <li>Contracts and Commissioning</li> <li>Data Management</li> <li>Digital Customer Services</li> <li>Digital Skills</li> <li>Enabling Technology</li> <li>ITIL Processes</li> <li>Networks and Connectivity</li> <li>Paperless Office</li> <li>SAP Modernisation</li> <li>Security and Authentication</li> <li>Workforce Mobilisation</li> </ul>	ED Communities	15% Green	30/09/19										

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# Risk...

Through the management of risk,  
we aim to achieve our objectives  
and help build a better Barnsley.

# What is the Strategic Risk Register?

The Strategic Risk Register logs those risks that could affect Barnsley Council's ability to achieve certain objectives and priorities.

# Why do we need it?

The Strategic Risk Register contributes to the council's culture where risk management is part of a business process to deliver improvement.

The register is reviewed and adjusted on a regular basis to understand progress.

# How do we measure it?

We measure risk in terms of how significant each threat is. A numbering system is used between 1 and 6 accompanied by a visual colour system. The more significant a risk has been assessed, the lower the number that is assigned to it.

We call this Risk Profiling.



## Risk Profiling

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### High risk

Significant risks are allocated a rating between 1 and 2. They are red in colour. These risks are less likely to improve due to influences such as resources, funding, and timescales.

These risks remain a priority for our Senior Management team, who may decide to make additional resources available to improve the risk.

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### Medium risk

Medium risks will have a rating between 3 and 4. They are amber in colour. We believe these risks have a likely chance of improvement through the influence of council resources.

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### Low risk

Low level risks will have a rating between 5 and 6. They are green in colour. These risks have a high probability of improvement.

Those risks that have been improved and can be classed as completed will be removed from the Strategic Risk Register.



# Who reviews it?

The Senior Management team assess each risk to ensure it reflects the current position for each of them.

Where appropriate, the risk is adjusted to reflect the current position – this may involve the risk ‘increasing’ (i.e. becoming worse) or ‘decreasing’ (i.e. improving).

## Recent changes

The main issues and changes arising from the March 2019 review are shown below:

### Risk 3026

*Remains a significant red risk.*

**Failure to achieve a reduction in health inequalities within the Borough.**

During the review meeting in March, the Director of Public Health was asked to consider whether the risk score could be changed. It was agreed to leave this risk with a 'red' concern rating as further analysis of the data that underpins this risk (relating to current life expectancy) provides adequate evidence that this risk is not improving.

### Risk 3033

*Removed and replaced with risk 4154.*

**Failure to adapt the Authority into a sustainable organisation. Failure to maintain current services.**

This has been removed and replaced with:

**Risk 4154 – Failure to ensure that the Future Council model is sustainable and provides the best services and outcomes possible to our customers.**

### Risk 4271

*Added as a new risk.*

**Failure to ensure the Digital First Programme objectives are met through the robust management of Digital First themes and the application of proportionate project management and governance activities.**

This has been added as a new risk.

### Risk 3543

*Reassessed risk.*

**Failure to ensure the adequate supply of land for housing and commercial property growth.**

This has been reduced from an amber '4' to a green '5' to reflect the benefits of having the Local Development Framework ('local plan') approved in January 2019.

### Risk 3022

*Reassessed risk.*

**Inability to direct corporate strategy.**

This has been reassessed from a green '5' to an amber '4' to reflect proposed changes to the Scrutiny Committee structures, and allow time for these new arrangements to bed in.

# When do we publish it?

Barnsley Council, along with the Senior Management team, review, update and publish the report every six months.

## Risk profile

The tables below show the progression of each risk during that time.

	01		02		03		04		05		06	
	No. of risks	% of risks	No. of risks	% of risks	No. of risks	% of risks	No. of risks	% of risks	No. of risks	% of risks	No. of risks	% of risks
<b>March 2019</b> No. of risks = 19	0	0%	1	5%	9	48%	7	37%	2	10%	0	0
<b>October 2018</b> No. of risks = 20	0	0%	1	5%	10	53%	6	31%	2	11%	0	0
<b>March 2018</b> No. of risks = 20	0	0%	3	15%	7	35%	9	45%	1	5%	0	0
<b>October 2017</b> No. of risks = 19	1	5%	3	15%	6	30%	8	40%	2	10%	0	0

# Case Study

Risk 4271

Failure to ensure the Digital First Programme objectives are met through the robust management of Digital First themes and the application of proportionate project management and governance activities.

## Consequences

- Inability to enhance access to the technology solutions required to deliver excellent services in support of the council's outcomes and strategies
- Inability to enable teams to thrive and innovate through excellent communication channels and collaboration tools
- Missed opportunities to simplify day to day service delivery tasks and the technology systems that underpin them
- Lack of automation and streamlining of individual IT service offers, creating a lack of improvement to efficiencies and effectiveness
- Inability to treat data as a critical asset which could enable improvements to performance through enhanced management information and business intelligence
- Lack of training provision and support to the council workforce, resulting in missed opportunities to make the best use of available technology solutions to fulfil their roles
- Lack of governance arrangements to support the programme

## Existing measures

The Digital Leadership Team (DLT) combines the previous Customer Strategy Delivery Group and IT Steering Board.

The overall purpose of DLT is to be collectively responsible for effective strategic leadership of the digital agenda, through effective decision making, driving forward digital initiatives and leading culture change – both within the organisation and to our customers, businesses and the community.

There are clear key linkages to the Organisation Improvement Strategy, Commercial Strategy, Asset Strategy and Corporate Plan, in respect of supporting and enabling the council to achieve its priorities and aspirations for both the organisation and the borough.

## Risk owner

Senior Management team



# Where can I find out more?

[www.barnsley.gov.uk/SRR](http://www.barnsley.gov.uk/SRR)

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## BARNSELY METROPOLITAN BOROUGH COUNCIL

This is a Key Decision within the Council's definition and has been included in the relevant Forward Plan.

### Report for the Executive Director People to Cabinet

#### CODE OF CONDUCT FOR ISSUING PENALTY NOTICES FOR UNAUTHORISED ABSENCE AND LEAVE OF ABSENCE.

1. Purpose of this Report

To seek approval to implement a revised BMBC Code of Conduct for issuing Penalty Notices for unauthorised school absence and leave of absence (holidays in term time), effective from the 2019/20 academic year (Appendix 1 – Revised Code of Conduct). This has been subject to full consultation with Governing Bodies, Chief Executives of Academy Trusts, Head teachers and the Chief Officer of Police.

2. Recommendations

**It is recommended that the proposed changes be approved in order to implement the revised Code of Conduct from the start of the academic year in September 2019.**

3. Introduction

- 3.1 The Education Welfare Service issues Penalty Notices for all Schools and Academies across Barnsley as part of the Council's statutory duties. Penalty Notices are issued by the Local Authority at the request of Head teachers (or designated Deputy). Prior to any request, the School must ensure that they can evidence that there are reasonable grounds to suspect that the parent/carer has committed an offence under Section 444(1) of the Education Act 1996. The offence subject to potential legal action relates to the unauthorised absence during the period in question and not the non-payment of the fine, therefore, Schools must consider each case on its merits to ensure it passes the evidential test.
- 3.2 In April 2015 the Isle of Wight Council issued a parent (Mr Platt) with a Penalty Notice following an unauthorised seven day break. Mr Platt argued that his daughter had attended school regularly because the school register recorded her attendance at 92.3%. He launched a legal challenge against the Isle of Wight Council which was upheld in both the Magistrates and Divisional Court.
- 3.3 The case was subsequently heard in the Supreme Court on the 6<sup>th</sup> April 2017 in favour of the appeal by the Isle of Wight Council. At issue was the meaning of the words "fails to attend regularly" in Section 444(1) of the Education Act 1996. The court ruled that in relation to the Act, "regularly" means "in accordance with the rules prescribed by the school".

3.4 Following the ruling the DfE confirmed that they would examine the judgement and issue updated statutory guidance. Barnsley Legal Services advised that any changes to local guidance and requirements would need to be amended in line with this guidance however this is still to be issued. During this time, an increasing number of Local Authorities across the country have changed their Code of Conduct in line with outcome of Supreme Court hearing despite the delay in the issuing of updated statutory guidance. It has therefore been deemed necessary to make the required changes to Barnsley's Code of Conduct.

3.5 Barnsley Council advocates the importance of children regularly attending school and that children should only be taken out of school in exceptional circumstances. Whilst the Supreme Court ruling retains the authority of Head teachers to decide when exceptional circumstance allow for a child to be absent the ruling removes the criteria relating to what constitutes regular attendance and for this to be considered when deciding if an absence is authorised.

#### 4. Consideration of Alternative Approaches

The consideration of alternative approaches is not applicable to this report because of the duty to comply with the Supreme Court hearing in 2017.

#### 5 Proposal and Justification

5.1 It is proposed that the Authority progress with the changes to the current Code of Conduct (Appendix 2 – Current Code of Conduct) following consultation. This will provide clarity to schools and families as to when a Penalty Notice can be issued in Barnsley. BMBC Legal Services and Audit have both been consulted and contributed to the proposed changes.

5.2 The proposed main change to the Code of Conduct is the removal of the following criteria which Head teachers are required to consider under the current Code of Conduct when assessing the merits of a leave of absence request during term time:

- previous periods of leave of absence
- leave of absences taken in the first term
- exams and assessments
- employers letter(s)

5.3 Under the proposed new Code, Penalty Notices can be issued if **any** of following three conditions applies:

- A pupil has accrued five or more consecutive days of unauthorised leave of absence (holiday in term time)
- If due to sporadic absences, then, other than in specific circumstances, the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued and given a maximum of 15 school days to effect an improvement. If there are further absences within the 15 day monitoring period then a Penalty Notice may be issued

- An excluded pupil present in a public place without justification, during the school hours of the school day where the pupil is on roll, during the first five days of each fixed period or permanent exclusion

5.4 Consultation with Governing Bodies, Chief Executives of Academy Trusts, Head teachers and the Chief Officer of Police commenced on the 18<sup>th</sup> January 2019 and concluded on the 15<sup>th</sup> February 2019. Feedback was received from 3 Academy Trusts which includes 8 Primary Schools and 2 Secondary Schools in Barnsley. The overall feedback was supportive of the proposed changes (Appendix 3 – Consultation Letter and Feedback).

One Academy Trust whilst supportive of the proposed revision to the Code of Conduct raised an additional issue outside of the basis for the consultation relating to who is liable for the Penalty Notice. The Education (Penalty Notices) (England) Regulations 2007 sets out that where there is more than one person liable for an offence, a separate notice may be issued to each person, however the Education Welfare Service and Legal Services are content that issuing a penalty to one parent, that being to the parent that applied for the leave of absence, to be a sufficient sanction and which can be proved in proceedings at Court should the parent fail to pay.

The focus of this consultation is the removal of specific criteria which Head teachers were required to consider under the current Code of Conduct when assessing the merits of a leave of absence. The issuing of penalty notices to both parents does not form part of the proposed changes and is not the basis of this consultation.

5.5 The changes will provide clarity across the system which has been lacking since the Supreme Court hearing in April 2017 and the continued delay in the issuing of revised guidance from the DfE. The proposal will ensure that Barnsley is aligned with the majority of other Local Authorities across the country that have amended their respective Codes. The proposal will further promote to families the importance of good attendance and this will support the ongoing efforts of Schools and the Council in raising awareness of children, young people and families of the impact that attendance has on their education and longer term outcomes. The proposal forms one part of a strategy across the Council and the Barnsley Alliance to improve attendance.

5.6 The Local Authority relies on Head teachers to consider every aspect of cases when assessing requests for leave of absence and ensure that this is demonstrated by evidence of discussions with parents/carers and compliance with the associated procedural requirements in order to ensure that the issuing of the Penalty Notice is legally sound. Head teachers must consider each case on its own merits and Schools are required to respond in writing to parent/carers and to have made every effort to warn them of a pending Penalty Notice.

The implementation date of September 2019 will allow sufficient time for School Governing Bodies to update their associated policies and Code of Conduct.

6 Impact on Local People (Local area Implications)

There are no specific area implications arising from this report.

7 Compatibility with European Convention on Human Rights

The proposal is compatible with the European Convention on Human Rights.

8 Promoting Equalities, Diversity and Social Inclusion

An Equality Impact Assessment (Policies and Strategies) has been completed and can be found at Appendix 4.

9 Risk Management Issues

Failure to update the Code of Conduct may present a risk to the council.

10 Financial Implications

10.1 There are no direct financial implications arising from the revision to the code of conduct as outlined in this report.

10.2 Whilst it is forecast that there will be a significant increase in the number of requests from Schools for the Education Welfare Service (on behalf of the Local Authority) to issue Penalty Notices following the removal of criteria relating to previous attendance levels, the level of increased penalty fees is difficult to estimate at this stage.

10.3 The number of fixed penalty notices (FPN) issued in 2018/19 is approximated 1200 generating a total fee income of £33,520 (represents around 5% of the total income to the service). There is a risk that the projected increase in demand cannot be accommodated within existing capacity in the Education Welfare Service and BMBC legal Service.

10.4 It is proposed that the service monitors the impact on service capacity following the change in September 2019 to ensure that the service is able to meet demand within legal timescales.

11 Employee Implications

There are no employee implications arising from the report. The potential issues highlighted at section 10 will be monitored by the service.

12 Glossary

N/A

13 Appendices

Appendix 1 Revised Code of Conduct regarding the issuing of Penalty Notices  
September 2019

Appendix 2 Current Code of Conduct

Appendix 3 Consultation Letter and Feedback

Appendix 4 Equality Impact Assessment (Policies and Strategies)

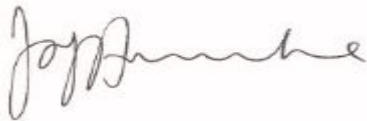
14 Background Papers

N/A

Officer Contact: Nina Sleigh

Date: 11 April 2019

Financial Implications / Consultation



...03 March 2019.....  
(To be signed by senior Financial Services officer)

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## **Barnsley Metropolitan Borough Council**

### **People Directorate**

# **CODE OF CONDUCT ON THE ISSUE OF PENALTY NOTICES FOR SCHOOLS AND ACADEMIES.**

**Revised by the**

**Education Welfare Service and Legal Services**

**September 2019**

**PENALTY NOTICE CODE OF CONDUCT**

This Code of Conduct has been drawn up in line with The Education (Penalty Notice) (England) (Amendment) Regulations 2007. The purpose of the Code of Conduct is to ensure that Penalty Notices are applied consistently and fairly across Barnsley and that arrangements for their issue and administration are suitable.

## **1. Legal Basis**

- 1.1 Section 23 of the Anti-Social Behaviour Act 2003 empowers designated Local Authority (LA) officers, Head Teachers (and Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school.
- 1.2 The Education (Pupil Registration) Regulations 2006 as amended by The Education (Pupil Registration) Regulations 2013 sets out requirements in respect of leave of absence in term time.
- 1.3 Section 105 of the Education and Inspection Act 2006 empowers designated LA officers, Head Teachers (and Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in relation to excluded pupils found in public place during first five days of exclusion.
- 1.4 Consideration must be given to Section 447 of the Education Act in relation to the issue of an Education Supervision Order, before issuing a Penalty Notice or initiating proceedings for irregular school attendance.
- 1.5 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Race Equality and Disability Legislation.
- 1.6 The LA has the prime responsibility for developing the protocol within which all partners named in the Act will operate. The Education Welfare Service (EWS) delivers this LA responsibility.
- 1.7 The LA procedures apply to parents of children of compulsory school age who are registered at a maintained school, an academy or trust school, pupil referral unit or at any registered alternative provision.



## **2. Rationale:**

Section 7 Education Act 1996 places a duty on parents to secure the education of their child(ren) of compulsory school age. The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise.

2.1 Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.

2.2 A parent/carer or person with parental responsibility commits an offence if they fail to secure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school, (s.444 Education Act 1996).

A parent/carer or person with parental responsibility commits an offence if they fail to ensure that their child is not present in a public place during school hours without reasonable justification during the first 5 days of each and every fixed period of exclusion and for permanent exclusion, (s.103 of the Education and Inspection Act 2006).

2.3 Penalty Notices supplement the existing sanctions currently available under Section 444 and 447 Education Act 1996, subject to statutory defences, to promote and enforce attendance at school where appropriate.

2.4 The EWS delivers this LA responsibility.

2.5 Parents and pupils are supported by school and the LA to overcome any barriers to regular attendance through a wide continuum of assessment and intervention strategies. Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.

2.6 Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.

## **3. Circumstances where a Penalty Notice may be issued:**

3.1 A Penalty Notice can be issued in cases of unauthorised absence and to a parent of a child who is of compulsory school age at the time when the unauthorised absence is recorded.

3.2 Use of Penalty Notices will be restricted to one per pupil per academic term. In cases where families contain more than one pupil, multiple

issues may occur but this will be the subject of careful consideration and co-ordination.

- 3.3 There will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of a Penalty Notice for unauthorised absence. Where there is more than one person liable for the absence, a separate warning may be issued.
- 3.4 The issuing of a Penalty Notice is considered appropriate in the following circumstances:
- Overt truancy (including pupils caught on truancy sweeps)
  - Parentally-condoned absences
  - Unauthorised leave of absence in term-time
  - Unexplained absence i.e. no reason given for absence
  - Persistent late arrival at school (after the register has closed)
  - Excluded pupil present in a public place during the school hours of the school where the pupil is on roll
- 3.5 To ensure consistent delivery of the process and the issuing of Penalty Notices, there will be at least 10 sessions (5 school days in total) lost by the pupil due to unauthorised absence during the current term. In which case, the following criteria will apply;

### **Unauthorised absence**

- If due to sporadic absences, then, other than in specific circumstances, the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued and given a maximum of 15 school days to effect an improvement. If there are further absences within the 15 day monitoring period then a penalty notice may be issued.
- Schools must consider every aspect of a pupil's case before considering whether a Penalty Notice would be appropriate. This, in appropriate circumstances, should include strategic discussions with the EWS and any other attendance support staff who have involvement with or knowledge of the pupil/family.
- Schools must not routinely ask parents to obtain Doctors' notes. There is no legal requirement for parents to provide a Doctors' note, (Government Guidance 2006). However, there is nothing in the regulations to prevent schools from challenging parent statements or seeking additional evidence if they have any concerns regarding the levels of absence. This evidence could be a prescription or an appointment card rather than a Doctors' note.
- If a parent continues to fail to secure a child's regular attendance following the above mentioned 15 day monitoring period, then

consideration will be given to issuing a Penalty Notice without further warning, having already received a warning previously.

### **Leave of absence (Holidays in term time)**

- Penalty Notices may be issued if due to the deliberate taking of leave of absence in term time without or against school permission, (where it can be demonstrated that the parent/carer understood that permission had not or would not be given), and where this has created a period of unauthorised absence in the current term of at least 10 sessions.

### **Exclusions**

- A Penalty Notice may be issued if an excluded pupil is present in a public place during the school hours of the school day where the pupil is on roll, without justification, during the first five days of each and every fixed period or permanent exclusion; and other than in specific circumstances the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued after the first time a pupil is present in a public place.
- In the case of an excluded pupil, in order for a parent/ carer to incur a legal sanction, the school must give them notice informing them of their duty to ensure their child is not present in a public place, the days when their duty applies, and, as appropriate, of the arrangements for alternative provision. Ordinarily these notices will be combined with the notice the school must issue when a child is excluded.

Before a Penalty Notice is issued to the parent/ carer of an excluded pupil consideration must be given to every aspect of the case, such as:

- number of occasions the child has been present in a public place
- the parent's actions (or inactions) which led to the child being in a public place at a proscribed time
- the parent's justification if any
- the parent's attitude to having failed to meet their statutory responsibility

**Please note every case should have been considered on its merits and all relevant evidence taken into account. The LA cannot issue a Penalty Notice if no substantiating documentation is provided by the school.**

#### **4. Procedure for issuing Penalty Notices:**

- 4.1 The EWS, on behalf of the LA, will issue Penalty Notices in Barnsley. This will ensure consistent and equitable delivery, retain school-home relationships and allow cohesion with other enforcement sanctions.
- 4.2 Penalty Notices will only be issued by post and never as an on the spot action, this to satisfy that all evidential requirements are in place before issue.
- 4.3 The EWS will receive requests to issue Penalty Notices from schools. These requests will be considered provided that:
  - all required relevant information, supporting documentation and correspondence with the parent/carer is supplied in the specified manner, to ensure that there is sufficient evidence to prosecute the parent(s) for the period of unauthorised absence, should they fail to pay the penalty notice
  - the circumstances of the pupil's absence meets all the requirements of this code of conduct
  - the issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.

#### **5. Procedure for withdrawing Penalty Notices:**

Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- proof has been established that the Penalty Notice was issued to the wrong person
- the use of the Penalty Notice did not conform to the terms of this code of conduct or otherwise ought not to have been issued
- if it contains material errors i.e. wrong address
- where, after 28 days the Penalty is unpaid and it is no longer appropriate to bring legal proceedings under s.444 Education Act 1996.

#### **6. Payment of Penalty Notices:**

- 6.1 Arrangements for payment will be detailed on the Penalty Notice.
- 6.2 Payment of a Penalty Notice discharges the parent/carer liability for prosecution for the period in question. They cannot subsequently be

prosecuted under other enforcement powers for the period covered by the Penalty Notice.

6.3 Full payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120.

6.4 The LA retains any revenue from Penalty Notices to cover enforcement costs.

## **7. Non-payment of Penalty Notices:**

7.1 Non-payment of a Penalty Notice will result in the withdrawal of the Notice and will ordinarily trigger the prosecution process under the provisions of s.444 Education Act 1996.

7.2 Unlike other Penalty Notice schemes, legal proceedings would not be for non-payment of the Penalty Notice but would be for the non-school attendance under section 444 of the Education Act 1996.

7.3 If a penalty is not paid, the LA will use the fact that a Penalty Notice was issued and not paid as evidence in subsequent legal proceedings. The Penalty Notice request form, certified by Head Teachers as an accurate record of the unauthorised absence may be used as evidence to support legal proceedings.

## **8. Policy and Publicity:**

8.1 Use of Penalty Notices as a sanction is included in the Local Authority's Attendance Policy.

8.2 All school attendance policies will include information on the use and issue of Penalty Notices and this will be brought to the attention of all parents and Governing Bodies.

8.3 The LA will include information on the use of Penalty Notices and other attendance enforcement sanctions in promotional/public information material.

## **9. Reporting and Review:**

9.1 The EWS and Legal Services will review and amend the code of conduct accordingly. Penalty Notices may also vary to those published in this code of conduct, depending on any future update by statute, guidance or order.

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**Barnsley Metropolitan Borough Council**

**Education Services**

**Education Welfare Service**

**September 2013**

**CODE OF CONDUCT ON THE ISSUE OF PENALTY NOTICES  
IN REGARD TO POOR SCHOOL ATTENDERS AND EXCLUDED PUPILS**

**1. Legal Basis:**

- 1.1 Section 23 of the Anti Social Behaviour Act 2003 empowers designated LA officers, Head Teachers (& Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty Notices in cases of unauthorised absence from school and The Education (Pupil Registration) Regulations 2006 and Amendments 2012 and September 2013 empowers the same regarding Leave of Absence in term time
- 1.2 The Education (Penalty Notices) (England) Regulations 2004 and 2007 came into force on 27 February 2004 and 1 September 2007 respectively.
- 1.3 Section 103 of the Education and Inspection Act 2006 empowers designated LA officers, Head Teachers (& Deputy and Assistant Head Teachers authorised by them) and the Police to issue Penalty notices in relation to the whereabouts of excluded pupils.
- 1.4 Consideration must be given to Section 447 of the Education Act in relation to the issue of an Education Supervision Order
- 1.5 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act and Race Equality and Disability Legislation.
- 1.6 The LA has the prime responsibility for developing the protocol within which all partners named in the Act will operate. The Education Welfare Service (EWS) delivers this LA responsibility
- 1.7 The LA procedures apply to parents of children of compulsory school age who are registered at a maintained school, an Academy or Trust school, Pupil referral unit or at any registered alternative provision

## **2. Rationale:**

Section 7 Education Act 1996 ~ parents are responsible for making sure that their children of compulsory school age receive efficient full time education that is suitable to the child's age ability and aptitude and to any special educational needs the child may have

- 2.1 Regular and punctual attendance at school is both a legal requirement and essential for pupils to maximise their educational opportunities.
- 2.2 In law an offence occurs if a parent/carer or person with parental responsibility fails to secure a child's attendance at a school at which they are a registered pupil and that absence is not authorised by the school.  
Also in law an offence occurs if a parent/carer or person with parental responsibility fails to ensure that their child is not present in a public place during school hours without reasonable justification during the first 5 days of each and every fixed period of exclusion and for permanent exclusion.
- 2.3 Penalty notices supplement the existing sanctions currently available under Sec 444, Education Act 1996 or Sec 36, the Children's Act 1989 to enforce attendance at school where appropriate subject to statutory defences.
- 2.4 The Education Welfare Service (EWS) delivers this LA responsibility.
- 2.5 Parents and pupils are supported at school and LA level to overcome barriers to regular attendance through a wide continuum of assessment and intervention strategies. Sanctions of any nature are for use only where parental co-operation in this process is either absent or deemed insufficient to resolve the presenting problem.
- 2.6 Sanctions are never used as a punishment, only as a means of enforcing attendance where there is a reasonable expectation that their use will secure an improvement.

## **3. Circumstances where a Penalty Notice may be issued:**

- 3.1 A Penalty Notice can only be issued in cases of **unauthorised** absence and to a child who is of compulsory school age when the unauthorised absence is recorded .
- 3.2 Use of Penalty Notices will be restricted to one per pupil per academic term. In cases where families contain more than one poor-attending pupil multiple issues may occur but this will be the subject of careful consideration and co-ordination.



- 3.3 There will be no restriction on the number of times a parent/carer may receive a formal warning of a possible issue of a Penalty Notice. Where there is more than one person liable for the absence a separate warning may be issued
- 3.4 The issuing of a Penalty Notice is considered appropriate in the following circumstances:
- overt truancy (including pupils caught on truancy sweeps)
  - parentally-condoned absences
  - leave of absence in term-time
  - unexplained i.e. no reason given for absence .
  - persistent late arrival at school (after the Register has closed)
  - excluded pupil present in a public place during the school hours of the school where the pupil is on roll
- 3.5 To ensure consistent delivery of Penalty Notices at least 10 sessions (5 school days in total) lost to unauthorised absence by the pupil during the current term the following criteria will apply: ~
- other than in specific circumstances\* the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued and given a maximum of 15 school days to effect an improvement.  
\* If a parent is capable of securing regular attendance but not willing to take responsibility or failure to engage with strategies and agencies then a penalty notice may be issued without notification  
\* No formal warning is given in the case of leave of absence
  - the deliberate taking of leave of absence in term time without or against school permission (where it can be clearly demonstrated that the parent/carer understood that permission had not / would not be given) and where this has created a period of unauthorised absence in the current term of at least 10 sessions.
  - excluded pupil present in a public place during the school hours of the school where the pupil is on roll without justification during the first five days of each and every fixed period or permanent exclusion and other than in specific circumstances the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued after the first time a pupil is present in a public place.
  - if a parent/ carer of an excluded child fails to ensure the attendance of the child at the alternative provision provided by the school or LA from the sixth day of fixed period exclusion or permanent exclusion that the parent will be liable under the truancy provisions.
  - The LA will not issue a Penalty Notice if no substantiating documentation is provided by the school

- 3.6 Schools must consider every aspect of a pupil's case before considering whether a Penalty Notice would be appropriate. This must include strategic discussions with the EWS and any other attendance-support staff who have involvement with or knowledge of the pupil/family.
- 3.7 In the case of an excluded pupil, in order for a parent/ carer to incur either form of legal responsibility the school must give them notice informing them of their duty to ensure their child is not present in a public place, the days when their duty applies, and, as appropriate, of the arrangements for alternative provision. Ordinarily these notices will be combined with the notice the school must issue when a child is excluded.
- 3.8 Before a Penalty Notice is issued to the parent/ carer of an excluded pupil consideration must be given to every aspect of the case, such as:
- number of occasions the child has been present in a public place,
  - the parent's actions (or inactions) which led to the child being in a public place at a proscribed time,
  - the parent's justification if any,
  - the parent's attitude to having failed to meet their statutory responsibility.
- 3.9 It will be for a parent to prove reasonable justification. A justification that is capable of being reasonable will depend on points of fact and proof: it is unlikely that any justification would be reasonable unless it stood up on facts.
- 3.10 We would not conclude that some justifications are automatically unreasonable. Some, such as a medical emergency are probably more straightforward: hospital records, doctor's certificates etc. will help in the consideration of the individual case. Other justifications, such as the pupil shopping for food or clothes, are without more evidence unlikely to be reasonable, for these activities could readily be carried out at the weekend, after school hours or after the first few days on which the duty applied. However, every case should be considered on its merits and all relevant evidence provided taken into account.
- 4. Procedure for issuing Penalty Notices:**
- 4.1 The EWS will issue Penalty Notices in Barnsley. This will ensure consistent and equitable delivery, retain school-home relationships and allow cohesion with other enforcement sanctions.
- 4.2 Penalty Notices will only be issued by post and never as an on the spot action, this to satisfy that all evidential requirements are in place and to meet Health and Safety requirements.

- 4.3 The EWS will receive requests to issue Penalty Notices from schools, South Yorkshire Police and neighbouring LEAs. These requests will be considered by the Penalty Notice Panel chaired by the EWS and including representation from the Legal Service:

These requests will be considered provided that:: ~

- all relevant information supporting documentation and correspondence with the parent/carer is required and supplied in the specified manner as consideration needs to be given to whether there are mitigating circumstances
- If there are any significant concerns with regard to the welfare or safeguarding of the child the matter be referred for further consideration as to whether it would be appropriate to consider applying for an Education Supervision Order rather than the issuing of a Fixed Penalty Notice
- the circumstances of the pupil's absence meets all the requirements of this Protocol,
- family circumstances/ability to pay is set against the likelihood of securing an improved attendance by issuing a Penalty Notice (this to include any cases of possible multiple issue to any one family).
- the issue of a Penalty Notice does not conflict with other intervention strategies in place or other enforcement sanctions already being processed.

- 4.4. The EWS will respond to all requests within 10 school days of receipt and where all criteria are met will:

- issue a formal written warning to the parent/carer of the possibility of a Penalty Notice being issued \*
- in the same letter set a period of 15 school days within which the pupil must have no unauthorised absence\*.
- issue a Penalty Notice through the post at the end of the 15 day period of the required level of improvement has not been achieved.

\* this would not be issued in the case of leave of absence. See 3.5 and Guidance in relation to leave of absence in term time

- 4.5 In the case of requests to issue Penalty Notices where the excluded pupil is found in a public place during the hours where the pupil is on roll the liable parent/ carer will receive a formal warning of the possibility of a Penalty notice being issued if the pupil is present once again in a public place during the remaining days of the exclusion in the initial 5 days period.

## **5. Procedure for withdrawing Penalty Notices:**

5.1 Once issued, a Penalty Notice will only be withdrawn in the following circumstances:

- proof has been established that the Penalty Notice was issued to the wrong person
- the use of the Penalty Notice did not conform to the terms of this Protocol or otherwise ought not to have been issued.
- if it contains material errors i.e. wrong address
- where after 28 days the penalty is unpaid and the LA does not wish to bring legal proceedings under S444

## **6. Payment of Penalty Notices:**

6.1 Arrangements for payment will be detailed on the Penalty Notice.

6.2 Payment of a Penalty Notice discharges the parent/carer liability for the period in question and they cannot subsequently be prosecuted under other enforcement powers for the period covered by the Penalty Notice.

6.3 Full payment of a Penalty Notice within 21 days is £60 and payment after this time but within 28 days is £120.

6.4 The LA retains any revenue from Penalty Notices to cover enforcement costs.

## **7. Non-payment of Penalty Notices:**

7.1 Non-payment of a Penalty notice will result in the withdrawal of the Notice and will trigger the fast-track prosecution process under the provisions of Sec 444, 1996 Education Act.

## **8. Policy and Publicity:**

8.1 Deployment of Penalty Notices as a sanction is included in the Authority's Attendance Policy.

8.2 All school Attendance Policies will include information on the deployment of Penalty Notices and this will be brought to the attention of all parents.

8.3 The LA will include information on the use of penalty Notices and other attendance enforcement sanctions in promotional/public information material.

**9. Reporting and Review:**

- 9.1 The Education Welfare Service will review Penalty Notice use at regular intervals amend the general enforcement strategy as appropriate and produce reports on this area of activity as required.


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**People Directorate**  
**Education Welfare Service**  
 Keren Harben, Service Manager

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 <b>BARNLSLEY</b> Metropolitan Borough Council	People Directorate Education, Early Start and Prevention (Business Unit 1)
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### **Consultation regarding the Code of Conduct for issuing Penalty Notices for Unauthorised Absence and Leave of Absence.**

Barnsley Metropolitan Council (BMBC) is commencing a consultation period with Governing Bodies, Chief Executives of Academy Trusts, Head teachers and the Chief Officer of Police regarding the proposed changes to the BMBC Code of Conduct for issuing Penalty Notices for unauthorised school absence and leave of absence (holidays in term time). The Revised Code of Conduct regarding the issuing of Penalty Notices September 2019 is enclosed.

The consultation period will commence on the 18<sup>th</sup> of January 2019 and end on the 15<sup>th</sup> February 2019 at 4pm. We are seeking your feedback on the proposed changes. Please send your feedback, suggestions or comments to the following email address, headed 'Penalty Notice Consultation':

[educationwelfarepenaltynotice@barnsley.gov.uk](mailto:educationwelfarepenaltynotice@barnsley.gov.uk)

The final proposed, revised Code of Conduct will then go to the Council Cabinet for approval, with a view to implementing the Code, in September 2019. This implementation date allows sufficient time for School Governing Bodies and Academy trusts to update their associated policies and Code of Conduct.

#### **Legal Context**

The Education Welfare Service issues Penalty Notices on behalf of all Schools and Academies across Barnsley as part of the Council's statutory duties. Penalty Notices are issued by the Local Authority at the request of Headteachers (or designated Deputy). Prior to any request, the School must ensure that they can evidence that there are reasonable grounds to suspect that the parent/carer has committed an offence under Section 444(1) of the Education Act 1996. The offence relates to the unauthorised absence during the period in question and not the non-payment of the fine, therefore, Schools must consider each case on its own merits to ensure it passes the evidential test.

In April 2015, the Isle of Wight Council issued a parent (Mr Platt) with a Penalty Notice following an unauthorised seven day break. Mr Platt argued that his daughter had attended school regularly because the school register recorded her attendance at 92.3%. He launched a legal challenge against the Isle of Wight Council which was upheld in both the Magistrates and Divisional court. The case was subsequently heard in the Supreme Court on the 6<sup>th</sup> April 2017 in favour of the appeal by the Isle of Wight Council. At issue was the meaning of the words "fails to attend regularly" in Section 444(1) of the Education Act 1996. The court ruled that in relation to the Act, "regularly" means "in accordance with the rules prescribed by the school".

Following the ruling the DfE confirmed that they would examine the judgement and issue updated statutory guidance. Barnsley Legal Services advised that any changes to local guidance and requirements would need to be amended in line with this guidance however this is still to be issued. During this time, a number of Local Authorities across the country have changed their Code of Conduct in line with the decision of Supreme Court, despite the delay in the issuing of updated statutory guidance. It has therefore been deemed necessary to make the required changes to Barnsley's Code of Conduct.

Barnsley Council advocates the importance of children regularly attending school and that they should only be taken out of school in exceptional circumstances. Whilst the Supreme Court ruling retains the authority of Head teachers to decide when exceptional circumstance allow for a child to be absent the ruling removes the criteria relating to what constitutes regular attendance and for this to be considered when deciding if an absence is authorised.

## **Proposal**

### **Changes to the Code of Conduct**

It is proposed that consultation commences in order to instigate changes to the current Code of Conduct. This will provide clarity to schools and families as to when a Penalty Notice can be issued in Barnsley.

The main proposed change to the Code of Conduct is the removal of the following criteria which Head teachers were required to consider under the current Code of Conduct when assessing the merits of a **leave of absence** request during term time:

- previous periods of leave of absence
- leave of absences taken in the first term
- exams and assessments
- employers letter(s)
- removal of school attendance target

Under the proposed new Code, Penalty Notices can be issued if **any** of following three conditions applies:

- A pupil has accrued five or more consecutive days of unauthorised leave of absence (holiday in term time)
- If due to sporadic unauthorised absences, then, other than in specific circumstances, the liable parent/carer will receive a formal warning of the possibility of a Penalty Notice being issued and given a maximum of 15 school days to effect an improvement. If there are further absences within the 15 day monitoring period then a Penalty Notice may be issued
- An excluded pupil present in a public place without justification, during the school hours of the school day where the pupil is on roll, during the first five days of each fixed period or permanent exclusion

BMBC Legal Services and Audit have both been consulted and contributed to the proposed changes.

### **Impact on Attendance**

The changes will provide clarity across the system which has been lacking since the Supreme Court hearing in April 2017 and the continued delay in the issuing of revised guidance from the DfE. The proposal will ensure that Barnsley is aligned with other Local Authorities across the country that have amended their respective Codes. The proposal will further promote to families the importance of consistent attendance and this will support the ongoing efforts of Schools and the Council in raising awareness of children, young people and families of the impact that attendance has on their education and longer term outcomes. The proposal is part of a strategy across the Council and the Barnsley Alliance to improve attendance.



## **Impact on Schools**

The Local Authority relies on Head teachers to consider every aspect of cases when assessing requests for leave of absence and ensure that this is demonstrated by evidence of discussions with parents/carers and compliance with the associated procedural requirements in order to ensure that the issuing of the Penalty Notice is lawful. Head teachers must consider each case on its own merits and Schools are required to respond in writing to parent/carers and to have made every effort to warn them of the possibility of a Penalty Notice.

The implementation date of September 2019 will allow sufficient time for School Governing Bodies to update their associated policies and Code of Conduct.

Yours sincerely

Keren Harben

Service Manager, Pupil Inclusion  
Attendance and Education Welfare

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	A	B	C
1	Date of Response	Organisation	Consultation Feedback
2	17.1.19	St Mary's Academy Trust	Having read the Code of Conduct document and suggested changes I can confirm that I support the changes recommended and have no further comments or suggestions.
3	18.1.19	Hoyland Common Academy Trust	It is a real positive step forward for schools in promoting positive attendance.
4	6.2.19	Outwood Grange Academy Trust	<p>I am responding on behalf of Outwood Academies Carlton and Shafton at the request of Paul Haynes and Cara Ackroyd. Its good to see the removal of the academy attendance target as a criteria for issuing penalty notices for unauthorised leave of absence. This will now avoid parents 'playing the system' depending on when they make their application. This is a positive change to support us with consistency and equity. However, its disappointing that the issue of failing to fine both parents hasn't been addressed.</p> <p>In law, each parent is individually responsible for the child's attendance and commits a separate offence if the child does not attend school on a regular basis. Each parent is liable for the offence. The LA should not discriminate. Even though the first page of your revised code of conduct recognises that "1.5 The issuing of Penalty Notices must conform to all requirements of the Human Rights Act ".</p> <p>Because currently, the penalty notice will only be issued to the parent who completes the application form (which has to be the parent with whom the child normally resides) this is inequitable and discriminatory. I've changed our request form to allow for 2 signatures but this will not ensure consistency. The Code of Conduct should make this specific and clear and ensure it follows the law.</p> <p>Lastly, the last page of the consultation letter states: "Impact on Schools The Local Authority relies on Headteachers to consider every aspect of cases when assessing requests for leave of absence and ensure that this is demonstrated by evidence of discussions with parents/carers and compliance with the associated procedural requirements in order to ensure that the issuing of the Penalty Notice is lawful. Headteachers must consider each case on its own merits and Schools are required to respond in writing to parent/carers and to have made every effort to warn them of the possibility of a Penalty Notice."</p> <p>I'm concerned about the highlighted bit regarding evidence of "discussions". We don't routinely have discussions and this would be time consuming if this was a requirement for every application for leave of absence. Communication may be by telephone in some cases but the majority are via letter.</p>

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**Equality Impact Assessment**  
- Policies and Strategies -

Policy / Strategy Name:	Code of Conduct for Issuing Penalty Notices for Unauthorised Absence and Leave of Absence.
Your Name:	Keren Harben Service Manager Pupil Inclusion, Attendance and Education Welfare.
Contact Details:	<a href="mailto:Kerenharben@barnsley.gov.uk">Kerenharben@barnsley.gov.uk</a>
Assessment Date:	12.03.2019 Completed by Keren Harben (Education Welfare Service) Jamie Impey (Legal Services) Diane Richardson (Education Welfare Service).
Date of Review:	12.03.2020 - if required due any changes to legislation or guidance.

About the policy or strategy:

Ownership/governance:	Education Welfare Service
New or review:	<input type="checkbox"/> This is a new policy / strategy <input type="checkbox"/> This is a policy / strategy review <input checked="" type="checkbox"/> Other: please state: Revision to Code of Conduct with regards to the issuing of Penalty Notices following decided case law.
When policy / strategy will be next reviewed:	12.03.2020 - if required due any changes to legislation or guidance

The purpose of the policy / strategy is:

The Education Welfare Service issues Penalty Notices for all Schools and Academies across Barnsley as part of the Council's statutory duties. Penalty Notices are issued by the Local Authority at the request of Head teachers (or designated Deputy). Prior to any request, the School must ensure that they can evidence that there are reasonable grounds to suspect that the parent/carer has committed an offence under Section 444(1) of the Education Act 1996. The offence subject to potential legal action relates to the unauthorised absence during the period in question and not the non-payment of the fine, therefore, Schools must consider each case on its merits to ensure it passes the evidential test.

The reason(s) for the review of the policy / strategy are:

To revise the current Code of Conduct with regard to the implementation of issuing of Penalty Notices for unauthorised and leave of absence, following recent case law and in accordance with the Education (Penalty Notice) (England) Regulations 2007.

To help us better understand the impact of the policy / strategy we asked these questions:

1.	<p>The service consulted with Schools, Academies, Academy Trusts, Governing Bodies and the Chief of Police in respect of proposed changes to the current code of conduct with regards to the removal of existing criteria of;</p> <ul style="list-style-type: none"><li>• Previous periods of leave of absence</li><li>• Leave of absences in the first half term</li><li>• Exams and assessments</li><li>• Employers letters (s)</li><li>• Removal of attendance target</li></ul>
----	--

To help answer these questions we:

1.	Consulted with Schools/Academies, Academy Trusts, Governing Bodies and Police (as above)
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From this engagement/research/analysis we learnt the following things:

1.	The issuing of Penalty Notices is an enforcement function undertaken by the Education Welfare Service on behalf of Schools and Academies.
2.	Schools and Academies will be advised that they are responsible for ensuring that all forms, letters, policies and procedures are communicated to parents, including the Code of Conduct being made available in community languages and accessible on school websites.
3.	The Local Authority will ensure that the Code of Conduct and related correspondence will be made available in community languages on the BMBC website.

Which groups will be most affected by the policy / strategy?

**The DfE requires the Education Welfare Service to undertake the Parental Responsibility Measures returns on an annual basis. There is no requirement to collect details relating to specific characteristics. Further details can be found at: [www.gov.uk](http://www.gov.uk) Parental Responsibility Measures Attendance Census.**

What practical steps will you take to make sure that the policy / strategy is as fair and equal as possible?

Action	Who?	Please tick					Date updated
		Not due	Not started	Underway	Behind	Complete	
Advise Schools, Academies, Governing Bodies and Academy Trusts to ensure that they make their policy and correspondence relating to the Code of Conduct is available in community languages.	Keren Harben Service Manager Pupil Inclusion, Attendance and Education Welfare			√			Sept 19
Code of Conduct and correspondence relating to the Code of Conduct will be made available in community languages on the BMBC website and where appropriate on documents.	Keren Harben Service Manager Pupil Inclusion, Attendance and Education Welfare			√			Sept 19

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## BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

### REPORT OF THE EXECUTIVE DIRECTOR PLACE TO CABINET

#### **ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS/PLANNING ADVICE NOTES**

##### **1. PURPOSE OF REPORT**

- 1.1 This report seeks authority to adopt several Supplementary Planning Documents (SPD's) and Planning Advice Notes (PAN's).

##### **2. RECOMMENDATIONS**

- 2.1 That Cabinet refers this report to Full Council for approval to adopt the Supplementary Planning Documents and Planning Advice Notes covered in this report.**

##### **3. INTRODUCTION**

- 3.1 The Local Plan, adopted on 3<sup>rd</sup> January 2019, contains policies to be considered when determining planning applications. Supplementary Planning Documents contain further advice and explain how these policies will be applied. Where a document is referred to as a Planning Advice Note (PAN) it is providing guidance on an issue that doesn't have a direct link to a Local Plan policy. Cabinet approved a number of updated and new Supplementary Planning Documents and Planning Advice Notes on 20<sup>th</sup> February for public consultation.
- 3.2 Public consultation took place for a period of four weeks between 4<sup>th</sup> March and 1<sup>st</sup> April 2019. Appendix 1 provides a summary of the main issues raised during consultation and any changes made in response. Appendix 1 also sets out the main issues covered in the documents and any key points that have been changed in response to comments made during consultation.
- 3.3 Of the 20 documents that were the subject of public consultation this report seeks authority to adopt of 18 of them. Further consideration is being given to comments on the Sustainable Travel SPD. As a consequence it is also considered prudent to adopt the Planning Obligations SPD at a later date, as that makes reference to the Sustainable Travel SPD. A further report dealing with these two SPD's will be submitted to Cabinet in due course.

#### **4. PROPOSAL AND JUSTIFICATION**

- 4.1 Following adoption of the Local Plan, a suite of updated and new SPD's/ PAN's has been prepared. This report provides an update on the response to the public consultation, and seeks authority to adopt 18 of the SPD's/PAN's, as amended where appropriate, following public consultation. Paragraphs 4.2 and 4.3 sets out the full list of documents that were consulted on.
- 4.2 **Existing SPD's/PAN's that have been updated**  
Financial Contributions for Schools  
Barn Conversions  
Trees and Hedgerows  
Shop Front Design  
Advertisements  
House Extensions and other Domestic Alterations  
Residential Amenity and the Siting of Buildings  
Design of Housing Development  
Open Space Provision on New Housing Developments  
Removal of Agricultural Occupancy Conditions  
Mortar Mixes for pointing historic buildings  
Hot Food Takeaways SPD  
Walls and Fences  
Lawful Development Certificates
- 4.3 **New SPD's/PAN's**  
Planning Obligations  
Affordable Housing  
Sustainable Travel  
Heritage Impact Statements  
Biodiversity and Geodiversity  
Hot Food Takeaways Planning Advice Note
- 4.4 Public consultation took place for a period of four weeks between 4<sup>th</sup> March and 1<sup>st</sup> April 2019. A total of 111 comments were received from 38 consultees (including one consortium comprising representations submitted by two agents on behalf of ten developers/ housebuilders). The breakdown of how many comments were made on each draft SPD/ PAN is given in appendix 1, which summarises the main issues covered by the documents. Appendix 1 also sets out the main issues raised in the consultation responses, and any key points that have been changed in response to comments made during consultation.
- 4.5 The consultation was advertised in a public notice in the local press in a public and press releases were done, including information placed on social media at the start, end and during the consultation period. The consultation documents were available on the Council's on line consultation system Smartsurvey, and could also be viewed online or as paper copies at Barnsley Central Library, Wellington House, Wellington Street, and at all branch libraries across the borough, during normal opening hours. Comments were accepted via the consultation system, by email or by post.
- 4.6 A number of the Supplementary Planning Documents seek developer contributions through section 106 agreements.

These are:

- Financial Contributions for Schools
- Sustainable Travel
- Affordable Housing
- Open Space Provision on New Housing Developments

Understandably these have attracted comments raising concerns about their effect on the viability of sites and impact on delivery. In anticipation of this we have commissioned updated viability evidence work to look at the impact of the proposed contributions sought by these draft SPD's. The updated viability work indicates that the figures sought can be supported, and concludes that *the proposed supplementary planning document requirements are not considered to undermine the viability of the Local Plan (albeit accepting that viability is still likely to be a consideration on a case by case basis reflecting the specific circumstances of a scheme).*

- 4.7 The SPD's and PAN's consulted on cover numerous issues. Appendix 1 details the changes made as a result of representations. The final proposed SPD's/ PAN's for adoption are available with the cabinet papers.
- 4.8 In light of comments made on the Sustainable Travel SPD, we are giving some elements of this document further consideration. A further report on the Sustainable Travel SPD will be brought to Cabinet in due course. Therefore it is not included in the recommendation as one of the SPD's to be adopted by this report. In addition to seeking contributions for accessibility and active travel improvements, this SPD also sets a minimum number of electric vehicle charging points to be provided.
- 4.9 Given that the Planning Obligations SPD refers to all four of the documents that seek section 106 contributions including the Sustainable Travel SPD, it is considered prudent to take this forward at a later date and deal with it in a subsequent cabinet report with the Sustainable Travel SPD. Therefore it is not included in the recommendation as one of the SPD's to be adopted by this report
- 4.9 Should approval to adopt the SPD's/PAN's be given, their adoption will be publicised and they will be made available in line with the Town and Country Planning (Local Planning)(England) Regulations, 2012.
- 4.9 Following adoption of this suite of SPD's/ PAN's further documents will be prepared for public consultation. They will cover issues such as Section 278 and Section 38 agreements; Sustainable Urban Drainage and Air Quality Guidance.
- 4.10 It is important that we get appropriate digital infrastructure installed to serve new developments, which currently is full fibre. It has been considered whether an SPD is needed in order to seek full fibre to premises. However it is considered that the preferred way to deliver this is via a minor update to an existing standard planning condition. This can be updated as necessary in line with advances in technology, whereas a Supplementary Planning Document would continually need refreshing or would quickly become out of date.

## **5. CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 One alternative approach would be not to adopt new supplementary planning documents and planning advice notes. This would mean that there would be a vacuum of planning policy advice to support the Local Plan to help explain how policies will be applied and interpreted.
- 5.2 The Sustainable Travel SPD could be taken forward for adoption, however it is considered prudent to give further time for consideration of comments and to make any required amendments rather than implement the document and have continual delays arising from it being challenged.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The implications for local people and service users are that the updated Supplementary Planning Documents and Advice notes will be used to provide up to date information and guidance on how planning policies will be applied and interpreted.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The cost of adoption including printing and publicity costs are estimated to be approximately £2,000.
- 7.3 This additional expenditure will be financed from the reserves previously earmarked for the Local Plan.
- 7.4 The financial implications directly arising from this report are summarised in the attached Appendix A.
- 7.5 Only two, School Places and Open Space Provision, of the 20 SPD's and PAN's increase existing section 106 contribution figures. The indirect financial implication arising from this report is that section 106 receipts will increase for these areas.
- 7.6 For school places, the exact quantum of the increase is difficult to quantify as contributions are dependent on the number of applications and as contributions sought are often calculated on a case by case basis depending on the requirements of the individual school.
- 7.7 In respect of Open Space provision, the figures for each type of open space (Child and Youth facilities; Informal open space and Formal recreation) have been increased by 6% from the figures in the 2012 SPD. The section 106 monies from previous section 106 agreements received during 2018/19 were £1,198,721.52. If the income in 2019/20 is of a similar amount, the 6% increase would generate an additional £71,923 of section 106 contributions.

## **8. EMPLOYEE IMPLICATIONS**

8.1 There are no employee implications arising from this report.

## **9. COMMUNICATIONS IMPLICATIONS**

9.1 Communications support will be required in publicising the adoption of the SPD's/PAN's through press releases and social media.

## **10. CONSULTATIONS**

10.1 Consultation has taken place internally with the various officers who act on behalf of the teams responsible for providing input into planning applications (e.g. Highways, Housing, Public Health). As detailed above public consultation on the draft SPD's/PAN's took place for a period of four weeks between 4<sup>th</sup> March 2019 and 1<sup>st</sup> April, 2019.

## **11. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK**

11.1 The Local Plan is a key Council strategy document that will support achievement of each of the three main priorities set out in the corporate plan and more specifically outcomes 1-6, 9 and 11. The suite of SPD's provide further detail on how Local Plan policies will be applied.

## **12. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION**

12.1 The Local Plan was subject to an Equality Impact Assessment to assess the impact of its policies and proposals. This concluded that all policies and proposals apply to all sectors of the community equally. The policies make provision for a range of housing types to meet differing needs for example affordable housing and the accommodation needs of gypsies and travellers. The Design policy D1 also seeks to ensure development is designed to be accessible to all. The Supplementary Planning Documents will support these policies ensuring that equality, diversity and social inclusion are promoted as far as possible when planning applications are considered.

## **13. TACKLING THE IMPACT OF POVERTY**

13.1 If the objectives of the Local Plan are achieved it is anticipated that levels of poverty, deprivation and inequality will have reduced by the end of the plan period. A number of the supplementary planning documents will play important roles in securing planning contributions for sustainable travel (public transport, walking and cycling), investment in public open space, provision of additional school places and affordable housing. These contributions will benefit communities affected by development proposals, helping to mitigate impacts but also maximize opportunities. In turn, benefits should also be realised for those in poverty.

## **14. TACKLING HEALTH INEQUALITIES**

- 14.1 A Health Impact Assessment was produced to consider the Local Plan proposals on health. This considered the impact of the various policies within the plan on the health of the various communities as well as whether they contribute to the ambitions of the Corporate Plan and reduce health inequalities. It concluded that as a whole the plan would potentially improve the health of residents and help address health inequalities.
- 14.2 The Hot Food Takeaway Planning Advice Note seeks to tackle obesity and promote the health agenda through influencing the location of hot food takeaways. Enhanced open space and active travel routes arising from the implementation of the Open Space on New Housing Development SPD and the Sustainable Travel SPD will also contribute towards improving health.

## **15. REDUCTION OF CRIME AND DISORDER**

- 15.1 The Police Architectural Liaison Officer has been consulted on those documents which relate to layout and design of development to ensure that principles of Secured By Design are embedded.

## **16. RISK MANAGEMENT ISSUES**

- 16.1 CIL is non-negotiable whereas section 106 can be negotiated. This is a risk but we consider it is outweighed by the benefits of focusing on section 106 contributions.

## **17. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES**

- 17.1 Over and above the matters referred to under the heading “Tackling Health Inequalities”, there are no direct implications for health, safety and emergency resilience arising from this report.

## **18. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

- 18.1 There are no implications arising from this report.

## **19. CONSERVATION OF BIODIVERSITY**

- 19.1 The Local Plan as modified seeks to achieve a net biodiversity gain by the end of the plan period. One of the new supplementary planning documents sets out further detail on how the Local Plan biodiversity policy will be applied. Some other SPD's such as the Open Space SPD will indirectly assist in the conservation of biodiversity.

## **20. GLOSSARY**

SPD Supplementary Planning Document  
PAN Planning Advice Note

## **21. LIST OF APPENDICES**

Appendix A Financial Implications

Appendix 1: Summary of comments made and changes made to the SPD's.

Appendix 2: Final versions of SPD/PAN documents for adoption.

## **22. BACKGROUND PAPERS**

Local Plan <https://www.barnsley.gov.uk/media/9924/local-plan-adopted.pdf>

Local Plan Viability Testing Update 2019 CP Viability Ltd

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

**Report author:** Paula Tweed

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**APPENDIX A**  
**Report of the Executive Director of Place**

**FINANCIAL IMPLICATIONS**

**Supplementary Planning Documents**

i) <b>Capital Expenditure</b>	<u>2019/20</u> £	<u>2020/21</u> £	<u>2021/22</u> £	<u>Total</u>
Not applicable in this instance	0	0	0	0
	0	0	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>To be financed from:</b>				
	0	0	0	0
	0	0	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

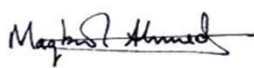
ii) <b>Revenue Effects</b>	<u>2019/20</u> £	<u>2020/21</u> £	<u>2021/22</u> £	<u>Later Years</u> £
<u>Expenditure</u>				
Consultation Expenses - Printing/Publicity	2,000	0	0	0
	2,000	0	0	0
<u>Income</u>				
	0	0	0	0
	0	0	0	0
	<b>2,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>To be Financed from:</b>				
Previously Earmarked Reserves - Local Plan	2,000	0	0	0
	<b>2,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

There is no impact on the medium term financial strategy. Costs will be contained within the reserves previously earmarked for the local plan

**Impact on Medium Term Financial Strategy**

**This report has no impact on the Authority's Medium Term Financial Strategy.**

	<u>2019/20</u> £m	<u>2020/21</u> £m	<u>2021/22</u> £m	<u>2022/23</u> £m
<b>Current forecast budget gap</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>-0.317</b>
Requested approval	0.000	0.000	0.000	0.000
<b>Revised forecast budget gap</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>-0.317</b>

Agreed by  ...On behalf of the Service Director and Section 151 Officer - Finance

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Comments made on SPD's/PAN's April 2019 The tables below set out the main issues raised during consultation. The tables summarise the key points that the Supplementary Planning Documents and Planning Advice Notes cover. The table also summarises any key changes made to the documents as a result of comments received.

**General/ overarching comments**

NUMBER OF COMMENTS: 2	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
<p>Paragraph 34 of the NPPF (2018) established the importance of viability to ensure that development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be delivered might be threatened. Concerns are expressed that proposed contributions will have an adverse impact of viability of sites and their delivery particularly given the absence of up to date viability evidence. Concerns are expressed that proposed contributions will have an adverse impact on viability of sites and their delivery, particularly given the absence of up to date evidence.</p>	<p>Up to date viability work has been undertaken which demonstrates that the levels of contributions proposed across all four SPD's are unlikely to have an adverse impact on the viability of schemes coming forward.</p>
<p>Quotes from Planning Policy Guidance that "<i>SPD's should not be used to set rates or charges which have not been established through Development Plan policy</i>"</p>	<p>Local Plan Policy I1 Infrastructure and Planning makes it clear that development must be supported by appropriate infrastructure, and that where provision is not made directly by the developer contributions will be secured through planning obligations. Therefore the principle of securing contributions is established in the Local Plan policy.</p>
<p>Consultation software not having a 'save draft' function</p>	<p>This has been raised with the software company in order to improve the functionality for any future consultations.</p>
<p>General comments on the consultation process including:</p> <ul style="list-style-type: none"> <li>• Are all levels of the community targeted and able to respond, including those without internet access</li> <li>• Is the Council confident that it will receive a cross section of views, or is it likely that only those with a vested interest will respond?</li> <li>• Disappointed that individual responses will not be made</li> </ul>	<p>The consultation has been carried out in line with the Town and Country Planning (Local Plans) Regulations, 2012.</p>

<p>available, only a summary</p> <ul style="list-style-type: none"> <li>• Is this consultation consistent with the Council's Statement of Community Involvement (SCI) which has been challenged in the past?</li> <li>• Issues with navigating consultation software and no 'save draft' function.</li> <li>• Amount of documentation to read</li> <li>• It is important that the Council fully monitor the requirements of the SPD and have the resources to do so when developers implement planning approvals in order to take appropriate proceedings where developers fail to implement any conditions attached to that planning application, or seek to negotiate a softening in any attached conditions therein. No mention of this in the SPD documentation.</li> </ul>	
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<p><b>ADVERTISEMENTS SPD</b>          This is an update of the 2012 SPD and gives advice on appropriate advertisements and when consent is required.  <b>Key changes from previous version:</b> The policy context has been updated and some amendments have been made in respect of heritage.  <b>Key changes made as a result of comments:</b> None</p>	
<p><b>NUMBER OF COMMENTS: 2</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>General support from a neighbouring authority.</p>	<p>Support welcomed.</p>
<p>Concern about amount of advertisements such as banners and signage within the Central area. Considers harsher consequences and better regulation needs to be implemented. Specific signs referred to.</p>	<p>The SPD reflects the latest guidance in NPPF which states at paragraph 132 "The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."</p>

<p><b>AFFORDABLE HOUSING SPD</b></p> <p>This is a new SPD which gives advice on when contributions will be sought for affordable housing and how they will be calculated. It provides the revised definition of affordable housing as set out in NPPF July 2018. It links to Local Plan policy H7 which sets out that developments of 15 or more dwellings should provide affordable housing. 30% affordable housing will be expected in Penistone and Dodworth and Rural West, 20% in Darton and Barugh; 10% in Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East.</p> <p>The SPD provides guidance on other issues such as: the type and tenure of affordable housing that will be sought; off-site provision; commuted sums; custom build housing and transfer values.</p> <p><b>Key changes made as a result of comments:</b>          Remove reference to 'outline planning permission' in paragraph 5.1.          Amend paragraph 13.5 Amend to state: 'Open Market Value – Transfer Values - the agreed developer profit = commuted sum'</p>	
<p><b>NUMBER OF COMMENTS: 8</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>General support from a neighbouring authority.</p>	<p>Support welcomed.</p>
<p>Queries the meaning of Paragraph 2.8 " or significantly prejudice the ability to meet the identified affordable housing needs of specific groups."</p> <p>2.10, 3.1, 5.3, 11.1 Should the method of financing affordable housing be reconsidered, following the (assumed) success of the Racecommon Road development, managed by the Council, plus the recent adverse publicity surrounding Persimmon profits?</p> <p>Queries where are the savings expected to come from in paragraph</p>	<p>Paragraph 2.8 – BMBC interpret this as we are not required to apply the 10% threshold if, for examples, the demand for affordable rented units in that particular sub-market area was so great that the application of the 10% threshold would prejudice our needs as a Council to address this need. Note that data in relation to affordable housing needs will be included in the new Strategic Housing Market Assessment (SHMA) and once produced will form the evidence base for determining the affordable housing ask (mix, type, tenure) for residential planning applications.</p> <p>2.10, 3.1, 5.3, 11.1 – It should be noted that the Racecommon Road development comprises four affordable properties, the remainder of properties are for market sale. With regards to the allowance of 20% developer profit, this is taken from Para: 018 Ref ID: 10-018-20180724 of the National Planning Practice Guidance (NPPG) and is considered a suitable return for developers.</p> <p>7.2 – BMBC maintain that affordable housing should be indistinguishable from market housing. Developers should not be</p>

<p>7.2</p> <p>Paragraph 13.1 Queries whether the ratio should be maintained or increased to reflect the increase in number of more profitable houses?</p>	<p>seeking to make a 'saving' through sub-standard design of affordable housing units.</p> <p>13.1 – Paragraph13.1 allows for the commuted sum to be increased to take account of the corresponding increase in market housing on the application site.</p>
<p>Queries why the Urban Barnsley definition is not referred to.</p> <p>There has been strong concerns in the past on developers seeking to build affordable homes "off site" where building "on site" affects the profitability and attraction of the main site. Sections 12 and 13 seek to address this via S106 agreements and commuted sums. No doubt developers will seek to use this tactic to protect the more profitable, attractive and expensive housing schemes. This can result in the affordable homes not being built in the area where the identified demand is.</p> <p>There must be strong controls in place to prevent this, since developers will seek to negotiate the cost of such measures out of their investment appraisals in order to give a full market return on their investment. Alternatively they will add commuted sums into their investment appraisals with a resultant increase in the cost of the "market houses".</p> <p>How practical is the supposition in Paragraph 7.2 having regard to the above factors?</p>	<p>Policy H7 affordable housing and the split across the borough is based on the housing sub market areas.</p> <p>Paragraph12.1 makes clear that off-site provision and/or commuted sum will only be considered where a developer can robustly justify that on-site provision or the transfer of land to a Registered Provider is not appropriate, or where on-site provision would not meet the Council's strategic priorities, off-site provision will be considered by the Council.</p> <p>BMBC's Housing Growth and Energy Team will provide Planning Officers with formal consultation responses which set out the affordable housing needs for specific areas based on SHMA and Choice-Based Lettings data.</p> <p>Paragraph7.2 – as per the above, BMBC maintain that affordable housing should be indistinguishable from market housing. Developers should not be seeking to make a 'saving' through sub-standard design of affordable housing units.</p>
<p>Paragraph5.1: Affordable Housing Statements (AHS) will be of limited value at the Outline Application stage. At that time, many of the items sought in the list at Paragraph5.2 would be unknown, especially at the time of submission. The text needs to reflect this.</p>	<p>Reference to outline planning permission to be removed.</p>
<p>Paragraph 5.2 With respect of values overall and transfer values (see paragraph14.1), the 51% OMV approach is not opposed as a general</p>	<p>Paragraph5.2 – with regards to the proposed transfer value, change the brackets to say (if available).</p>

<p>approach but it will be for the developer and RSL to agree a rate post approval that has regard to the content of the approval. Quite often, many aspects will not be fully known at the time an application is submitted. Suggests reference to transfer values are removed from the list at paragraph5.2.</p>	<p>Paragraph14.1 – this is a statement based on evidence from 2017 and 2018, and paragraph14.2 follows with ‘the indicative transfer values below are a starting point for negotiations...’, as such it is considered reasonable to include this figure.</p>
<p>Paragraph5.3 is generally supported however it is requested that the words ‘maximum’ to be removed. It is considered that the use of such working limits the opportunity to present a case for higher return reflective of higher risk sites, e.g an ex gas works site, heavily contaminated land with upfront remediation/infrastructure costs. In such cases the Council should only be able to recover ‘reasonable’ costs.</p>	<p>As above, with regards to the allowance of 20% developer profit, this is taken from Para: 018 Ref ID: 10-018-20180724 of the National Planning Practice Guidance (NPPG) and is considered a suitable return for developers.</p>
<p>Paragraph7.3 comment refers back to points made on Design of Housing Development in reference to space standards.</p> <p><b>Section 4 External Space Standards</b>  Welcomes a standardised approach to garden sizes set out at sub point 6, it is considered that this should include the total size of all front/rear/side garden spaces to take into account some physical restrictions on some application sites.  It is also considered that 50m<sup>2</sup> (for 2 bedrooms houses/bungalows) and 60m<sup>2</sup> (for houses/bungalows of 3no or more bedrooms) is excessive in terms of garden sizes and an approach covering front/rear/side gardens would be more appropriate to allow flexibility in positions of design constraints. Leeds City Council has just published a new draft policy on this matter which appears to be more appropriate.</p> <p><b>Section 5 Internal Spacing Standards Paragraph5.1</b>  The Council wishes for all developments to achieve internal spacing standards set out in the South Yorkshire Residential Design Guide (p130-131). It should be noted that the newly adopted Local Plan does</p>	<p>The South Yorkshire Residential Design Guide was adopted by the four South Yorkshire authorities as best practice based on an objective assessment of the minimum spacing standards necessary to ensure that occupants of new residential units benefitted from sufficient levels of amenity. The spacing standards identified within the guide are less onerous than the Nationally Described Spacing Standards. These national standards were introduced while the Local Plan was being prepared and the Council took the view that adopting Nationally Described Spacing Standards could have the potential to undermine density and deliverability objectives, particularly in the weaker housing sub markets. However, during the Local Plan examination it was strongly maintained that, in order to objectively ensure sufficient levels of amenity are afforded to occupants of new residential units, reference should still be made in supporting text to the South Yorkshire Residential Design Guide.</p> <p>It is also important to note that since the Nationally Described Spacing Standards were introduced and the Planning Practice Guidance was updated, the Council has continued to use the South Yorkshire Residential Design Guide to inform our assessment of levels of</p>

not make reference to minimum internal space standards nor does it make reference to the South Yorkshire Residential Design Guide. It is requested that reference to minimum space standards as set out in the South Yorkshire Residential Design Guide are removed, if they were required, they should have been set out in the Local Plan and should have been fully evidenced and considered by the Inspector. Indeed, the Planning Practice Guidance (ID 56-018) states that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard (NDSS). The PPG (ID 56-020) goes on to state that where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Again, this suggests that the inclusion of minimum space standards may be consistent with national policy where it can be justified. It is not considered that the evidence provided by the Council justifies the need for an internal space policy

amenity and that this approach has been endorsed by Planning Inspectors' who have dismissed appeals for residential proposals that fail to meet these minimum requirements.

On the basis that the standards in the South Yorkshire Residential Design Guide are less onerous than the Nationally Described Spacing Standards and that explicit reference is made to the South Yorkshire Residential Design Guide as a document which will be used to help assess design quality, it is considered entirely appropriate to retain an expectation that new developments meet an objective minimum standard as opposed to having a scenario where assessment of individual schemes could become more subjective on the basis that there was no guidance identified.

Paragraph 13.5 of the Local Plan does state:

*“Development should take account of the following design standards and guidance (and any future updates of these) which will be used (but not exclusively) to help assess the quality of design:*

- *Building for Life 12 (for residential developments of 10 or more dwellings).*
- *Secured By Design/ Safer Places- the Planning System and Crime Prevention.*
- *Manual for Streets (for residential developments).*
- *Manual for Streets 2- Wider Application of the Principles (which takes this guidance beyond just residential developments).*
- *The South Yorkshire Residential Design Guide.”*



<p>Paragraph 7.5 considers that the Council's use of the phrase 'large numbers' is too vague. It is suggested that the Council should give more clarity on the exact maximum number of affordable dwellings that can be plotted together to assist Developers when preparing initial layouts, for example 'no more than 10 affordable dwellings to be plotted immediately adjacent to one another'.</p>	<p>Paragraph 7.5 – in terms of the grouping of affordable units this will be considered on a case-by-case basis as schemes will vary in scale. Therefore the number of affordable units that may be grouped on individual sites will vary across schemes. BMBC therefore do not consider it appropriate to specify a maximum number here. BMBC's Housing and Energy Team can provide guidance on the grouping of affordable housing to developers on individual schemes.</p>
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<p>Paragraphs 13.1 and 13.2 strongly objects to these paragraphs. Considers that the Council's methodology is incorrect and double counts affordable provision and is therefore entirely unjustified. The example calculation at Paragraph13.2 double counts affordable housing requirement by including the offsite 18 units equivalent within the 'total' number of dwellings, however it should not. The total dwellings figure is the total number of dwellings on site, that being 90. Otherwise by including the offsite 18 units within a 'total' means a 20% affordable requirement is being sought on 18 affordable units and thereby double counting.</p>	<p>Paragraph13.1 will be amended to read:</p> <p>Where the applicant can robustly justify that on-site provision is not appropriate or where this would not meet the Council's strategic properties, the affordable housing contribution can take the form of a commuted sum. This will be equivalent to the cost of on-site provision.</p> <p>13.2 – Agree to delete</p> <p>13.3 – A mix of part on-site provision, part off-site provision and/or part commuted sum will be considered by the Council where this can be robustly justified by the developer and is in line with the Council's strategic properties. For example on larger sites or where the development of specialist homes are proposed to be included in the affordable housing requirement for the site and/or where there is a need to use commuted sums to bring back long-term empty properties into use for affordable housing in the borough. However, this must still meet the overall affordable housing contribution level required by this policy.</p>
<p>Paragraph 13.5 On the basis an affordable dwelling is converted to an open market dwelling the Developer is exposed to an additional risk of selling on the open market as well as having to incur additional selling costs. The term 'Open Market Value' represents a gross selling figure from which reasonable anticipated Selling Costs should be deducted in order to reflect a true net selling price and which may include:</p> <ul style="list-style-type: none"> <li>• marketing costs</li> <li>• reasonable financial incentives such as deposit and or SDLT paid or allowed, mortgage subsidy, cash back or allowance towards purchaser's legal fees</li> <li>• properly incurred costs associated with part exchange; and or</li> <li>• cost of extra items / enhanced specification such as appliances over and above standard build specification provided as a sales incentive.</li> </ul>	<p>Amend to state: <b><u>'Open Market Value – Transfer Values - the agreed developer profit = commuted sum'</u></b></p>

Open Market Value should therefore be defined as:  
 Anticipated Selling Price LESS Selling Costs = Open Market Value  
 Paragraph 5.3 states that the Council considers a 20% profit on GDV is suitable. We strongly propose this principal is incorporated into the methodology for calculating a commuted sum. As is currently proposed, a commuted sum is equal to the difference between OMV and the Transfer Price. This means that for a property that originally been identified as affordable, a Developer is prevented from achieving a 20% profit on the GDV once converted to OMV and so is in conflict with Paragraph 5.3 and established planning case law on the principal of a suitable developers' return.

By way of example, an affordable dwelling is anticipated to sell for £100,000. A Developer invests in the site on the basis of a suitable profit of 20% on total GDV. In this instance it is anticipated that it would be calculated at £20,000. Despite efforts the property is not transferred to an RP. The property converts to an Open Market dwelling with an anticipated Open Market Value of £200,000 and with a commuted sum to be provided in lieu. Under current drafting the commuted sum would be £100,000 (OMV £200,000 – Transfer Value £100,000). This would mean the Developer is receiving a non-suitable profit margin of 10% being £20,000 of £200,000. Developers must achieve minimum hurdle rates reflective of risk. The commuted sum formula as drafted is incomplete and as such poses a risk to viability by restricting a Developer's ability to achieve a suitable 20% return on GDV necessary for the delivery of housing sites.

An amended formula is proposed:

$(\text{Open Market Value} - \text{Transfer Value}) - 20\% = \text{Commuted Sum}$

Example:

$(£200,000 - £100,000) - £20,000 = £80,000$

This ensures that in a case where affordable provision is to be provided as a commuted sum in lieu that a Developer is not restricted from achieving a suitable profit of 20% on GDV.

<p>Paragraph 16.1 Welcomes the acceptance of the VBC as a principle.</p>	<p>Support welcomed.</p>																	
<p>Table 1: Affordable Housing – Tenure Split          The tenure splits in Table 1 appear to make no sense. The figures shown in column 3 should add up to 100%. They need to be made clearer.          The draft SPD also identifies the affordable housing tenure split and for Hoyland this equates to 8% affordable homes for rent and 2% affordable home ownership of the overall 10% Local Plan Policy Requirements. This split does not make sense and we assume it is meant to read 80%/20% of the overall 10% requirement for Hoyland.</p>	<p>Table 1 whilst it was considered that the table was clear, agree to amend the table as follows:</p>																	
	<table border="1"> <thead> <tr> <th data-bbox="1128 363 1438 464">Area</th> <th data-bbox="1438 363 1751 464">Local Plan Policy Requirement</th> <th data-bbox="1751 363 2045 464">Affordable Housing Tenure Split</th> </tr> </thead> <tbody> <tr> <td data-bbox="1128 464 1438 727" rowspan="2">                     Penistone, Dodworth and Rural West                 </td> <td data-bbox="1438 464 1751 727" rowspan="2">                     30%                 </td> <td data-bbox="1751 464 2045 564">                     20% <del>67%</del> affordable homes for rent                 </td> </tr> <tr> <td data-bbox="1751 564 2045 727">                     40% <del>33%</del> affordable home ownership                 </td> </tr> <tr> <td data-bbox="1128 727 1438 991" rowspan="2">                     Darton and Barugh                 </td> <td data-bbox="1438 727 1751 991" rowspan="2">                     20%                 </td> <td data-bbox="1751 727 2045 828">                     40% <del>50%</del> affordable homes for rent                 </td> </tr> <tr> <td data-bbox="1751 828 2045 991">                     40% <del>50%</del> affordable home ownership                 </td> </tr> <tr> <td data-bbox="1128 991 1438 1305" rowspan="2">                     Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East                 </td> <td data-bbox="1438 991 1751 1305" rowspan="2">                     10%                 </td> <td data-bbox="1751 991 2045 1091">                     8% <del>80%</del> affordable homes for rent                 </td> </tr> <tr> <td data-bbox="1751 1091 2045 1305">                     2% <del>20%</del> affordable home ownership                 </td> </tr> </tbody> </table>	Area	Local Plan Policy Requirement	Affordable Housing Tenure Split	Penistone, Dodworth and Rural West	30%	20% <del>67%</del> affordable homes for rent	40% <del>33%</del> affordable home ownership	Darton and Barugh	20%	40% <del>50%</del> affordable homes for rent	40% <del>50%</del> affordable home ownership	Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East	10%	8% <del>80%</del> affordable homes for rent	2% <del>20%</del> affordable home ownership		
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<p>Paragraph 8.2 the Council intends to update the SHMA. In which case it would be more appropriate for Affordable Housing need to be delivered having regard to the updated SHMA and not Table 1.</p> <p>It is assumed that this split has been derived from the information contained in Table 6.18 of the 2014 SHMA. Whilst Paragraph 8.4 of the draft SPD provides an element of flexibility on the mix of affordable tenures we request that a level of affordable home ownership should increase to at least 50% of the 10% requirement given the wider definition of affordable housing now identified in the 2018 version of the NPPF which includes starter homes, discounted market sales housing as well as other affordable routes to home ownership. It is clear that the Government is encouraging these types of affordable housing provision and this should be reflected in the housing tenure split.</p> <p>Concerns in relation to the approach to the tenure of affordable housing be provided whilst the text of the policy seems to suggest a level of flexibility and evidence that would be used to determine the appropriate tenure of housing to be provided based on a site by site basis, Table 1 appears to provide a more restrictive policy. Given that the SPD states that the Council intends to produce a new SHMA it seems a little inappropriate to include Table 1 into the policy. The HBF would recommend that this table is deleted.</p>	<p>Paragraph 8.1 – allows for the affordable housing asks (Table 1) to be updated following publication of the new SHMA. Include wording <b><u>'The Council will review Table 1 following the publication of the updated SHMA'</u></b>.</p>
<p>Paragraphs 2.9 and 2.10 simply repeat the definitions as per the NPPF –suggest that this is removed and replaced by a reference to the definitions within the latest NPPF as opposed to this repetition.</p>	<p>Paras 2.9 and 2.10 – it is considered that this makes the document more user friendly for readers who are not familiar with the content of the NPPF and should therefore remain.</p>
<p>Support for the Councils comments at Paragraph 5.3 with regards to suitable developer profits.</p>	<p>Support welcomed.</p>

<p>Believes that the prescriptive tenure split set out at Paragraph 8.3 prevents developers from bringing forward schemes which introduce a variety of tenures. In some poorer market locations, the introduction of affordable homes for sale can significantly improve and regenerate an area. This must be recognised within the SPD. Table 1 sets out the tenure split requirements, and it should be noted that the row in regards to Bolton, Goldthorpe etc. is not compliant with the NPPF and does not provide any explanation for this. The NPPF specifically states that at least 10% should be affordable home ownership. The Council should be providing robust and clear evidence for a departure from this if that is their intention.</p>	<p>Paragraph 8.3 – BMBC consider that in 10% areas (including Bolton and Goldthorpe) the application of the NPPF requirement for 10% affordable home ownership could potentially lead to the delivery of zero affordable rent properties. This would be contrary to the affordable housing needs set out in the SHMA. Therefore BMBC has maintained an 80/20 split between affordable rent and affordable home ownership in 10% areas. It should be noted that paragraph 8.4 provides scope for negotiations with the developer on the tenure split on individual sites depending on local circumstances.</p>
<p>Paragraph 5.3 of the Draft SPD reference is made to the NPPF which confirms that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. The draft SPD is clear that as viability was tested at the Local Plan Examination, it should not be tested again. Nevertheless, it goes on to say that should a developer seek to justify affordable housing provision below the Council's requirement, the onus will be on the developer to justify what circumstances have changed and submit sufficient evidence. It is, however, interesting to note from the table at Paragraph 3.32 the Local Plan Viability Study December 2016 that in a number of the sub market areas, such as Hoyland, Wombwell and Darfield the evidence shows that even without setting a CIL rate it would not be possible to achieve a policy compliant 10% affordable housing provision to enable development to come forward and the report admit that it may have to be waived. As such, the percentage sought for Hoyland seems unjustified, particularly given the other contributions requested through the other draft SPD's. However, we note that Policy H8 and the draft SPD has flexibility to deal with individual scheme viability. Within this context, it should be made more explicit within the draft SPD that a legitimate change in circumstance could relate to more in-depth technical study work being undertaken for example in relation to ground conditions. If this additional work demonstrated that these</p>	<p>The Local Plan Viability Study sets a tolerable contribution benchmark figure of £5,000 per dwelling however this excluded CIL. Therefore if CIL were applied this would increase the benchmark figure in line with the cumulative asks set out in the draft SPD's. Updated viability work has been carried out.</p>

conditions were less favourable than previously envisaged and therefore the likely level of abnormal costs would increase, then this should be a valid reason to enable a review of overall scheme viability	
The Affordable Housing SPD should ensure it's compatibility with the revised NPPF, February 2019 in terms of affordable housing definition.	Amend footnote 5 to state: 'equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned'.  2.10 – definitions of affordable housing. Agree to amend the definition of starter homes to more closely align to the definition in the Housing and Planning Act; 'Starter homes – are expected to be well designed and suitable to purchase for qualifying first time buyers that are at least 23 years old but have not yet reached 40 years old. The new dwelling should be sold at a discount of at least 20% of the market value up to the price cap of £250,000. Footnote to be inserted which references 'as per the definition and restrictions set out in the Housing and Planning Act'.
Welcomes that the SPD supports that Affordable Housing will be subject to viability testing, in the event the applicant considers the viability of the scheme maybe affected by the requirement for developer contributions.	Support welcomed.

<b>BARN CONVERSIONS SPD</b>	
This is an update of the 2012 SPD. It offers design guidance to anyone seeking to convert a farm building to residential or other use. <b>Key changes from previous version:</b> The policy context has been updated. Some updates have been made in respect of biodiversity and heritage. <b>Key changes made as a result of comments:</b> Paragraph 5.1 change 'may not' to 'will not be conditioned'. Updated reference to Habitats Regulations. Paragraph 5.3 further references to provision for bats. New sentence to be added relating to barn owls.	
<b>NUMBER OF COMMENTS: 5</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
General support from a neighbouring authority	Support welcomed
Paragraph 5.1 states 'surveys may not be conditioned'. Suggests that this phraseology is changed to 'will not' as surveys for EPS are a	Accept proposed change to ' <del>may</del> <b>will</b> not be conditioned'

material consideration which must be conducted prior to planning determination.	
Paragraph 5.1 change reference to Habitats Regulations 2017 (as amended)	Accept proposed change.
Paragraph 5.3 encouraged by inclusion for provision of barn owls in all builds but suggests provision for bats should also be included. Furthermore, as well as consideration of features (boxes/access) present, sensitive lighting must be utilised to ensure features installed are useable for their intended function (i.e. protect entry/emergence points and foraging/commuting lines – see BCT Guidance Note, 2018)	Provision for bats is already included, however agree to add the following sentence: <b><u>“With regards to provision of new bat features, sensitive lighting must also be utilised to ensure features installed are useable for their intended function (i.e. protect entry/emergence points and foraging/commuting lines – see BCT Guidance Note, 2018).”</u></b>
Paragraph 5.3 - suggests reference to <i>"such as those holding CIEEM membership"</i> .	Disagree as CIEEM members may know nothing about these groups of species. Retain existing wording.
Section 5 - suggests separating out the protection for bats and for barn owls and give appropriate links. Currently there is more information given on bats and less on barn owls. All birds are protected under the Wildlife and Countryside Act 1981 (as amended) in so far as it is illegal to intentionally kill, injure or take any wild bird or to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. In addition Barn Owls are listed in Schedule 1 of the Wildlife and Countryside Act 1981 and for Barn Owls it is an offence to disturb them while they're nesting, building a nest, in or near a nest that contains their young or to disturb their dependent young. It is good to see that the SPD states that provision will be required in all cases where there is evidence of current or previous use of the site by barn owls or bats. Presumably this relates to creating a permanent accessible nest/roost site space within the finished development. In addition as well as carrying out the development outside of breeding / hibernating seasons, attention should be paid to finding ways of maintaining continuity of occupation. Again advice for developers on site surveys should come from licenced experts. Perhaps there should be a statement that there is a requirement for a bat and barn owl survey provided by a licenced and qualified ecologist where these protected species are known or likely to be present.	Agree with some of this but other parts are covered by Local Plan policy BIO1. Suggest: <ul style="list-style-type: none"> <li>• Add new sentence after '.....(as amended).' To read: <b><u>“Barn Owls are listed in Schedule 1 of the Act and for Barn Owls it is an offence to disturb them while they are nesting, building a nest, in or near a nest that contains their young, or to disturb their dependent young.”</u></b></li> </ul> <p>The second paragraph will be covered by the ecology report with the planning application so no further action is needed.</p>



<p>Requests that the SPD is amended to include reference to flood risk as barns converted to a use more vulnerable to flood risk, including residential, are required to demonstrate through a Flood Risk Assessment (FRA) that the development is not at unacceptable flood risk. If this cannot be demonstrated the conversion is not appropriate and should not be granted planning permission.</p> <p>Please see the Planning Practice Guidance on Flood Risk and Coastal Change: <a href="https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications">https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications</a>. The PPG makes clear where Flood Risk Standing Advice (FRSA) applies and where consultation with the Environment Agency is required.</p> <p>Consider whether the SPD should make reference to Barnsley Local Plan policy on flood risk.</p> <p>Applicants should also be made aware that a flood risk activity permit may be required, under the Environmental Permitting Regulations, from the Environment Agency for any proposed works or structures in, under, over or within eight metres of a 'main river'. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a></p>	<p>Accept the proposed changes. Text to be added.</p>
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<p><b>BIODIVERSITY AND GEOLOGICAL CONSERVATION SPD</b>          This is a new SPD that sets out how Local Plan policy BIO1 and GI1 on Green Infrastructure will be applied. It also provides further specific detail about the Dearne Valley Nature Improvement Area.  <b>Key changes made as a result of comments:</b> Various changes relating to terminology, particularly in relation to geology. List of document links to be updated.</p>	
<p><b>NUMBER OF COMMENTS: 12</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>General support from a neighbouring authority</p>	<p>Support welcomed.</p>

<p>Paragraph 4.2 encourage inclusion for a net gain, not just mitigation, as in accordance with NPPF. The level to be achieved should be dictated by the recent DEFRA consultation and proposed guidance to come forward (10%).</p>	<p>Paragraph 4.2 deals with compensation, not net gain explicitly. No change to 4.2 as a result of this comment.</p>
<p>Paragraph 4.3 supports inclusion of requirement for mitigation plans but considers this should also extend to enhancement plans</p>	<p>Accept amendment to 4.3 suggest amend thus:  <i>"Biodiversity and/or geodiversity mitigation and enhancement plans should be designed-in from the outset...."</i></p>
<p>4.3 There does not appear to be a provision for access for maintenance of protected hedgerows where their location is not bounded on at least one side by a public right of way, though this does get a brief mention in para. 4.9, bullet point 3  Recent news stories have highlighted an omission – protection of birds during the breeding season:</p> <p><a href="https://www.dailymail.co.uk/news/article-6820381/Conservationists-fight-housing-developers-wrap-plastic-mesh-trees-stop-birds.html">https://www.dailymail.co.uk/news/article-6820381/Conservationists-fight-housing-developers-wrap-plastic-mesh-trees-stop-birds.html</a></p> <p>Conditions should be included in any consent, to ensure this is avoided.</p> <p>In another, a commitment to retain an established hedgerow was broken:</p> <p><a href="https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/residents-outrage-trees-hedges-gouged-2175728">https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/residents-outrage-trees-hedges-gouged-2175728</a></p> <p>Consents should make clear the penalties/sanctions that would apply on failure to meet commitments.</p>	<p>Sentence to be added at end of 4.3 to read: <i>"Planning applications will be expected to commit to not cover trees, hedgerows or other habitats with netting, etc prior to construction in order to exclude birds from nesting, etc."</i></p> <p>This is not an issue for the SPD, it is about enforcement.</p>
<p>Paragraph 4.15 argues that bat and bird boxes aren't necessarily 'significant benefits' as this depends on how and where they are erected (such as surrounding features and lighting impacts). Whilst encourages the inclusion of bat and bird boxes on all developments, care must be taken when considering them as 'significant benefits'.</p>	<p>Agree to remove the bullet point which reads <i>'bat and bird boxes'</i> from the list</p>
<p>Paragraph 4.17 whilst major developments are encouraged to produce</p>	<p>This issue will be picked up in Local Plan Review/ future review of</p>

<p>robust biodiversity strategies, smaller developments must not be deterred from delivering significant benefits as they could represent a key feature in a fragmented landscape. The incorporation of a % gain expected of developments would ensure proportionality for all developments (see Defra consultation). However, agree that masterplans should be incorporated for large development/allocation sites to ensure there is no overall biodiversity loss and the biodiversity potential on site is maximised, particularly in areas of high ecological value.</p>	<p>SPD</p>
<p>Appendix B – clarification could be given as to why noctules are the only bat species listed and why there are no amphibians listed.</p>	<p>The list was drawn up by Dearne Valley Green Heart Nature Improvement Area, therefore we are unable to change it for this document.</p>
<p>Seeks correction to terminology used throughout the SPD, particularly in relation to use of geology/ geologist which ought to be replaced with 'geodiversity/ geoconservation or geoconservationist'.</p> <p>Paragraph4.2 seeks addition of 'geodiversity' in first sentence regarding nationally agreed system for measurement of losses</p> <p>Paragraph4.3 seeks addition of a geodiversity example</p> <p>Seeks reference to geodiversity in the appendices</p>	<p>Throughout the document – agree to make the suggested changes – swap 'geology' for 'geodiversity/ geoconservation', and swap 'geologist' for 'geoconservationist'.</p> <p>4.2 agree addition of 'or geodiversity' after 'measuring biodiversity'. But also then need to change 'that one will' to 'that a biodiversity metric will' in order to make sense.</p> <p>4.3 agree to add '<u>or quarry</u>' after 'valuable hedgerow'.</p> <p>Geodiversity case studies are requested, however this text is not available at this time. No change at present but may be considered in a future update of the SPD.</p>
<p>Paragraph3.3 suggests amendment of fifth bullet point to more closely follow the wording used in the habitats regulations.</p> <p>Support for how the mitigation hierarchy is clearly set out and referred to as a governing principle.</p> <p>The intent with respect to "no net loss" v's net gain needs to be clearer. E.g. 4.1 refers to "no net loss" while 4.5 refers to net gain in the context of medium and high value sites, this could be interpreted</p>	<p>BMBC is unable to change the adopted Local Plan policy</p> <p>Relates to paragraph 4.1 Support welcomed</p> <p>Text to be added to make paragraph 4.5 clearer that the medium or high value relate to ecological assessments that support the Local Plan.</p>

<p>that net gain is only required from medium and high value sites, which I might not disagree with, however is this the authors intent? This is particularly important given the intent set out in 4.2.</p>	
<p>Relates content of SPD to proposed Local Plan allocation.</p>	<p>Local Plan site allocations have been considered through the Local Plan process. It is considered that the site specific policy has adequately addressed the issue of biodiversity on the site. The site specific policy for MU1 and the biodiversity policy, together with all relevant local plan policies will be taken into account in the preparation of a Masterplan Framework and subsequent planning application. No change to the SPD is proposed in respect of this comment.</p>
<p>Considers it commendable that the importance of Geoconservation is being recognised in the Planning System. The document makes the valid point that Barnsley has rich geological resources but unless action is taken in the course of planning these will become seriously degraded. It needs to be recognised that the geology of the area underlies the ecology and landforms, hydrology, landscape scenery and industrial heritage of Barnsley. Geological features assist with the understanding and interpretation of geological processes and earth history. Some of national and international significance are present in the area. It is essential that geoconservation factors are taken into account in the planning process, the opportunities for educational, scientific and recreational advance are appreciated and realised and that significant features of geological interest are conserved.</p>	<p>Support welcomed.</p> <p>Agree to add the following sentence at the end of 2.3:  <u><b>“It is essential that geoconservation factors are taken into account in the planning process, the opportunities for educational, scientific and recreational advance are appreciated and realised and that significant features of geological interest are conserved.”</b></u></p>
<p>Paragraph 2.3 Suggested amendments in bold:  Geodiversity is the term used to describe the variety of ancient rock, fossils, minerals, earth structures, sediments, soils and more recent landforms (depositional and erosional features) that create the foundations of physical landscapes and habitats. The recognition, management, and conservation of significant sites is important as it contributes to <b>understanding and</b> maintaining the natural environment, to scientific research and to teaching an understanding of the earth, as well as to leisure activities and the enhancement of green spaces. <b>The industrial heritage of the area and building construction are closely linked to the geological resources of the</b></p>	<p>Agree to proposed changes.</p>

<p><b>area, particularly coal, clay, ironstone, sandstone and roofing flags.</b></p>	
<p>Proposed amendments shown in bold:</p> <p>Paragraph 2.4 The richness of the biodiversity of Barnsley owes its existence to the borough's varied <b>geology giving rise to a range of</b> landscapes – from the open moors in the west, to the lowlands of the Dearne in the east –each landscape, be it moorland, woodland, grassland, parks and gardens or neglected former industrial land, supports its own habitats and species which contribute to local distinctiveness and character. Some of these habitats are recognised as being of national and even international importance, while other areas are recognised as important at a local level. They support a countless number of wild species, many of which are noted as being rare or threatened in the UK.</p> <p>Paragraph 2.6 The rocks underlying Barnsley borough are Upper Carboniferous in age, and are mainly mudstones, siltstones and sandstones <b>with coal seams some coal seams, some of which are/were of major importance. There are also beds of ironstone and roofing flags.</b> In the west of the borough, by Dunford Bridge, are the "Millstone Grit" sandstone outcrops of the Pennines. These rocks support expanses of peat and acid heathland. The more resistant sandstones form hills and edges, which run roughly northeast – southwest and influence the shape of river catchments as well as the <b>flow of groundwaters and</b> geochemistry of the river ecosystems.</p>	<p>Agree to proposed changes (with the exception of duplication in reference to coal seams).</p>
<p>Proposed amendments shown in bold/ struck through:</p> <p>3.3 Development will be expected to conserve and enhance the biodiversity and <del>geological features</del> <b>geodiversity</b> of the borough by:</p> <ul style="list-style-type: none"> <li>• Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to</li> </ul>	<p>This is the policy in the adopted Local Plan which and cannot be amended in the SPD. Paragraph numbers were included in the draft document in error.</p>

<p>designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment &amp; Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan;</p> <ul style="list-style-type: none"> <li>• Maximising biodiversity and geodiversity opportunities in and around new developments;</li> <li>• Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors;</li> <li>• Development which may harm a biodiversity or <b>geological geodiversity</b>- feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured;</li> <li>• Development which adversely affects a European Site will not be permitted unless there is no alternative option and imperative reasons of overriding public interest (IROPI).</li> <li>• Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity <b>and geodiversity</b> interest;</li> <li>• Protecting ancient and veteran trees where identified;</li> <li>• Encouraging provision of biodiversity <b>and geodiversity</b> enhancements.</li> </ul>	
<p>Paragraph 3.9 Green Spaces are green open areas which are valuable for amenity, recreation, wildlife, <del>or</del> biodiversity <b>or geodiversity</b> and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches, <b>roadside margins, footpaths, bridleways, trails, tracks</b> and parks</p>	<p>This is the policy in the adopted Local Plan which and cannot be amended in the SPD. Paragraph numbers were included in the draft document in error.</p>

<p>Paragraph 3.19 Barnsley does not as yet have a Geodiversity Action Plan, but relevant guidance is available in West Yorkshire Geological Action Plan: A consultative Document, March 2008 published by the West Yorkshire Geological Trust (<a href="http://www.wyorksgeologytrus.org">www.wyorksgeologytrus.org</a>). A geological action plan for Rotherham is at present being written (see <a href="http://www.sagt.org.uk">http://www.sagt.org.uk</a>).</p>	<p>The document referred to does not appear on the West Yorkshire Geology Trust website, therefore this amendment will not be made.</p> <p>Agree to add the following text "<b><u>Barnsley does not as yet have a Geodiversity Action Plan, but one will be prepared in due course.</u></b>"</p>
<p>Paragraph 4.9 It needs to be appreciated that geological features may be part of a network of sites that when considered together provide evidence of geological structures, processes and materials and assist with the understanding of past environments. For example, the evidence from a series of seemingly insignificant rock exposures may enable the distribution of ancient river systems to be deduced.</p>	<p>Comment noted, no change proposed as a result of this comment.</p>
<p>4.10 The geoconservation needs at any one site are considered on a case by case basis but geoconservation aims to achieve the following goals:</p> <ul style="list-style-type: none"> <li>• to preserve the geological/geomorphological integrity of the site;</li> <li>• to preserve its visibility and availability for <b>future</b> scientific and educational use;</li> <li>• to ensure workable, ongoing access arrangements after completion, and;</li> <li>• to work to protect the value from any subsequent risks from the new landowners, tenants, or residents;</li> <li>• <b>where possible seek to provide new opportunities for geological studies and enhance existing ones.</b></li> </ul>	<p>4.10 agree to proposed amendments</p>
<p>Pleased that the commitment in the Local Plan to prepare a Supplementary Planning Document to provide further guidance on biodiversity and geodiversity is being fulfilled.</p> <p>This is quite a challenge: there are different requirements for biodiversity and geodiversity; additional requirements for the Nature Improvement Area (NIA); and the varied requirements for:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> conservation, restoration and enhancement of <i>priority habitats</i> and</li> </ul>	<p>Issue of net gain and how measured to be picked up in Local Plan review when nationally agreed metrics may be available.</p>

<p><i>ecological networks</i></p> <ul style="list-style-type: none"> <li>□ protection and recovery of <i>priority species</i>, and</li> <li>□ identifying and pursuing opportunities for securing measurable <i>net gains for biodiversity</i>.</li> </ul> <p>The main content of the SPD covers maintaining levels of biodiversity through protection of sites and avoiding, mitigating or - as a last resort - compensating for adverse impacts on biodiversity. However as proposed in the NPPF (and indicated in BIO1) developments should enhance [and provide a net gain in] biodiversity and contribute to wildlife and habitat connectivity in the wider area. This aspect is largely omitted from the main SPD and is only featured in the section on the NIA. It needs to be added to the main SPD in order to cover all of Barnsley. The section on the NIA will need to be reviewed in order to take account of this change. Some aspects of the section on the NIA or its appendices could be provided separately as additional advice.</p> <p>Another element of the Local Plan Policy BIO1 needs to be referred to in the main SPD: 'Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.'</p>	
<p>Suggests that the initial part of the introduction is made to outline more fully what's in the SPD, its purpose and why someone should read it. We suggest that the reference to 4.3 is replaced with a reference to new paragraphs at the end of this introduction on how to recognise whether a site has potential value for biodiversity and geological conservation.</p>	<p>The introductory text has been used across the full suite of documents for consistency. No change proposed.</p>
<p>Paragraph 2.2 Suggests a minor amendment: Biodiversity is defined as the variety of life on earth. It includes all species, animal, plants, fungi, algae, bacteria, the habitats that they depend upon and the ecosystems in which they interact. Biodiversity is important in its own</p>	<p>Delete fourth sentence which is second ref to NEA. Add State of Nature figures</p>



<p>right and human survival depends on it. The rest of the paragraph stays the same except that we suggest the statistics from the NEA are deleted. They are misleading – the <i>State of Nature figures 2016 states that between 1970 and 2013, 56% of species declined, with 40% showing strong or moderate declines.</i></p>	<p>Agree to swap the stats. Suggest delete '<i>Over 40% of priority habitats and 30% of priority species were declining in the most recent analysis.</i>' and replace with proposed wording in italics.</p>
<p>Paragraph 2.4 Suggests adding 'wetlands' to the list of landscapes after grassland.</p>	<p>Agree to make change.</p>
<p>Paragraph 2.5 Suggests adding the link to Local Plan maps: <a href="http://barnsley.gov.uk/barnsley-maps/local-plan-maps-2019/">barnsley.gov.uk/barnsley-maps/local-plan-maps-2019/</a></p>	<p>Local Plan maps are not being linked to in all the SPD's therefore no change proposed. Need to swap links for <a href="http://www.barnsleybiodiversity.org.uk/">http://www.barnsleybiodiversity.org.uk/</a> and <a href="http://www.sagt.org.uk/">http://www.sagt.org.uk/</a></p>
<p>Additional paragraphs at the end of the introduction. Suggests including statements on how to recognise land which may have value for biodiversity and/or geological conservation. For example: 'The value of a site for biodiversity depends on the species found there, the habitats that support them, and whether there are potential links with other habitat areas and wider ecological networks.</p> <p>In particular it depends on whether protected species* or priority species** are known or likely to be present; whether the site supports assemblages of wildlife species feeding, resting, breeding or overwintering; whether the site contains priority habitats** or other semi-natural areas (brown field sites sometimes support special species); and whether the site is within or near a site or area designated for conservation.***</p> <p>*Protected species include those protected under the Conservation of Habitat &amp; Species Regulations 2010 and the Wildlife and Countryside Act 1981.</p> <p>**Priority species and habitats are those identified in section 41 of the Natural Environment &amp; Rural Communities Act 2006 as species of principal importance and/or in the Barnsley Biodiversity Action Plan.</p> <p>***Designated sites or areas include those designated as Special</p>	<p>This is in the adopted Local Plan, therefore no change.</p>

<p>Areas of Conservation (SAC), Special Protection Areas (SPA), Sites of Special Scientific Interest (SSSI), Local Nature Reserves, Local Wildlife Sites, Local Geological Sites. Ancient woodland also has protection.</p>	
<p>Suggests amendments to paragraph 3.18. The Barnsley <i>Biodiversity Action Plan</i> (BAP) is produced by Barnsley Biodiversity Trust and is reviewed periodically. The BAP lists the key species and habitats prioritised for specific conservation action in the borough. The list draws from nationally-approved BAP priorities but also includes certain species and habitats which the Trust's partners consider to be locally important too. The BAP indicates conservation actions which should be taken to help protect the species and habitats and/ or allow them to recover. Barnsley Council has adopted the BAP as part of the evidence-base supporting Local Plan decisions. The presence of local priority habitats and species identified in the BAP is a material consideration in planning decisions.</p>	<p>Agree – suggest make changes thus:</p> <p>Agree to add new final sentence: <i>'The presence of local priority habitats and species identified in the BAP is a material consideration in planning decisions.'</i></p>
<p>Supports the statements in paragraph 4.1. These are in line with the policy that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.</p> <p>This section could benefit from some examples being given of potential adverse impacts on 'biodiversity or geodiversity interest' and of methods for avoidance, mitigation or compensation; or references to where these may be found.</p> <p>It could also be useful at this point in the guidance to refer to two other elements of Policy BIO1: It should be noted that</p> <ul style="list-style-type: none"> <li>• Development which adversely affects a <b>European Site</b> will not be permitted unless there is no alternative option and there are imperative reasons of overriding public interest (IROPI).* *The Revised NPPF states that 'Development on land within or outside a Site of Special</li> </ul>	<p>Support welcomed.</p> <p>No change proposed.</p> <p>No change proposed as there would be duplication with Local Plan policy BIO1.</p>

<p>Scientific Interest and which is likely to have an adverse effect on it ... should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI. (NPPF 175b)</p> <ul style="list-style-type: none"> <li>the Revised NPPF strengthens the protection given to <b>ancient woodland and aged or veteran trees</b> found outside ancient woodland: Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. (NPPF 175c).</li> </ul> <p>This goes beyond the existing Local Plan policy: <i>Development which may harm a biodiversity or geological feature or habitat, including <b>ancient woodland and aged or veteran trees</b> found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.</i> and is worth reflecting in the SPD:</p> <p>Paragraph 4.2 Respondent recognises the need for a statement such as that in 4.2 it should also be recognised that compensation- particularly when aligned to enhancement and net gains in biodiversity - has other metrics than monetary values. The recent DEFRA consultation also examined the option of making biodiversity net gain a <i>requirement</i> for developments when granting planning permission. We trust that there will be adequate consultation on any new policy on compensation and 'offsetting'.</p> <p><b>4.3</b> We support the statements in 4.3 on mitigation plans. Again a reference at some point as to examples of such mitigation would be of use to readers.</p> <p>The maintenance plan for existing features and for those provided</p>	<p>No change proposed as there would be duplication with Local Plan policy BIO1</p> <p>No change proposed as it is not considered this add anything beyond Local Plan</p> <p>No change proposed as consider that more detail blurs the message of what the SPD is trying to achieve.</p>
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through mitigation or enhancement / compensation is - as stated - necessary. In line with the SPD for Open Space Provision in New Housing Developments the period that it covers should be for a minimum of *15 years* rather than just five years. A statement about how retained or enhanced biodiversity features can and should be maintained in the long-term {in perpetuity} has been given as a requirement in another LPA's biodiversity SPD.

This is also the place in the SPD where there should be some paragraphs on the requirement for enhancement of biodiversity and net gains for biodiversity. An omission from the SPD – except by a single reference in 4.3 to retention/ mitigation/ enhancement – is the need for developers to provide biodiversity enhancements leading to a net gain in biodiversity.

These are referred to in the Local Plan policy BIO1: Development will be expected to **conserve and enhance** the biodiversity and geological features of the borough by: Protecting **and improving** habitats, species, sites of ecological value and sites of geological value ...; Encouraging provision of **biodiversity enhancements**; **Maximising biodiversity and geodiversity opportunities** in and around new developments

It is given renewed emphasis in the NPPF, including 'plans should promote ... conservation, restoration and **enhancement** of *priority habitats & ecological networks* ... and identify and pursue opportunities for securing measurable **net gains for biodiversity**'.. NPPF paragraph174

The Local Plan also stated: 'A Supplementary Planning Document will be prepared to provide further guidance on biodiversity and geodiversity. This will include details of how developments will be expected to **maximise biodiversity opportunities**. The type and scale of **improvements** will depend on the development proposed but could include the enhancement of existing areas, linkages between habitats, or the creation of new assets such as areas of woodland, ponds, green roofs or bird boxes and wildflower planting which encourages bees and other pollinators. These could be provided

Net gain issue to be picked up further in Local Plan review.

The SPD cannot change adopted local plan policy.

<p>either on or off site. [Local Plan 17.27]          This warrants an extra paragraph in the main section of the SPD identifying that the LPA will</p> <ul style="list-style-type: none"> <li>□ expect developments to             <ul style="list-style-type: none"> <li>o conserve and enhance biodiversity and geological featured</li> <li>o maximise biodiversity and geodiversity opportunities.</li> <li>o provide a net gain in biodiversity</li> </ul> </li> <li>□ encourage and support developments             <ul style="list-style-type: none"> <li>o with the purpose of conserving or enhancing biodiversity</li> <li>o with inclusion of biodiversity improvements in and around developments.</li> </ul> </li> </ul> <p>Considers examples will be useful. Rather than just a mitigation plan a mitigation/enhancement plan is called for.          There is advice given on enhancement of biodiversity in the later section on the Dearne Valley NIA but the policies regarding biodiversity enhancement and net gains in biodiversity apply to developments in all areas of Barnsley.          We suggest that you include for example:          Local planning polices promote enlarging, enhancing and connecting existing wildlife sites, creating new sites, and providing joined up and resilient ecological networks throughout Barnsley and in particular in the policy of ‘conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.’          Suggests inclusion of a statement like:          ‘Some development sites and their immediate settings may have minimal biodiversity or geological interest and smaller scale development such as domestic extensions or changes of use in urban settings may not be likely to have adverse impacts on biodiversity or geological features. However it is always important to look out for such impacts.’          4.4 We support the statements in 4.4. We suggest spelling out what</p>	<p>Net gain issue to be picked up further in Local Plan review.</p> <p>Agree to make change suggest add to 4.3 thus:  <i>‘Mitigation and enhancement proposals are welcomed that contribute to enlarging, enhancing and connecting existing wildlife sites, creating new sites, and providing joined up and resilient ecological networks throughout the borough. This includes conserving and enhancing the form, local character and distinctiveness of the borough’s natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.’</i></p> <p>Consider this is covered by Local Plan policy BIO1 therefore no change</p>
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'etc' means: namely mitigation and enhancement. Would it be useful to recommend that design and access statements should identify the recommendations in the ecology report and state how these will be implemented?

Perhaps there should also be a statement on when a formal ecology report produced by a qualified ecologist should be provided in line with the validation requirements. This might refer to:

The LPA when considering a planning application must consider how a development might affect:

- protected or priority species on or near a proposed development site.
- priority habitats and ecological networks
- a protected site or area [these include those designated as
- Special Areas of Conservation (SAC), Special Protection Areas (SPA)
- Sites of Special Scientific Interest (SSSI)
- Local Nature Reserves, Local Wildlife Sites, Local Geological Sites

A survey by a qualified ecologist would normally be required if:

- the site contains land with areas of semi-natural habitat/habitat features
- there is the likely presence of protected and/or priority species on or near the site or potentially affected by the development
- there are priority habitats (including ancient woodland) on or near the site.
- there is a designated nature conservation site (SAC, SPA, SSSI, Local Nature Reserve, Local Wildlife Site), Ancient Woodland site or biodiversity network within a near the site.

These are useful links that could be provided:

<https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications>

Agree to add the following:

**Local Validation Requirements for planning applications have been adopted by the LPA which include biodiversity and geodiversity elements that state when relevant reports are required and outline what, broadly, is needed within them.**

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

The latter includes a table of the types of built structures and sites where protected and priority species may be found and the types of surveys that may be necessary.

Should the following statements be included in the SPD?:

- Surveys should be conducted at the right time of year, using methods that are appropriate for the species and habitats concerned. Surveys should be up to date and ideally from the most recent survey season. Natural England Standing Advice is available:
- Planning permission may be refused if the surveys are not suitable, carried out at the wrong time of year or do not give sufficient information.
- Scoping surveys may be required and then more specific surveys for specific species.
- The level of information provided should be appropriate and proportionate to the potential significance of the biodiversity and geological value of the site and the potential impact of the proposal.

Support the statement of policy in 4.5 which needs to be the subject of conditions and enforcement.

At the end of this section an equivalent statement on biodiversity goals to that on geodiversity should be added, for example:

**‘4.10** The biodiversity requirements at any one site are considered on a case by case basis but overall the LPA seeks to achieve the following goals:

- to conserve and enhance any priority habitats identified on the site
- to avoid harm to and support priority or protected species identified on or near the site through the conservation of their habitats, enabling their numbers to be maintained and to

Consider that the links in policy BIO1 and the draft SPD are adequate therefore no change proposed.

Support welcomed no change

Consider that biodiversity already adequately covered by BIO1.

Suggest amending 4.9 thus:

*‘The geoconservation and **biodiversity** needs at any one site are considered on a case by case basis but geoconservation aims to achieve the following goals:’*

improve.

- to avoid preserve and conserve protected sites or areas in the vicinity of the site
- to provide positive conservation management of existing and new habitat features for wildlife
- to improve biodiversity and extend the ecological network, including through buffering wildlife sites and creating new wildlife corridors. '



<p><b>Nature Improvement Area</b></p> <p>The individual paragraphs in the section on the Nature Improvement Areas should be reviewed individually and as a whole. It should <i>not</i> imply that enhancement of biodiversity and net gains only applies in the NIA and does not necessarily apply in the rest of Barnsley. It needs to give a rationale for any differences:</p> <p>For example: ‘Local planning policies promote enlarging, enhancing and connecting existing wildlife sites, creating new sites, and providing joined up and resilient ecological networks. As well as setting out this approach in its Green Infrastructure Strategy, Barnsley Council has identified a Nature Improvement Area (NIA) in the lower Dearne Valley as giving particular opportunities for developments to contribute to this vision at a landscape scale.’</p> <p>It needs to be clear about the NIA being a focus for encouraging and supporting exemplary development that takes account of this vision and the nature of any additional requirements and/or obligations that are part of planning policies for this area of Barnsley.</p> <p>Paragraph 4.10 This paragraph would benefit from some rewording. Enhancements over and above the minimum mitigation/compensation measures should be encouraged elsewhere not just in the NIA. For the NIA it is probably the need for developments to be exemplary and pointing out the additional opportunities for enhancement (and dangers there are to damage) existing and developing ecological networks. Are there requirements on developers that are additional to those elsewhere?</p> <p>Paragraph 4.12 suggests may need some rewording for the context of the SPD. The original proposal in the Local Plan was to produce a Planning Advice Note: “The Council expects to adopt an NIA Planning Advice Note which will encourage major developments to incorporate biodiversity enhancements in their proposals.” Perhaps this should still happen with the suggestions in “Opportunities for biodiversity enhancements in developments by size of development in Appendix</p>	<p>Consider that S17.42 in the Local Plan and the NIA sections of the SPD adequately cover this, therefore no change</p> <p>The Council felt it appropriate to incorporate the NIA Planning Advice Note text into this SPD</p> <p>No change proposed to this SPD. Deal with in review links to net gain issue, and how that will be applied.</p> <p>Agree to change suggest remove last bullet in 4.15.</p> <p>Consider this adequately covered elsewhere, therefore no change proposed.</p>
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<p>C” being part of it. This could be made available online and a link to it could be included in this SPD.</p> <p>Paragraph 4.15 This is a good indicative list. Suggests leaving bird and bat boxes out of this list since they would not provide the scale of enhancement provided by the rest of the list.</p> <p>Paragraph 4.17 The first paragraph applies also outside the NIA..</p> <p>Paragraph 4.19 considers this is now a rather incomplete list.</p> <p>Paragraphs 4.20 / 4.21 See earlier comment about the level of information being more appropriate for the intended Planning Advice Note and could be provided online. Equally some of the examples and case studies are now quite old and more recent examples local to this region could be provided.</p>	
<p>There is no mention of the Water Framework Directive (WFD) or the Humber River Basin Management Plan in this document. Developments adjacent to waterbodies may need to complete a WFD assessment in order to determine impacts to the waterbody and suitable mitigation. Mitigation and net gain associated with these developments will need to be in line with the Humber River Basin Management Plan and mitigation measures associated with individual waterbodies. These mitigation measures are legally binding and Barnsley MBC has a legal duty to give them due regard.</p>	<p>Agree to make change we have not mentioned these and whilst it is not for BMBC to enforce the WFD the Council is a partner in the processes so suggest it would be appropriate to add a line about them. Suggest add to 4.1 thus:</p> <p><b><u>‘Whilst the Environment Agency is the lead authority regarding implementation of the Water Framework Directive and the Humber River Basin District Management Plan, the LPA must have regards to them when determining development proposals.’</u></b></p> <p><b><u>And add to references in section 5 with new bullet thus:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Environment Agency – Humber River Basin District Management Plan</u></b> <b><u><a href="https://www.gov.uk/government/publications/humber-river-basin-district-river-basin-management-plan">https://www.gov.uk/government/publications/humber-river-basin-district-river-basin-management-plan</a></u></b></li> </ul>
<p>4.15 While bird and bat boxes are beneficial, we would not constitute them as 'significant' benefits alone. There may be a risk that as written developers interpret the SPD to be saying that the installation of bird and bat boxes in isolation will provide significant benefits. Depending</p>	<p>Agree suggest remove last bullet in 4.15.</p>

<p>on the site there may be measures other than bat/bird boxes which would prove more beneficial to biodiversity enhancement.</p>	
<p>4.17 We feel the language in this paragraph could be more positive. Instead of 'such sites will be encouraged to provide connectivity . . .' this could read 'such sites will be expected to provide connectivity . .' This still leaves room for applicant's to demonstrate to the LPA that they cannot reasonably achieve connectivity throughout the site. We consider 'it is recommended' should be removed from the last sentence and it should read 'Such schemes should be included in master-planning . . '</p>	<p>Agree to proposed wording.</p> <p>This is wording in the adopted Local Plan which cannot be changed in the SPD.</p>
<p><b>Appendix C</b> Page 18 - Habitat creation and restoration</p> <p>We are concerned by the suggestion of thinning of trees along watercourses. This action may be beneficial in a small number of cases to address a specific concern, however many of our watercourses don't have enough riparian trees. Riparian trees have biodiversity value and contribute to ensuring watercourses act as wildlife corridors and function as green infrastructure. Riparian trees have a role in providing shading to keep areas of water cool – this is particularly important in the face of climate change.</p> <p>Page 19 – Buffer strips along watercourses and ditches</p> <p>The need to set development back from watercourses and ditches applies to all development so also needs to appear in the 'smaller scale' table.</p> <p>The below links don't work or need updating:</p> <ul style="list-style-type: none"> <li>- <a href="http://www.ciria.com/suds/">http://www.ciria.com/suds/</a></li> <li>- <a href="http://www.tdag.org.uk/treesin-the-townscape.html">http://www.tdag.org.uk/treesin-the-townscape.html</a></li> </ul>	<p>Agree to change suggest remove <i>carrying out of thinning along watercourses,</i>'</p> <p>No change.</p> <p>Agree to check and replace with working links.</p> <ul style="list-style-type: none"> <li>• S2.5 swap <a href="http://www.barnsleybiodiversity.org.uk">www.barnsleybiodiversity.org.uk</a> for</li> </ul>

<ul style="list-style-type: none"> <li>- <a href="http://www.tcpa.org.uk/pages/biodiversity-by-design.html">http://www.tcpa.org.uk/pages/biodiversity-by-design.html</a></li> <li>- <a href="http://www.plantlife.org.uk/roadvergecampaign/why_are_road_verges_so_important">http://www.plantlife.org.uk/roadvergecampaign/why_are_road_verges_so_important</a></li> <li>- <a href="http://jncc.defra.gov.uk/page-515">http://jncc.defra.gov.uk/page-515</a></li> <li>- <a href="http://ukbars.defra.gov.uk/archive/plans/map_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&amp;CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&amp;WES">http://ukbars.defra.gov.uk/archive/plans/map_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&amp;CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&amp;WES</a></li> <li>- <a href="http://www.butterflyconservation.org">www.butterflyconservation.org</a></li> <li>- <a href="http://www.buglife.org.uk/Resources/Buglife/Documents/Riverflies%20inners%20lr5.pdf">http://www.buglife.org.uk/Resources/Buglife/Documents/Riverflies%20inners%20lr5.pdf</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="http://www.barnsleybiodiversity.org.uk/">http://www.barnsleybiodiversity.org.uk/</a></li> <li>• Appendix C, on pg 16 swap <a href="https://www.wildaboutgardens.org">https://www.wildaboutgardens.org</a> for <a href="https://www.wildaboutgardens.org.uk/">https://www.wildaboutgardens.org.uk/</a></li> <li>• P 16 Swap <a href="http://www.pondconservation.org.uk/">www.pondconservation.org.uk/</a> for <a href="https://freshwaterhabitats.org.uk/news/pond-conservation-now-freshwater-habitats-trust/">https://freshwaterhabitats.org.uk/news/pond-conservation-now-freshwater-habitats-trust/</a></li> <li>• P16 swap <a href="http://www.defra.gov.uk/environment/quality/water/sewage/sustainable-drainage/">http://www.defra.gov.uk/environment/quality/water/sewage/sustainable-drainage/</a> for <a href="https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf">https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf</a></li> <li>• p16 swap <a href="http://www.ciria.com/suds/">http://www.ciria.com/suds/</a> for <a href="https://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx">https://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx</a></li> <li>• p17 swap <a href="http://www.tcpa.org.uk/pages/biodiversity-by-design.html">http://www.tcpa.org.uk/pages/biodiversity-by-design.html</a> for <a href="https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity">https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity</a></li> <li>• p17 swap <a href="http://www.plantlife.org.uk/roadvergecampaign/why_are_road_verges_so_important">http://www.plantlife.org.uk/roadvergecampaign/why_are_road_verges_so_important</a> for <a href="https://plantlife.love-wildflowers.org.uk/roadvergecampaign">https://plantlife.love-wildflowers.org.uk/roadvergecampaign</a></li> <li>• p18 swap <a href="http://jncc.defra.gov.uk/page-515">http://jncc.defra.gov.uk/page-515</a> for <a href="http://jncc.defra.gov.uk/page-5706">http://jncc.defra.gov.uk/page-5706</a></li> <li>• p18 swap <a href="http://ukbars.defra.gov.uk/archive/plans/map_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&amp;CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&amp;WES">http://ukbars.defra.gov.uk/archive/plans/map_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&amp;CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&amp;WES</a> for <a href="https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity">https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity</a></li> <li>• p18 swap <a href="http://www.butterflyconservation.org">www.butterflyconservation.org</a> for <a href="https://butterfly-conservation.org/">https://butterfly-conservation.org/</a></li> <li>• P19 SWAP: Natural England Technical Information Note</li> </ul>
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	<p>TIN099 2011 Protecting water from agricultural run-off: water retention measures <a href="http://www.naturalengland.org.uk">www.naturalengland.org.uk</a> for <a href="https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution">https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution</a></p> <ul style="list-style-type: none"> <li>• P19 swap <a href="http://www.buglife.org.uk/Resources/Buglife/Documents/Riverflies%20inners%20lr5.pdf">http://www.buglife.org.uk/Resources/Buglife/Documents/Riverflies%20inners%20lr5.pdf</a> for <a href="https://www.buglife.org.uk/sites/default/files/Ponds_web_0.pdf">https://www.buglife.org.uk/sites/default/files/Ponds_web_0.pdf</a></li> <li>• P19 swap <a href="http://www.gardenforlife.org.uk/">www.gardenforlife.org.uk/</a> for <a href="http://downloads.gigl.org.uk/website/Wildlife%20Gardening%20OPack.pdf">http://downloads.gigl.org.uk/website/Wildlife%20Gardening%20OPack.pdf</a></li> <li>• P19 swap <a href="http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1084076653&amp;type=RESOURCES">http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1084076653&amp;type=RESOURCES</a> for <a href="http://www.businessandbiodiversity.org/action_company_bap.html">http://www.businessandbiodiversity.org/action_company_bap.html</a></li> <li>• P40 swap University of Northamptonshire for <a href="https://www.northampton.ac.uk/">https://www.northampton.ac.uk/</a></li> </ul>
<p>This document should be updated to reflect the changes brought about by the new NPPF 3 (2019).</p>	<p>All SPD's to ensure any references are consistent with latest version of NPPF.</p>
<p>There is an issue in the Biodiversity/Geodiversity document in that:-</p> <ul style="list-style-type: none"> <li>• All of Barnsley (not just the NIA) is subject to the NPPF and developments should be required to demonstrate net gain (ie no net loss)</li> <li>• The NIA area requirements and examples originally set out in the PAN apply to the whole of Barnsley don't they?</li> </ul> <p>The rationale for biodiversity enhancements in the DVGH NIA PAN was well considered and worded and should be included in this document. Although the NIA document originally applied to the NIA area. The</p>	<p>Consider the wording needs to come up to date for the SPD, no change.</p> <p>It is considered that there is a need to ensure that the NIA has a slightly higher standard, therefore no change.</p>

<p>principles are the same for the whole of Barnsley.</p> <p><u>Within the NIA</u></p> <ul style="list-style-type: none"> <li>• Developers should follow the principles and examples for the wider borough</li> <li>• Developers should need to demonstrate a net gain in Biodiversity through planning</li> <li>• The principles of more, bigger, better joined should apply and developers encouraged to create corridors and mitigating habitats to enhance the networks already identified</li> </ul>	
<p><u>Page 6 Green Infrastructure map</u></p> <ul style="list-style-type: none"> <li>• This map requires the updated Dearne Valley Green Heart NIA boundary (including Carlton Marsh addition 2011) to be added for consistency.</li> <li>• The river corridors should also be added as broad Ecological corridors. Restricting the Dearne Corridor to the lower sections of the Dearne is unhelpful. A larger “Dearne Valley corridor” should replace “Dearne Valley Green Heart “ corridor.</li> </ul>	<p>Carlton Marsh is in the map in Appendix A therefore no change.</p> <p>The Local Plan diagram has been consulted and adopted, therefore no change.</p>
<p>4.1 The SPD states that the LPA would not accept applications that cause a “net loss” of biodiversity. Stasis is not viable and net loss is unacceptable so the plan should be positive and say that the LPA will not support applications that do not demonstrate a “net gain” in line with NPPF.</p>	<p>The net gain issue will be considered at Local Plan review when nationally agreed metrics may be available.</p>
<p>Paragraph 4.14</p>	<p>No change proposed. Threshold consistent with change proposed to the threshold in other SPD’s.</p>

<ul style="list-style-type: none"> <li>• seems to suggest that small scale projects (housing under 10 units) are not subject to this SPD. Surely such developments still require the “no-net loss” test to be passed.</li> <li>• Suggests this section also needs some rewording. The SPD as a whole applies to all developments. Minor developments may still contribute to ecological improvements</li> <li>• Unclear why benefits to / harm to biodiversity at individual planning application level within the NIA have to be 'significant' and demonstrate 'quantifiable' benefit / harm. Significant cumulative benefits or harm can be gained by incremental actions.</li> <li>• Considers the SPD should look to ensure no deterioration of biodiversity in the NIA as a result of incremental harm from smaller scale proposals. The SPD should also look to secure enhancement from incremental benefits from smaller scale proposals. As a minimum, bird and bat boxes should be considered as beneficial measures for smaller scale developments.</li> </ul>	
<p>4.15 Why is this limited to woodland and wet woodland habitats? This should say priority habitats as defined by Natural England or Priority habitats as defined in the Barnsley Bap including scrub. These habitats should be selected to augment/complement the local biodiversity corridor in the immediate area.</p>	<p>4.15 says '<u>could</u> include' therefore not limited. No change proposed.</p>
<p>The addition of Bird and bat boxes may be very attractive to developers but not necessarily helpful to wildlife. This could say specialist bird boxes for target species in the Local BAP ie willow tit and Swift, and bat boxes.</p>	<p>Agree suggest remove last bullet in 4.15.</p>
<p><u>Section 106 spend</u></p> <p>This is well considered and worded in the original <u>Dearne Valley Green Heart PAN</u> and should be added to this document.</p>	<p>The Draft Dearne Valley Green Heart PAN was produced circa 2015, therefore wording has been brought up to date for this new SPD.</p> <p>Comment noted, however not an issue for the SPD therefore no</p>

<p>Respondent concerned that the focus for section 106 may go towards supporting transport infrastructure etc and not be used to support the principles of the Nature Improvement Area, ie more better bigger and more joined-up green infrastructure / nature spaces.</p>	<p>change proposed.</p>
<p><u>Target species for biodiversity enhancements</u></p> <p>The list of target species needs to reflect the list of target species in the Barnsley BAP and should include a much wider range to include amphibians , invertebrates and pollinators</p>	<p>Appendix B which is an agreed NIA list, therefore cannot be amended in this document as an agreed list.</p>
<p>Repondent was supportive of the Local Plan commitment to produce a Biodiversity and Geological Conservation Special Planning Document (SPD) and welcomes the draft SPD which compliments and expands on the policy approach to biodiversity and geodiversity in the Local Plan.</p>	<p>Support welcomed.</p>
<p>Pleased to see greater detail on the policy approach to the Dearne Valley Nature Improvement and the appendices covering opportunities for biodiversity enhancement in new development and green infrastructure case studies which we consider will be valuable for embedding biodiversity enhancement in development going forward. With regards to the description of biodiversity in the Dearne Valley in paragraph3.16 our current understanding from data supplied by the RSPB is that the Valley supports nationally important assemblages of breeding birds of lowland damp grassland, lowland open water and their margins and scrub plus nationally important numbers of some individual species of breeding water birds.</p>	<p>Support welcomed.</p> <p>Agree to change first line of 3.16 to read: <i>'The Dearne Valley supports nationally important assemblages of breeding birds of lowland damp grassland, lowland open water and their margins and scrub plus nationally important numbers of some individual species of breeding water birds.'</i></p>
<p>4.6 add 'primary' between 'source of' and 'evidence'.  4.7 suggest change 'geological' to 'geoconservation'.  4.8 Suggest need to make clear applicants have to gain externally-held geodiversity data relating to designated sites which could be put at risk. Geological sites should be recorded by suitably qualified and experienced geologists/ geomorphologists using the best means</p>	<p>4.6 agree addition  4.7 agree change 'geological' to 'geoconservation'  4.8 suggest add new first line to paragraph4.8 thus:  <i>'Prior to submission of any planning application, all relevant geodiversity datasets should be gained, particularly those held by SAGT.'</i></p>



available, including photography and sampling, before the loss of/damage to the feature occurs. Information obtained in this way, by the cooperation of the developer, will be shared freely with the local museum service and other publicly-owned stakeholders	
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<p><b>DESIGN OF HOUSING DEVELOPMENT SPD</b></p> <p>This is an update of the 2012 SPD and gives advice on appropriate design of residential developments. <b>Key changes from previous version:</b> The policy context has been updated. It has also been amended to make clear it applies to conversions of buildings. Design requirements have been updated to reflect best practice and learning. Information on Houses in Multiple Occupation (HMO's) has been added and includes criteria to ensure there is no over proliferation of HMO's within the area and seeks to avoid houses being inappropriately sandwiched by HMO's and bedsits.</p> <p><b>Changes made as a result of comments:</b> Change to text regarding internal space standards</p>	
<b>NUMBER OF COMMENTS: 16</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
Support from a neighbouring authority	Support welcomed
<p>Queries why the following sentences that were in the 2012 version of the SPD have been deleted:</p> <ul style="list-style-type: none"> <li>• 10.3 "<i>We expect residential developments to incorporate access for buses where reasonable and practical.</i>"</li> <li>• 16. Public rights of way "<i>It is important that public rights of way are direct, safe, lit and DDA compliant to ensure that people are not discouraged from using public transport due to access to the bus stop and railway station. It is essential where applicable that development is designed to integrate into the existing PROW network to encourage sustainable travel behaviour.</i>"</li> </ul>	<p>The following text will be reinstated:</p> <p><b><u>"We expect residential developments to incorporate access for buses where reasonable and practical."</u></b> This will be inserted as a final (solid) bullet point of section 10.2</p> <p><b><u>"It is important that public rights of way are direct, safe, lit and DDA compliant to ensure that people are not discouraged from using public transport due to access to the bus stop and railway station. It is essential where applicable that development is designed to integrate into the existing PROW network to encourage sustainable travel behaviour."</u></b> This will be inserted as section 16.3.</p>

<p>HMO issues:</p> <ul style="list-style-type: none"> <li>• Strong support for controlling the number of HMO's in an area.</li> <li>• Queries why more effort is not put into working with landlords to facilitate the renovation of rundown properties to benefit the local environment and provide housing for vulnerable people.</li> <li>• The current system seems to be condoning converting good family housing in established family areas into homes of multiple occupancy as a means of making profit with little thought for the wellbeing of existing homeowners.</li> </ul> <p>Supports section 26. Suggests the following amendments:</p> <ul style="list-style-type: none"> <li>• 26.1 A lower percentage of 5% in all instances would be in keeping with the Glasgow example within best practice document issued by Department for Communities and Local Government in September 2008 "Evidence Gathering – Housing in Multiple Occupation and possible planning responses Final Report" page 26</li> <li>• 26.4 Flatted properties should be considered multiple dwellings, particularly in instances where a larger existing property has been subdivided to create flats (as this strategy has been used by developers to facilitate HMO creation below the threshold requiring planning consent). It would also be prudent to include protective clauses/conditions to prevent later HMO creation under permitted development of flats which have been formed out of an existing larger dwelling.</li> <li>• 26.7 Due to the narrow streets within central Barnsley, the impact of HMO's adjacent each other but separated by a road or back alley is similar to instances where curtilages directly abut. The clause should be omitted.</li> <li>• Pleased to see the adoption of some control on the</li> </ul>	<ul style="list-style-type: none"> <li>• Support welcomed.</li> <li>• 10% is considered appropriate and is based on work by the National HMO Lobby, a voluntary association of local community action groups, which are concerned with the impacts of HMOs on their communities. They suggest that 10% is the tipping point for HMO dominance within a neighbourhood and this has therefore been used by a number of Local Authorities as the figure beyond which further HMOs would be resisted. Accordingly, no change is proposed.</li> <li>• Comment noted, goes beyond what the SPD can do, therefore no change. (last bullet)</li> <li>• The Communities Directorate is devoting significant resources to working with landlords and tackling the standard of HMOs through other powers available to the Local Authority.</li> </ul>
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<p>proliferation of HMOs, particularly in the S70 area. Suggests a 5% limit as oppose to the planned 10% suggested in the consultation document. Once 10% of the housing stock are houses of multiple occupancy it fundamentally changes the culture of the community. For those of us living with this blight it has a profound impact; increase in anti- social behaviour, eye sore properties, ill kempt, litter strewn. Supports the introduction of limits on HMOs.</p> <ul style="list-style-type: none"> <li>• Welcomes the improvements regarding HMOs, although considers that these do not go far enough to address issues. The percentage concentration needs to be set at 5% and not 10%, plus whilst sandwiching is very helpful, it does need to be along the lines of no more than 1 HMO in a row of 5 dwellings. Without this, streets can be transformed very quickly, as has already been seen in a number of streets in recent years, plus several streets are currently going through this transformation across the borough.</li> <li>• Considers that 10% on a street/50m radius is too high and that it can destroy a family community. Suggests that 3% would be more appropriate. Support for further controls on HMO's.</li> <li>• Considers that HMO properties within the S70 /Central area have swapped communities and created an undesirable and unsafe area to live, the introduction of the planning changes are welcomed and much needed, however, small HMOs (3 rooms and above) are unregulated and require no licence. Strict condition and licencing schemes need to be introduced for all HMOs. Families with young children living in the affected areas have no option to move due to losses in property value and are constantly worried about the effects on the masses of HMOs in the central area are having, it is proven these properties are linked with many antisocial behaviour issues.</li> </ul>	
<p>Better cross referencing with the Biodiversity SPD is required, the only cross reference I could see at the moment is in relation to trees and</p>	<p>There is already a sentence cross referencing to Trees and Hedgerows and Biodiversity and Geodiversity SPD's. No change</p>

<p>hedgerows. A general reference to the retention and incorporation of biodiversity features is required (a cross reference to Appendix C of the Biodiversity SPD would be well placed in this respect). Specific references to biodiversity as a component of landscape and urban design should be included and cross references made to the Biodiversity SPD.</p>	<p>proposed.</p>
<p>The document is well considered and directed in the best interests of maintaining and creating a good environment for existing residents and to ensure that the town appeals to newcomers. Particularly supports: Section 7 Protection of Existing Larger Dwellings; Designing out Crime and Conversions of buildings to residential accommodation</p>	<p>Support welcomed.</p>
<p>Take into consideration the existing homes when building new estates.</p>	<p>Regarding taking into consideration existing homes when building new estates:</p> <p>The SPD contains the same text as previous version in section:</p> <p><i>3. Relationship with existing dwellings and space between proposed dwellings. (The three paragraphs here cover the topics of privacy, light and outlook.)</i></p> <p>The SPD also contains three new areas of text addressing this issue, <b>(the new text is shown in bold)</b>, in sections:</p> <p><b><i>2.4/ 2.5 Policy GD1 General Development, 'Proposals for development will be approved if: there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents'</i></b></p> <p><i>4. External spacing standards, point 2: The minimum back-to-back dimension between facing habitable rooms, (ie any room used or intended to be used for sleeping, cooking, living or eating purposes), should be 21 metres. <b>Where housing abuts the edge of settlements, the back-to-back dimension towards existing</b></i></p>

	<p><b>housing should be greater than 21 metres. Advice will be given on a case by case basis, based on the privacy and outlook of the existing dwelling.</b></p> <p><b>7. Protection of existing larger dwellings</b>  <b>7.1 Local Plan policy H9 Protection of Larger Dwellings resists development within the curtilage of existing larger dwellings where it will have an adverse impact on the setting of the original dwelling and the size of the remaining open garden.</b>  <b>7.2 For the purposes of this policy we consider ‘larger dwellings’ to be those that have four or five bedrooms, or are capable of accommodating four or five bedrooms without significant adaptation.</b></p> <p>Therefore with the retention of the existing text in the SPD and the addition of three new area of text we have taken into consideration existing homes when building new estates.</p>
<p>Representor relates various points within the SPD to local plan allocation reference MU1.</p> <p>Considers it ironic that the first bullet point in Paragraph 2.5 should state "There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents" and considers this relevant in relation to Site MU1 where the development of a new link road carrying many additional thousands of vehicle movements per day, the building of 1,700 houses with new estate roads and large scale industrial sheds will have a marked effect on existing living conditions, residential and visual amenities and an overloading of existing estate roads by additional traffic movements accessing and egressing the new developments.</p> <p>The expectations in Paragraph 10.2 will do little to mitigate this</p>	<p>Comments regarding paragraphs 2.5 and sections 3 &amp; 4 are noted.</p> <p>Regarding the requests for external spacing standards to be strengthened to protect existing privacy and residential/ visual amenity; for the external back-to-back dimension of 21 m to be a minimum of 50m between property external boundaries / existing hedgerows and new houses external plot boundaries, not between buildings or habitable rooms as indicated; and for there to be no overlooking of existing rear gardens for the upper stories of new development:</p> <p>Compared to the previous SPD the external spacing standards section now contains the new text <b>(as shown in bold)</b>:</p> <p><b>4. External spacing standards, point 2: The minimum back to back dimension between facing habitable rooms, (ie any room used or</b></p>

<p>Considers sections 3 and 4 are pertinent in relation to Site MU1 and the loss of Green Belt land. Requests that the external spacing standards in Section 4 need to be strengthened in this instance to protect existing privacy and residential/visual amenity as required by Paragraph 2.5.</p> <p>Considers that the external "back to back" dimension of 21 metres mentioned in Paragraph 4.2 should be a minimum of 50 metres between existing property external boundaries/existing hedgerows and new houses external plot boundaries, not between buildings or "habitable rooms" as indicated.</p> <p>To protect the privacy (and values) enjoyed by existing properties there must be no overlooking of existing rear gardens from the upper stories of new developments (Paragraph 4.4). See also previous comment in relation to "back to back" boundaries.</p> <p>Clear additional green spaces need to be incorporated between existing development boundaries and any proposed new housing or mixed use development.</p> <p>Considers that there must also be strong controls and cost measures in place to prevent developers seeking to negotiate the cost of mitigation measures out of their investment appraisals in order to give a full market return on their investment.</p> <p>Paragraph 8.1 refers to "improve the health and well being of the residents of new development". There is no reference to the "health and well of existing residents which will be adversely affected by any new development such as Site MU1.</p>	<p><i>intended to be used for sleeping, cooking, living or eating purposes), should be 21 metres. <b>Where housing abuts the edge of settlements, the back-to-back dimension towards existing housing should be greater than 21 metres. Advice will be given on a case by case basis, based on the privacy and outlook of the existing dwelling.</b></i></p> <p>This additional text allows the flexibility to look at each abutting of the edge of settlements on a case-by-case basis rather than impose a 'one size fits all' dimension.</p> <p><b>7. Protection of existing larger dwellings</b>  <b>7.1 Local Plan policy H9 Protection of Larger Dwellings resists development within the curtilage of existing larger dwellings where it will have an adverse impact on the setting of the original dwelling and the size of the remaining open garden.</b>  <b>7.2 For the purposes of this policy we consider 'larger dwellings' to be those that have four or five bedrooms, or are capable of accommodating four or five bedrooms without significant adaptation.</b></p> <p>This additional text provides additional protection for existing larger dwellings.</p> <p>In relation to the health and wellbeing of existing residents in section 8, we will reword 8.1 to read:</p> <p>8.1 <i>"If considered at an early stage of design there are opportunities for developers to improve the health and wellbeing of new and existing residents."</i></p>
<p>Welcomes a standardised approach to garden sizes set out at sub</p>	<p>We do not consider 50m2 (for two bedroom houses/ bungalows) and</p>

<p>point 6 of section 4, it is considered that this should include the total size of all front/rear/side garden spaces to take into account some physical restrictions on some application sites.</p> <p>It is also considered that 50m<sup>2</sup> (for 2 bedrooms houses/bungalows) and 60m<sup>2</sup> (for houses/bungalows of 3no or more bedrooms) is excessive in terms of garden sizes and an approach covering front/rear/side gardens would be more appropriate to allow flexibility in positions of design constraints. Leeds City Council has just published a new draft policy on this matter which appears to be more appropriate.</p>	<p>60m<sup>2</sup> (for houses/ bungalows of 3no or more bedrooms) to be excessive.</p> <p>This is seen as minimum standard for providing sufficient residential amenity for the occupants and future occupants of a dwelling, with the extra 10 sq m for three bedrooms likely to cater for family homes with children’s play space taken into account. The area measured is the enclosed rear gardens- this can wrap around the side of a house, (thereby including a side garden), if it is enclosed as one space.</p> <p>There is a strong push now from developers not to enclose front gardens with boundary treatment and, as a result, over time front gardens are increasingly being lost to parking spaces. Therefore, in terms of protecting minimum residential amenity standards, the area of the rear, enclosed, garden space is focussed on.</p> <p>These minimum rear garden sizes were the standards agreed by all four South Yorkshire local authorities when compiling the South Yorkshire Residential Design Guide, (the standard is shown on page 129 of the SYRDG, in section 4A.1.1). It was also the standard used by Barnsley prior to the publication of the SYRDG.</p> <p>We will look at requested exceptions, where a site specific reason is made for a plot, on a case-by-case basis. However exemptions covering more than a small proportion of plots of the overall site will not generally be considered.</p>
<p>Comments on paragraph 5.1 Internal Space Standards</p> <ul style="list-style-type: none"> <li>The Council wishes for all developments to achieve internal spacing standards set out in the South Yorkshire Residential Design Guide (p130-131). It should be noted that the newly adopted Local Plan does not make reference to minimum internal space standards nor does it make reference to the South Yorkshire Residential Design Guide. It is requested that reference to minimum space standards as set out in the South</li> </ul>	<p>The South Yorkshire Residential Design Guide was adopted by the four South Yorkshire authorities as best practice based on an objective assessment of the minimum spacing standards necessary to ensure that occupants of new residential units benefitted from sufficient levels of amenity. The spacing standards identified within the guide are less onerous than the Nationally Described Spacing Standards. These national standards were introduced while the Local Plan was being prepared and the Council took the view that adopting</p>

Yorkshire Residential Design Guide are removed, if they were required, they should have been set out in the Local Plan and should have been fully evidenced and considered by the Inspector. Indeed, the Planning Practice Guidance (ID 56-018) states that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard (NDSS). The PPG (ID 56-020) goes on to state that where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Again, this suggests that the inclusion of minimum space standards may be consistent with national policy where it can be justified. It is not considered that the evidence provided by the Council justifies the need for an internal space policy.

- The Government has introduced Nationally Described Space Standards (NDSS) which are intended to be optional and can only be introduced where there is a clear need and they retain development viability. As such they were introduced on a 'need to have' rather than a 'nice to have' basis. The PPG provides clear guidance in relation to these standards. PPG (ID 56-018) states that where a local planning authority wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard (NDSS). This SPD is not a Local Plan and it is therefore not considered lawful to introduce an internal space standard through this document. It should be noted that the newly adopted Local Plan does not make reference to minimum internal space standards nor does it make reference to the South Yorkshire Residential Design Guide. PPG (ID 12-028) also states that SPDs '*should build upon and provide more detailed advice or guidance on the policies in the Local Plan. They should not add unnecessarily to the financial burdens on development*'. Again, it is therefore not considered

Nationally Described Spacing Standards could have the potential to undermine density and deliverability objectives, particularly in the weaker housing sub markets. However, during the Local Plan examination it was strongly maintained that, in order to objectively ensure sufficient levels of amenity are afforded to occupants of new residential units, reference should still be made in supporting text to the South Yorkshire Residential Design Guide.

It is also important to note that since the Nationally Described Spacing Standards were introduced and the Planning Practice Guidance was updated, the Council has continued to use the South Yorkshire Residential Design Guide to inform our assessment of levels of amenity and that this approach has been endorsed by Planning Inspectors' who have dismissed appeals for residential proposals that fail to meet these minimum requirements.

On the basis that the standards in the South Yorkshire Residential Design Guide are less onerous than the Nationally Described Spacing Standards and that explicit reference is made to the South Yorkshire Residential Design Guide as a document which will be used to help assess design quality, it is considered entirely appropriate to retain an expectation that new developments meet an objective minimum standard as opposed to having a scenario where assessment of individual schemes could become more subjective on the basis that there was no guidance identified.



appropriate for the NDSS to be a requirement of the SPD. PPG (ID 56-020) identifies the type of evidence required to introduce a policy for internal space standards. It states that *'where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- **Need** – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- **Viability** – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- **Timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.

Therefore, even if the Council were to be looking to prepare a Local Plan policy to introduce this requirement, they would need robust justifiable evidence to introduce this standard, based on the criteria set out above. The representor considers that if the Government had just expected all properties to be built to NDSS that they would have made these standards mandatory not optional. In conclusion, the representor strongly objects to the inclusion of the Internal Space Standards from the South Yorkshire Residential Design Guide as a requirement within this SPD and recommend that any reference to an internal space standard is removed.

<p>Paragraph 11.3 Notes the Council’s approach to continuous strips of front of dwelling parking (no more than 4 parking spaces in a row) and the requirement for a 50:50 hard/soft landscaping at the front of dwellings. Requests that the Council does not adopt a strict 50:50 balance, as considers adopting such a standard may have an impact on the overall layout and therefore impact on the dwelling numbers on the site, this would impact on the overall density (dwellings per hectare) achievable. When considered alongside the holistic impact that the Draft SPD’s would have on viability matters, potentially this would render a significant number of sites unviable.</p>	<p>Paragraph 11.3 states, (extra emphasis here in bold), ‘<i>Continuous strips of front of dwelling parking are not acceptable. The <b>starting point</b> should be the guidance from Building for Life of a 50:50 hard/soft landscaping balance at the front of dwellings.</i>’</p> <p>As stated this is a ‘starting point’. Unfortunately we receive some planning applications with significant continuous strips of front of dwelling parking and very little front of dwelling landscaping that has any visual impact and very little softening of hard landscaping (for example through driveway materials or the softness of bricks in building elevations). The result is a poor quality residential environment dominated by front of dwelling parking- a car park in the evening and during the day, when the cars are away, an empty desert of hard materials.</p> <p>We therefore use this guidance from Building for Life to help re-set the applicants thinking and work towards thinking of a more acceptable balance. The 50:50 split is a <b>starting point</b> for discussions and our upper limit of strips of continuous parking is clearly stated in paragraph 11.4.</p>
<p>This document should be revised to reflect the changes brought about by the new NPPF 3 (2019). The document sets out ‘guidance’ for new development and representor considers that emphasis should be made to ensure that this document is treated as such, rather than stringently enforcing policies which will inhibit creativity, design and innovation.</p>	<p>The intention of the document is not to inhibit creativity, design and innovation. However it is intended to prevent housing developments that fall below a baseline of quality standards. It aims to be upfront to developers about our expectations to give them more certainty in designing their developments. No changes proposed as a result of this comment.</p>
<p>Welcomes section 8 Health and Wellbeing that introduces the principle of improving health and wellbeing in the layout of housing developments. Considers that section 8 provides the opportunity to incorporate the principles of Active Design into new developments. Sport England believes that being active should be an intrinsic part of everyone’s daily life – and the design of where we live and work plays a vital role in keeping us active.</p>	<p>In response to these comments we will add in the following text to section 8:</p> <p>New 8.3:  <b><u>“Sport England has produced guidance showing how to promote ‘active lifestyles’ in the design and layout of housing</u></b></p>

Good design should contribute positively to making places better for people and create environments that make the active choice the easy choice for people and communities.

Sport England in partnership with Public Health England, have produced the Active Design Guidance. This guidance builds on the original Active Design (2007) objectives of improving accessibility, enhancing amenity and increasing awareness, and sets out the Ten Principles of Active Design.

The guide features an innovative set of guidelines to get more people moving through suitable design and layout. It includes a series of case studies setting out practical real-life examples of the principles in action to encourage planners, urban designers, developers and health professionals to create the right environment to help people get more active, more often.

The Active Design Principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design.

Sport England has an online resource detailing Active Design and this includes videos illustrating the principles, the guidance document and case studies:

<https://www.sportengland.org/facilities-planning/active-design/>

Sport England suggests that SPD includes reference to new development meeting the principles of Active Design and that in any planning application, the applicant should submit a statement setting out how the design and layout of the development meets the principles of Active Design.

Public rights of way provide the opportunity for informal recreation to take place. They can also support formal sport, such as Endurance Riding (long distance competitive horse riding) or cycling events.

**developments. Their ‘active design guide’ sets out 10 principles to help increase activity in everyday lives, helping to improve the health and wellbeing of local residents and neighbouring communities. The guide has been developed in partnership with Public Health England. The online resource, including case studies, is available via: <https://www.sportengland.org/facilities-planning/active-design/>”**

the former 8.3 now becomes 8.4:

*“Supporting information on the promotion of health and wellbeing could be included in the design and access statement which accompanies the planning application.”*

In light of this comment we will add in the following text:

**16.4 “Public rights of way also provide the opportunity for informal recreation to take place.”**

<p><b>FINANCIAL CONTRIBUTIONS TO SCHOOLS SPD</b></p> <p>This is an update of Planning Advice Note 33 prepared in 2005. It gives advice on when contributions will be sought for school places and how this will be calculated. It also seeks contributions to ensure that those schools that have places available are in an appropriate condition. The contribution for school places has been updated to £16k per place for both primary and secondary schools.</p> <p><b>Key changes from previous version:</b> The main changes made are to increase the figures for primary and secondary school places from £7,024 and £10,200 to £16,000 for both primary and secondary places. Seeking contributions to improve the condition of schools to ensure they are fit for purpose is a new requirement that has been added.</p> <p><b>Key changes made as a result of comments:</b> Change of threshold to 10 dwellings to be consistent with the definition of major development. Text regarding assessment of school places to be carried out across the plan period and taking account of other sites on the housing trajectory to be deleted.</p>	
<p><b>NUMBER OF COMMENTS: 7</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>General support from a neighbouring authority.</p>	<p>Support welcomed.</p>
<p>Considers that it is not surprising that this section is included following the reductions in Revenue Support Grant and other spending power support from Central Government for local authorities such as Barnsley. The mechanics of implementing this policy are noted, although as with all S106 Agreements the ultimate cost will be borne by the end user within the development appraisal calculation.</p>	<p>Comment noted. No change made as a result of this comment.</p>
<p>Viability:</p> <ul style="list-style-type: none"> <li>Concern regarding the evidence base which has been used to inform this Draft, particularly in relation to viability issues. The Planning Practice Guidance (PPG) makes it clear that plan policies need to be supported by evidence around viability and to ensure that the cumulative impacts of policy requirements do not undermine the plans deliverability (Paragraph 003 and 005). Understands that the Evidence Base used to inform the viability of the Local Plan comprises of the CIL Viability Study Updates from September 2012 and November 2014. These are in turn updates from viability work undertaken in 2010. Without any evidence or commentary to the contrary in the update reports, has worked on the basis that the assumptions around base build costs are from the 2010 work (which itself</li> </ul>	<p>Up to date viability work has been undertaken which demonstrates that the levels of contributions proposed across all four SPD's are unlikely to have an adverse impact on the viability of schemes coming forward.</p>

was based on BCIS costs).

In the worked example provided in the 2010 Study it assumed a base build cost of £870sq.m for houses of 75sq.m or above, which was presumably based on BCIS build costs at the time. There have been considerable build cost increases in the intervening period, which do not appear to have been considered in the subsequent updates.

For example, Leeds has produced an updated viability assessment in relation to the Selective Review of their Core Strategy. Although it is acknowledged that this relates to a different area, the BCIS lower quartile rate for the end of 2017 was £926sq.m. To put this figure into further context, a number of tender returns that we have received over the last 12 months have included build costs that are well in excess of the BCIS estimates and more in the region of £1400sq.m.

The difference in base build costs assumption for a 75sq.m dwelling would therefore be significant in this context - £65,250 based on the Council's viability evidence and £105,000 based on tender returns that we are seeing.

There may well be an argument that some of this increase could be offset by rising sales values and whilst this could be the case with open market schemes, this is not the case for Registered Providers (RP's) such as ourselves. We often propose schemes that deliver affordable housing provision over and above the policy requirement (and sometimes 100% affordable schemes) – these are often marginal from a viability perspective and there needs to be a recognition that seeking significant commuted sums for such schemes could choke off much needed affordable housing delivery within the Borough.

In addition to the above point on build costs, the viability work undertaken by the LPA assumed an average of £5,000 per dwelling towards Section 106 contributions. However, the commuted sums proposed for both primary and secondary education provision combined would equate to £5,760 per dwelling, which is in excess of this figure. This is also before any other commuted sums are taken into account (see further comments in relation to Sustainable Travel SPD for example). We therefore have significant concerns that the evidence base used to support the deliverability of the Local Plan policies is out of date and not reflective of current market conditions or cumulative policy requirements that are now being sought. We would therefore argue that the evidence base needs to be updated (and consulted upon) in this respect, with a particular focus on how this may impact schemes by RP's, prior to the SPD being adopted.

- The SPD should allow for site specific viability testing.
- This document fails to take account of viability issues which may be borne out of the Council's insistence on school contributions and, as previously emphasised, this will have consequential impacts on the Council's delivery. The Council must recognise within this SPD that in many areas across the Borough such contributions would simply not be viable and would prevent development. The SPD should allow for site specific viability testing to this end.
- The draft SPD is seeking to substantially increase the level of contribution to both primary and secondary school places. It is interesting to note that when the Local Plan Viability Study was conducted in 2016, the primary school place cost was calculated at £7,024 per place and a secondary school place cost amounted to £10,200. The specific example given within the Viability Study identifies that on a scheme of 100 dwellings, the contribution required would be just under £140k i.e. £1,400 per dwelling. The study then confirms that this is less than a

<p>third of the £5k per dwelling allowed for in the high level viability work. Paragraph 3.2 notes that the Council has referred to the Government's recommended figures and for both primary schools and secondary schools in Barnsley, the average cost rounded down per place is £16,000. Through the draft SPD they are requesting that where both primary and secondary school places are needed, contributions of £16,000 must be made for primary places and £16,000 for each secondary place. Using the same example as in the Viability Study, we have calculated that the cost would equate to £5,760 per dwelling which is clearly well in excess of the benchmark figure of £5k per dwelling for all S106 contributions set out within the high level 2016 Local Plan Viability Work. Within this context, we consider that the higher level of contribution requested through the draft SPD is unreasonable, and it is not appropriate to introduce this change in approach without reassessing the evidence base that supported the Local Plan.</p> <ul style="list-style-type: none"> <li>• Considers it is not clear from the draft SPD what extent any viability assessment undertaken for the development plan addressed education provision, providing the justification for a blanket approach to contribution and how the planning authority would assess the requirement for additional school spaces.</li> <li>• The SPD needs to clearly set out the requirement for School Places should provide flexibility in the event the applicant to demonstrate whether particular circumstances justify the need for a viability assessment and thus inform discussions with the Council on the priorities for delivering obligations on site.</li> </ul>	
<p>Relationship to CIL: States that the PPG makes it clear that LPA's should be transparent about contributions that developers will be expected to pay and the mechanism for securing these contributions, to ensure that there is no actual or perceived double-dipping i.e. paying for the same infrastructure twice (Paragraph003).</p>	<p>The report taken to Cabinet on 20<sup>th</sup> February seeking authority to consult on the suite of SPD's, made a recommendation not to implement CIL, following the Government's review of CIL and its proposed lifting of pooling restrictions.</p>

<p>The Council has produced a draft CIL charging schedule and the Infrastructure Delivery Plan that supports this does include provision for primary and secondary school infrastructure. It therefore needs to be made clear about which mechanism will be used to ensure that developers are not hit twice – this is particularly important given the issues that have been raised around scheme viability.</p>	
<p>The Draft SPD refers to schemes being refused where a lack of capacity within a school is identified and the Planning Obligations SPD refers to these contributions being non-negotiable. Again, this is inconsistent with the advice contained within the PPG where it advises that Planning Obligations should be subject to negotiation. Although the updated PPG now specifically refers to the potential for contributions being sought towards new education infrastructure, it stops short of saying that schemes should be resisted in the event that these aren't provided.</p>	<p>The reference to non-negotiable relates to the contributions sought for schools and sustainable travel. This refers to out of the four topics where contributions are sought, these two are prioritised. There may be negotiations around open space contributions and affordable housing.</p>
<p>The approach in the SPD fails to take into account the potential for cross-boundary provision of school places, particularly where a development proposal may be close to the boundary with a neighbouring authority and potentially within the catchment of other schools which may have sufficient projected places to accommodate the new development. This is something which is acknowledged in the Council's Infrastructure Delivery Plan and should be reflected within this SPD.</p>	<p>This is outside of the Council's control. No change proposed to the SPD.</p>
<p>Paragraph 3.1</p> <ul style="list-style-type: none"> <li>• Sets out that this is also on the basis that there is insufficient school capacity (which is expected) or prior to the end of the plan period, takes account future growth. Contributions should not be made on this basis which is up to 2033, this should be assessed over the timescale in which the development is brought forward and delivered. The developer has no control over what might happen to school capacity in the longer plan</li> </ul>	<p>Text regarding assessment of school places to be carried out across the plan period and taking account of other sites on the housing trajectory to be deleted.</p>



<p>period. The text needs to be amended to relate the development to the situation at the time. This will only be required if it directly relates to the development and is fairly and reasonably related in scale and kind.</p> <ul style="list-style-type: none"> <li>Concerns regarding the circumstances as to when the financial contribution will be needed in terms of assessing the capacity of schools. Sub bullet point 2 identifies two strands with these being: there is insufficient capacity in schools or it is likely to be so prior to the end of the Plan Period taking into account future growth. A developer should only be responsible for investigating the capacity in schools over the timescale in which the development will commence taking into account the period of anticipated delivery. It is unreasonable for a developer to have regard to the capacity in schools over the entire Plan Period particularly if a housing site is coming forward early. We consider that as currently worded, the draft SPD would fail the test of seeking to impose planning obligations, as contributions need to directly relate to the development and reasonably relate in scale and kind (see Paragraph 002 Ref ID: 23b-002-20190315 of the NPPG).</li> </ul>	
<p>Considers that the wording needs to be amended in order to ensure that the SPD can be considered sound in respect of the guidance presented within Paragraphs 54 and 56 of the NPPF.</p>	<p>Text regarding assessment of school places to be carried out across the plan period and taking account of other sites on the housing trajectory to be deleted. It is therefore considered that with this proposed change, the SPD is in line with paragraphs 54 and 56 of the NPPF 2019 which read:</p> <p><i>54. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.</i></p>

	<p>56. <i>Planning obligations must only be sought where they meet all of the following Tests</i></p> <p><i>a) necessary to make the development acceptable in planning terms;</i></p> <p><i>b) directly related to the development; and</i></p> <p><i>c) fairly and reasonably related in scale and kind to the development.</i></p>
<p>Issues raised with seeking contributions for condition of schools:</p> <ul style="list-style-type: none"> <li>• The maintenance of schools is the Council’s responsibility. It should not be a requirement of the Development Industry to ensure School’s are maintained sufficiently. Requests that this is removed from the document.</li> <li>• Fundamental issues with contributions being sought towards improving the condition of existing buildings on the back of new development. Whilst it could be argued that new residential development could lead to increased demand for school places, there is no direct link between the impact of such development on the condition/maintenance of existing buildings.</li> <li>• Considers this is a requirement of the school or Education Authority in any case and is funded directly. The fact that funds may be reduced centrally in this respect is not a sufficient reason to try and justify contributions on the back of new development schemes where these is no direct relationship between the two. This requirement would therefore fail the relevant CIL tests for requiring Planning Obligations.</li> <li>• When assessing the need for a contribution, the draft SPD requires consideration to be given to the condition of schools in the area within which the development is located. Essentially, the SPD is requesting a contribution to carry out works to ensure that schools are of a sufficient standard even where places are available. We consider this is an unreasonable request as the issue of maintaining the condition of schools to</li> </ul>	<p>Local Plan policy I1 states that “<i>Development must be supported by <b>appropriate</b> physical, social, economic and communications infrastructure</i>”</p> <p>The supplementary text to Policy I1 says:  <i>It is important to ensure that development is adequately supported by <b>appropriate infrastructure, whether existing or new</b>. New development should not overburden existing infrastructure. Where new development creates a need <b>for new or improved infrastructure</b>, developer contributions will be sought to make the development acceptable in planning terms. In some cases the cumulative impact of applications may be considered when assessing infrastructure requirements. There is increasing recognition that the community can benefit through the granting of planning permission. New development will create additional demands on existing infrastructure and where spare capacity may not exist, there will be a need for new infrastructure to ensure it functions satisfactorily.”</i></p> <p>Therefore the Council considers that the policy clearly apprehends that circumstances may arise where the condition of the existing infrastructure is such that it cannot be regarded as appropriate and requires improvement. On that basis it is not unreasonable to cover this point in this SPD.</p> <p>This payment would not be sought where the developer is expected to cover the cost of providing new school places. It only applies where there are sufficient places available in the local school but the school required</p>

<p>a sufficient standard is not a responsibility of the developer, instead it is up to the schools and the educational authority to ensure that their schools are maintained to an appropriate level. Reference is specifically made to the NPPG at Paragraph 008 Ref ID: 23B – 008 – 20190315 which clarifies what contributions are required towards education and it states that plan makers and decision makers should consider existing or planned/committed school capacity and developer contributions may be required towards additional capacity. There is no reference to suggest that developers provide a contribution towards the maintenance of schools where sufficient capacity may already exist.</p>	<p>investment to ensure it remained in an appropriate condition for the occupants of the new dwellings that were due to be attending the identified schools.</p> <p>No change is proposed as a result of these comments, with the exception of making it clear that a developer would not be charged for both school places and condition.</p>
<p>Recognises that developers must contribute towards school provision where necessary, and appreciates the Councils attempts to quantify the requirements in advance of application submission which allows the developer to account for this from the initial stages.</p>	<p>Support welcomed.</p>
<p>Paragraph 4.1 sets criteria for the number of pupils a development will produce. Representor believes that this should be revised, and a quantity apportioned on the basis of dwelling size. For example, a site of 2 bed homes is likely to lead to a lower number of pupils per 100 homes compared to a site of 4 and 5 bed large family homes.</p>	<p>Paragraph 5.2 sets out which types of dwellings are excluded from the calculation for school places. It is considered reasonable to apply the standard formula across the number of remaining properties in the housing mix on the site. No change proposed.</p>
<p>Paragraph 6.1 refers to the scorecard figure per place as at 2017 – is this information the latest available? If a later dataset is available, this figure should be revised to ensure it is up to date at the time of publication.</p>	<p>This is the most recent information available at the time the SPD was drafted.</p>
<p>Paragraph 2.6 does not include consideration of alternatives such as contribution towards a provision of a new school, or contribution of land towards a new school location. These are crucial ways in which developers could contribute and should be included in the SPD as options. Paragraph 6.4 does however imply that a development can still be acceptable by contribution to a new school. This should be</p>	<p>The SPD does not rule this out as an option. No change proposed.</p>

clarified throughout the document.	
It is generally accepted that contributions through planning obligations should not be sought from developers on schemes that are not classified as major developments. A major development is defined in the NPPF as development where ten or more homes will be provided or the site has an area of 0.5Ha or more. We therefore consider that the threshold of five dwellings is unreasonable and should instead be at least ten dwellings although it is noted that previously the school contribution related to 20 or more homes which seems like a more reasonable approach that should continue.	Agree to change threshold to 10 dwellings.
Section 9 of the draft SPD seeks to identify broad school planning areas to determine which schools are local to the development. It is unclear as to whether these areas relate to the formal catchment areas that would be used to determine whether or not new pupils fall within a certain catchment. We consider it would be sensible if the formal school catchment areas aligned with the broad school planning areas. It would also be helpful if the draft SPD provided a plan showing the catchment areas of the schools.	There are no longer formal catchment areas, given parental choice. All the Council is able to do is work on broad planning areas. No change proposed.
In terms of identifying insufficient capacity in schools, the draft SPD does not acknowledge that during the Plan Period there may be a need for school places based on the existing demographic profile of the area without the envisaged planned growth. We consider that this position should be recognised as the baseline position in the first instance.	Comment noted. Contributions will only be sought for any capacity need arising from the development. No change proposed.
As part of assessing the extent to which development should be required to mitigate their direct impact, there is currently no acknowledgement within the draft SPD that schools may be already be at capacity as a result of pupils coming from outside of a specific catchment area. Therefore, as part of the calculation there should be an opportunity to examine available spaces taken up by school pupils that may be using schools from outside of their catchment area when determining the capacity and the level of developer contribution that may be required.	This is outside the Council's control. No change proposed.

<p>At Paragraph 4.2 of the draft SPD certain types of housing developments are identified as not being eligible to make a financial contribution to education provision. Whilst we welcome the acknowledgement of these types of housing, we are also of the opinion that affordable housing should be on this list as it is unfair that the developer who is already accepting a reduced transfer value also provides the full costs associated with this contribution</p>	<p>Disagree as a need for school places will arise from affordable housing. No change proposed.</p>
<p>The Financial Contributions towards Schools SPD, should clearly set out the up to date evidence base as to how the Council have derived at the suggested policy requirements and prices for such matters as the figures for additional school places. Considers the SPD has not demonstrated how the Council have arrived at the figure of £16,000 per pupil place in the event a development proposal generates the requirement for further pupil places to be created. The Council will be required to confirm their viability testing of the proposed contributions.</p>	<p>Paragraphs 6.1 and 6.2 say where the figures have come from. No change proposed as a result of this comment.</p>

<p><b>Heritage Impact Statement SPD</b> This is a new SPD that is linked to Local Plan policy HE2 Heritage Statements and General Application Procedures. It sets out the requirements for the information that needs to be submitted in heritage statements. <b>Key changes made as a result of comments:</b> None</p>	
<p><b>NUMBER OF COMMENTS: 6</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>If we do not protect our heritage areas that still exist in Barnsley we will let the town down and let it forget it's past. There are areas under threat near Locke Park, due to the number of HMO developments there is a risk that they will end up like those on dodworth road and upper Sheffield road, that have really brought the area down. Protect your town or lose your once proud residents.</p>	<p>Comment noted. No changes made as a result of this comment. HMO issue dealt with in Design of Housing Development SPD.</p>
<p>General support from a neighbouring authority.</p>	<p>Support welcomed.</p>

<p>4.2 The example of the destruction of a stretch of canal:</p> <p><a href="https://www.barnsleychronicle.com/article/developer-has-landscape-offer-thrown-out">https://www.barnsleychronicle.com/article/developer-has-landscape-offer-thrown-out</a></p> <p>suggests that the wording, or resultant penalty, is not strong enough.</p> <p>The land close to Gawber Church, exhibiting the character of ridge and furrow cultivation, does not appear to be covered in the references.</p> <p><a href="https://www.mediafire.com/view/pr3igiqk2pcl992/Fields.jpg/file">https://www.mediafire.com/view/pr3igiqk2pcl992/Fields.jpg/file</a></p>	<p>Comment noted. No changes to the SPD proposed as a result of these comments.</p>
<p>This is an important aspect of all proposed developments.</p> <p>Queries how will the Council know that all heritage issues have been identified in any planning application?</p> <p>Queries how will the Council monitor the position and ensure that all conditions have been fulfilled?</p>	<p>Comment noted. No changes to the SPD proposed as a result of these comments.</p>
<p>This document should be revised to consider any updated policy under NPPF 3 (2019).</p>	<p>Comment noted. No changes in the 2019 NPPF relating to this SPD.</p>
<p>Welcomes the production of this Supplementary Planning Document which sets out clearly why such documents are needed, when they will be required, and what they should contain. This SPD should greatly assist those preparing applications which are likely to affect the District's heritage assets and ensure that the local planning authority receives and assessment the level of detail necessary for them to be able to ascertain what impact proposals might have upon the significance of any heritage asset affected. This should not only greatly assist decision-making and speed up processing of applications but will help to ensure that the heritage assets of the area are appropriately conserved.</p>	<p>Support welcomed.</p>

<ul style="list-style-type: none"> <li>Paragraph 6.1 – It is unclear who determines when an application is ‘clearly’ within the setting of a designated heritage asset. For Historic Parks and Gardens, for example, a development that is a considerable distance from the designated landscape itself may impact upon its significance and, therefore, be within its setting - something which many applicants may not fully appreciate. Therefore it might be advisable to amend Paragraph 6.2 along the following lines:-  <i>“... will ensure that any heritage assets or their setting that are likely to be affected by the proposed development are identified at the earliest stage”</i></li> </ul>	<p>Suggested changes accepted. SPD will be amended accordingly.</p>
<ul style="list-style-type: none"> <li>Paragraph 7.1 - It should be made clear that, if the building or site was of very high significance, a minor change could still require significant amounts of information. It is suggested, therefore, that the following is added to the end of the Paragraph:-  <i>“However, it should be borne in mind that a minor alteration could potentially require a more detailed assessment where it is likely to affect an asset of the highest importance”</i></li> </ul>	<p>Suggested changes accepted. SPD will be amended accordingly.</p>
<ul style="list-style-type: none"> <li>Paragraph 7.10, Criterion B, final sentence – It might be helpful to explain that group value could be due to a functional relationship or a fortuitous grouping, perhaps along the following lines:-<i>“... other assets. Group value could be due to a functional relationship or a fortuitous grouping”</i></li> </ul>	<p>Suggested changes accepted. SPD will be amended accordingly.</p>
<ul style="list-style-type: none"> <li>Paragraph 7.11, fifth bullet-point – It might be more logical if the bullet point <i>“Do you understand the heritage asset well enough to make an informed decision?”</i> was the first or second question on this list.</li> </ul>	<p>Suggested changes accepted. SPD will be amended accordingly.</p>

<b>HOT FOOD TAKEAWAYS PAN</b>	
<p>This is a new Planning Advice Note that has been prepared to deal with the health implications and public health aspirations for dealing with Hot food takeaways and their link to obesity. It is to be read in conjunction with the Hot Food Takeaways SPD above. Hot Food Takeaway proposals within 400m of a secondary school or Advanced Learning Centre will have regard to public health guidance.</p> <p>Seeks to control Hot Food Takeaways within wards where there are high levels of obesity amongst 10-11 year olds. It provides a health impact assessment template to be completed by Hot Food Takeaway Proposals.</p> <p><b>Key changes made as a result of comments:</b> Plans showing buffer zones around schools to be added. No changes to text.</p>	
<b>NUMBER OF COMMENTS: 3</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
Support from neighbouring local authority.	Support welcomed.
Take into consideration how many takeaways are already in the area, more than 4 is unacceptable	Comment noted, no changes proposed as a result. Concentration suggested in PAN considered reasonable.
<p>Considers that restricting the development of hot food takeaways within a ten minute walking distance of a school (400 m radius) would be unsound and that the Framework provides no justification at all for using the development control system to seek to influence people's dietary choices. In addition, there is no justification or evidence to support such an appraisal nor would such offered differentiate between different operators and the menu they offer.</p> <p>The PAN is not justified, effective or consistent with the Framework.</p> <p>Restricting the location of new Hot Food Takeaway proposals within the borough is not a positive approach to planning. The Framework promotes sustainable development this is about positive growth, making economic, environmental and social progress for this and future generations.</p> <p>As worded, the guidance takes an ambiguous view of takeaway uses in relation to the proximity to schools. It applies an over-generic approach to resist development with little sound planning reasoning or planning justification.</p>	<p>The plan should respond positively and responsibly to the health and wellbeing of its residents</p> <p>73.1% of Barnsley's adult population are overweight or obese , national average 61.3% PHE, 2016/17. 12 schools have significantly higher rates of childhood obesity than the national average. PHE 2019</p> <p>Public Health England &amp; Local Government Association (2017) <b>Strategies for Encouraging Healthier 'Out of Home' Food Provision</b> Planning policies designed to restrict the opening of new takeaways are more likely to be successful if these are clearly linked to local evidence-based policies to promote health and wellbeing and town centre vitality.</p> <p>The local council can use its leasing and licensing powers to influence the provision of healthier food in outlets operating from sites it owns or controls.</p>



Thus is inconsistent with Paragraph 80 and 81 of the Framework. Paragraph 80 states:

*“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*

No plan illustrating the significance of these resisted zones has been produced to assess the extent or implications of the policy. This would demonstrate the potential embargo against A5 uses.

The Inspectorate, regarding the Greenwich Local Plan concluded that it would be unsound if it contained the attempt in paragraph 4.3.55 to restrict new hot food takeaways within 400 m of a school. The Inspectors Report published May 2014 confirms *“If such a restriction is to be imposed as a matter of policy then it must be included in Policy TC(c). However, I do not consider that such a restriction serves any land use planning purpose. In any event, I can foresee difficulties in attempting to implement such a restriction. For example, what criteria would be used to determine “unhealthy” food, and how frequently would this be assessed for an individual business? In addition, the practicalities of enforcement at a time when public expenditure is being reduced may render such a policy incapable of enforcement. Whilst it may be a laudable aim, the Local Plan would be unsound if it contained*

Disagree it as a positive way of using planning to improve the health and wellbeing of local resident.

The National Planning Policy Framework section 8 "Promoting Healthy and Safe Communities" states that *“Planning policies and decisions should aim to **achieve healthy, inclusive and safe places which:enable and **support healthy lifestyles,** especially where this would address identified **local health and well-being needs** – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”.***

Planning Advice Note: Hot Food Takeaway

Updated plans showing buffer areas around schools to be included in final adopted version of SPD.

BMBC can provide definitions (linked to unhealthy food)

<p><i>this provision.”</i></p> <p>2.6 There is a lack of evidence to demonstrate the link between fast food, school proximity and obesity. Confirm this at Appendix A to this objection.</p>	<p>Government Office for Science, The Foresight Report (2007) The evidence is very clear that policies aimed solely at individuals will be inadequate and that simply increasing the number or type of small scale interventions will not be sufficient to reverse this trend. Significant effective action to prevent obesity at a population level is required.</p> <p>PHE, LGA 2017 Key findings from published evidence A1.1 Links between the food and drink environment and consumption patterns</p> <ul style="list-style-type: none"> <li>• One fifth of children eat food from out of home food outlets at least once a week.</li> <li>• Meals and snacks eaten outside the home are often high in calories, salt, and fat.</li> <li>• School children make purchases from a variety of food outlets in the school fringe at lunchtime (if there is a no stay on site policy), and during their journeys to and from school.</li> <li>• Popular purchases include confectionery, sugar sweetened drinks, and hot food takeaways. Many outlets have price promotions on these items particularly targeted at children and young people.</li> <li>• Food outlets, particularly grocers, takeaways and convenience stores, increasingly cluster around schools. However, it is not only the food environment around schools that influences food purchases and consumption patterns, the whole journey environment needs to be considered.</li> <li>• A number of studies, prevalence of and mapping exercises suggest that there is a greater number of hot food takeaways and obesity in deprived areas.</li> </ul>
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2.7 A systematic review of the existing evidence base by Oxford University (December 2013), funded by the NHS and the British Heart Foundation '*did not find strong evidence at this time to justify policies related to regulating the food environments around schools.*' It instead highlighted the need to '*develop a higher quality evidence base*'.<sup>1</sup>

2.8 This lack of evidence has been confirmed in a number of planning decisions. For example, in South Ribble the Planning Inspectorate raised

A1.2 The Out of date research  
PHE, LGA & Chartered Institute for Environmental Health (2014)

*Healthy people, healthy places briefing  
Obesity and the environment: regulating the growth of fast food outlets.*

Environmental, behavioural and cultural  
Factors all impact on obesity levels.

Out of date research  
PHE, LGA & Chartered Institute for Environmental Health (2014)

*Healthy people, healthy places briefing  
Obesity and the environment: regulating the growth of fast food outlets.*

Environmental, behavioural and cultural  
Factors all impact on obesity levels.

Strong evidence - Government Office for Science, The Foresight Report (2007) Preventing obesity is a societal challenge, similar to climate change. It requires partnership between government, science, business and civil society

concerns about a similar 400m school proximity restriction on fast food, stating *‘the evidence base does not adequately justify the need for such a policy’*, and due to the lack of information, it is impossible to *‘assess their likely impact on the town, district or local centres’*.<sup>2</sup>

2.9 The evidence provided at **Appendix B** confirms that 70% of purchases by students in the school fringe are purchased in non A5 shops.<sup>3</sup>

2.10 The policy does not restrict the location of new A1, A3 or A4 uses within the 400m zones and therefore the sale of food and drink will still occur. The proposed approach is therefore not effective and is unjustified. The policy will place a moratorium against one use class of development, but will not meet the ambition of the policy.

2.11 There is lack of evidence to demonstrate that purchases in fast food outlets are any more or less healthy than purchases in other A Class premises. Evidence confirming this is set out in **Appendix C**.

2.12 Research by Peter Dolton states that *“At least 50% of the days in a year kids don’t go to school if we count weekends and holidays and absence. They are only there for 6 hours and all but 1 are lessons. So only around 2-3% of the time can [children] get fast food at school.”*<sup>4</sup> This clarifies that a blanket restriction on location is unjustified.

2.13 Similarly, research by Brighton & Hove concluded that *‘the greatest influence over whether students choose to access unhealthy food is the policy of the individual schools regarding allowing students to leave school premises during the day’*.<sup>5</sup>

2.14 Only limited purchases of food are made at A5 uses on journeys to and from school. Further details are set out in **Appendix D**.

1 J Williams, P Scarborough, A Matthews, G Cowburn, C Foster, N Roberts and M Rayner, Nuffield Department of Population Health, University of

Gateshead LA, St. Helen’s LA, and Sandwell LA have been successful.

After school sales therefore more than 6 hours.

Tackling the obesogenic environment and crisis is everybody’s responsibility including local government.

Oxford, page 13, 11th December 2013. *A systematic review of the influence of the retail food environment around schools on obesity-related outcomes.*

2 Letter to South Ribble Borough Council, 29th April 2013, from Susan Heywood, Senior Housing & Planning Inspector, The Planning Inspectorate

3 The School Fringe: *What Pupils Buy and Eat From Shops Surrounding Secondary Schools*, July 2008, Sarah Sinclair and Professor J T Winkler, Nutrition Policy Unit of London Metropolitan University

4 Peter Dolton, Royal Holloway College, University of London & Centre for Economic Performance, London School of Economics, *Childhood Obesity in the UK: Is Fast Food a Factor?*

[http://www.made.org.uk/images/uploads/2\\_Prof\\_P\\_Dolton\\_presentation.ppt](http://www.made.org.uk/images/uploads/2_Prof_P_Dolton_presentation.ppt)

5 Brighton & Hove City Council & NHS Sussex, *Hot-food takeaways near schools; An impact study on takeaways near secondary schools in Brighton and Hove*, page 30, September 2011 Barnsley Council- response to Hot Food Takeaway SPD

April 19

2.15 Given the limited access that children have to fast food during the school day, this generic restriction is disproportionate; is not justified; and would not be effective.

Considers that restricting the location and concentration of hot food takeaways would be unsound and fails to meet the four tests of the Framework. It is not a positive approach to planning; justified; effective; or consistent with national planning policy.

As mentioned at Paragraph 2.5 of this objection, the Inspectorate with regard to the Greenwich Local Plan concluded that he does not consider that such a restriction serves any land use planning purpose. Furthermore the Inspector confirmed that he could foresee difficulties in attempting to implement such a restriction. Such a policy should therefore not be taken forward. No alternative wording or alterations can be suggested that would make the

National and local evidence shows there is a an overconcentration of fast food outlets across the borough and in wards with higher levels of deprivation and poorer health outcomes. Barnsley has a higher than the national average of fast food outlets rate per 100,000, with a local rate between 112.8-232. National average of 96.1.

<p>proposed policy sound.</p> <p>Many restaurant operators have made major steps to expand the range of healthy options and work with the communities within which they are / will be part of.</p> <p>Respondent sets out how they consider they have made major steps in recent years to expand the range of healthy offerings, and has:</p> <ul style="list-style-type: none"> <li>• Added porridge, salads, grilled chicken wraps, carrot sticks, fruit bags, orange juice, mineral water, and organic milk to its menu</li> <li>• Completely removed hydrogenated trans-fats from its menu</li> <li>• Reduced salt in Chicken nuggets by 36%, and fries by a quarter since 2003</li> <li>• Reduced fat in its milkshakes by 34% per serving since 2010</li> <li>• Reduced fat in its deli rolls by 42% since 2011</li> </ul> <p>4.2 The respondent considers they have also led the way displaying nutritional information to help its customers make informed choices. Since 2011, respondent has provided calorie information on every one of its 1,200+ menu boards in restaurants across the UK.</p> <p>This is in addition to the nutritional information that is already available on its website, on its tray liners, on its packaging, and via mobile phone app. In 2012 alone, respondent received 2.2 million visits to its nutrition web page.</p> <p>Respondent is committed to responsible advertising, and advertise to children only food items that are not classified by the Government's nutrient scoring criteria as High in Fat, Salt or Sugar "non-HFSS". All of the respondents advertising to children features at least one portion of fruit or</p>	<p>BMBC propose to add a health impact assessment to the planning application process in order to implement restrictions</p> <p>The nutritional information i.e. kcal labelled on the respondents website regarding the salad does not include the dressing.</p> <p>108kcal per portion, diet and zero coke are both 1 kcal per portion, therefore orange juice is not a healthier option.</p> <p>Contain more than the daily recommended amount of sugar for children and adults  <a href="https://www.bhf.org.uk/informationsupport/support/healthy-living/healthy-eating/sugar">https://www.bhf.org.uk/informationsupport/support/healthy-living/healthy-eating/sugar</a></p> <p>in the case of the small salads if you read the small print it says nutritional information does not contain the dressing so it is an</p>
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<p>vegetables, and a no added sugar beverage such as milk.</p> <p>As a significant customer of British farming, respondent buys quality ingredients from 17,500 UK and Irish farmers. It now spends more than £390 million every year on British and Irish produce, compared to £269 million in 2009.</p> <p>All of their burgers are made with 100% British and Irish beef. We use whole cuts of forequarter and flank, with nothing added or taken away in the process.</p> <p>In addition, the respondents business only uses 100% British RSPCA Freedom Food Pork across its entire menu. As a result, all pork suppliers are required to meet strict animal welfare standards.</p> <p>Respondent says they were one of the first retailers to switch to using free range eggs – which it did back in 1998. Free range eggs are now used in its entire menu – including its sauces, muffins and the coating on chicken nuggets. Every year they use over 100 million free range eggs, sourced from more than 200 UK producers, and for its work in this area they have been awarded ‘Food Business of the Year’ by the British Free Range Egg Producers Association.</p> <p>4.9 The strength of respondents supply chain – which was clear of any horsemeat – has also been confirmed by Professor Chris Elliott, who said in light of the horsemeat scandal: <i>“McDonald’s invited us to look at farms and abattoirs – it was a very simple supply chain. The other thing I was very impressed about was the length of contract McDonald’s had with its suppliers.”</i></p> <p>Considers there is a lack of evidence to demonstrate whether fast food is located by schools, or whether schools are located by town centres</p>	<p>inaccurate information. This has been taken from the respondents website.</p>
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looking at the economic viability of a new site, it does not factor in predicted sales from school children or proximity to schools.

Research by Christoph Buck has identified a similar approach with other retailers. His research suggests that *'food retailers are mainly located near major roads and in inner cities.'*<sup>6</sup>

Indeed, *'food retailers are not clustered around schools for up to 1.5 km'*<sup>7</sup> Correlations between schools and fast food density are therefore due to the proximity of both to town centres, where there is a broad mix of retail on offer.

With a policy restricting location in place, all A5 development would likely be directed away from major, district and local centres – contrary to the sequential test.

Buck et al. International Journal of Behavioural Nutrition & Physical Activity, Page 7, 2013 - <http://www.ijbnpa.org/content/pdf/1479-5868-10-65.pdf>

Christoph Buck et al. Clustering of unhealthy food around German schools and its influence on dietary behaviour in school children: a pilot study, page 6, 2013 Barnsley Council- response to Hot Food Takeaway SPD April 19

Includes a number of appendices with references to points quoted refuting link between fast food outlets and obesity.

### **HOT FOOD TAKEAWAYS SPD**

This is an update of the SPD adopted in March 2012 which explains the main issues that are likely to apply to a planning application for a hot food take-away. This update focuses on planning issues relating to impact of Hot Food Takeaways on the street scene and the amenity of nearby residents.

To avoid clustering it seeks to ensure no more than 1 A5 use is present in any one length of frontage. It does not permit Hot Food Takeaways that would share a party wall with a residential property.



<p>An additional Planning Advice Note has been prepared to deal with the health implications and public health aspirations for dealing with Hot food takeaways.</p> <p><b>Key changes from previous version:</b> The issue of exclusion zones around schools was previously included in the SPD. This has now been moved into the Hot Food Takeaway Planning Advice Note.</p> <p><b>Key changes made as a result of comments:</b> None</p>	
<b>NUMBER OF COMMENTS: 1</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
Support from neighbouring local authority.	Support welcomed.

<p><b>HOUSE EXTENSIONS AND OTHER DOMESTIC ALTERATIONS SPD</b></p> <p>This is an update of the 2012 SPD on house extensions. It sets out the design considerations relevant to people extending or making alterations to their home. <b>Key changes from previous version:</b> The policy context has been updated.</p> <p><b>Key changes made as a result of comments:</b> Add text from barn conversions SPD. Add text regarding flood risk</p>	
<b>NUMBER OF COMMENTS: 4</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
Due to the importance of urban habitats for many species we would encourage implementation of guidance for roosting bats and nesting birds as included within barn conversion SPD. Guidance can be found on BCT website and should include consideration for lighting.	Agree to add text from barn conversion SPD
Support from neighbouring local authority.	Support welcomed.
Support for the proposals in the document and would hope that these are applied to works carried out under permitted development, particularly to prevent dormer windows with flat roofs being installed on traditional properties.	The SPD will be available to provide advice to people making alterations to their homes, however the planning authority cannot enforce it where works fall within permitted development rights.
This SPD does not make reference to flood risk. 'Householder development' is classed as 'minor development' and a Flood Risk Assessment is required to demonstrate the flood risks can be appropriately managed.	Text to be added as suggested.
Please see the Planning Practice Guidance (PPG) on Flood Risk and Coastal Change: <a href="https://www.gov.uk/guidance/flood-risk-assessment-">https://www.gov.uk/guidance/flood-risk-assessment-</a>	

<p><a href="#">for-planning-applications</a>. The PPG makes clear Flood Risk Standing Advice (FRSA) applies to ‘Householder development’.</p> <p>You may decide it is appropriate for the SPD to make reference to Barnsley Local Plan policy on flood risk.</p> <p>Applicants should also be made aware that a flood risk activity permit may be required, under the Environmental Permitting Regulations, from the Environment Agency for any proposed works or structures in, under, over or within eight metres of a ‘main river’. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a></p>	
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<p><b>LAWFUL DEVELOPMENT CERTIFICATE PAN</b>          This is an update of the SPG from 2003. It advises that a Lawful Development Certificate confirms that a use, operation or activity is lawful for planning control purposes, and can provide protection against enforcement action.  <b>No key changes from previous version</b>  <b>Key changes made as a result of comments:</b> None</p>	
<p><b>NUMBER OF COMMENTS: 1</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>General support from a neighbouring local authority.</p>	<p>Support welcomed.</p>

<b>MORTAR MIXES FOR HISTORIC BUILDINGS PAN</b>	
This is an update of the 2012 SPD and gives advice on pointing historic buildings. The text has been updated to provide current best practice. <b>Key changes from previous version:</b> The policy context has been updated. The technical information on appropriate mortar mix for historic buildings has been updated to reflect current best practice. <b>Key changes made as a result of comments:</b> None	
<b>NUMBER OF COMMENTS: 1</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
General support from a neighbouring local authority.	Support welcomed.

<b>OPEN SPACE PROVISION ON NEW HOUSING DEVELOPMENTS SPD</b>	
This is an update of the 2012 SPD and gives advice on how much and what type of open space a development should provide. It seeks developer contributions for open space and its ongoing maintenance. <b>Key changes from previous version:</b> The contribution figures for new green space have been updated. The methodology for calculating the compensation for loss of green space has been clarified. New information has been added in respect of future maintenance of on- site green space. <b>Key changes made as a result of comments:</b> None	
<b>NUMBER OF COMMENTS: 10</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
8.2 - encourages the inclusion of aims to connect open space in new development to existing habitat networks and wildlife corridors. This can make reference to the Biodiversity SPD.  Cross referencing to the Biodiversity SPD is required in the text of this SPD.  8.3 - encourages guidance on design and management practices to include things such as retention of trees and hedgerows, retention of other areas of ecological value (e.g. ponds, grassland) and incorporation of relaxed mowing regimes.	Comment noted. Many SPD's will be relevant to developments, it is not considered feasible to consistently cross reference to them all. No change proposed as a result of this comment.
Support from a neighbouring local authority.	Support welcomed.
There does not appear to be a provision for access for maintenance of	We would expect access for maintenance to be incorporated within

such a provision where not bounded on at least one side by a public right of way.	the design of the scheme.
Good to see natural and semi-natural greenspace included in this SPD.	Support welcomed.
<p>Maintenance of Open Space.</p> <ul style="list-style-type: none"> <li>• 12.2 The Council expects the maintenance arrangements to be sufficient to ensure that areas of open space remain high quality whilst ensuring that the costs imposed on residents are reasonable, and remain so for the lifetime of the development. To ensure this, the Council's preference will be for a Community Interest Company (CIC) to be formed with its members being the residents of the new development (and their successors in title).</li> <li>• Requests a definition of what 'reasonable' costs are. The leasehold property purchased by respondent 7 years ago has 2 so-called management companies. One RMG (internal to the building) and the other Greenbelt (for the external open space). The fees during this period have risen over 90%. Respondents apartment is one of 12 that sits in a fenced, grassed area with trees around the perimeter. Does not understand such massive increases in management can be justified. Respondent has been advised they will be unable to sell property because of these fees. You are no doubt aware of the governments recent plans to abolish leasehold. How will this affect the open space surrounding my property in Wombwell? Can the council 'reclaim' management of this open space to that home owners can avoid this scam?</li> <li>• Why is the future of open space the responsibility of the developer (which actually means it's the responsibility of the home-owner), when we still pay the same amount of council tax? Surely if home owners are to be responsible for maintaining the open space, they should be able to appoint a company they see fit to do so? Greenbelt have been thrown out of</li> </ul>	<p>Comments and concerns are noted. A Community Interest Company is still the preferred choice but SPD does not rule out other arrangements. There are pros and cons to each of these arrangements and the Council will consider these on a case by case basis.</p> <p>In respect of the definition of "reasonable costs", this is index linked and secured in the relevant Section 106 agreement.</p>

<p>Scotland for ripping home owners off, yet they are still able to continue this shocking scam in England. What is the councils plan to stop this?</p> <ul style="list-style-type: none"> <li>• Considers that Council adoption with funding by the developer should be the preferred choice to avoid a 2 tier council tax system. Where that is not possible maintenance should be provided by the council with a supplement on the council tax for the affected properties. Considers there needs to be a cap on management/maintenance charges so that all costs do not exceed the council costs per m2 in perpetuity. Monies received in lieu of the provision of open space should be ring-fenced to the parish/ward in which the development is sited. There needs to be regulation of the open-space management sector and local authority supervision of the quality of work (funded by the developer in perpetuity) a condition of operation. until that happens there is a risk that the local authority will be implicated in the excessive profits of developers and management companies. Comment from resident on an estate with a non-local management company who charge over-inflated fees and do not maintain the open space to any sort of standard. Maintenance work is contracted to non-local providers which increases fees and takes the money out of the local economy. Our parish council has funded a clean-up team who have done maintenance work on the open space which should have been completed by the maintenance company. States that other local authorities are looking at banning the use of maintenance companies whilst developers are making obscene profits and are insisting that full adoption is funded by the developers, and queries why the Council is persisting with this.</li> </ul>	
<p>Paragraph3.1 This sets out the definition of green spaces. It is questioned whether this relates to housing allocations.</p>	<p>Where a Local Plan housing allocation, or part of an allocation, currently functions as green space this has been taken into account in the housing site selection process. Retention of part of a site for green space, or compensation for its loss will be considered. No change to the SPD proposed.</p>

<ul style="list-style-type: none"> <li>• Paragraph 6.1 Sets out how the 15% open space requirement on site is calculated. It is considered that the exclusion of landscape areas (as set out in the text) should be considered on a case by case basis. Non-incidentally landscaped areas can have a very positive impact on the overall design of a development and should be included.</li> <li>• At Paragraph 6.1 it states that 'landscaped strips' do not make a significant contribution and therefore should not count towards open space requirements – The respondent have had instances where a landscape strip has contained a footpath, or where it has provided an attractive entrance to a development. It could certainly be argued that such areas do make a valid contribution to public open space. Comments made at Paragraphs 8.1 and 8.2 indicate that natural features, wildlife habitats, landscaping and SUDs all contribute towards the 15% requirement – there is no justified reasoning as to why landscaped strips are therefore specifically excluded when similar incidental land can be considered</li> <li>• In relation to Paragraph 6.1, it is considered that further clarity is required as to the reference to landscaped strips in terms to whether or not they feature within the calculation of the 15% minimum area of the site being required to be laid out as open space. Green Infrastructure can provide a range of multi-functional uses and to acknowledge this point we consider that Paragraph 6.1 should introduce greater flexibility so that proposals can be considered on a case by case basis.</li> <li>• It is also considered that areas of landscaping strips (which are contested as usable green space by the Council) should be included as usable open space where such areas are open for public use. These areas make not only a visually beneficial aspect as part of schemes but can also be used for children and families playing informally.</li> <li>• Paragraph 7.6 Requests that that the Council delete the words "awkwardly shaped left over areas of land", as it is considered</li> </ul>	<p>Comments noted. Whilst there may be occasions where the landscaped areas can be considered as performing a green space function, this is not often the case. Therefore no changes proposed to the SPD.</p>
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<p>that these contribute to schemes for the reasons set out above.</p> <ul style="list-style-type: none"> <li>•</li> </ul>	
<p>Paragraph 8.3 The Council's acceptance of having attenuation ponds within 15% on site open space requirement is supported.</p>	<p>Support welcomed.</p>
<p>Paragraph 11.1</p> <ul style="list-style-type: none"> <li>• Requires open space to be provided before a significant proportion of the site is completed and occupied. It is requested that the wording is changed to set out that this is only appropriate where feasible. This is a matter that can be resolved on a site by site basis through the identification of appropriate trigger points for delivery, within Section 106 Agreements.</li> <li>• Paragraph 11.1 requires open space to be provided before a significant proportion of the site is completed and occupied. The respondents clients are involved in developments of a significant scale and will be subject to a coordinated phased release within the context of the approved masterplan framework having regard to trigger points informed by various factors. To acknowledge this issue, we consider that the wording of this paragraph should introduce a degree of flexibility</li> </ul>	<p>Paragraph 11.1 states "<i>it is important that open space is provided before a significant proportion of the site is completed and occupied</i>" The purpose of this text is to ensure that the residents that occupy the site before all phases are completed have access to green space. This point is considered reasonable, and does not preclude negotiations being made on a site by site basis. No change proposed.</p>

<p>Paragraph 12.1</p> <ul style="list-style-type: none"> <li>• Relates to the maintenance of open space. It sets out that the Council will require full details of such arrangements before a planning application is determined. As the full details of the scheme are not known at that stage, developers are not in a position that they can make such arrangements before a planning application is determined. It is requested that this is amended to be addressed via a planning condition to follow the process which is currently used for such matters.</li> <li>• Paragraph 12.1 confirms that the Council will require full details of the maintenance of open space before a planning application is determined. It is often the case that developers are not in a position to enter into such an arrangement before a planning application is determined. It is therefore requested that the guidance creates more flexibility so that it allows for these management arrangements to be considered via a planning condition.</li> </ul>	<p>It is important that details are known and agreed in advance of a planning decision being made rather than through a condition. No change proposed.</p>
<p>Recognises that open space contributes to the design of future places, alongside health and wellbeing benefits for new residents, though has the general view that the SPD places significant requirements on developers which may not always be deliverable or achievable. The definition of 'green space' used throughout the document and particularly in Paragraph 3.2 should be defined, and clarification should be provided as to whether this refers to specifically designated sites in policy terms.</p>	<p>Further information on the definition of green space can be found in the Council's Green Space Strategy here:<a href="https://www.barnsley.gov.uk/media/4088/barnsleys-green-space-strategy-2016-update.pdf">https://www.barnsley.gov.uk/media/4088/barnsleys-green-space-strategy-2016-update.pdf</a></p> <p>Policy GS1 of the Local Plan and supporting text also provides information. The term does not only refer to spaces which are shown as Green Space on the Local Plan Policies Map, but to any space fulfilling one of the green space functions. It does not only apply sites that are currently designated</p>
<p>Respondent appreciates the Council's efforts to try and provide a calculated method of compensation for the loss of open space at Paragraph 3.2, does not deem the method of calculating replacement open space in Paragraph 3.3 appropriate. This 'one size fits all' approach fails to account for what in particular has been lost – for example, the loss of an overgrown and unused recreation ground</p>	<p>The Council considers that providing a standard cost is helpful to provide certainty to developers. The cost is not considered unreasonable. It is also considered reasonable to include a maintenance cost as this will go towards maintaining the site that is to be improved using the financial contribution. Paragraph 3.3 of the SPD details how this is calculated, as follows:</p>



<p>versus a formal and well maintained country park. Indeed, the method of calculation at present does not account for these differences. Additionally, the calculation includes a provision for 15 years maintenance of the space, explained at Paragraph 3.3, which we similarly feel is not appropriate. For example, if the Council is currently maintaining a formal garden which is brought forward for development, and it is deemed contributions are necessary to an offsite playground, it seems unreasonable for the Council to request funds towards maintenance of an existing facility, as the Council will already receive the maintenance 'benefit' through no longer having to maintain the land which is developed.</p>	<p><i>“3.3 The contribution has been calculated using the Council's current land valuation for amenity land which equates to £29,640 per hectare, and the cost of providing 1 hectare of informal open space including 15 years maintenance which equates £96,000. These figures will be reviewed periodically if the land value and/or costs change.”</i></p> <p>No change proposed.</p>
<p>The Table at 7.1 sets the level at which play provision should be provided. The lower limit for formal, informal and equipped play space is set at 20 houses for a contribution or provision on/off site. This lower limit should be raised as it unnecessarily burdens smaller development and could have an impact on the delivery of smaller windfall sites</p>	<p>In representations on other draft SPD's where the proposed threshold was 5 dwellings, the following comment has been made:  <i>“It is generally accepted that contributions through planning obligations should not be sought from developers on schemes that are not classified as major developments. A major development is defined in the NPPF as development where ten or more homes will be provided or the site has an area of 0.5Ha or more. We therefore consider that the threshold of five dwellings is unreasonable and should instead be at least ten dwellings although it is noted that previously the school contribution related to 20 or more homes which seems like a more reasonable approach that should continue.”</i></p> <p>The background to the 20 dwelling threshold is that it was rolled forward from a previous SPG which was based on the UDP policy H6. The addition of the 20 dwelling threshold was recommended by the UDP Inspector. Previous versions of the policy did not have this threshold in. The Inspector's report says at paragraph 1.1.155 <i>“The appropriate site area at which a policy of this kind should come into effect will contain many variables, depending on local circumstances, the level of existing provision and development density. I consider that a better measure is a 'number of units' criterion and I am recommending to the Council that this be set at twenty. I arrive at this figure in the light of objections and from my own calculations as to the</i></p>

	<p><i>appropriate point at which open space provision will become viable and of a sufficient size as to be worthwhile. All policies of this kind contain an in built flexibility and the Council, if it accepts my recommendation, will no doubt implement the policy in accordance with Government Guidance on this point.”</i></p> <p>The Council has not deemed it necessary to change this threshold, however if it were to change it would be likely that the major development threshold of 10 dwellings would be used, as has been accepted in the Financial Contributions for Schools SPD.</p>
<p>The document does not provide any opportunity for developers to submit a viability assessment in order to reduce the quantity of public open space. This should be provided to ensure that any new SPD does not overburden developments, particularly those in low value market areas.</p>	<p>Comment noted. No change proposed.</p>
<p>The respondent recognises that the Council will wish to condition the provision of open space as part of granting planning permission as per Paragraph 11.2 but would like to highlight that this condition should not include pre-commencement requirements to help allow developers to start on site quicker.</p>	<p>Comment noted. No change proposed.</p>
<p>The Council set out ‘Design principles’ at Section 13 of the document. It should be emphasised that these are guidance tools, and they should not be rigidly enforced as policy. The restrictions placed by the SPD would unnecessarily place limits on developers and architects, which may constrain the opportunity for innovative design. Additionally, such design principles do not account for site specific or local factors which may impact the ability to meet the key principles. For example, where a site is an irregular shape, or where a natural feature needs to be considered.</p>	<p>It is not the intention of the SPD to stifle creative design. However its priority is to seek well designed, safe, usable spaces. No change proposed.</p>

<p>In addition, no background is provided to the minimum 15% requirement for open space at Paragraph 4.1. The issues with this are four-fold: some locations potentially have an oversupply of open space, and therefore this requirement is not necessary in all circumstances; it is more than neighbouring authorities such as Wakefield who require only 10%; this requirement unnecessarily burdens smaller sites, such as those under 2 hectares; and it is not always viable to provide this amount of open space, or level of contributions.</p>	<p>The 15% figure originated from the UDP policy H6 and was in a previous version of the SPG. It is considered reasonable and therefore has been carried forward into the new SPD. It is not considered to over burden smaller sites. No change proposed.</p>															
<p>The Open Space Provision on New Housing Developments, should clearly set out the up to date evidence base as to how the Council have derived at the suggested policy requirements and prices for such matters as maintenance and management fees.</p>	<p>The costs in the SPD are based on the following costs from September 2018. It is not proposed to include these in the SPD:</p> <p><b>Cost of provision or enhancement</b></p> <table data-bbox="1124 699 2056 869"> <tr> <td>Ground modelling including grading and seeding</td> <td>6,500</td> <td></td> </tr> <tr> <td>Fencing - 100m metal railings</td> <td></td> <td>7,000</td> </tr> <tr> <td>Fencing - 100m timber post and rail</td> <td>2,000</td> <td></td> </tr> <tr> <td>Landscape planting</td> <td></td> <td>5,500</td> </tr> <tr> <td><b>Total</b></td> <td></td> <td><b>£21,000</b></td> </tr> </table> <p>Based on a sample area of 1 hectare, mainly mown grass on gently modelled ground with tree and shrub planting, assuming 2 sides enclosed by adjoining properties with 2 sides open (needing fencing)</p> <p><b>Maintenance</b></p> <p>Maintenance of mown grass and ornamental shrubs = 50p/m<sup>2</sup></p> <p>Cost for 15 years maintenance = 50p x 10,000m<sup>2</sup> x 15 = £75,000</p> <p><b>Total cost</b></p> <p>Total cost of informal open space per hectare is therefore:</p>	Ground modelling including grading and seeding	6,500		Fencing - 100m metal railings		7,000	Fencing - 100m timber post and rail	2,000		Landscape planting		5,500	<b>Total</b>		<b>£21,000</b>
Ground modelling including grading and seeding	6,500															
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Fencing - 100m timber post and rail	2,000															
Landscape planting		5,500														
<b>Total</b>		<b>£21,000</b>														

	£21,000 + £75,000 = <b>£96,000 per hectare</b>
Considers that the “A model planning obligation and examples of standard conditions are available on request” should be included within the SPD to ensure consistency.	This would add considerably to the size of the document and may not be required by all users of the SPD. Therefore consider it appropriate to make them available on request. No change proposed.
The Open Space Provision should be based on current Greenspace Strategy.	Open space provision is based on the current Green Space Strategy
The SPD needs to clearly set out that the requirement for open space contributions should provide flexibility to all the applicant to demonstrate whether particular circumstances justify the need for a viability assessment and thus inform discussions with the Council on the priorities for delivering obligations on site.	Comment noted. No change proposed.

#### **PLANNING OBLIGATIONS SPD**

This is a new SPD which introduces the topic specific SPD’s which seek section 106 contributions (Sustainable Transport, Affordable Housing, Financial Contributions for Schools and Open Space Provision on New Housing Developments). This SPD sets out priorities for contributions. It makes it clear that where multiple developer contributions are required those for schools and sustainable travel will take precedence and will be non-negotiable.

This SPD is not being adopted at this time as further consideration is being given to the comments made on the Sustainable Travel SPD. The comments made are set out below. The Sustainable Travel and Planning Obligations SPD’s will be the subject of a future Cabinet report.

#### **NUMBER OF COMMENTS: 6**

#### **MAIN ISSUES RAISED**

Support from neighbouring local authority.

Paragraph 4.2

- Objects to the wording of the requirement that school places and sustainable travel are non-negotiable. Considers it would be more appropriate to state this as a preference but to leave the negotiation flexible to reflect priorities at the time and not to shut the door on sites which may have other local priorities. Paragraph 4.2 confirms that the requirement for school places and sustainable travel are non-negotiable. Considers that this approach is not in the spirit of how planning obligations should be formulated. Reference is made to the NPPG at Paragraph: 010 (Ref ID: 23b/010/20190315 which explicitly confirms that planning obligations are negotiable and should provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Whilst the Council may have a

preference as to prioritising certain contributions, respondent recommends that in order to accord with the NPPG, the wording of the SPD should allow more flexibility having regard to site specific priorities at the time of determination within the context of the overall viability of a proposal.

- The Community Infrastructure Levy Regulations 2010 sets out statutory tests for planning obligations, which are referenced as policy tests in the NPPF. A planning obligation may only constitute a reason for granting planning permission if the obligation is necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The NPPF recognises that plans should set out the contributions expected from development, informed by a plan-led viability approach. It also states that ‘Such policies should not undermine the deliverability of the plan’. It is this latter point which is most concerning with regards to the Draft SPDs promoted by Barnsley – in a Borough which faces high levels of deprivation and low market values, placing unreasonable requests on developers with regards to planning obligations is likely to have a negative impact on development and housing supply. Respondent has significant first-hand experience of developing low cost homes in secondary market locations, particularly in the Barnsley area. The Planning Obligations SPD states that ‘Where contributions are required for school places or sustainable travel, these will take precedence and are non negotiable’. Has strong concerns regarding this statement – there are development sites in Barnsley that it simply would not have been viable to develop should these contributions have been necessary. Given the potential cost of this requirement, these measures need to take into account their impact on the viability and deliverability of sites. Under the current Local Plan it is noted that viability assessments were carried out, but that these were more generic in nature, rather than specifically assessing the viability of allocations or small market locations. It is our view that this has not thoroughly tested the viability implications of bringing forward housing development considering the diverse nature of the borough and challenges that individual sites present. Indeed, this presumption appears to be generic and ‘one size fits all’ in nature. Further site-specific work should be undertaken to understand the viability and deliverability implications of such policies. The PPG is clear in its advice that: *“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).”*
- Does not believe that the current Barnsley Local Plan considered viability with sufficient detail to enable the Council to justify its statement that education and sustainable travel contributions are non-negotiable and respectfully request that the Council further review the implications of this on sites, particularly those in secondary locations. Considers it is irrefutable that such a policy would hamper the Council’s ability to meet their housing supply targets and restrict delivery in areas in desperate need of regeneration. The SPD should make provision for a site specific viability assessment to be used in all circumstances for applicants to demonstrate individual site circumstances which render developments unviable, and ensure that development is not prevented for such reasons.

The purpose of planning obligations is to ensure that new development contributes towards the cost of the new and improved infrastructure that is required to support the delivery of the Local Plan’s development aspirations, including contributions towards the cost of transport infrastructure improvements, as proposed within the adopted Local Plan and the supporting Infrastructure Delivery Plan. It details when contributions might be required and the methodology that will be applied to determine the requirements for new development and the potential associated costs, identifying key areas of infrastructure which may need to be addressed through planning obligations.

Sections 1 and 2 of the SPD provide the legislative context within which the document has been prepared and the purposes for which planning obligations should be sought. It appropriately cross references to the relevant provisions within the National Planning Policy Framework (NPPF) and the Community Infrastructure Levy Regulation 2010.

Section 3 establishes the local planning policy context with reference made to the Local Plan. In particular it identifies that the intention of the SPD is to supplement Local Plan Policy I1: Infrastructure and Planning Obligations and reiterates its provisions that development should be supported by appropriate physical infrastructure and should contribute as necessary to meet, *“all on and off site infrastructure requirements to enable development to take place satisfactorily”*. Further, it states that contributions will be secured through planning obligations where necessary provisions are not made directly by the developer and also provides for the pooling of contributions to be used to delivery necessary infrastructure where required, which is supported.

Section 4 provides further elaboration on Local Plan Policy I1 and details when contributions will be sought. It notes that other SPD’s include provisions requiring planning contributions towards the cost of infrastructure improvements and that this includes the Sustainable Travel SPD. Of particular note, Paragraph 4.2 identifies that contributions towards sustainable travel, along side school places, will take precedent and will be non-negotiable, which can be supported. Paragraph 4.3 identifies that other contributions may be required to enable development to take place, cross referencing to Paragraph 25.3 of the Local Plan, which provides supporting text to Policy I1, and identifies that this can include *“new or improved provision of roads and other services, public transport...”*, and as such this scope is supported.

Welcomes that reference is made to seeking contributions toward highways infrastructure works through Section 278 Agreements, which is stated in Paragraph 4.5 and welcome the cross referencing to the supporting text of Policy I1, which states in relation to the pooling of contributions that, *“It may be necessary to consider the cumulative effect of a number of developments such that developers may be required to contribute jointly towards necessary infrastructure”*. We are also supportive of the requirement for, *“All new development should therefore make appropriate provision to contribute towards offsetting the additional pressures it has created whether this is through on or off site provision of facilities or financial contributions”*, along with the requirement for developers to demonstrate that, *“adequate capacity either exists, or that provision will be made to meet the necessary infrastructure requirements within an appropriate timescale”*. In conclusion, Highways England can be supportive of the provisions within the Planning Obligations SPD.

Planning Obligations should be sought in accordance NPPF policy and in accordance with the three tests stipulated in legislation and paragraph 55 of the NPPF, i.e. necessary, directly related to the development and fair and reasonably related to the scale and kind of development. Whilst, the Planning Obligations SPD states the three tests, the SPD makes clear that priority will be given to the contributions towards School Places and Sustainable Travel. The SPD states that their preference is non-negotiable. This SPD does not provide for flexibility in respect of specific site requirements for applicants and the Council to determine which developer contributions and obligations are applicable to the development. Any contributions sought should be specific to the site and where up to date evidence base exists and clearly identifies potential requirements

or pressures which would require the need to be addressed through a planning application and where required will be subject to a developer viability assessment. A planning obligation may only constitute a reason for granting planning permission for the development if the obligation meets the tests set out above.

#### **REMOVAL OF AGRICULTURAL OCCUPANCY CONDITIONS SPD**

This is an update of the 2012 SPD. It gives advice on information that should be submitted to support an application to remove agricultural occupancy conditions.

**Key changes from previous version:** The policy context has been updated.

**Key changes made as a result of comments:** None

**NUMBER OF COMMENTS: 1**

**MAIN ISSUES RAISED**

General support from a neighbouring local authority.

**HOW THE ISSUES HAVE BEEN ADDRESSED**

Support welcomed.

#### **RESIDENTIAL AMENITY AND THE SITING OF BUILDINGS SPD**

This is an update of the 2012 SPD and gives advice on how to ensure new developments are appropriately designed and sited in relation to existing residential development. **Key changes from previous version:** The policy context has been updated.

**Key changes made as a result of comments:** None

**NUMBER OF COMMENTS: 4**

**MAIN ISSUES RAISED**

General support from a neighbouring local authority.

Paragraph 3.1.1 queries if there is a typo in this sentence.

Paragraph 3.1.3

- The vertical angle referred to above and shown in Figure 1.1 does not take into account winter sun angles at this latitude. In mid-winter, the noontime sun angle is only 13.5 degrees. It does not reach 25 degrees until late February. This would leave properties north east to north west of the site in shade for several weeks. This would be even worse where existing dwellings are downhill from the proposed building

**HOW THE ISSUES HAVE BEEN ADDRESSED**

Support welcomed.

No typo, unless it is the wording that is being queried. Perhaps it could read 'new housing' or new development'. No change proposed.

Concerns are noted. Figure 1.1 has been carried forward from the previous version of the SPD. The rule originated from recommendations in a Building Research Establishment (BRE) report. No changes are proposed to the SPD in response to this comment. However where a planning application is submitted, should the proposed layout give rise to concerns about how much daylight and sunlight would be received by properties throughout the year, a further assessment can be requested to address these concerns.

<ul style="list-style-type: none"> <li>Paragraph 3.1.1 refers to "The layout and design of new housing development must ensure that a high standard of privacy, light and outlook is obtained for existing residents where they live in close proximity". In relation to Appendix 1, there is no mention of the angle of the Sun, particularly in Winter months when the angle of the Sun is below the 25% or 45% angle, which for Site MU1 would mean that some existing properties would be adversely affected by the loss of sunlight as a result of the proposal in the Appendix. Considers this is particularly relevant for properties on the west side of Wharfedale Road, Pogmoor which will be adversely affected by the proposed Farmhouse Lane development</li> </ul>	
<p>Considers that the title of this document should be revised to emphasise that this policy is relevant only to the siting of non-residential buildings in close proximity of residential buildings. Propose the title be amended to 'The Siting of Non-Residential Buildings and Residential Amenity'.</p>	<p>The title is considered appropriate, therefore no change.</p>

<p><b>SHOPFRONT DESIGN SPD</b> This is an update of the 2012 SPD and gives advice on appropriate shop front design.  <b>Key changes from previous version:</b> The policy context has been updated.  <b>Key changes made as a result of comments:</b> None</p>	
<p><b>NUMBER OF COMMENTS: 1</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>General support from a neighbouring local authority.</p>	<p>Support welcomed.</p>



**SUSTAINABLE TRAVEL SPD**

This is a new SPD that is linked to Local Plan policies I1 Infrastructure and Planning Obligations and T3 Sustainable Travel. The SPD seeks section 106 contributions to ensure that developments contribute to sustainable travel and seeks contributions. For schemes of 10 dwellings or more a contribution of £500 per bedroom is sought for developments within the Accessibility Improvement Zone (AIZ, to the east of the M1). For schemes of 5 dwellings or more a contribution of £1,500 per bedroom is sought for schemes that are not within the AIZ. Section 5 sets out the minimum numbers of charging points that developments will be required to provide.

This table summarises the comments made on the Sustainable Travel SPD. These responses are being given further consideration. A further report will be brought to Cabinet in due course and will set out how the issues are to be addressed.

**NUMBER OF COMMENTS: 10****MAIN ISSUES RAISED**

Not only house building causes an increase in traffic which needs to be managed. Welcomes the new SPD but considers we also need to take into account the impacts of new business parks, especially those in harder to reach areas; eg MU1. If this is built with a large scale business park, then the area would need significant investment in sustainable travel solutions. Currently there is 1 bus an hour in and out of Higham (where the main access would be) which would mean a huge increase in traffic in the area.

Could BMBC introduce a S106 requirement for new business parks to invest in cycle schemes, public transport, and electric charging points (as a few examples)? Schemes like this will significantly change an area forever so the least we could do is mitigate the impacts of any massive increase in traffic movements from people travelling to and from work to HGVs and other industrial traffic.

General support from a neighbouring local authority.

Considers that the proposals for Site MU1 and the Penny Pie Gyrotory scheme cut right across the policies in this section (see also Paragraphs 2.1 and 7.15). Again we see the phrase "mitigation" in Paragraph 4.1.

Viability issues:

- Scheme Viability – Cumulative Impact of Contributions: The Draft SPD proposes a charging rate ranging from £500 per bed space (on sites within the Accessibility Improvement Zone – AIZ) to £1500 per bed space (outside of the AIZ). As a starting point there is no clear justification or methodology as to how this level of contribution has been arrived at and further evidence is required in this respect. Notwithstanding this point respondent has provided a worked example of the above contribution based on a notional housing development on an allocated site outside of the AIZ;
  - 25 units
  - 10x 2 beds, 10 x 3 beds, 5 x 4 beds = 70 bedspaces
  - 70 x £1500 = £105,000 or £4,200 per dwelling

Taking the above calculation, and assuming a full contribution is required towards Primary and Secondary Education, this would equate to a commuted sum requirement of £9,960 per dwelling. This is therefore nearly double the cost that was used to inform the Viability Evidence base and does not include for any potential open space contributions on top. It is therefore clear that a significant number of schemes would become unviable on this basis which could in turn potentially restrict the delivery of new housing on allocated sites during the Plan period. Considers it is clear that the evidence base in respect of viability needs to be fundamentally re-visited and consulted upon prior to the Adoption of the SPD and at the very least any final Draft needs to refer to viability issues being taken into account at application stage.

- Considers the impact that this SPD would place on the viability of residential development schemes in the Borough is huge and cannot be underestimated. Notwithstanding the holistic impact of the new Draft SPD's, the sheer impact of this SPD in isolation will stall or in some cases completely restrict the delivery of housing sites across the Borough. Particularly with regard to the larger development sites that the Council will rely on most to deliver the identified housing needs of the Borough. In many cases this will likely lead to protracted site-specific economic viability appraisal negotiations, leading in some cases to appeals. A process that in itself could delay the delivery of new homes from a site by up to 18 months
- Considers that the adoption of the Sustainable Travel SPD in its current form will therefore have a serious impact on the ability of the Council to meet the identified housing needs of the Borough within the first 5 years post adoption of the Local Plan. This period is when the delivery of housing allocations should be given serious focus, given the implications that any under-delivery could have when the Local Plan is reviewed in 5 years' time.
- Does not believe that the current Barnsley Local Plan considered viability with sufficient detail to enable the Council to request that such contributions are 'non-negotiable'. Considers the implications of such a policy would undoubtedly render many sites in the Borough unviable, leaving them undeveloped and the Council in a position where they cannot meet the Housing Delivery Test or their housing supply targets.
- Supportive of contributions towards transport improvement as may be necessary to make the development acceptable in planning terms, providing this does not compromise the viability of the scheme. The SPD does not make provision for a viability assessment to be submitted, meaning that multiple development sites may be rendered unviable by such requests. View that such an approach is contrary to the NPPF which states 'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'.

#### Compliance with CIL Tests:

- Any requirement for commuted sums by way of a Planning Obligation need to meet the relevant CIL tests i.e. that they are necessary, directly related to the development and fairly and reasonably related in scale and kind. I have already address the test of reasonableness as part of the viability review, however I also have serious concerns about the lack of transparency and evidence produced that supports the requirement of a commuted sum on all schemes over a certain size, either within or outside the AIZ.
- A scheme should be assessed on its own merits based on site specific issues and there should be a recognition that the sustainability or otherwise of a site will differ across the Borough. The LPA assessed the relative sustainability of specific sites when deciding on their

preferred allocations – indeed, if it was considered that specific contributions would have been required in order to deliver them sustainably, then this should have been made clear in each of the proposed site allocations as opposed to applying blanket approach by way of a separate SPD, which is not subject to the same level of scrutiny or testing as the Local Plan.

- There will inevitably be sites or schemes that are accessible and sustainable enough to justify approval without providing commuted sums and /or there may well be other ways to ensure that sustainable transport measures are secured e.g. through Travel Plan initiatives or controls over the level of parking provision. There is therefore no justification for a blanket approach towards securing commuted sum contributions in this respect and the SPD should be altered to make clear that contributions will only be sought at an appropriate level where there is clear evidence of the potential impacts from a development (informed by a TA for example) and the mitigation measures that are required to address this impact.
- With regards to the guidance presented in Paragraphs 54 & 56 of the NPPF, the requirements of the SPD simply do not meet national planning policy guidance. As identified in the cover letter to these representations, a significant proportion of the sites which would be impacted by the Supplementary Planning Document are those which are housing allocations within the newly adopted Local Plan. These sites which were reviewed through the Local Plan Sustainability Appraisal process and found to be deliverable by the Local Plan Inspector. This process did consider the accessibility/sustainability credentials of each site in detail. Indeed, it is considered that the Council or the Planning Inspector should have placed site specific policy requirements onto any proposed allocations in which they believed sustainable transport enhancements were needed in order to ensure they were acceptable. It is therefore considered that these sites should surely be considered sustainable housing sites. Indeed, it should also be noted that those sites that were not considered to be sustainable were rejected outright.
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#### Evidence:

- Paragraph 4.24 This policy sets out the contribution amounts for residential sites. It is not clear as to the justification for these costs and what the money generated shall cover. It is questionable as to whether these are in addition to other costs e.g. bus passes and/or bus shelters.
- Why do properties outside the Accessibility Improvement Zone have to pay 3 times the contribution of those within the Accessibility Improvement Zone. It should also be noted that the general approach to such measures within the Yorkshire Region is circa £450-£500 per dwelling. The £1,500 per bedroom is unjustified and harmful to delivery of development.
- Considers there is no evidence to justify that the obligations being sought by the Sustainable Travel SPD are necessary to make such sites acceptable in planning terms. Especially given that no evidence has been provided at this point to demonstrate that the obligations will be directly related to developments and fairly and reasonably related in scale and kind to the development.
- The Council has not published any information through this consultation process which outlines how these figures have been calculated BMDC have previously consulted on their draft CIL (which is now abandoned). As part of this process, BMDC sought to implement a CIL in recognition that this would help developers see 'up front' how much they'll need to contribute to infrastructure. Considers the draft CIL charging schedule was robust in its preparation in accordance with the Community Infrastructure Levy Regulations 2010 (as amended). BMDC appointed viability consultants to review the land values and housing markets. It took into account inflation and made

allowances for changes in build cost. It was specific to the different areas of the Borough to allow for variances in values. Gives comparisons between charges proposed in draft CIL charging schedule. Respondent noted stark disparities exist between the proposed contributions requested through the SPD, and that which was calculated through the CIL. This comparison highlights that the contributions required by the Draft SPD have the potential to far exceed that required by the CIL. In most areas to the east of Barnsley, a £0 contribution was calculated (for viability reasons) through the draft CIL process which would suggest that the minimum contribution of £500 per bedroom required through the Draft Sustainable Travel SPD is unfounded and unsound. Considers that An equal amount of rigour should be applied to the draft SPD in calculating proposed contributions to take into consideration values and viability. It is clear that this proposed blanket contribution proposed by BMBC is unfounded and if adopted will have significant implications for developments in the district. Requests that the Council adopts a more transparent approach, beginning by publishing a robust evidence base which demonstrates a detailed account of how the proposed contributions have been calculated. This should be made available for comment before this draft SPD document progresses any further.

- The Sustainable Travel SPD, should clearly set out the up to date evidence base as to how the Council have derived at the suggested policy requirements. In particular, the Council identify the preparation of a Transport Strategy, which is yet to be finalised. The SPD needs to clearly set out that the requirement for contributions should provide flexibility for all applicants to demonstrate whether particular circumstances justify the need for a viability assessment and thus inform discussions with the Council on the priorities for delivering obligations on site.
- Paragraph 4.24 sets out the contribution amounts for residential costs, but it is unclear as to the justification of these costs and what the money will be used to purchase. There should be greater clarification as to whether the costs include contributions to bus passes, bus shelters and the delivery of a travel plan or whether these are further additional costs that are not explicitly referred to in the draft SPD. In terms of comparing the Council's approach with other similar measures taken within the region to deal with sustainable transport provision, it is considered that the Council's requested contribution are significantly higher and so should be adjusted down accordingly. It should be appreciated that our clients are seeking to bring forward major allocations that conform to the Council's spatial strategy identified within the Local Plan and on this point it is worthwhile noting at Paragraph 3.47 of the Local Plan Viability Study as follows: **“By continuing to focus housing allocations around urban Barnsley and the Principal Towns, we have been able to identify sites that currently enjoy acceptable or good accessibility by public transport. In turn, this should minimise the need for contributions.” (our emphasis)** Fully support this view and suggest that the Council should consider a reduction in the amount of contributions requested within the draft SPD so that it is more fair and reasonable contribution that relates to the scale and kind of development particularly if it conforms with the overall spatial objectives of the Local Plan.

#### AIZ boundary

- The document states the SPD is supported by an Accessibility Priorities map from the Local Plan (page 135). The map is not clear as to areas within each accessibility zone which has further implications. The map needs to be made clearer or reproduced at a larger scale to ensure definitive boundaries are legible.
- At chapter 12, the adopted Local Plan identifies an Accessibility Improvement Zone (AIZ). The AIZ is identified as the most sustainable

location for growth and will be the focus for transport investment. The Draft SPD also references the AIZ. However, no plans are attached to the SPD to provide further clarity on the extent of the AIZ. The plan included within the Local Plan is inadequate given it does not accurately portray the geographic extent of the zone. It is requested that a plan is provided to clearly set the boundary of the AIZ, upon on a legible OS base.

Section 1 of the SPD provides the legislative context within which the document has been prepared along with its scope and purpose within the context of the Local Plan, the National Planning Policy Framework and the Statement of Community Involvement, whilst Section 2 reiterates the Local Plan's Spatial Strategy, including the approach to sustainably locating development, focussing transport investment to improve connectivity and economic growth, along with the need for new infrastructure that supports an increase in active travel.

Paragraph 2.2 states that, *“where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1”*, whilst Section 3 goes on to reference that the SPD is also intended to supplement Local Plan Policies T1 Accessibility Priorities and T3 New Development and Sustainable Travel. Consequently, it is stated that the overall objective of the SPD is to, *“ensure that the accessibility of new development via public transport, walking and cycling is acceptable in order to promote sustainable transport and active travel and where possible enhance the safety, efficiency and sustainability of the transport network to meet Barnsley MBC's economic, health and air quality aspirations”*, which can be supported by the respondent. Welcomes reference is also made to the Planning Obligations SPD, the provisions of which have been considered in the preceding section and elaborated on further in Section 4 of the SPD in relation to securing contributions towards the cost of delivering sustainable transport improvements.

Paragraph 3.3 clarifies that the SPD is intended to establish guidance for applicants to support their assessment of transport impacts associated with their proposed developments along with any required mitigation that would be considered through Transport Assessments, Transport Statements and Travel Plans, as such this scope can be supported.

Section 4 details how financial contributions will be used to pay towards the cost of public transport and active travel and why they are necessary. In particular, it identifies that contributions are necessary to mitigate against the impact of development that would otherwise be unacceptable. We are supportive of these provisions and in particular that contributions will be used towards: addressing the travel impact of a proposed development; ensuring compliance with the Local Plan policies referenced in the SPD, namely Policy T1 and T3, along with the emerging Transport Strategy; to support the provision of public transport improvements outside an applicant's control; and to support financing measures to address the cumulative impact of new development on the infrastructure, capacity and operation of public transport services. Paragraphs 4.4 to 4.13 detail the methodology that will be applied to assess whether the levels of accessibility through public transport, cycling and walking are unacceptable. The methodology proposed does not raise any particular concerns and can generally be accepted. It details that a purely quantitative approach was taken with consideration firstly being given to the availability of rail and bus services for housing and employment sites allocated in the Local Plan, based on their relationship with the core public transport network, followed by a rating system

based on a sites potential to be accessed by public transport. Paragraph 4.8 clarifies that this approach is intended to be used until the Transport Strategy is finalised.

Paragraphs 4.14 to 4.18 deal with infrastructure requirements and cross reference to the Infrastructure Delivery Plan and the main transport issues addressed within it, including reference to the Accessibility Improvement Zone (AIZ) to the east of the M1. This is also promoted by Local Plan Policy T1, amongst other accessibility priorities, and focusses on encouraging development in the most sustainable locations and improving sustainable accessibility, particularly through improved passenger and freight connectivity, which is particularly supported. Paragraphs 4.20 to 4.28 elaborate further on how contributions are calculated, with different approaches identified for Penistone Principal Town and other villages and hamlets and the AIZ to secure viable improvements appropriate to the value of properties and the communities which they will serve. This is considered to present a realistic approach that can be supported. With regards to non-residential development, the SPD clarifies that contributions will be sought where it is necessary to deliver modal shift targets identified in a Travel Plan and that these will be identified through the Transport Assessment process and pre-application discussion. We are generally supportive of the approach to the pooling of contributions, where infrastructure or services are required to support multiple developments is noted in Paragraph 4.28. This proposes a flexible approach to the funding of improvements where the sequence of development coming forward and the associated transport measures required is unclear. We are also supportive of how contributions are proposed to be spent, with Paragraph 4.29 confirming that they will be used to deliver the public transport improvements identified in the Infrastructure Delivery Plan, along with the updated Barnsley Rail Vision, and any other relevant documents, covering amongst other requirements, park and ride, rail, bus and walking and cycling improvements. We are particularly supportive of improving such sustainable transport provisions, particularly where they would improve the viability and reliability of services and facilities and would support and encourage a reduction in the need to travel by private car.

Section 6 of the SPD details how sustainable travel should be considered in the context of the NPPF, along with the requirements for Transport Statement/Assessment and Travel Plans, which is supported. With regards to Local Plan requirements these are covered in Paragraph 6.3, which cross references to Appendix A in relation to the thresholds to be applied. Respondent has no concerns with the thresholds proposed. This paragraph also states that, *“Early pre-application discussions with the BMBC’s Highway Development Management section and Highway’s England (where development is likely to be generated on its network) are strongly recommended to determine the level of assessment that may be required”*, which is particularly supported, along with the Transport Assessment process, which is reiterated in paragraphs 6.5 to 6.7. These provisions accord with Highways England’s Guide which recommends in Paragraph 37 that, *“Transport assessments should generally be carried out in line with prevailing government guidance in agreement with us, through pre-application and scoping”*, and in Paragraph 94 that, *“Formal pre-application discussions are an effective means of gaining a good, early understanding of the development, its benefits, its likely impacts and its infrastructure needs. By consulting with us pre-application, you will ensure that the transport assessment you prepare is appropriately scoped and is based on the most relevant and up-to-date data. It will also ensure that you are made aware of, and can take account of, any SRN issues that might have a bearing on the way in which the development is planned and/or delivered”*. It is also worth noting that further guidance on approach to the assessment of development impacts is provided in Paragraphs 100 to 103 of Highways England’s Guide.

Of further note, Section 7 details the support that the Council is able to provide as part of the Travel Plan preparation process and states that, *“a Travel Plan will ideally represent a partnership approach between the applicant, the developer, the Council and any third parties, such as Highways England...”*. Welcomes that this makes reference to engaging with Highways England which supports the approach detailed in Paragraph 103 of Highways England’s Guide, which provides further elaboration and states that: *“We expect the development promoters to put forward initiatives that reduce the traffic impact of proposals by supporting the promotion of sustainable transport and the development of accessible sites. This is particularly necessary where the potential impact is on sections of the SRN that could experience capacity problems in the foreseeable future. Early engagement with us enables us to support this thinking, and we will work with developers and LPAs to identify appropriate measures to facilitate the delivery of sustainable development”*.

Guidance on the content of Travel Plans both in terms of work place and residential plans is provided in Appendix B, with the process and requirements for work place and residential plans detailed in Tables 5 and 6 respectively. We have no concerns with the recommendations and requirements advised.

Section 8 details indicative measures that will be required from all Travel Plans to increase the sustainability of developments and sustainable travel. They cover all aspects of sustainable travel, including measures that will reduce the need to travel, promote walking, cycling and public transport use, along with measures to promote and market the Travel Plan, which can be supported.

Details regarding the approval, securing, monitoring and review of Travel Plans is provided in Section 9, with the provisions provided generally supporting Highways England’s position, which is stated in Paragraph 104 of Highways England’s Guide that, *“The preparation, implementation, monitoring and updating of a robust travel plan that promotes the use of sustainable transport modes (such as walking, cycling and public transport) is an effective means of managing the impact of development on the road network, and reducing the need for major transport infrastructure. This contributes to the ongoing effectiveness of the SRN in ensuring swift connections nationally and regionally, minimising delays and congestions”*. The approach of utilising planning conditions to condition a Travel Plan for smaller simple schemes and utilising Section 106 agreements for larger more complex schemes, particularly where financial contributions are required, can also be supported.

In conclusion, respondent considers they can be supportive of the provisions within the Sustainable Travel SPD.

Recognises that development should be in sustainable locations and that development should encourage sustainable transport modes. Supports the submission of Travel Plans to enable sustainable travel patterns to be established from the outset for new residents, ensuring that these can be maintained, minimising the impacts on the local environment including local traffic levels, air quality and road safety. Respondent would like to raise an issue with the wording of Paragraph 4.1 which does not appear to make sense and it is unclear what the Council’s intentions are.

Notwithstanding the Local Plan policy context that supports the SPD, the respondent considers they have identified more fundamental issues within the Sustainable Transport SPD document which should be given significant consideration before the Council seeks to adopt the SPD as follows:

- The draft Sustainable Transport SPD outlines how BMBC propose to assess the accessibility of a site by public transport, cycling and walking with the aim of reducing car usage and dependency as outlined in Local Plan Policy T3. This quantitative assessment brought forward from the Housing and Employment Land Site Selection Methodology is considered to provide a *'starting point'* (paragraph 2.2 of the draft SPD) for establishing whether a contribution will be required, to ensure that accessibility through public transport, walking or cycling is acceptable. Paragraph 4.12 states that contributions will be required where:
  - *'The site is wholly or partly outside the core public transport and or active travel network*
  - *The whole site is within the core public transport network and or active travel network, but improvements have been identified to ensure the attractiveness of the core public transport network (including pedestrian/ cycle access to it) and active travel network is retained and or increased.'* Considers this does not provide a robust framework upon which the accessibility of sites can be assessed. This is very subjective and the SPD should set out a greater level of detail of the assessment criteria. In this regard, the draft SPD document creates uncertainty to land owners and developers who are bringing sites forward, and has the potential to impact negatively upon the development proposals brought forward across the Borough.
- At paragraph 4.24 the draft SPD document it states that the level of contribution payable will be dependent on a site's location either within or outside of the AIZ. It also states at paragraph 4.4 that developers *'will be expected'* to pay the contribution. This contradicts paragraph 2.2 which is clear that the SPD is a *'starting point.'* Given there is no legible plan outlining the exact geographical extent of the AIZ, and the assessment methodology is only seen as a *'starting point'*, the draft SPD will cause significant uncertainty to the development industry and may restrict growth or slow the issuing of permissions.
- The SPD document outlines that in order to promote sustainable travel through modal shift, developers will be expected to provide a capital contribution towards enhanced public transport or active travel infrastructure. This includes on site provision as part of development proposals (where practicable) and a contribution towards provision or enhancement of facilities off site. Contributions required are outlined as follows: - *'Within the Accessibility Improvement Zone (AIZ) a minimum contribution of £500 per bedroom will be required towards provision of public transport or active travel infrastructure for schemes of 10 or more dwellings. - Where new development is not located within the Accessibility Improvement Zone (AIZ) and is therefore less sustainable in respect of access to public transport, a contribution of £1,500 per bedroom will be required on schemes of 5 or more.'* Notwithstanding the issues previously raised regarding the specific extent of the AIZ and site assessments being unclear, we principally object to the significant level of contribution proposed through this draft SPD.

Considers that the draft SPD document does not provide any details on how monies paid through these contributions will be spent; how much BMDC expect to make from the proposed contributions; or how spending will be prioritised. Details of any clawback should also be provided for this SPD to be robust. In its current form, the lack of information included within the SPD document may cause uncertainty and could result in double counting of contributions collected through the SPD and general planning obligations. Given that the the respondents site benefits



from an allocation in the adopted Local Plan to deliver residential development, they consider that the Council has already accepted that the location of the site is sustainable. Whilst respondent would expect that any future development to be subject to planning obligations in relation to highways and transport improvements, object to a blanket 'tax' of this level being applied without clear justification or an indication of where the money may be spent.

Considers that with regards to the guidance presented in Paragraphs 54 & 56 of the NPPF, the requirements of the SPD simply do not meet national planning policy guidance. As identified above, a significant proportion of the sites which would be impacted by the Supplementary Planning Document are those which are housing allocations within the newly adopted Local Plan. Sites which were reviewed through the Local Plan Sustainability Appraisal process and found to be deliverable by the Local Plan Inspector. This process did of course consider the accessibility/sustainability credentials of each site in detail. Accordingly, if the Council and/or the Inspector considered there to be issues of sustainability with the proposed housing allocations then they would have placed site specific policy requirements onto any of those proposed allocations where they believed sustainable travel enhancements were needed in order to ensure they were truly sustainable and deliverable housing sites. Strategy > Partnership > Delivery Indeed, those sites that were not considered sustainable (with or without mitigation) were rejected as potential housing allocations by the Council at the very start of the Local Plan process.

In respect of respondents client's site as no site specific policy requirements are identified with regards to sustainable travel measures, it is clear that both the Council and Inspector agreed that the site is acceptable in planning and sustainability terms. Considers there is no evidence to justify that the financial obligations being sought by the Sustainable Travel SPD are necessary to make their clients site acceptable in planning terms. Respondent quotes from various Local Plan evidence base documents in respect of a specific site and considers they confirm that the site represents a sustainable residential development site without the need for any further sustainable travel enhancements.

As any financial contributions would be secured through a Section 106 Agreement, clauses within the document would need to explicitly identify the following: -

- 1) An evidenced and deliverable development site and scheme that the funding would be directed to;
- 2) Timescales and trigger points for the payment and utilisation of the funding;
- 3) Claw back mechanisms associated with the funding, so that it can be transferred back to the developer should the funding not be spent.

Considers that in respect of their client's site: The development is already acceptable in planning and sustainability terms, especially in relation to accessibility and public transport measures; • The requested contributions are not directly related to the development proposals; The requested contributions are not fairly and reasonably related in scale and kind to the development and the site was identified as a sustainable residential development site that did not require any site specific mitigation measures.

<p><b>TREES AND HEDGEROWS SPD</b></p> <p>This is an update of the 2012 SPD. It offers guidance on how to deal with existing trees and hedgerows on development sites.</p> <p><b>Key changes from previous version:</b> The policy context has been updated. Some minor updates have been made in respect of making requirements clearer, updates arising from changes in regulations, biodiversity and heritage.</p> <p><b>Key changes made as a result of comments:</b> Text to be added related to netting of trees.</p>	
<b>NUMBER OF COMMENTS: 7</b>	
<b>MAIN ISSUES RAISED</b>	<b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>
Paragraph 5.9 states 'surveys may not be conditioned'. Suggests phraseology is changed to 'will not' as EPS surveys are a material consideration which should be conducted prior to planning determination.	Comment noted. Change to be made to the SPD.
General support from a neighbouring local authority.	Support welcomed.
There does not appear to be a provision for access for maintenance of protected trees where their location is not bounded on at least one side by a public right of way.	We do not consider this appropriate for the SPD.
There is no reference to the need for temporary protection of breeding bird sites in a situation where hedgerows are to be removed or relocated, to avoid this sort of conflict:	Text to be added " <i>Planning applications will be expected to commit to not cover trees, hedgerows or other habitats with netting, etc prior to construction in order to exclude birds from nesting, etc.</i> "
<a href="https://www.dailymail.co.uk/news/article-6820381/Conservationists-fight-housing-developers-wrap-plastic-mesh-trees-stop-birds.html">https://www.dailymail.co.uk/news/article-6820381/Conservationists-fight-housing-developers-wrap-plastic-mesh-trees-stop-birds.html</a>	
Suggests cross referencing to the Biodiversity SPD is required in the text of this SPD.	Comment noted, however we have not cross referenced to all relevant SPD's throughout the suite of documents.
The proposals for Site MU1 are at odds with Policy 3 (Paragraph 3.1).	Local Plan allocations have been considered through the Local Plan process. No change to this SPD proposed as a result of this comment
Existing hedgerows must be protected.	Comment noted. No change proposed to this SPD as a result of this comment.

<p><b>WALLS AND FENCES SPD</b></p> <p>This is an update of the 2012 SPD and gives advice on when planning permission is required for walls and fences and provides advice on other issues such as design, demolition, retaining walls etc.</p> <p><b>Key changes from previous version:</b> The policy context has been updated and issues clarified in respect of where development affects a listed building and/or conservation area.</p> <p><b>Key changes made as a result of comments:</b> Text relating to flood risk to be added</p>	
<p><b>NUMBER OF COMMENTS: 4</b></p>	
<p><b>MAIN ISSUES RAISED</b></p>	<p><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></p>
<p>General support from a neighbouring authority</p>	<p>Support welcomed</p>
<p>Are the Local Plan-defined "Gateways" equivalent to conservation areas? Shouldn't rules be strengthened to prohibit unattractive and out-of-character constructions, especially on Gateway approaches?</p>	<p>The term 'gateway' is used to describe a point you would pass through on your approach to a particular area, for example Barnsley Town Centre. Inset map 2 of the Local Plan identifies 7 gateways to Barnsley Town Centre. 'Conservation Areas' are areas that have been designated because of their particular historical and/ or architectural significance. Additional controls apply to Conservation Areas in order to maintain their special character.</p> <p>This SPD refers to such controls in a Conservation Area whereby planning permission may be required to take down a fence, wall or gate. The term gateway is not considered relevant to this SPD therefore no changes proposed as a result of this comment.</p>
<p>The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change: <a href="https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications">https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications</a> makes clear that a Flood Risk Assessment (FRA) is required for 'minor development' in flood zone 2 or 3. We understand walls and fences requiring planning permission would fall in this category. Flood Risk Standing Advice (FRSA) applies to minor development when it comes to the assessment of flood risks.</p> <p>In the case of walls and fences particular attention should be paid to the potential to divert flood waters elsewhere / impede flood flows – the NPPF and PPG make clear that development which increases flood risk to others should not be permitted.</p>	<p>Comments noted. The following text to be added to as a new section 13:</p> <p><b><u>13.1 The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change: <a href="https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications">https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications</a> makes clear that a Flood Risk Assessment (FRA) is required for 'minor development' in flood zone 2 or 3. Walls and fences requiring planning permission would fall in this category. Flood Risk Standing Advice (FRSA) applies to minor development when it comes to the assessment of flood risks.</u></b></p>

<p>Applicants should also be made aware that a flood risk activity permit may be required, under the Environmental Permitting Regulations, from the Environment Agency for any proposed works or structures in, under, over or within eight metres of a 'main river'. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a></p>	<p><b><u>13.2 In the case of walls and fences particular attention should be paid to the potential to divert flood waters elsewhere / impede flood flows – the NPPF and PPG make clear that development which increases flood risk to others should not be permitted.</u></b></p> <p><b><u>13.3 A flood risk activity permit may be required, under the Environmental Permitting Regulations, from the Environment Agency for any proposed works or structures in, under, over or within eight metres of a 'main river'. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a></u></b></p>
<p>Suggests that title is changed to 'Walls and Fences – A Guide for Homeowners' as considers it does not provide information for developers or housebuilders.</p>	<p>It is considered that this SPD is of use to all, therefore no change is proposed as a result of this comment.</p>

**Supplementary Planning Document**

**Advertisements**

**Adopted May 2019**





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## Supplementary Planning Document: Advertisements

### 1. About this guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This advice note offers guidance to anyone seeking to display an outdoor advertisement, including signs, notices, hoardings and flags.

### 3. Policy

- 3.1** This guidance supplements Local Plan Policy D1 High Quality Design and Place Making which states as follows:

#### Policy D1 High Quality Design and Place Making

##### Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green Infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;



## Supplementary Planning Document: Advertisements

- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm

In terms of place-making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;

## Supplementary Planning Document: Advertisements

- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm

In terms of place-making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

### 4. The purpose of advertisement control

**4.1** The aim of the system is to regulate advertisements in the interests of 'amenity' and 'public safety'. The main issues in determining an application will, therefore, usually be:

- The impact of the advertisement on the appearance of the site or building upon which it is displayed and upon the visual character of the area.
- The impact of the proposal upon the safety of pedestrians and vehicles.

**4.2** The system is not intended to control the content of an advertisement.

### 5. Does my advertisement require consent?

**5.1** Some advertisements can be displayed without the consent of the Council. However the regulations relating to the display of advertisements are complex and you are therefore advised to contact Development Management on 01226 772595 to discuss whether the advertisement you wish to display requires consent.

**5.2** Generally, consent will be required to display an illuminated sign, poster hoarding or advance warning or directional sign. Many other signs will also need consent.

**5.3** It is illegal to display an advertisement without consent or without the permission of the site owner.

## Supplementary Planning Document: Advertisements

### 6. Is the Council likely to grant consent?

**6.1** Signs on shops, businesses and commercial premises should be limited to that which is necessary to identify the premises. Advertisements should, therefore, have regard for the design, scale and proportions of the building or site on which they are displayed. The over provision or poor design of signs can give rise to a cluttered and aggressively commercial appearance which will can have a damaging impact upon the visual character of an area.

**6.2** The Council is, therefore, unlikely to grant consent for:

- Advance warning or directional signs.
- Advertising hoardings, including poster panels and banner signs.
- Signs on shops above fascia level.
- Signs on business premises above 1st floor level.
- Signs which appear out of scale or character with the building locality or surrounding signage.

### 7. Signs on shop fronts

**7.1** Well designed signs can project an image of quality, confidence and permanence; whereas too many or oversized signs can give a cluttered and unattractive appearance which does not relate to either the building or the surrounding area.

**7.2** The Council is likely to approve signs which are:

- In character with the scale of the building;
- Located at fascia level;
- Respectful of the architectural features of the building, including first floor windows and shop front details;
- Fascia box signs which do not protrude more than 100mm;
- Designed using a style of lettering appropriate to the character of the building;

**7.3** The best option for signs is often to use individual letters restricted to the shop name. Clear well spaced letters are as easy to read as larger oversized letters. If additional signage is required then this is best applied to the window. For the safety of pedestrians and vehicles the bottom of any protruding sign should be at least 2.3m above the pavement and should not overhang the carriageway. A separate SPD on Shopfront Design has been produced and provides additional information.

### 8. Illumination

**8.1** Excessive illumination causes light pollution and is therefore wasteful of energy. Well directed lighting can, however, aid personal safety within an area and enhance its attractiveness. The form which this illumination takes should also be considered at an early stage. For example, a suitably designed fascia box in a solid material which allows internal illumination to show through cut out lettering can be a very effective solution, whilst internally illuminated box mounted signs in an opaque material is an unsightly option and will be discouraged.

## Supplementary Planning Document: Advertisements

**8.2** External lights can also be an acceptable solution, either by means of trough lighting or carefully designed and located spot lighting.

**8.3** Where the Council considers that the principle of illumination is acceptable, the light source should be designed so that it is not directly visible to drivers on adjacent roads or likely to cause nuisance to nearby residential properties. The level of illumination should be kept to a minimum.

### **9. Conservation areas and listed buildings**

**9.1** Special consideration should be given to the location and design of signage or advertisements when they affect heritage assets or their setting. These assets include listed or historically important buildings, conservation areas, registered parks and gardens and scheduled ancient monuments. Signage design that is proportionate in size, of a sympathetic design, respectful of architectural detail, and located in a way that respects what is significant about the heritage asset are likely to be approved. Lighting of signage on historic buildings or in historic areas will require particular care and may not always be appropriate.

### **10. Signs which project over the adopted highway**

**10.1** The consent of the highway authority is required for any signs that project over the adopted highway. This consent is separate from any need for advertisement consent. Failure to gain consent of the highway authority or to comply with any terms or conditions is an offence.

**Supplementary Planning Document**

**Affordable Housing**

**Adopted May 2019**





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## Supplementary Planning Document: Affordable Housing

### 1. About this guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This Supplementary Planning Document offers guidance on planning contributions for affordable housing.

#### Local Needs

- 2.2** Some people cannot afford to buy or rent houses that are generally available on the open market. The Council aims to provide homes for everyone in the borough, no matter what their income and the cost of buying or renting a house.
- 2.3** The main source of information on local housing needs is taken from the 2014 Strategic Housing Market Assessment (SHMA) and 2017 SHMA Addendum.
- 2.4** The 2017 SHMA Addendum identified an annual net shortfall of 292 affordable dwellings assuming the backlog is cleared over a ten year period.
- 2.5** The Local Plan seeks to achieve at least 21,546 net additional homes during the plan period 2014-2033. This equates to 1,134 net additional homes per annum. The Local Plan housing growth target seeks to meet the need for market and affordable housing in full, including the backlog from previous years.
- 2.6** The Council's housing waiting list for the whole borough, as of November 2018, is 7,066.<sup>1</sup>

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<sup>1</sup> This may include an element of double counting as customers can choose to be on the waiting list for more than one housing management area.



## Supplementary Planning Document: Affordable Housing

### The National Planning Policy Framework (NPPF)

- 2.7** In accordance with the NPPF (paragraph 62), where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless:
- Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - The agreed approach contributes to the objective of creating mixed and balanced communities.
- 2.8** Where major development<sup>2</sup> involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

### Defining Affordable Housing

- 2.9** The National Planning Policy Framework (NPPF) defines affordable housing as:

*'Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)'*

- 2.10** Affordable Housing must comply with one or more of the following definitions:

**Affordable housing for rent** – meets all of the following conditions:

- The rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges);
- The landlord is a registered provider, except where it is included as part of a Build to Rent scheme;
- It includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision otherwise known as 'Affordable Private Rent'.

**Starter homes**<sup>3</sup> – are expected to be well designed and suitable to purchase for qualifying first time buyers that are at least 23 years old but have not yet reached 40 years old.

The new dwelling should be sold at a discount of at least 20% of the market value up to the price cap of £250,000.

<sup>2</sup> For housing where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more

<sup>3</sup> as per the definition and restrictions set out in the Housing and Planning Act

## Supplementary Planning Document: Affordable Housing

**Discounted market sales housing** – are dwellings sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.

**Other affordable routes to home ownership** – is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes:

- Shared ownership
- Relevant equity loans
- Other low cost homes for sale (at a price that is 20% below local market value)
- Rent to buy (which includes a period of intermediate rent)

Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

### 3. Policy

- 3.1** This guidance supplements Local Plan policy H8 Affordable Housing which states as follows:

#### Policy H7 Affordable Housing

Housing developments of 15 or more dwellings will be expected to provide affordable housing.

30% affordable housing will be expected in Penistone and Dodworth and Rural West, 20% in Darton and Barugh; 10% in Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East

These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable.

The developer must show that arrangements have been put in place to keep the new homes affordable.

Limited affordable housing to meet community needs may be allowed on the edge of villages.

## Supplementary Planning Document: Affordable Housing

### 3.2 Supporting text paragraph 9.29 states:

*"We recognise the importance of providing affordable homes in rural settlements that are constrained by or washed over by Green Belt. Policy H7 makes provision for rural exception sites to be considered. These may in some instances be on the edge of the settlement. Sites on the edge of settlements will need to provide acceptable mitigation of their impact on the countryside or they will not be considered to be acceptable locations for residential development. We will require a planning obligation to make sure the homes remain affordable. If provision of some market housing is necessary to make the affordable housing viable, this would be considered and would be subject to an open book viability appraisal. "*

When negotiating the level of affordable housing provision on site, the Council will take account of the most recent evidence, such as the SHMA and any subsequent updates or other relevant and recent information.

Where a site is to be split and delivered in phases, the affordable housing contribution will be calculated for the whole site.

## 4. Self-Build and Custom-Build Housing

4.1 In line with the NPPF, we encourage the delivery of self-build and custom-build developments in Barnsley. In general most of these projects are suited to smaller development sites. For self-build and custom-build developments of 15 or more properties anywhere in the Borough 10% of the houses must be available for affordable home ownership and this will be secured via Section 106 planning obligations.

4.2 In order to avoid the full affordable housing contributions set out in Policy H7, the Council will need to be satisfied that the self-build and/or custom-build development model is genuinely and demonstrably 'not for profit' and this will require developers to fully engage in transparent open book accounting with the Council during the planning application process.

## 5. Affordable Housing Statements

5.1 For applications which meet or exceed the 15 unit threshold, the Council will expect applicants to submit an Affordable Housing Statement setting out how they propose to deal with affordable housing before an application is validated. Developers will need to submit an Affordable Housing Statement for a:

- Full planning application.
- Material alteration that changes the number and/or type of housing.

5.2 Affordable Housing Statements will be expected to contain:

- The total number of residential units proposed.
- Number, type, tenure and location of affordable homes.
- Site plan identifying affordable plots.
- Schedule of floor areas for affordable homes.

## Supplementary Planning Document: Affordable Housing

- Details of any Registered Provider acting as a partner in the development.
- The timing for the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- Evidence of existing local market rent and/or sales values.
- The arrangements to ensure that such provision is affordable for both first and future occupiers of the affordable housing or, if not possible, for the subsidy to be recycled for alternative affordable housing provision.
- Proposed transfer value (if available).

### 5.3 The National Planning Policy Framework states at paragraph 57 that:

*"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force...."* Viability was tested at Local Plan examination and therefore should not be tested again. Should a developer seek to justify affordable housing provision below the Council's requirements, the onus will be on the developer to justify what circumstances have changed and submit sufficient evidence. Any viability appraisal should be carried out in accordance with the approach set out in the latest National Planning Practice Guidance.<sup>4</sup> The Council will recover costs associated with a viability review, and this will be agreed in writing prior to commissioning a viability review.

The Planning Practice Guidance on viability identifies a developer profit range of 15% - 20%, which the Council deems reasonable.

## 6. Engagement with Registered Providers

- 6.1** Affordable housing will usually be provided on-site and transferred to a Registered Provider. If practicable, negotiations with a Registered Provider should begin well in advance of when a planning application is submitted. This will enable the Council to complete the S106 agreement promptly and determine the application within the necessary timescales. Developers should also continue to involve the Council's Housing Growth and Energy Team at an early stage and should refer to any Neighbourhood Plan that may have been prepared for the area.
- 6.2** The Council has a list of Registered Providers that usually work in the Borough and have signed up to our Registered Provider Framework and Nominations Agreement (available upon request). It should be noted that Berneslai Homes is the Council's Arm's Length Management Organisation (ALMO) and will work with developers to deliver new affordable housing. Berneslai Homes, as a Registered Provider, should be approached alongside other Registered Providers prior to submitting a planning application.

<sup>4</sup> Paragraphs 010 to 019 NPPG July 2018

## Supplementary Planning Document: Affordable Housing

### 7. Design Requirements

- 7.1** It is important to consider affordable housing from the inception of a design concept. The requirement for affordable housing could significantly alter the design of a scheme depending on the percentage of affordable housing and the size, type and tenure required.
- 7.2** The Council expects affordable housing to be built to a high standard of design and be in-keeping with housing on the rest of the site. In the interests of delivering sustainable, inclusive and mixed communities, the affordable homes should be indistinguishable from the open market housing in terms of style, quality of specification, finish and materials. They should also be indistinguishable in their external layout, including the balance of soft and hard landscaping where front of dwelling parking is proposed. This will help ensure transfer of housing to a Registered Provider.
- 7.3** Whilst buyers of market housing may upsize when they outgrow a property, affordable housing generally has to accommodate larger households for longer periods of time. As such new affordable housing will be expected to meet the minimum internal and external floorspace requirements set out in Design of Housing SPD.
- 7.4** Government Guidance states that, in the interest of creating mixed and balanced communities, affordable housing should be provided on-site and integrated with market housing wherever possible.
- 7.5** The Council will not support the grouping of affordable units together in large numbers as this can reinforce the feelings of social exclusion and can have a negative impact on the establishment of sustainable communities. Smaller clusters of affordable housing should be dispersed throughout a housing development to aid integration rather than congregated in specific areas such as at the end of cul-de-sacs.

### 8. Type and Tenure of Affordable Housing

- 8.1** The various types of affordable housing that can be provided in accordance with the implementation of Policy H7 are identified in the NPPF definition of affordable housing. The Council will seek to negotiate the type of housing preferred which will vary from site to site according to local circumstances. This will be determined, in discussion with the applicant at pre-application and planning application stage, by consideration of a combination of information including:
- Local housing needs studies
  - Waiting list/Choice Based Lettings data
  - Availability and type of existing stock
  - Local housing market data
- 8.2** The Council's preference remains for two and three bedroom homes, and two bedroom bungalows. The Council intends to publish an updated Strategic Housing Market Assessment (SHMA) which will provide an update on housing needs.

## Supplementary Planning Document: Affordable Housing

- 8.3** Based on our current housing needs evidence base and the NPPF's requirement to deliver 10% affordable homes for ownership (where it would not undermine the ability to address local affordable housing needs), the Council will require the following tenure split. The Council will review Table 1 following the publication of the updated SHMA.

**Table 1: Affordable Homes - Tenure Split**

Area	Local Plan Policy Requirement	Affordable Housing Tenure Split
Penistone, Dodworth and Rural West	30%	67 % affordable homes for rent
		33% affordable home ownership
Darton and Barugh	20%	50% affordable homes for rent
		50% affordable home ownership
Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East	10%	80% affordable homes for rent
		20% affordable home ownership

- 8.4** We aim to achieve the affordable housing delivery target through on-site provision across the whole of the Borough, however the mix of affordable tenures on each individual site will be agreed with the developer depending on local circumstances. Notwithstanding this position, in order to facilitate development, and to ensure that a mix of different housing types and tenures is available both in specific localities and across the borough, the Council will consider proposals for different types of properties, as well as homes for sale and affordable rented units and any emerging hybrid models where this is supported by evidence of local need or development viability.
- 8.5** The Council will also take account of future evidence and up-to-date information, therefore Table 1 may be subject to amendment.

## 9. Calculating Affordable Housing

- 9.1** Where the percentage of affordable housing sought does not give rise to an exact number of dwellings e.g. 2.5 units, the number will be rounded up to 3 units whereas 2.4 would be rounded down to 2 units.

## Supplementary Planning Document: Affordable Housing

### 10. Indirect Delivery of Affordable Homes

**10.1** In the interest of creating mixed and balanced communities, and in line with paragraph 62 of the NPPF, the Council will expect affordable housing to be delivered on-site. Discussions regarding alternative delivery will take place in exceptional circumstances. These circumstances exist where:

- An independent viability assessment confirms delivery on-site is not viable;
- No registered provider of off-site provision or a commuted sum is willing to purchase the affordable unit(s); or
- Delivery of off-site or a commuted sum would deliver more sustainable development and/or more affordable units.

**10.2** The Council will consider the following alternatives:

- Transfer of free serviced land.
- Off-site provision.
- Commuted sum.

**10.3** The Council will not consider granting planning permission for a proposal with less than the required proportion of affordable housing without reviewing the financial viability of the proposal.

### 11. Transfer of Free Serviced Land

**11.1** An alternative option is to transfer free serviced land, equivalent to the level of contribution secured, to a Registered Provider or the Council to enable them to deliver affordable housing within the site.

**11.2** Free serviced land is defined as cleared, remediated land with all services (e.g. gas, electricity, water, sewerage, telephone, broadband, lighting etc) and infrastructure (e.g. roads to an adoptable standard, footpaths, boundary walls etc) necessary for development right up to the edge of the land. There must be no legal, physical or financial barriers to the servicing of the land by the developer constructing the affordable housing.

**11.3** For full or reserved matters applications, developers will be expected to provide details of the specific location of the serviced plots within the site in the form of a block plan. The Council will usually expect the plots to be clustered. The appropriateness of proposed locations for affordable housing will be determined in consultation with the Council as part of the planning process taking into consideration the Council's strategic priorities.

### 12. Off-site provision

**12.1** Where a developer can robustly justify that on-site provision or the transfer of land to a Registered Provider is not appropriate, or where on-site provision would not meet the Council's strategic priorities, off-site provision will be considered by the Council.

## Supplementary Planning Document: Affordable Housing

- 12.2** Examples of robust justification, although not exclusive, include provision that will contribute to other policy objectives, for example enabling empty homes to be brought back into use or where the development location is unsuitable for affordable housing. Applicants will be required to provide evidence-based reasons to demonstrate that:
- The original housing site is in an area where there is little or no local need for affordable housing; and
  - There is an identified local need for affordable housing in the area where the alternative affordable units are proposed; or
  - There is other reasoning and justification for off-site provision.
- 12.3** Off-site provision can include improvements to, or refurbishments of, existing stock, or new provision on alternative parcels of land. Improvements to, or refurbishments of, existing or acquired stock must be to a level which meets the Barnsley Homes Standard and must provide the same number of units or units to the value of those which would have been provided on the original site.
- 13. Commuted Sum**
- 13.1** Where the applicant can robustly justify that on-site provision is not appropriate or where this would not meet the Council's strategic priorities, the affordable housing contribution can take the form of a commuted sum. This will be equivalent to the cost of on-site provision.
- 13.2** A mix of the above (part on-site provision, part off-site provision and part commuted sum), will be considered by the Council where this can be robustly justified by the developer and is in line with the Council's strategic priorities. For example on larger sites or where the development of specialist homes are proposed to be included in the affordable housing requirement for the site and/or where there is a need to use commuted sums to bring back long-term empty properties into use for affordable housing in the borough. However, this must still meet the overall affordable housing contribution level required by this policy.
- 13.3** Commuted sums will be secured via a Section 106 agreement.
- 13.4** A formula will be applied to agree a commuted sum based on the Open Market Value ("OMV") of dwellings less the Transfer Values and agreed developer profit. Transfer Values are:
- 74% of OMV for Affordable Home Ownership Properties
  - 50% of OMV for Affordable Homes for Rent

**Open Market Value – Transfer Values - the agreed developer profit = commuted sum**

Commuted sums will be used to deliver affordable housing activity within the wider borough and improve or make more effective of the existing housing stock for affordable housing purposes.



## Supplementary Planning Document: Affordable Housing

- 13.5** Any sums received from receipts from the sale of affordable homes or the repayment of equity loans will be used for the alternative future provision of affordable housing in the Borough.

## 14. Transfer Values

- 14.1** Data collected from Land Registry transactions from 2017 and 2018 indicate that affordable properties were transferred at 51% of Open Market Value (OMV).
- 14.2** The indicative transfer values below are a starting point for negotiations and are included to provide clarity to developers on the amount they may expect to receive from a Registered Provider:

**Table 2: Transfer Values<sup>5</sup>**

Tenure	Percentage of Open Market Value
Affordable homes for rent	50%
Affordable home ownership	50%

- 14.3** Changes in rent setting and other national affordable housing policies may impact on the ability of some Registered Providers to achieve transfer values similar to these percentages and on their overall capacity to acquire S106 properties.
- 14.4** The indicative transfer values will be used to calculate the commuted sum should it not be possible to reach an agreement with a Registered Provider.
- 14.5** These values will be updated periodically through the Local Plan Annual Monitoring Report to ensure they remain relevant and responsive to the current policy climate and market conditions.

## 15. Section 106 Agreements

- 15.1** Where affordable housing will be delivered off-site or as a commuted sum, the Council prefers to use S106 agreements to secure this provision. The Council aims to expedite negotiations on S106 agreements in a timely manner to avoid unnecessary delay in the planning process.

<sup>5</sup> To be agreed with developer based on the most recent quarter's verifiable publicly available data e.g. Land Registry price paid data for postcode sector.

## Supplementary Planning Document: Affordable Housing

S106 agreements and unilateral undertakings should cover the following:

- How completed dwellings or land are to be transferred to an approved development partner, including costs and phasing of handover;
- How the occupancy of the affordable housing is to be preserved for people in housing need;
- The number, size and tenure of affordable housing or the area of land to be made available; or the level of financial contribution if it is to be provided off-site (commuted sum);
- A restriction requiring that no more than a specific proportion of the site will be sold or occupied before the affordable housing has been contractually secured;
- Where applicable, the means of restricting 'stair casing' to full ownership on grant-funded low-cost home ownership properties;
- How dwellings, completed as affordable units, are retained as such to benefit future occupants;
- The level and timing of payment of any commuted sum.

### 16. Vacant Building Credit

The Council supports the re-use of brownfield land, and where vacant buildings are being re-used or redeveloped, the Council will allow a proportionate reduction in the affordable housing contribution in line with Paragraph 63 of the NPPF.<sup>6</sup> This does not apply to vacant buildings which have been abandoned as set out in footnote 28 associated with paragraph 63 of the NPPF.

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<sup>6</sup> Proportionate amount equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

## Supplementary Planning Document: Affordable Housing

**Appendix 1. Affordable Housing Statement Examples**

Below are some worked examples of the on-site affordable housing ask for each policy area (30%, 20% and 10%).

<b>Example 1</b>	
Site Location	Penistone
Planning Application	32 dwellings
Local Planning Policy Requirement	30%
Number of affordable units on site	10
Affordable rent (20%)	7
Affordable home ownership (10%)	3

<b>Example 2</b>	
Site Location	Darton
Planning Application	100 dwellings
Local Planning Policy Requirement	20%
Number of affordable units on site	20
Affordable rent (10%)	10
Affordable home ownership (10%)	10

<b>Example 3</b>	
Site Location	Royston
Planning Application	58 dwellings
Local Planning Policy Requirement	10%
Number of affordable units on site	6
Affordable rent (8%)	5
Affordable home ownership (2%)	1

**Supplementary Planning Document**

**Barn Conversions**

**Adopted May 2019**





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## Supplementary Planning Document: Barn Conversions

### 1. Introduction

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.
- 1.3** This note offers design guidance to anyone seeking to convert a farm building to residential or other use. By their nature they are normally located in rural areas and within the Green Belt.

### 2. Policy

- 2.1** This document supplements the following Local Plan policies :

#### Policy GB3 Changes of use in the Green Belt

We will allow the change of use or conversion of buildings in the Green Belt provided that:

- The existing building is of a form, scale and design that is in keeping with its surroundings;
- The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use;
- The proposed new use is in keeping with the local character and the appearance of the building; and
- The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.

All such development will be expected to:

- Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials;

## Supplementary Planning Document: Barn Conversions

- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety; and
- Preserve the openness of the Green Belt

In addition to the above, when a residential use is proposed, we will allow the change of use provided that:

- There are not strong economic reasons why such development would be inappropriate; and
- Residential use would be a more appropriate way of maintaining and improving the character and appearance of the building than any other use.

We will not generally allow the change of use of Green Belt land to extend residential curtilages for use as gardens.

### Policy D1 High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green Infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian



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network;

- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

### Policy HE3 Developments affecting Historic Buildings

Proposals involving additions or alterations to listed building or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances proposals will be expected to:

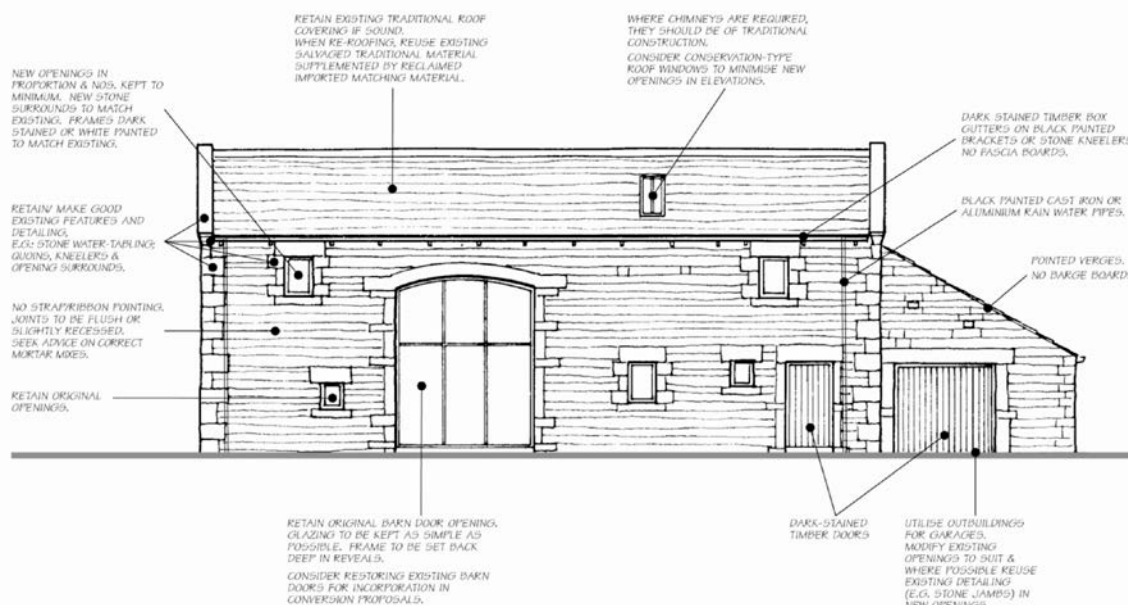
- Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building. Capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.

**2.2** Proposals to convert farm buildings will be considered against the requirements of these policies. It is advisable to contact Development Management at an early stage to discuss whether your building is likely to be suitable for conversion to the use you propose.

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### 3. Design guidance

Figure 3.1



**3.1** Although individual buildings vary, traditional or historic farm buildings within the Borough tend to be characterised by external stone walls with relatively few window and door openings. Roofs tend to be simple in form, un-hipped and covered with natural stone slates or sometimes natural grey slate. It is important that conversions are designed so that the character of the building is preserved and to ensure that the impact upon the Green Belt, historic significance, and the visual amenities of the area is kept to a minimum. The illustration at figure 3.1 provides detailed design guidance.

- A structural survey will be required as part of the planning application. A thorough understanding of how the building is constructed and its present condition is essential to inform the extent and nature of repairs and its limits for alteration.
- The existing appearance of the building(s) should be retained. With any adaptation or conversion a balance must be struck between practical requirements of a new use and protection of the special character, significance, and appearance of the barn and its setting.
- Existing openings should be used and minimum of new openings would be expected. In particular, glazing and frames should be deeply recessed, or bedded directly into or behind masonry to reduce reflections and visual impact. Wherever possible, existing joinery should be repaired and retained. New doors and window frames should be timber, and doors should be vertically boarded, ledged and braced.
- The introduction of dormer windows is generally inappropriate unless evidence clearly exists of their use.

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- Rooflights may be appropriate, but these should be traditional in design, of low profile, vertically emphasised, and with a single vertical divider.
- Wall and roofing materials should match the existing materials (generally coursed sandstone or stone flags/slates to the roof), and pointing should be lime mortar and recessed in the joint.
- The building should be capable of alteration with the minimum of extensions.
- Extensions (when required) should normally be located on the short or gabled elevation of the barn, typically incorporating a single pitch or 'lean to roof' avoiding deviations from a single rectangular plan.
- Where proposals include any extension on the longer elevation, clear and convincing justification for this departure must be provided. This should include robust design rationale and evidence of locally occurring historic precedents (such as side aisled barns) that show the proposal reflects and enhances the locality and the building.
- A survey of existing trees and hedgerows and proposals for their retention should be submitted where appropriate.

### 4. Permitted development rights

- 4.1** Where planning permission is granted for conversion to residential or other use, it is likely that permitted development rights for extensions, alterations and outbuildings would be removed.

### 5. Barn owls and bats

- 5.1** Farm buildings provide a valuable habitat for some species of bats and barn owls, both of which are protected under the Wildlife and Countryside Act 1981 (as amended). Barn Owls are listed in Schedule 1 of the Act and for Barn Owls it is an offence to disturb them while they are nesting, building a nest, in or near a nest that contains their young, or to disturb their dependent young. All UK bat species are also covered by the higher level of protection afforded to 'European Protected Species' under the Conservation of Species and Habitats Regulations 2017 (as amended), which not only directly protects individual bats but also any roost (whether in use or not), plus their flight lines and foraging areas in so far as it could affect their ability to reproduce. It is therefore important that you establish at an early stage whether these species are present so that you can take measures to secure their wellbeing. If the presence of these species is only established at a late stage, then costly delays can result. Bat surveys supporting planning applications or listed buildings applications will not be conditioned.
- 5.2** Over the years, the conversion of farm buildings has resulted in a loss of habitat for barn owls, and applicants should, therefore, make provision for them in conversions (unless the site is within an urban area or more than 300 metres above sea level).
- 5.3** Provision will be required in all cases where there is evidence of current or previous use of the site by barn owls or bats. Advice for developers on site surveys should come from licensed experts. With regards to provision of new bat features, sensitive lighting must also

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be utilised to ensure features installed are useable for their intended function (i.e. protect entry/emergence points and foraging/commuting lines (see BCT Guidance Note, 2018)

- 5.4** For further advice on this matter contact BMBC Biodiversity Officer, Planning Policy on 01226 772606. Advice on site surveys can be obtained by viewing Natural England's standing advice which can be found using this link:  
<https://www.gov.uk/topic/environmental-management/wildlife-habitat-conservation>

## 6. Archaeology

- 6.1** Older farm buildings are often of archaeological interest. In some cases buildings will have been erected over or incorporating earlier buildings. Some farm buildings may be of sufficient age to warrant archaeological interest in their own right. When this is the case and where significant alteration is proposed, a building recording exercise may be required by a qualified specialist. This is particularly likely if the building is also listed. For further guidance please contact South Yorkshire Archaeology Service on 0114 273654.

## 7. Drainage

- 7.1** Where possible, connection should be made to a public foul sewer. If a public foul sewer is not available, groups of houses should be drained to a small Sewage Treatment Plant and single houses to a septic tank designed to BS 62 97 : 1983 (available from HMSO). In addition, Local Plan Policy CC4 indicates that all development will be expected to use sustainable drainage systems to control surface water run-off.

## 8. Flood Risk

- 8.1** Barns converted to a use more vulnerable to flood risk, including residential, are required to demonstrate through a Flood Risk Assessment (FRA) that the development is not at unacceptable flood risk. If this cannot be demonstrated the conversion is not appropriate and should not be granted planning permission.
- 8.2** Please see the Planning Practice Guidance on Flood Risk and Coastal Change: <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>. The PPG makes clear where Flood Risk Standing Advice (FRSA) applies and where consultation with the Environment Agency is required.
- 8.3** A flood risk activity permit may be required, under the Environmental Permitting Regulations, from the Environment Agency for any proposed works or structures in, under, over or within eight metres of a 'main river'. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
- 8.4** Local Plan policy CC3 Flood Risk also provides further information on how the extent and impact of flooding will be reduced.

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### **9. Impact upon neighbours and highway safety**

- 9.1** Your proposal should be designed so that any impact upon the amenities of neighbours is kept to a minimum and so that there is no adverse impact upon highway safety. A separate guide on Infill Residential Development is being revised which provides advice on these matters. For further advice on highway safety please contact Highways Development Control on 01226 772177.

### **10. Further information**

- 10.1** For further information please contact Development Management on 01226 772595 in the first instance.

**Supplementary Planning Document**  
**Biodiversity and Geodiversity**

**Adopted May 2019**





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## Supplementary Planning Document: Biodiversity and Geodiversity

### 1. About This Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This Supplementary Planning Document offers guidance to anyone seeking to develop land which may have, or is in proximity to a site that has, value for biodiversity and/or geological conservation. Paragraph 4.3 in the guidance section gives advice on how this is established.
- 2.2** Biodiversity is the variety of life on earth, from complex ecosystems, through individual species of plants, animals, fungi etc to the genetic differences within a species. Biodiversity is important for its own sake, and human survival depends upon it. The ground-breaking UK National Ecosystem Assessment (NEA) published in June 2011 provides a comprehensive account of how the natural world, including its biodiversity, provides us with services that are critical to our wellbeing and economic prosperity. The State of Nature figures 2016 states that between 1970 and 2013, 56% of species declined, with 40% showing strong or moderate declines.
- 2.3** Geodiversity is the term used to describe the variety of ancient rock, fossils, minerals, earth structures, sediments, soils and more recent landforms (depositional and erosional features) that create the foundations of physical landscapes and habitats. The recognition, management, and conservation of significant sites is important as it contributes to understanding and maintaining the natural environment, to scientific research and to teaching an understanding of the earth, as well as to leisure activities and the enhancement of green spaces. The industrial heritage of the area and building construction are closely linked to the geological resources of the area, particularly coal, clay, ironstone, sandstone and roofing flags. It is essential that geoconservation factors are taken into account in the planning process, the opportunities for educational, scientific and recreational advance are appreciated and realised and that significant features of geological interest are conserved.
- 2.4** The richness of the biodiversity of Barnsley owes its existence to the borough's varied geology giving rise to a range of landscapes – from the open moors in the west, to the

## Supplementary Planning Document: Biodiversity and Geodiversity

lowlands of the Dearne in the east – each landscape, be it moorland, woodland, grassland, wetlands, parks and gardens or neglected former industrial land, supports its own habitats and species which contribute to local distinctiveness and character. Some of these habitats are recognised as being of national and even international importance, while other areas are recognised as important at a local level. They support a countless number of wild species, many of which are noted as being rare or threatened in the UK.

- 2.5** Barnsley borough has, at the time of writing, 2 Internationally-designated statutory nature conservation sites ('Natura 2000' sites) which are to the west, in the Peak District National Park Local Planning Authority (LPA) area. The Barnsley LPA area contains the following nationally-important statutory sites: all or part of 7 Sites of Special Scientific Interest (SSSIs), 5 Local Nature Reserves (LNRs) and one Nature Improvement Area (NIA). The SSSIs list includes sites designated for their biodiversity or (separately) geodiversity value. Non-statutory Local Wildlife Sites (LWSs) and Local Geology Sites/ Regionally Important Geological and Geomorphological Sites (LGSs/ RIGS) have been designated in the borough for their local ecological or geological value respectively. Up to date lists of statutory and non-statutory sites can be found at:  
<https://magic.defra.gov.uk/MagicMap.aspx>; <http://www.barnsleybiodiversity.org.uk/>  
 and <http://www.sagt.org.uk/>
- 2.6**
- 2.7** The rocks underlying Barnsley borough are Upper Carboniferous in age, and are mainly mudstones, siltstones and sandstones with coal seams, some of which are/were of major importance. There are also beds of ironstone and roofing flags. In the west of the borough, by Dunford Bridge, are the "Millstone Grit" sandstone outcrops of the Pennines. These rocks support expanses of peat and acid heathland. The more resistant sandstones form hills and edges, which run roughly northeast – southwest and influence the shape of river catchments as well as the flow of groundwaters and geochemistry of the river ecosystems.
- 2.8** Many of Barnsley's older settlements are located on the slightly higher ground of the "Coal Measures" sandstones, above the less-well drained areas underlain by mudstone. Extractive industries still provide some employment in quarrying stone and pot clay, and many of the older buildings in Barnsley include local sandstones. Some of these sites have become a significant source of raw materials, including stone for appropriate building conservation within the region, enabling a distinctive sense of place and authenticity to be maintained.

### 3. Policy

- 3.1** The NPPF lists in its sections 170, 171, and Nos. 174-177 issues of particular relevance to biodiversity and geological conservation. These are detailed in Appendix D.
- 3.2** This document supplements the following Local Plan policies:

#### Policy BIO1 Biodiversity and Geodiversity

Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:

## Supplementary Planning Document: Biodiversity and Geodiversity

- Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley *Biodiversity Action Plan*;
- Maximising biodiversity and geodiversity opportunities in and around new developments;
- Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors;
- Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest;
- Protecting ancient and veteran trees where identified;
- Encouraging provision of biodiversity enhancements.

Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured;

Development which adversely affects a European Site will not be permitted unless there is no alternative option and imperative reasons of overriding public interest (IROPI).

### Policy GI1 Green Infrastructure

We will protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets that:

- Provides attractive environments where people want to live, work, learn, play, visit and invest;
- Meets the environmental, social and economic needs of communities across the borough and the wider City Regions;
- Enhances the quality of life for present and future residents and visitors;
- Helps to meet the challenge of climate change;
- Enhances biodiversity and landscape character;
- Improves opportunities for recreation and tourism;
- Respects local distinctiveness and historical and cultural;

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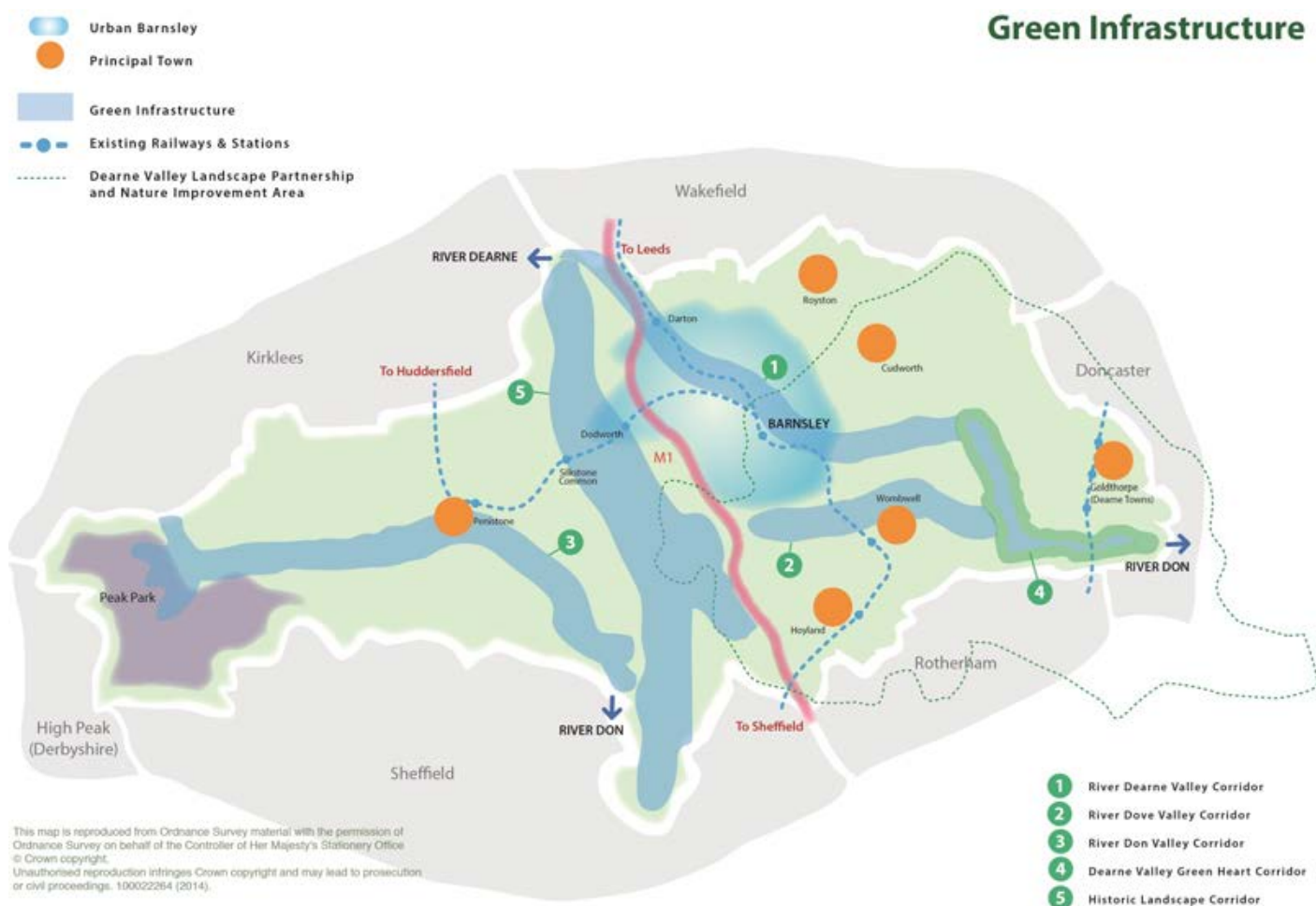
- Maximises potential economic and social benefits;
- Secures and improves linkages between green and blue spaces.

At a strategic level Barnsley's Green Infrastructure network includes the following corridors which are shown on the Green Infrastructure Diagram (see below):

- River Dearne Valley Corridor;
- River Dove Valley Corridor;
- River Don Valley Corridor;
- Dearne Valley Green Heart Corridor;
- Historic Landscape Corridor .

The network of Green Infrastructure will be secured by protecting open space, creating new open spaces as part of new development, and by using developer contributions to create and improve Green Infrastructure

We have produced a Green Infrastructure Strategy for Barnsley which is informed by the Leeds City Region and South Yorkshire Green Infrastructure Strategies.



## Supplementary Planning Document: Biodiversity and Geodiversity

### Policy GS1 Green Space

We will work with partners to improve existing green space to meet the standards in our Green Space Strategy.

Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.

Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless:

- An assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or
- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.

In order to improve the quantity, quality and value of green space provision we will require qualifying new residential developments to provide or contribute towards green space in line with the standards set out in the Green Space Strategy and in accordance with the requirements of the Infrastructure and Planning Obligations Policy. The Supplementary Planning Document 'Open Space Provision on New Housing Developments' offers guidance to developers on what will be expected in terms of open space provision in order to achieve those standards.

Where there is a requirement to provide new green space an assessment will be carried out to determine the most appropriate provision, taking into account site characteristics and constraints. In cases where it is deemed unsuitable to make provision for open space within or adjacent to a development site, suitable off-site open space facilities may be acceptable either as new facilities or improvements to those existing. Where appropriate new green space should secure access to adjacent areas of countryside.

### Nature Improvement Area

- 3.3** The Local Plan also refers to the Dearne Valley Green Heart 'Nature Improvement Area' (NIA), which includes parts of Barnsley, Doncaster and Rotherham boroughs. NIAs are large, discrete areas that will deliver a step change in nature conservation, where a local partnership has a shared vision for their natural environment. NIAs were established to help address ecological restoration as part of series of actions at a landscape-scale to improve biodiversity, ecosystems and our connections with the natural environment identified by the Natural Environment White Paper (2011) and taking forward recommendations identified in the Lawton Review *Making Space for Nature* (2010). The Dearne Valley Green Heart has been designated as an NIA and its extent within Barnsley's boundary can be seen in the map in figure 17.1 from the Local Plan (reproduced above, with a more detailed map in Appendix A).

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- 3.4** The Dearne Valley supports nationally important assemblages of breeding birds of lowland damp grassland, lowland open water and their margins and scrub plus nationally important numbers of some individual species of breeding water birds. The Dearne Valley has the ambition to become a new type of urban area for living, working and relaxing, in which environmental quality, biodiversity and contact with nature underpin the choices people make to move to and invest in the area and create a sustainable future there. The River Dearne provides a fantastic asset to the valley and the surrounding communities, with its wetlands, washlands and marshlands providing a haven for wildlife. The valley has many publicly-accessible woodlands with networks of footpaths, cycle and bridle trails. Over recent years reclaimed colliery sites have been restored to create community green spaces and the valley is a model for large-scale environmental regeneration. Economic regeneration and prosperity are key to addressing social deprivation arising from the area's industrial past.
- 3.5** The vision of the NIA partnership is to restore and enhance the ecological network in the valley. At its core will be areas of reedbeds, fen, wet grassland, wet woodland and woodland buffered by areas of farmland, amenity grasslands, parklands and reclaimed industrial areas whose biodiversity value will be enhanced. 'Stepping stone' sites exist along the river corridor where habitat should be enhanced and specific measures put in place for species such as eels, otters and water voles. The NIA area will support an even richer diversity of wildlife, including nationally-important numbers of wintering waterbirds and breeding farmland birds.

### **Barnsley Biodiversity Action Plan**

- 3.6** The Barnsley *Biodiversity Action Plan* (BAP) is produced by Barnsley Biodiversity Trust and is reviewed periodically. The BAP lists the key species and habitats targeted for specific conservation action in the borough. The list draws from nationally-approved BAP targets but also includes certain species and habitats which the Trusts' partners feel to be locally important too. The BAP indicates conservation actions which should be taken to help protect the species and habitats and/or allow them to recover. Barnsley Council has adopted the BAP as part of the evidence-base supporting Local Plan decisions. The presence of local priority habitats and species identified in the BAP is a material consideration in planning decisions
- 3.7** Barnsley does not as yet have a Geodiversity Action Plan, but relevant guidance is available in West Yorkshire Geological Action Plan: A consultative Document, March 2008 published by the West Yorkshire Geological Trust (<http://www.wyorksgeologytrust.org/misc/Draft%20WYGAP.pdf>). A geological action plan for Rotherham is at present being written (see <http://www.sagt.org.uk>).

## **4. Guidance**

- 4.1** Any development proposal which may do harm to a biodiversity or geodiversity interest should follow the mitigation hierarchy thus: *avoid, mitigate, compensate*. If it is not possible to avoid damage to the interest and planning permission is still requested for then the developer/applicant should seek to mitigate impacts by good design which not only retains as much of the value *in situ* as possible, but also reduces impacts during the construction

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phase and leaves behind value which is protected and maintained. On occasion, the LPA may allow compensatory works on other sites outside of the development where avoidance or mitigation are not possible/sufficient, but this should be seen as a last resort. The LPA will not support applications that would damage the ecological network and cause a net-loss in biodiversity in line with the NPPF. Whilst the Environment Agency is the lead authority regarding implementation of the Water Framework Directive and the Humber River Basin District Management Plan, the LPA must have regards to them when determining development proposals.

- 4.2** At present there is no nationally-agreed system for measuring biodiversity or geodiversity losses proposed on a site through a development and creating a comparable biodiversity element off-site (biodiversity compensation). It is likely that one will be made available in the near future. The LPA may choose to adopt such a 'metric' and apply it in cases where compensation works are the only possible solution – in which case a new policy will be produced and publicised. Until such time the LPA will continue to use its best judgement, based on precedents, as to what the appropriate compensation amount, as a monetary value, should be.
- 4.3** Biodiversity and/or geodiversity mitigation plans should be designed-in from the outset, with suitably qualified and experienced professionals being part of the design team to prevent conflicts of interest. Any landscape design plans/documents should clearly identify between ornamental plantings and 'green' features which are part of biodiversity retention/mitigation/enhancement. A maintenance plan for a minimum of 5 years should be provided – for example, if a valuable hedgerow or quarry is to be incorporated within a development, the application should state how it will be protected and managed. Planning applications will be expected to commit to not cover trees, hedgerows or other habitats with netting etc, prior to construction in order to exclude birds from nesting, etc. Mitigation and enhancement proposals are welcomed that contribute to enlarging, enhancing and connecting existing wildlife sites, creating new sites, and providing joined up and resilient ecological networks throughout the borough. This includes conserving and enhancing the form, local character and distinctiveness of the borough's natural assets such as the river corridors of the Don, the Dearne and Dove as natural floodplains and important strategic wildlife corridors.
- 4.4** Ecology or geodiversity reports submitted in support of planning applications should not only evaluate the site's importance, but also detail the mitigation, etc proposals. Relevant externally-held data sources should be contacted to provide their data as appropriate given the likely value of the features in the locality and proportionate to the development proposal. Report recommendations such as 'the applicant could install.....' are insufficient: report authors should work with applicants to offer clear measures which could be conditioned at planning decision stage. 2 key reference documents, the British Standard, BS 42020: 2013: Biodiversity: Code of Practice Planning and Development, and the CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition, should be used by the applicant's ecologists when writing ecology reports to guide their evaluation and recommendations. Local Validation Requirements for planning applications have been adopted by the LPA which include biodiversity and geodiversity elements that state when relevant reports are required and outline what, broadly, is needed within them.

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- 4.5** Local Plan allocations have been assessed for their biodiversity value. Some site specific policies contain biodiversity requirements. Where the ecological assessments carried out to inform the Local Plan site selection process assessed a site as having medium or high biodiversity value, and that value has been eroded through the actions of a landowner, the site will still be expected to deliver net gains in biodiversity assessed against the Local Plan ecological assessment.
- 4.6** Barnsley's history of quarrying, mining and the building of regional transport infrastructure created a variety of old and valuable geological surface exposures but many of these are now becoming lost to infilling, neglect and development in both urban and rural situations. This dwindling of exposures takes on added significance since the ending of coal mining has prevented underground study of faults and strata in three dimensions, thereby leaving surface exposures as the only source of primary evidence.
- 4.7** Some compensation for loss of the sub-surface data can be achieved by applying new technologies and techniques to surviving surface exposures, resulting in a wealth of valuable information on the geodiversity/geomorphological feature and its local and regional structure. For these reasons, geoconservation is important. Some developments can create new geoconservation/geomorphological sites and opportunities, either temporary, or possibly permanent. Where an application proposes that geoconservation/geomorphological assets will be lost or diminished, the applicant and their geoconservationists should consult the LPA and its geological advisors, Sheffield Area Geology Trust (SAGT) in drawing up proposals to mitigate the effects.
- 4.8** Prior to submission of any planning application, all relevant geodiversity datasets should be gained, particularly those held by SAGT. Geological sites should be recorded by suitably qualified and experienced geoconservationists/ geomorphologists using the best means available, including photography and sampling, before the loss of/damage to the feature occurs. Information obtained in this way, by the cooperation of the developer, will be shared freely with the local museum service and other publicly-owned stakeholders, for the benefit of the wider community with geological geomorphological interests.
- 4.9** The geoconservation and biodiversity needs at any one site are considered on a case by case basis but geoconservation aims to achieve the following goals:
- to preserve the geological/geomorphological integrity of the site;
  - to preserve its visibility and availability for scientific and educational use;
  - to ensure workable, ongoing access arrangements after completion, and;
  - to work to protect the value from any subsequent risks from the new landowners, tenants, or residents.

### Nature Improvement Area

- 4.10** Within the NIA (Nature Improvement Area) we require specific biodiversity enhancements with developments over and above the minimum mitigation/ compensation measures. Great nature-spaces provide the ideal background for investment in housing and industry.



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- 4.11** The NIA Partnership has 2 main aims for development in the area:
1. The network of sites and places for nature across the NIA is restored and enhanced. This makes our important natural assets more useful for wildlife and more resilient in the future. In reality this means that the partnership will actively seek opportunities to infill and augment the nature network with new and restored wildlife sites.
  2. Where development of housing and Industry is appropriate, the LPA will support developers in the creation of sustainable sites that include good examples of sustainable drainage, incorporated high quality habitats and wildlife corridors and encourage the use of sustainable transport.
- 4.12** This SPD does not describe detailed design guidance on how to realise the aims of the NIA Partnership. Instead, it identifies the key issues that should be reconciled, through good practice points, whilst also drawing attention to relevant policies, documents and contact names. A combination of all these components will, through appropriate negotiations, achieve a development proposal that will accord with the aims of the NIA.
- 4.13** The quality of design of new development is a critical factor in ensuring the overall success of the NIA. The design of development should reflect the specific objective(s) for each site (e.g. biodiversity, public access, wood products etc). It is important that good design is used to provide and promote accessibility to the NIA for everybody in the borough. In turn, this will help to promote the economic vitality and viability of the area.
- 4.14** Minor developments will not be required to contribute to ecological improvements in the NIA. Small housing developments, up to ten units, and conversions of traditional buildings have not been covered in the specific guidance relating to the NIA but would be subject to the existing validation process and planning policy requirements of the relevant planning authority. Therefore, only development proposals of a scale that can contribute a significant, quantifiable benefit, or conversely undermine the ability, i.e. a loss of wetland areas, of the NIA to meet its aims and objectives should be subject to this SPD.
- 4.15** Such quantifiable, significant benefits could include:
- New woodland;
  - New wetland;
  - Enhancing areas of poor environmental quality;
  - Improving public access, or
  - Improving the management of existing habitats;
- 4.16** Development proposals considered by the LPA to be of a scale that would significantly impact on the delivery of the aims and objectives of the NIA, shall seek to enhance and improve the ecological network of the valley by incorporation of features and design

## Supplementary Planning Document: Biodiversity and Geodiversity

principles that follow the conservation principles supported in the Natural Environment White Paper.

- 4.17** Within the NIA we would expect to see developments come forward where the natural environment has been taken into consideration early in the design process and connection through and around the development site with the wider habitat networks is delivered. Small commercial and retail development sites (less than 1,000 m<sup>2</sup>) and sites with limited ecological interest are expected to provide modest enhancements. Major developments<sup>1</sup>, including business parks, particularly those in close proximity to river corridors or NIA key sites, will be supported to incorporate positive full-site biodiversity measures including comprehensive sustainable drainage systems and landscape schemes. Such sites will be expected to provide connectivity throughout the site and link to sites and features outside the site. It is recommended that such schemes are included in master-planning and are agreed at an outline stage to prevent inconsistent and piece-meal delivery.
- 4.18** Where a development agreement involves a commuted sum arrangement in relation to the delivery of biodiversity (or drainage) elements the NIA partnership should be involved in discussions to agree those elements. Where possible, such arrangements should aim to support the delivery of NIA aims.
- 4.19** We would welcome applications that seek to provide improvement for the priority species listed in Appendix B.
- 4.20** Opportunities for biodiversity enhancements in developments by size of development are suggested in Appendix C.
- 4.21** Case studies relating to innovative biodiversity enhancements on new developments can be viewed in Appendix C.

## 5. Further information

- UK National Ecosystem Assessment, <http://uknea.unep-wcmc.org> (2011)
- National Planning Policy Framework (NPPF) – review 2018: <https://www.gov.uk/government/publications/national-planning-policy-framework--2> includes sections copied in the text above to the following footnotes:
  - *56 Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.*
  - *57 Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.*
  - *58 For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*

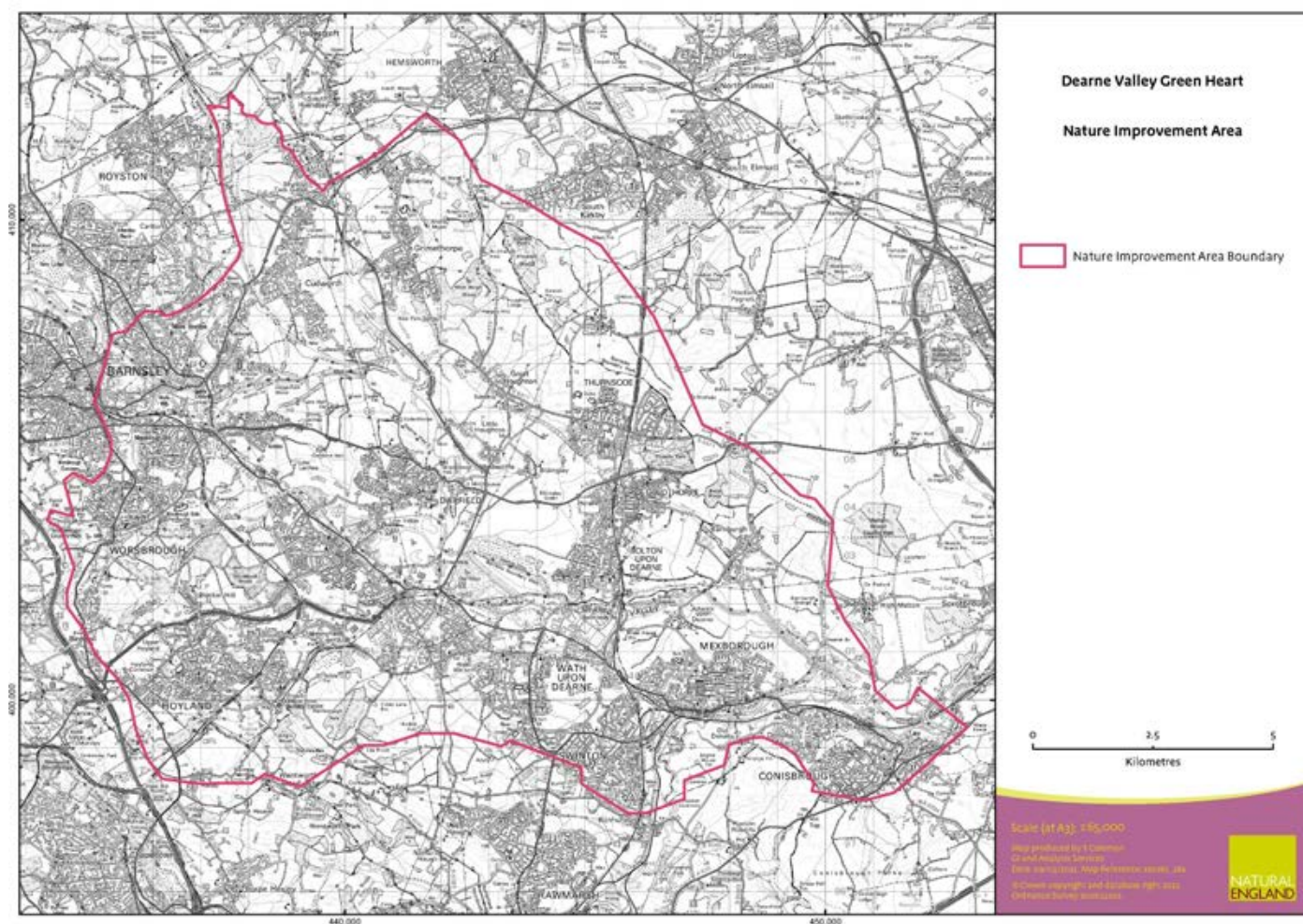
<sup>1</sup> As defined in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and subsequent updates

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- Natural Environment White Paper (2011): <https://www.gov.uk/government/publications/the-natural-choice-securing-the-value-of-nature>
- Barnsley Biodiversity Trust: <http://www.barnsleybiodiversity.org.uk/>
- The current Barnsley *Biodiversity Action Plan* is viewable either directly from the Trust's homepage or here: <http://www.barnsleybiodiversity.org.uk/Barnsley%20BAP%202009.pdf>
- British Standard **BS 42020: 2013**: *Biodiversity: Code of Practice Planning and Development*. <https://shop.bsigroup.com/ProductDetail/?pid=000000000030258704>
- *CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition*. (CIEEM)
- Links to updated lists of current Local Sites in Barnsley (non-statutory sites): Local Wildlife Sites (LWS): <http://www.barnsleybiodiversity.org.uk/localsites.html> Local Geology Sites/ Regionally Important Geological and Geomorphological Sites: <http://www.sagt.org.uk/>
- Multi-Agency geographic information website: <https://magic.defra.gov.uk/MagicMap.aspx> - click on 'designations' and make 'live' tab for 'land-based designations' and 'statutory'; uncheck 'less-favoured areas' and 'nitrate vulnerable zones'.
- Environment Agency – Humber River Basin District Management Plan <https://www.gov.uk/government/publications/humber-river-basin-district-river-basin-management-plan>

## Supplementary Planning Document: Biodiversity and Geodiversity

### Appendix A. Detailed map of Dearne Valley Green Heart 'Nature Improvement Area'



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### **Appendix B. Priority Species for Dearne Valley Green Heart 'Nature Improvement Area'**

We would welcome applications that seek to provide improvement for the focal species of the NIA as set out below:

- Lapwing
- Redshank
- Snipe
- Wintering teal
- Wintering wigeon
- Wintering bittern
- Barn owl
- Willow tit
- Water vole
- Brown hare
- Noctule bat
- Grass snake
- Dingy skipper
- Wild flowers

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**Appendix C. Opportunities for biodiversity enhancement in new development**

Applicants are expected to provide biodiversity features from the below lists proportionate to the size of the development, the proposed impacts of the site and in relation to nearby habitats.

<b>Smaller scale commercial and industrial buildings e.g. retail, factories, offices and warehouses (less than 1000m<sup>2</sup>)</b>			
Native species hedgerow planting	Provide shelter and screening for development. Nesting sites, food and shelter for birds, insects and small mammals. Provide corridors for wildlife linking areas of habitat.	<a href="http://apps.rhs.org.uk/advicesearch/profile.aspx?pid=377">http://apps.rhs.org.uk/advicesearch/profile.aspx?pid=377</a>	Hedges can be predominantly hawthorn, with a mixture of blackthorn, hazel, dog rose, holly, willow and elder included.
Insect boxes/ Bee hotel	Shelter and nesting sites for invertebrates including bees.	<a href="http://www.wildaboutgardens.org.uk">www.wildaboutgardens.org.uk</a>	
Bird boxes	Encourages and supports nesting birds, can be incorporated into roof space.	<a href="http://www.rspb.org.uk">www.rspb.org.uk</a>	Aim to install minimum 2 artificial nest sites per new unit. Unless there are trees or buildings which shade the box during the day, face the box between north and east, thus avoiding strong sunlight and the wettest winds.
Tree planting	Improves setting of development, provides shelter. Attracts birds, mammals and insects providing food, shelter and nesting sites.	<a href="http://www.woodlandtrust.org.uk">www.woodlandtrust.org.uk</a>	Frogs, toads, hedgehogs, beetles and other insects shelter underneath or among the gaps of rotting logs. Create a log pile by loosely arranging together old branches or pieces of log. Leave bark on and use a variety of species if possible.
Ponds and soak-a-ways	Improve setting of development. Habitat for amphibians, birds and wetland plants.	<a href="https://freshwaterhabitats.org.uk/news/pond-conservation-now-freshwater-habitats-trust/">https://freshwaterhabitats.org.uk/news/pond-conservation-now-freshwater-habitats-trust/</a>	
Living Roofs	Provide habitat for insects and birds. Reduce water runoff and increase insulation.	<a href="http://www.livingroofs.org">www.livingroofs.org</a> <a href="http://www.grassroofcompany.co.uk">www.grassroofcompany.co.uk</a>	
Swift bricks/ internal nest boxes	Provide access to nesting sites for swifts and other birds which use buildings.	<a href="http://www.concernforswifts.com/">www.concernforswifts.com/</a> <a href="http://www.swift-conservation.org/">www.swift-conservation.org/</a>	Incorporate swift nest bricks around the top of commercial buildings, they do not have to be on a visible façade.

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SuDS	Habitat for wetland plants and invertebrates. Valuable for amphibians especially where standing water provided. Add to the setting of a development as part of the green space requirement.	<a href="https://www.rspb.org.uk/globalassets/download/documents/positions/planning/sustainable-drainage-systems.pdf">https://www.rspb.org.uk/globalassets/download/documents/positions/planning/sustainable-drainage-systems.pdf</a>  <a href="https://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx">https://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx</a>	Developers should be careful to check with bodies adopting/maintaining any new SuDS scheme for any restrictions in relation to planting and maintenance.
Use of native tree and shrub species in landscaping	Provide shelter and screening. Provide nesting sites and food for birds and insects.	<a href="http://www.tdag.org.uk/trees-in-the-townscape.html">http://www.tdag.org.uk/trees-in-the-townscape.html</a>  <a href="https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity">https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity</a>	Species to consider depend on site conditions and location and include oak (pedunculate and sessile), rowan, willow sp, wych elm, ash, birch (downy and silver), bird cherry, hazel, elder, alder, aspen, guelder rose, crab apple, hawthorn, blackthorn, broom, gorse, dog rose, juniper, holly.
Green walls/habitat walls, Willow hedge (fence/hedge).	Can provide excellent visual features. Shelter, food and nesting sites for birds and insects. Willow in particular is inexpensive and easy to establish from cuttings.	<a href="http://www.livingroofs.org">www.livingroofs.org</a>  <a href="http://www.grassroofcompany.co.uk">www.grassroofcompany.co.uk</a>	Hedges require annual maintenance.
Introduce wildflowers into verges.	Food plants for butterflies and other insects.	<a href="https://plantlife.love-wildflowers.org.uk/roadvergecampaign">https://plantlife.love-wildflowers.org.uk/roadvergecampaign</a>	Many grasses are tolerant of fairly high levels of salt but the following are particularly salt tolerant and may be suitable for roadside verges; red fescue, creeping bent, Yorkshire fog, creeping soft grass.
<b>Major development including residential, commercial, minerals or waste *</b>			
<b>As above plus SuDS</b>	Creation of ponds or wetland habitats will support a variety of wetland plants and attract birds and insects. Even small areas of permanent water or wetland vegetation in detention basins can be beneficial.	See links for SuDS and ponds and soak-a-ways above.	Consider reed beds or willow filtration systems as alternatives for water treatment. Living roofs may be most appropriate to deal with surface water where space is limited.

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Incorporate habitats/features within green space to create green corridors.	Retain existing wildlife habitat within the development. Links with other natural areas and the surrounding countryside are important to allow movement of wildlife along corridors.  This contributes to a developments green space requirements.	<a href="http://www.woodlandtrust.org.uk">www.woodlandtrust.org.uk</a>	Link existing wildlife habitat and/or newly created green spaces with strategically placed trees, shrubs, hedges, dry stone wall or grass verge.
Habitat creation and restoration of existing habitats.	Contribute to meeting Local Biodiversity Action Plan targets for priority habitats. Creating/restoring high quality green space to enhance development. Consider wildflower grassland, native species woodland and wetland habitats. This contributes to a developments green space requirements.	<a href="http://jncc.defra.gov.uk/page-5706">http://jncc.defra.gov.uk/page-5706</a>  <a href="https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity">https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity</a>	Consider opportunities to re-meander canalised streams and rivers.
Use of nectar rich species and food plants for caterpillars in landscaping.	Benefits for butterflies, moths and other insects.	<a href="https://butterfly-conservation.org/">https://butterfly-conservation.org/</a>	
Buffer strips along watercourses and ditches.	Improvements to quality of water, habitat for wildlife, linear habitat and corridor for the movement of wildlife.  This contributes to a developments green space requirements.	Natural England Technical Information Note TIN099 2011 Protecting water from agricultural run-off: water retention measures <a href="https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution">https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution</a>  <a href="https://www.buglife.org.uk/sites/default/files/Ponds_web_0.pdf">https://www.buglife.org.uk/sites/default/files/Ponds_web_0.pdf</a>	
Use show home garden or demonstration area on industrial site to demonstrate wildlife gardening.	Food and shelter for birds, insects and amphibians.	<a href="http://downloads.gigl.org.uk/website/Wildlife%20Gardening%20Pack.pdf">http://downloads.gigl.org.uk/website/Wildlife%20Gardening%20Pack.pdf</a>	Include use of bat boxes/bird boxes/bee hotels, log piles, planting to encourage butterflies, bumble bees and birds. Wet areas/pond for common frog, newts and damselflies.
Develop a site/Company Biodiversity Action Plan (BAP).	Contribute to Local and English Biodiversity Action Plan targets and create a work/development site providing a network of habitats.	<a href="http://www.businessandbiodiversity.org/action_company_bap.html">http://www.businessandbiodiversity.org/action_company_bap.html</a>	All/any of the options listed above could be incorporated into a Site/Company BAP.



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\* Major development as defined in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

### Case Studies: Urban Green Infrastructure for Biodiversity



#### Introduction

The intention is to provide examples of a range of urban green infrastructure interventions, including green roofs, living walls, sustainable drainage schemes and species-rich grasslands. These examples are multi-functional and demonstrate how biodiversity can be enhanced whilst various ecosystem services are provided, including flood management and cooling. Costs are provided where available and are only indicative. It should be noted that for relatively small, novel schemes, establishment costs may be relatively high. Installation or establishment costs will fall as the industry adapts to new techniques. Maintenance costs of small schemes also tend to be relatively high when compared with larger schemes on a pro-rata basis.

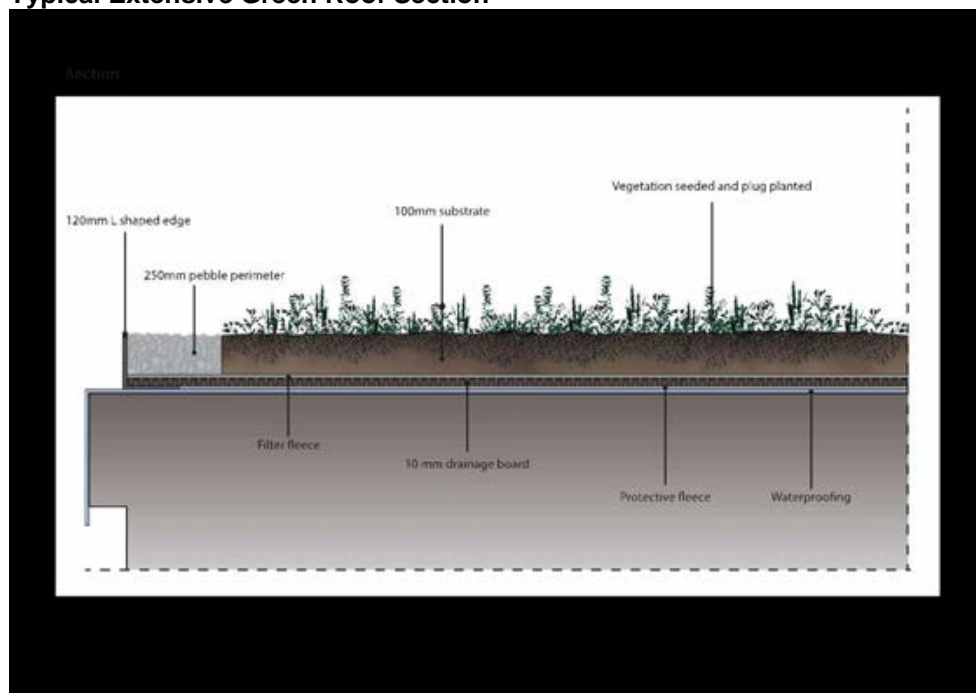
#### Biodiverse Extensive Green Roofs

Biodiverse extensive green roofs are typified by free draining and water absorbent substrates of varying depth. They often include dead wood habitat, stones or pockets of bare sand. They are vegetated with predominantly native drought tolerant wildflowers. Sedum is usually included, however the industry norm of Stonecrop (*Sedum* sp.) dominated vegetated blankets should be avoided because they do not support a sufficiently diverse assemblage of flora and fauna and may not provide sufficient water attenuation. There should be a presumption for any proposals for biodiverse extensive green roofs to include a minimum of 80 mm substrate depth, a standard set in the UK by the Green Roof Code from The Green Roof Organisation (2011 to be updated 2014).

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Biodiverse extensive green roofs are relatively lightweight and low maintenance. Specifications with proven ecological value for foraging birds and invertebrates were pioneered by the Green Roof Consultancy <http://greenroofconsultancy.com>. For further information on how to attract invertebrates to green roofs see also the report by Buglife – The Invertebrate Conservation Charity. <http://www.buglife.org.uk/sites/default/files/Creating%20Green%20Roofs%20for%20Invertebrates%20Best%20practice%20guidance.pdf>

### Typical Extensive Green Roof Section



### Green Roof Example 1: Ruislip Central Line Depot Roof London Underground Limited

This is a retrofit demonstration project. The primary purpose is to absorb and slow down rainfall runoff and to reduce the risk of surface water flooding, however the brief also required an approach that enhanced biodiversity. It was important that saturated weight did not exceed 100kg/m<sup>2</sup>, a requirement of this roof and many other London Underground train sheds with relatively lightweight structures.

Two adjacent biodiverse extensive green roofs types covering a total area of 122m<sup>2</sup> have been installed on a flat roof section at the depot. One section has a typical extensive green roof build up with protection sheet over the original waterproofing, drainage board, filter fleece with Optigreen extensive green roof substrate and the other section has been constructed using an experimental approach. Both plots are vegetated with sedum cuttings and seeded/planted with native annual and perennial wildflowers.

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Monitoring devices have been installed in two downpipes of one of the biodiverse green roofs and two down pipes of a conventional control roof to measure the water attenuation.

Construction Costs: £80/m<sup>2</sup> (Total £10,000)

Running Costs: £200 (annual check of drainage outlets)

Design and Installation by Green Roof Consultancy Ltd

Monitoring by University of East London

Funding by Greater London Council through Drain London

**Image: Green Roof Consultancy**



### **Green Roof Example 2: Factory, Sins, Switzerland Gemperle AG**

Swiss Federal law requires green roofs on all large commercial buildings. The conservation of biodiversity is usually the primary objective with roof greening in Switzerland. In this case the owners also wanted to keep the building cooler in summer to improve the comfort of workers. This is an example of an extensive green roof on a new-build factory/storage building.

There are two sections, one flat and the other barrel vaulted. The build up includes 100mm depth of commercially available recycled crushed-brick based substrate placed above a filter sheet and polystyrene drainage board. Areas of pebbles, stone and logs are also included to provide habitat diversity. There is also an area of shallow ephemeral pond. The roof is vegetated by wildflower seed and sedum cuttings of local provenance.

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Maintenance of the roof is minimal, with an annual check of downpipes. Although this roof is not designed for ground nesting birds and may be too small for that purpose, many of the larger green roofs on industrial buildings in the Zurich area provide nesting habitat for Lapwing.

Area: Total of 1250m<sup>2</sup>: the flat roof section measuring approximately 450m<sup>2</sup> and the other barrel vaulted section, measuring approximately 800m<sup>2</sup>.

Construction Cost: £50 per m<sup>2</sup> (70 CHF)

Running Costs: £100 (estimated) - annual check of drainage outlets

**Roof shortly after installation with annuals prominent (Image: Green Roof Consultancy)**



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Overview after establishment (Image: Gemperle AG)



General view of factory (Image: Gemperle AG)



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**Green Roof Example 3:  
Kemp House, Soho, London  
City West Homes**

Two biodiverse extensive green roofs covering an area of 330m<sup>2</sup> retrofitted on a social housing block with the primary aim of meeting the City of Westminster and London's Biodiversity Action Plan targets, creating habitat for the rare Black Redstart and invertebrate species. Further targeted benefits were also to cool the rooms below and to reduce surface run off by storing rainwater. The build up comprises Optigreen substrate at a depth that meets the GRO Code (80mm) with plug-planted sedum mat, with some areas that have been mounded with additional material and seeded. There are over 30 species of native wildflowers. In addition spring bulbs and log piles provide a range of habitats for both rare invertebrates. Immediately after installation three Black Redstarts were observed on the roofs and this species is now breeding for the first time in Soho. Residents within this social housing complex are able to view both green roofs from their windows and from the roof top garden adjacent to one area of biodiverse green roof.

Construction Cost: (£75 per m<sup>2</sup> (Total £ 25,000)

Maintenance Costs: £200 per annum (check of drain outlets, weeding)

Design by Green Roof Consultancy, materials supplied by Optigreen, seed from Emorsgate, plug plants from Boningales and installation by Landmark Living Roofs<sup>¶</sup>

**Image: Landmark Living Roofs/Optigreen**



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**Green Walls****Green Wall Example 1: Vertical Rain Garden****Tooley Street, London****Team London Bridge**

This is a 25m<sup>2</sup> modular living wall combined with rainwater storage tanks. Downpipes from the pitched roof above are diverted into the tanks which are at the rear of the planters, between the planters and the supporting wall. Water slowly seeps through the modules, which makes the living wall self-watering thereby avoiding the need for pumped irrigation or use of potable water. The purpose is to reduce localised surface water flooding during intense summer storms where Tooley Street meets Tower Bridge Road. The planters are filled with intensive green roof substrate and native and non-native planting is combined to provide value for biodiversity and visual amenity.

Species include ivy *Hedera helix*, elephant's ears *Bergenia cordifolia*, hart's-tongue fern *Asplenium scolopendrium*, scaly male fern *Dryopteris affinis* and periwinkle *Vinca major*. Maintenance is four visits per annum for weeding and replacement of lost/damaged plants

Construction Cost: £ 10,000

Maintenance Costs: £400/annum (two annual inspections for weeding/replanting)

Designed by Green Roof Consultancy and supplied and installed by Treebox Ltd.

Funding provided by the Greater London Authority through Drain London.



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### Green Wall Example 2: Wire Trellis Stucki Shopping Centre, Basel, Switzerland

A vegetated façade created by tensioning stainless steel wires between anchors in the ground and on the roof of a commercial building. Climbing and trailing plants have been trained onto the wires from the beds below and the roof above to provide screening and habitat. The beds below receive run-off from the adjacent path so that the intervention constitutes a SuDS feature and the plants and do not require irrigation (except during establishment).

Such planting can attract invertebrates and birds seeking shelter, food and nesting opportunities in otherwise unused space. A range of attractive wildlife friendly native species can be selected to provide interest that is evergreen or deciduous, flowering and fruiting and can be utilised even in shaded conditions. Species used include Honeysuckle *Lonicera* species, Clematis *Clematis armandii*, vines *Vitis cignetiae*, ivy *Hedera helix*, Boston ivy *Parthenocissus quinquefolia* and star jasmine *Trachelospermum jasminoides*. Ivy a native evergreen climber with glossy foliage and nectar rich flowers which will provide bee species with much needed food sources over autumn and winter. Annual maintenance is required to cut back unwanted shoots and replace any losses.

Shading and reduction of airborne pollutants are amongst the other benefits to this type of planting.

Area: 50 linear metres with height of 20m (1000m<sup>2</sup>)

Cost: £7500 (based on estimate of £150 per linear metre) Cost per unit area is highly variable depending on height.

Information provided by Dr. Nathalie Baumann, University of Zurich

Image: Gary Grant





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### Sustainable Drainage Features

The principles of the design concept of Sustainable Drainage Systems (SuDS) are to mimic natural drainage by intercepting rain via vegetation, storing runoff in the soil or waterbodies and releasing it slowly (attenuation) and by promoting evapo-transpiration. Where ground conditions permit water may also soak into the ground (infiltration). Water may also be slowly transported on the surface through swales. In this way the risk of flood is reduced, pollution is reduced, biodiversity increased and amenity improved. SuDS can involve a wide range of components including green roofs, permeable paving, specially designed tree pits, rain gardens, swales and ponds. This section concentrates on schemes which include ponds. Reviews by DEFRA and CIRIA have shown that when SuDs are considered early in a project, considerable savings can be made in the capital cost of drainage projects, because the use of most expensive underground pipework can be avoided and replaced by soft, surface features.

#### **SuDS Example 1:**

#### **The Manor Pond Estate, Sheffield, South Yorkshire**

#### **Manor and Castle Development Trust, Bellway Homes, Local Authority**

This project includes a series of ponds and basins within a regenerated housing estate comprising 300 houses and service roads. The SuDS scheme is located on adjacent council owned public open space. Water enters the site and is then managed through a series of basins, dropping down through the contours of the site. The opportunity of using the adjacent park, with its watercourse, to store and treat water seemed appropriate and an opportunity to demonstrate better practice. The top basin acts as the main facility for silt collection and pollution interception. Lower down are sand filters installed behind mortar-free stone walling on vertical faces in the lower courses to allow water movement. These filters manage flow at a rate determined by the resistance of the filter and the exit pipe size. This low flow passes down to the next basin below through a shallow low flow channel. If either of the upper two basins is unable to contain and release water through their filters, overflow occurs through a grassed by-pass swale, which leads down to the next basin. The third basin has a volume release control out to an existing dry valley, which leads to the watercourse. If the third basin is unable to handle flow this overflows onto a grass arena as shallow flow and exits through a further control device down to the dry valley. Turf was used to vegetate and stabilise vulnerable areas of the system such as overflow channels and the wet benches of the basins so that the system could be operational at an early date. The permanent ponds are vegetated with reed mace and other marginal aquatic vegetation.

Construction Cost: (Pond elements only) £200/m<sup>2</sup>.

Maintenance Costs: (for whole Manor Pond Estate SuDS system): £10,000 per annum (commuted sum of £250,000 provided for 25 years)

Both capital and revenue costs of the scheme are claimed to be less than a conventional system. As the conventional system which was originally included in the budget was extremely expensive this gave the project team a strong position to argue for a suitable commuted sum for maintenance.

Information from [Susdrain case studies Website](#)

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Image: SusDrain

**SuDS Example 2:****Upton, Northampton**

**English Partnerships, Pell Frischman Engineers, The Prince's Foundation, Northampton Borough Council and County Council, Anglian Water, The University of Northampton's School of Science and Technology**

This example demonstrates the use of retention ponds and wetland habitat within a 43ha housing development on green field land. The development – 6000 residential homes, schools, works and retail and community units - was intended to provide an exemplar sustainable community that forms the first part of a major urban extension to Northampton.

The SuDS scheme comprised surface drainage designed to capture roof and road rainwater runoff from the estate (with an additional conventional underground piped system). This runoff travels via permeable paving and open, linked swales (many of which hold water behind stop logs) leading to a series of retention ponds located in a new area of parkland beyond the site into the local green infrastructure; the River Nene Country Park.

The SUDS components were designed to address hydraulic balance, reduce flood risk to Northampton, trap sediment and improve water quality whilst enhancing biodiversity.

Public engagement and monitoring of the SuDS within this housing development site has been carried out since 2003. This project has been used to inform how SuDS can be managed to benefit wildlife, residents and will enable planners and developers to use best practice in providing additional SUDS habitats for local biodiversity and people.

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Monitoring by ecologists at the University of Northamptonshire has shown that the ponds attract 14 species of dragonfly as well as other wildlife.

Construction Cost: £150-200/m<sup>2</sup> (pond elements only varies according to overall size and control structures)

Maintenance: £2/m<sup>2</sup> per year (estimated)

Information from English Partnerships - now the [Homes and Communities Agency](#) (HCA) and <https://www.northampton.ac.uk/>



### **Invertebrate 'Hotel'** **Lend Lease HQ Staff Roof Garden** **The Green Roof Consultancy**

Two large invertebrate hotels were installed as part of the Lend Lease's HQ staff roof garden. One panel was fixed to a wall and another formed a screen. Each panel was constructed of a number of modules. Each model consisted of untreated reclaimed timber and hardwood logs with a large number of drilled holes. In order to attract a range of species (primarily but not limited to those from the *Osmia* genus of solitary bees) holes varied in diameter from 2mm to 10mm and were 90mm deep. The panels were oriented to face south to maximise use by a range of invertebrate species, including solitary bees, wasps and spiders. The invertebrates can gain shelter and breed during the year, and the panels are also an overwintering habitat for some species. Such a resource can aid local populations, which in turn conduct essential ecological roles including pollination and pest control and provide a food source for other species such as birds and bats. The panels provide nesting conditions mimicking brood chambers for egg laying and larva development. Suitable locations would include sunny facades sheltered from wind or rain, with

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planting of wildlife value located nearby to provide nectar, fruits, seeds and pollen. The panels are fixed to walls or frames but could be is free standing if required. Roof top or ground level installations are possible.

Area: 9m<sup>2</sup> (one panel)

Supply/Installation Costs: £500/m<sup>2</sup>

Running Costs: Nil

**Lend Lease Roof Garden Invertebrate Hotel (Image: Green Roof Consultancy)**



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### Biodiverse Grassland

#### Preamble:

The costs of establishing biodiverse or species-rich grassland are similar to the costs of establishing conventional amenity grassland. The cost of maintaining biodiverse grassland is lower, because frequent mowing regimes are usually replaced by one or two annual cuts, however adjusting to new maintenance regimes does require slightly different equipment and techniques.

The establishment of biodiverse grassland and conventional amenity grassland are similar processes, involving seeding or turfing, however with biodiverse swards, low nutrient levels are desirable to ensure that aggressive grasses do not dominate. Therefore the use of nutrient-rich topsoil should be avoided wherever possible when establishing species-rich grasslands. Sub-soil or sandy or stony material is ideal. Direct seeding of existing amenity or improved grassland with wildflowers or a simple relaxation of cutting regime rarely has the desired effect of creating a species-rich sward. Some enhancement may be possible by plug-planting wildflowers, although this is relatively expensive. It is advisable to strip and re-seed or re-turf improved or amenity grassland wherever possible.

Existing or proposed areas of amenity grassland or any plot of unutilised land may be enhanced through re-seeding or planting and amended management practices. Such techniques will increase the plant and insect diversity, which will in turn attract bird and mammal species.

When selecting a wildflower mix it is important to choose species ecologically suited to the site. Cornfield annuals and short-lived biennials establish easily to give immediate effect and act as a nurse crop. This will support long-lived perennial species that are nationally common and typical of the area. Where possible, less common plant material should be sourced locally under licence. Projects should also reflect cultural links and local character and the overall effect should be visually attractive and varied throughout the growing season.

A wide range of commercially available plants/seeds of value to wildlife can be utilised, including wildflower seed mixes, bulbs and plug plants of perennial flowers. A carefully selected locally appropriate palette of native plants used in natural associations can provide ornamental value for the majority of the year as well as providing valuable habitat including seed, pollen, nectar sources for invertebrates and birds from early summer through to winter.

A wildflower seed mix can be sown into a prepared bed or combined with a suitable grass seed mix such. Several seed houses provide mixes for specific soils and situations (e.g. the [Emorsgate EL1F](#) wild flowers for lawns). Timing of cutting to allow self-seeding to occur, and the removal of arisings will control nutrient levels whilst enabling flowering plants to persist along with relaxed mowing around trees and margins will provide undisturbed over-wintering habitat for invertebrates and important foraging resources for birds.

## Supplementary Planning Document: Biodiversity and Geodiversity

### Grassland Example 1: London House Sparrow Parks Project, RSPB, London Parks and SITA

A three year research project in nineteen London parks using 25 trial areas sown with grass and wild flower mixes. The aim of the project was to study the use of the plots for insect and seed based food sources by the House Sparrow with a view to selecting the best mix to support local populations. Parks included Waterlow Park in Camden; Hampstead Heath in City of London; Laycock Green, Paradise Park and Whittington Park in Islington; Leyton Marshes, Tottenham Marshes and Water Works Nature Reserve in Lee Valley Regional Park; The Green park, Hyde park, Kensington Gardens and Primrose Hill in the Royal Parks; Burgess Park and Peckham Rye Park in Southwark; Beddington Park, Cheam Park, Perrets Field, Rose Hill park East and St. Helier Open Space in Sutton: and Tooting Bec Common in Wandsworth.

The plot types were as follows:

- Long grass - comprising the existing park grassland, but instead of regular mowing this was left uncut to go to seed, which would then be utilised by seed eating bird species- including house sparrow, and to provide overwintering habitat for invertebrates.
- A native wildflower meadow mix - where a mix of native grass and flower species were seeded in order to produce nectar and seeds and sheltering habitat for invertebrates. Maintenance involved annual cut with cuttings removed.
- 'Wildlife Seed' plots - using a bespoke mix of flowers and field margin species that will produce seeds for birds and also be beneficial to invertebrate species. Re-seeding is necessary each year.

Seed mixes were sourced from [Kings Seed](#) and [Emorsgate](#)

All of the trial plots showed biodiversity benefits achieved by improvements to local habitat quality and increased abundance of local invertebrate populations than the traditionally managed amenity grassland. House sparrows need a high protein diet for chicks during weaning in spring and summer and are typically fed insects by their parents; adult birds need more carbohydrate rich foods and so tend to utilise seeds.

Areas: <0.1 ha for wildlife seed plots, average of 0.5ha for the other two treatments.

Establishment Costs:

'Long grass': £680 per hectare (7p/m<sup>2</sup>)

Wildflower Meadow: £3,452 per hectare (34p/m<sup>2</sup>)

'Wildlife Seed': £12,120 per hectare (£1.21/m<sup>2</sup>)

Maintenance Costs: Typically £1200 per hectare or 12p/m<sup>2</sup> (for larger wildflower meadows) Management costs and effort were lowest for the longer grass plot type (although this is the least effective). Costs and management efforts were highest in the first year of wildflower establishment. Costs and management effort for the wildlife seed plots were higher in each year as these plots were established annually and dormant weeds had to be controlled.

## Supplementary Planning Document: Biodiversity and Geodiversity

Information from John Day, RSPB

### Green Park wildflower meadow



### Waterlow Park Wildflower Meadow



**Supplementary Planning Document: Biodiversity and Geodiversity****Grassland Example 2:**

**Popley Fields Residential Development, Basingstoke, North Hampshire  
Wildflower Turf Limited, David Wilson Homes, Hickman Bros Landscape Contractors,  
Natural England, The Landmark Practice**

The site incorporated an area designated for wildlife importance - a Site of Importance for Nature Conservation (SINC) due to the presence of a breeding population of great crested newts. As part of the Protected Species Management Plan high quality habitat was required that connected to the wider site and beyond.

Using products from Wildflower Turf species-rich wildflower meadows were created to provide a dispersal corridor for newts between ponds and meadows. The meadows have been established quickly, are attractive to residents and require little maintenance. Interpretation boards have been situated to help residents learn about the importance of the habitat enhancements.

A variety of products are available from Wildflower Turf including shade tolerant flower mixes for use around mature trees. The turf has a wide selection of native flower and grass species - up to 41 different species, with a minimum of 75% wildflowers. Non-native perennial species can also be used to extend the flowering season. The turf produces nectar, pollen and seeds which support birds, mammals, bees, butterflies and other invertebrate species. The wildflower turf can be used on sites with all soil types; will perform well under shade and in drought conditions, as well as in open meadow conditions.

A species rich lawn turf is available which can be treated as a conventional lawn i.e. regularly mowed short, and used heavily. Unlike standard monoculture amenity lawns the turf will support 26 species of native grasses and wildflowers.

Maintenance such as watering is required for the first two weeks after installation, with occasional soaks required during prolonged dry periods. Cutting regime – one to two cuts per year, once in autumn including clearance of cuttings, leaves and other vegetation under trees in particular, to avoid mulching and the addition of nutrients.

The four years of post-development monitoring indicate that the development has not impacted negatively upon the newt population which in fact appears to be increasing.

Area: 32.2ha estate, 6000m<sup>2</sup> meadow

Establishment Cost: £60m<sup>2</sup> to include design and planning (including a species list and management plan), site preparation. For purchase of turf alone the cost is £10m<sup>2</sup>.

Maintenance Cost: Information not supplied, however typical cost of annual cut with arisings removed is 12p/m<sup>2</sup>

Information provided by [Wildflower Turf](#)



## Supplementary Planning Document: Biodiversity and Geodiversity

### Grassland Example 3: North-west Target Wellbeing Programme, Knowlsey, Liverpool Landlife and Groundwork Northwest

This is a programme of over 90 projects run by Landlife (National Wildflower Centre) for the benefit of targeted disadvantaged communities across the Northwest. Locations include Kirkby (Towerhill, Northwood, Central), North Huyton (Woolfall Heath, Stockbridge Village – see photo below), Halewood (Torrington, Wood Road, New Hutte), South Huyton, North Liverpool (Everton) Projects have an emphasis on public engagement to provide wildflower improvements to greenspaces in Knowlsey. Linked to Natural England's national 'Walking for Health' campaign, this initiative aimed to provide biodiversity gains whilst promoting physical and mental health and wellbeing. Techniques vary depending on the location, but a favoured technique is to strip the existing turf and re-seed with a wildflower seed mix.

One example from this scheme is an area of Public Open Space, in Quarry Green Heights, Northwood, Kirkby. This involved scratch cultivation for cornfield annuals on an area of amenity grassland which had previously been heavily mown. The project was delivered by Landlife and the Community Environmental Task Team in 2004. A variety of successful treatments took place: herbiciding and sowing into short dead turf in autumn, and scratch cultivating and sowing in spring. Additional sowing in subsequent years has helped to build up a substantial seedbank.

After flowering the site was flailed, leaving seed to overwinter providing winter food for birds. Re-cultivating in spring mimics the traditional farming practices that would have sustained cornfield annuals on light soils in the past, Costs: Entire area of all projects of 5.5 ha; since 2008 over 1.5ha of wildflower meadows have been sown into parks and green spaces. Funded by £8.9m from the National Lottery through the Big Lottery Fund (equivalent to £161/m<sup>2</sup>)

Costs for specific projects are typically lower than this.

Wildflower seed mixes cost around to £90/kg (which provides sufficient seed for 200m<sup>2</sup> – equivalent to 45p/m<sup>2</sup>). Preparation and establishment costs vary depending on local conditions however £10/m<sup>2</sup> is a typical figure for turf stripping and disposal and reseedling.

Information from [Landlife](#) and [Groundwork](#)

North Huyton. Image: GroundWork



## Supplementary Planning Document: Biodiversity and Geodiversity

**Appendix D. National Planning Policy Framework (2018). Sections of relevance to biodiversity and geodiversity**

170. *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a. *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b. *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

171. *Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.*

174. *To protect and enhance biodiversity and geodiversity, plans should:*

- a. *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b. *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

175. *When determining planning applications, local planning authorities should apply the following principles:*

- a. *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b. *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c. *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d. *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

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176. *The following should be given the same protection as habitats sites:*

- a. *potential Special Protection Areas and possible Special Areas of Conservation; and*
- b. *sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

177. *The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.*

**Supplementary Planning Document**  
**Design of Housing Development**

**Adopted May 2019**





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## Supplementary Planning Document: Design of Housing Development

### 1. About this guidance

- 1.3** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.4** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.
- 1.5** This document covers new housing development, conversion of non residential buildings to residential use and adapting residential properties to different house types, for example dwellings to flats and Houses in Multiple Occupation.

### 2. Introduction

#### Policy D1 High Quality Design and Place Making

##### Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green Infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;

## Supplementary Planning Document: Design of Housing Development

- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

**2.1** In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.



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## Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains and, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

**2.2** This Document primarily supplements Local Plan policy D1 High Quality Design and Place Making, and sets out the principles that will apply to the consideration of planning applications for new housing development, including conversions, infill and backland development.

**2.3** Paragraph 130 of the National Planning Policy Framework states:

*"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially*

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*diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."*

- 2.4** Further detailed guidance on residential development is provided in the South Yorkshire Residential Design Guide, which is available on the Council's website. The Guide includes information requirements, design guidelines and technical requirements. The Guide looks at the design of residential development at three scales: the wider neighbourhood scale, the streets scale and the finer scale of plots, blocks and buildings.
- 2.5** The Council uses Building for Life 12 to structure discussions with housebuilders, to help steer and assess the design and layout of developments of ten or more dwellings. It sets out twelve questions about new housing developments plus recommendations of things to achieve and avoid. It should be used by housebuilders from an early stage of their design. Any design and access statement should include a Building for Life assessment, answering the twelve questions.
- 2.6** You are advised to discuss your proposal with the Council at an early stage. Formal pre-application discussions can help avoid problems and delays once an application is submitted. Further information, including the Pre-application Advice Protocol and charges for this is available on the Council's web site.

### General Criteria

- 2.7** The Council will assess your proposal against the guidelines set out below. However, if your scheme matches these guidelines it does not necessarily mean that your application will be approved or that you have fulfilled your responsibility to achieve quality development. The guidelines should ensure that development which would have an unacceptable impact will be avoided. However, in some instances higher standards may be required and in other cases standards may be relaxed if there are mitigating circumstances and the development would result in overall benefits to the community and the environment.

### **3. Relationship with existing dwellings and space between proposed dwellings**

- 3.1** The layout and design of new housing development must ensure that high standards of privacy, light and outlook are provided for existing and proposed residents.
- 3.2** Developers in the first instance should consider design led solutions to ensure layouts deliver high standards by avoiding:-
1. Close overlooking of the windows in any existing dwelling or its garden from the proposed development.
  2. The introduction or intensification of vehicular and pedestrian movements close to an existing dwelling, its garden or its boundary.
  3. The overbearing or overshadowing effect of new buildings on an existing dwelling or its garden.

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- 3.3** In order to ensure adequate levels of privacy are provided/ maintained, to ensure residential development does not result in unacceptable levels of overshadowing or loss of outlook and in order to provide adequate amenity space, development will usually be expected to comply with the external spacing standards set out below.

### 4. External spacing standards

1. Where front elevations face a road the dwellings should be an appropriate distance apart. The Council will accept a minimum of 12m where the dwellings are of the same storey and it will achieve a streetscape that reflects local character.
2. The minimum back-to-back dimension between facing habitable rooms, (ie any room used or intended to be used for sleeping, cooking, living or eating purposes), should be 21metres. Where housing abuts the edge of existing settlements, the back-to-back dimension towards existing housing should be greater than 21 metres. Advice will be given on a case by case basis, based on the privacy and outlook of the existing dwelling.
3. Where the proposed dwelling/s is/are more than two storeys in height (excluding rooms in the roofspace), the back-to-back separation distance/s should increase by 3 metres for every additional storey.
4. Proposed habitable room windows at first floor level and above should be a minimum of 10m from the boundary of any private garden which they would face and habitable room windows in existing dwellings at first floor level and above should be a minimum of 10m from any proposed private garden which they would face. A reduced distance may be accepted for bungalows provided they meet garden size standards and ensure adequate levels of amenity for occupants in terms of outlook, privacy and daylight.
5. Proposed walls without habitable room windows (usually side elevations) should be at least 12 metres from original habitable room windows. Where the proposed dwelling is more than two storeys in height (excluding rooms in the roofspace), the separation distance should increase by 2m for every additional storey.
6. Rear gardens of proposed dwellings should be at least 50m<sup>2</sup> in the case of two bedroom houses/bungalows and 60m<sup>2</sup> for houses/bungalows with three or more bedrooms. Smaller gardens may be acceptable in corner plots if privacy and daylighting can be maintained.
7. Distances between new buildings and existing dwellings may be relaxed depending on a number of factors including site level relationships, (i.e. if at a lower level), existing screening or landscaping between the existing and proposed buildings and location. Each case will be judged on its merits but detailed information must be submitted to demonstrate that adequate levels of amenity would be retained for existing residents and provided for residents of proposed dwellings (e.g. cross sections, sun path diagrams).
8. Shared private space for flats must be a minimum of 50m<sup>2</sup> plus an additional 10 m<sup>2</sup> per unit as balcony space or added to shared private space. Where private space cannot be provided balconies must be provided. Balconies must be a minimum of 3 m<sup>2</sup>. The amount of shared private space to be provided will also depend on the quality, quantity and accessibility of local public open space.
9. Full compliance with standards is expected in predominantly residential areas whereas they may be slightly relaxed in town centre situations/higher density areas.

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### 5. Internal spacing standards

- 5.1** All developments should achieve the internal spacing standards set out in the South Yorkshire Residential Design Guide –Technical Requirements section 4A.2, (p130-131).

### 6. Character

- 6.1** Development must respect local context, history, built heritage, character and communities, ensuring that proposed developments preserve or enhance local physical, environmental, social, cultural, historical and economic characteristics.
- 6.2** The design of new developments must be based on an appraisal of existing landscape and settlement character. The primary design source for maintaining character should be the character area in which the site is located if this is a positive source. Where there is no specific positive source to draw on, the development should be designed to create character. Using the lack of local character as a justification for poor and characterless design will not be accepted.
- 6.3** The design of all new development must be based on an appraisal that identifies any existing positive features within the site and assesses the advantages and disadvantages of retaining them.
- 6.4** The design of all new development must be based on an appraisal of the townscape of the site and surrounding area and their relation to topography. All new development should be designed as a considered response to topography and townscape.
- 6.5** Views into and out of the site should be considered at an early stage of the design process. Where the site is visible from a distance, especially where the local topography varies, a visual impact assessment should be undertaken to help influence the layout and design of the development.
- 6.6** The use of standard layouts, plot sizes and building designs which relate poorly to their surroundings and could be anywhere in the country should be avoided. Where standard house types are used they should be adapted to complement local character, beyond just changing external materials.
- 6.7** The design of new developments should be specific to their location and should seek to co-ordinate the landscape framework, street pattern, route hierarchy and townscape to create a coherent public realm and open space network.
- 6.8** Innovative design solutions that depart from the local context may be allowed if they are considered to have a positive impact on the character of the area.
- 6.9** Within larger schemes the pattern of house types and designs should be varied to create visual interest and support character areas within the development.
- 6.10** In all proposals elevations and fenestration should be designed in such a way that they provide relief, depth texture and modelling. This helps to provide visual interest, break down the massing of dwellings and contribute to the character of a development.

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- 6.11** Window and door openings should have sufficient recess in the reveal to give visual articulation. Typical cross sections of windows and doors at 1:5 or 1:20 scale should show a minimum 50mm set back within the reveal. Exceptions can be made where flush detail is part of a deliberate and coherent architectural composition.
- 6.12** A Design and Access Statement should include the above analysis.
- 6.13** Further guidance on character is given in the South Yorkshire Residential Design Guide, for example on pages 62-66.

### 7. Protection of Existing Larger Dwellings

- 7.1** Local Plan policy H9 Protection of Larger Existing Dwellings resists development within the curtilage of existing larger dwellings where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.
- 7.2** For the purposes of this policy we consider 'larger dwellings' to be those that have four or five bedrooms, or are capable of accommodating four or five bedrooms without significant adaptation.

### 8. Health and Wellbeing

- 8.1** If considered at an early stage of design there are opportunities for developers to improve the health and wellbeing of the residents of new development.
- 8.2** For example on larger schemes the layout could include walking and cycling routes linking through the development, or the creation of green corridors to improve air quality. For the design of open spaces an inclusive approach may look not only at the needs of children and young people but also at the needs of an increasingly elderly population.
- 8.3** Sport England has produced guidance showing how to promote 'active lifestyles' in the design and layout of housing developments. Their 'active design guide' sets out 10 principles to help increase activity in everyday lives, helping to improve the health and wellbeing of local residents and neighbouring communities. The guide has been developed in partnership with Public Health England. The online resource, including case studies, is available via:  
<https://www.sportengland.org/facilities-planning/active-design/>
- 8.4** Supporting information on the promotion of health and wellbeing could be included in the design and access statement which accompanies a planning application.

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### 9. Designing Out Crime

- 9.1** Measures to design out crime should be considered at an early stage of the design process. These should include maximising opportunities for natural surveillance and ensuring a clear definition of public and private spaces. Development should take account of the guidance within the Secured by Design website. Please see the link below.

<http://www.securedbydesign.com/industry-advice-and-guides/>

### 10. Streets

- 10.1** The design and layout of new residential streets should reflect the principles of Manual for Streets, which are expanded upon in pages 75-82 of the South Yorkshire Residential Design Guide.

- 10.2** Developments should therefore comply with the following:

- The design of all new development must be based on an appraisal of the surrounding street pattern, which identifies the hierarchy of routes and the pattern of movement through the area.
- The design of the street pattern should form a connected network of streets. There should be enough connections with surrounding streets and neighbourhoods and within new development to create a layout that is walkable, offers direct connections, choice and flexibility.
- As far as possible, new streets should be connected at both ends to form a through street. Cul-de-sacs should only be used sparingly, where they are the only appropriate design solution and should be short and straight. Proposals should allow for the future expansion of the movement network to enable future phases of development to be fully integrated.
- All new streets should be defined by the fronts of plots with buildings orientated to face the public highway, space or private street space to create an active frontage. Blank side elevations facing onto streets should be avoided.
- Where the development site abuts an existing public highway, the new development should where possible front the existing street.
- Management and maintenance of the public highway, as well as private street spaces, must be considered from the outset and general principles agreed with the adopting authority at the concept stage.
- By default, development should form perimeter blocks by creating connected streets and maintaining well defined frontages. The design of blocks should not be uniform but should reflect the character of the different surrounding streets that make up the block.
- The character of new streets should not be uniform but should vary as part of a hierarchy, depending on their location in order to integrate development into the locality, to retain local distinctiveness and create vibrant, legible and memorable places. Longer streets with continuity of elements tend to have a stronger sense of integration whereas short blocks, arbitrary curves and the lack of a continuous building line create a greater sense of fragmentation and can be disorientating.
- Street spaces should have an appropriate sense of spatial enclosure suitable to their location and role. Height to width ratios of between 1:2 and 1:4 provide good

## Supplementary Planning Document: Design of Housing Development

spatial enclosure. Ratios of less than 1:4 will usually need street trees to create an adequate sense of enclosure. Higher ratios (e.g. 1:1) may be appropriate in central urban areas with higher buildings and proportionately wider streets.

- Streets should have a clear definition between the public and private realms. External private space between the frontage line and building, such as front gardens or shared private gardens, is best if defined by a physical boundary or 'means of enclosure'.
- All streets should be designed to achieve the appropriate vehicular speeds:
  - No more than 20mph where principally serving residential areas;
  - No more than 15mph for shared space streets where segregation between motor vehicles and other road users is reduced;
  - Higher design speeds of up to 30mph may be appropriate on existing routes within built up areas, on bus routes and on larger developments where the extent of 20mph streets would exceed around 1km but proposals for design speeds exceeding 20-mph will be determined on a case by case basis.
- We expect residential developments to incorporate access for buses where reasonable and practical.

**10.3** Speed restraints can significantly affect the layout of a housing development. Vertical deflection, (for example speed humps), are not permitted by the highway authority in Barnsley. Instead the emphasis is on using horizontal deflection, (for example corners), to restrain speed. Long, straight roads should therefore be avoided in housing layouts where speed restraint is required. Early consultation with Highway Development Control on the layout of residential schemes is therefore advised.

**10.4** Developments will be expected to meet the technical requirements relating to street and parking geometry contained in the South Yorkshire Residential Design Guide, in Annex 4B (p133-154).

## 11. Design of residential car parking and garages

**11.1** Developments will be expected to meet the standards for parking design set out in the South Yorkshire Residential Design Guide considering parking as an integral part of the design of residential development. Particular attention should be given to sections S2.5 On-street parking (p102) and B1.6 Off-street parking (p116-117). Developments will also be expected to meet the technical requirements set out in annex 4B Street and parking geometry (p133-154).

**11.2** Parking areas to the front of dwellings should be designed to reduce their dominance. Building for Life considers that an over reliance on in front of plot parking that tends to create over wide streets dominated by parked cars and driveways, unless there is sufficient space to use strong and extensive landscaping to compensate the lack of built form enclosure, is avoided.

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- 11.3** Continuous strips of front of dwelling parking are not acceptable. The starting point should be the guidance from Building for Life of a 50:50 hard/ soft landscaping balance at the front of dwellings.
- 11.4** The maximum number of front of dwelling parking spaces acceptable in a row is four. These should be used sparingly in a development and be separated from other parking spaces by a considerable width of soft landscaping, i.e. more than the width of a parking space.
- 11.5** Side of dwelling parking spaces should not occur on the corners of junctions, as they weaken the streetscene.
- 11.6** The design and location of garages should be subservient to dwellings. Integral garages should be set back from the frontage of the dwelling. In semi-detached dwellings any integral garages should be located at the outer edges of the dwellings and not in the centre, to reduce their visual dominance. Detached garages should ideally be located behind the frontage of their dwelling; they should not be a dominant feature of the streetscene. Garages, integral or detached, should not form the end view of any vistas or be prominent in important views.

### 12. Front gardens and boundary treatments

- 12.1** The area between dwellings and the highway provides one of the best opportunities for enhancing the appearance of a housing development. Careful attention to matters such as paved surfaces rather than tarmac, tree and shrub planting, and the erection of walls and railings can have a major impact. The use of a physical boundary or 'means of enclosure' helps to define the extent of private space which has been shown to help with crime prevention and helps to reduce the visual impact of any off-street, front of dwelling, parking. Where front garden physical boundaries exist in neighbouring areas these should continue to be used in new development. In order to reduce opportunities for crime it is appropriate for front gardens to be overlooked by other dwellings.

### 13. Landscape design

- 13.1** Careful attention must be given at any early stage to the design of a comprehensive landscape scheme. The scheme should be designed to help the development fit into its surroundings and soften its visual impact. The planting of trees, hedges and shrubs in prominent locations will improve the appearance and saleability of a site and may in time prove ecologically valuable.
- 13.2** A landscaping scheme should be submitted with your planning application. The benefits of employing a qualified Landscape Architect cannot be overstated. Generally the Council will not require a landscaping scheme for a single dwelling.
- 13.3** **Trees:** The development should achieve an overall tree planting based on an average of one tree per plot. While smaller 'garden' trees such as Rowan and Cherry can be attractive, larger trees should also be provided (e.g. Oak, Beech and Chestnut). Planting will usually be most advantageous on prominent site frontages, to the front of individual houses and on the edge of open space and open countryside.



## Supplementary Planning Document: Design of Housing Development

- 13.4 Shrubs:** Tree planting will be most successful when underplanted with shrubs and/or ground cover. This helps protect the tree from vandalism and accidental damage until it is established. Careful shrub planting can also form an attractive feature in itself.
- 13.5 Hedges:** Hedges are an attractive alternative to walls, fences and open plan frontages. Prickly hedges such as hawthorn can also provide a deterrent to burglars.
- 13.6** Where trees are proposed in the street, they should reflect the technical guidance on pages 170-182 of the South Yorkshire Residential Design Guide.

### 14. Walls and fences

- 14.1** The type of fencing or walls around back gardens will generally be the choice of future residents. However, higher quality boundary treatments will usually be required where they are visible from public vantage points. This is particularly so for front and side boundaries, which will be clearly visible from the street. Where residential development is proposed adjacent to Listed Buildings, in or adjacent to Conservation Areas or in other areas where the local vernacular is dominated by natural materials, it will usually be necessary to use natural materials on prominent boundaries.
- 14.2** A freestanding retaining wall retaining over 1.5 metres of ground would need approval under the South Yorkshire Act 1980. Retaining walls forming part of a building will normally require approval under the Building Regulations. For further information you should contact the Building Control Section on (01126) 772678.

### 15. Existing trees and hedgerows and other features of ecological value

- 15.1** If there are mature trees, hedgerows or other features of ecological value (including watercourses and ponds) the Council will expect them to be incorporated into the design and layout of the development, and retained, wherever possible, for their visual and ecological value.
- 15.2** The retention of these features can greatly improve the appearance of a new housing development, giving it an instant maturity and making a significant contribution to its character and distinctiveness. Their careful integration into the landscape framework of the development can help further enhance habitats for wildlife.
- 15.3** A tree survey of the site should inform the layout of any development and should accompany a planning application.
- 15.4** For further advice refer to the SPD's 'Trees and Hedgerows' and 'Biodiversity and Geodiversity'.

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### 16. Public rights of way

- 16.1** It is important that you check whether any public rights of way cross the site. Most public paths are shown on the Definitive Map. However, if a path or track is not shown on the Definitive Map, but exists on the ground and has been used for many years, it may also be a public path and should be treated as such.
- 16.2** Existing rights of way should be incorporated into the site design. Paths should, where possible, be on convenient and attractive routes through landscaped, or open space areas and away from vehicular traffic. Shady alleys between high fences, particularly at the rear of private gardens should be avoided.
- 16.3** It is important that public rights of way are direct, safe, lit and DDA compliant to ensure that people are not discouraged from using public transport due to access to the bus stop and railway station. It is essential where applicable that development is designed to integrate into the existing PROW network to encourage sustainable travel behaviour.
- 16.4** Public rights of way also provide the opportunity for informal recreation to take place.

### 17. Drainage and flood risk

- 17.1** New residential development will be expected to comply with Local Plan policies CC 3 and CC 4, which relate to flood risk and Sustainable Drainage Systems. Drainage and flood risk issues should therefore be considered at the outset as they will have an impact on the design and layout of residential schemes. In many cases it will be possible to include sustainable urban drainage systems as part of wider Green Infrastructure provision but early discussions will be essential to ensure that the design meets the requirements of the various parties involved in drainage matters (e.g. The Council's Highways & Engineering Service, Yorkshire Water & the Environment Agency). Detailed technical drainage guidance can also be found on pages 155-161 of the South Yorkshire Residential Design Guide.

### 18. Recycling/waste provision

- 18.1** The Council encourages waste minimisation, re-use and recycling. All new development must be designed to accommodate the waste and recycling regimes in force, for example providing sufficient space for the full range of waste and recycling bins.
- 18.2** In design terms bins should not be visible from within the public realm and shared private space when stored. Communal bin storage areas should be in robust materials that will withstand vandalism.
- 18.3** In most instances access must be provided to the rear garden for the storage of wheelie bins, via a clear pathway unimpeded by cars parked within the boundary of the dwelling. For terraced properties the use of ginnels to provide direct rear garden access should be considered as they are more likely to be used than fenced pathways along the rear of adjoining gardens.

## Supplementary Planning Document: Design of Housing Development

### 19. Obscure glazing

- 19.1** A simple rule that needs to be applied is that if a site can only be developed by introducing unusual design features then it probably should not be developed in the first place.
- 19.2** It is often argued that overlooking can be overcome by using obscure glazing, borrowed light or high level windows. If such solutions are proposed this can only apply to non-habitable rooms such as landings or to secondary windows in a habitable room. For the amenity of future occupiers it is not reasonable to create habitable rooms that have no outlook. Furthermore, in the summer occupiers will want to open windows and this is more sustainable than mechanical ventilation.

### 20. Signage and street furniture

- 20.1** As far as possible use the overall design of the street to make it obvious how the space should be used in order to avoid unnecessary signage. Use signage only to fulfil legal requirements and provide essential information not obvious from other sources. As far as possible attach signs to walls and buildings.
- 20.2** Specify simple, high quality street furniture and signage that is appropriate to the character of the area. Street furniture as well as buildings should share characteristics with the locality in order to maintain character. Traditional materials are more likely to be more suited to rural locations and contemporary styles more suited to central areas.
- 20.3** Further guidance on signage and street furniture is provided in the South Yorkshire Residential Design Guide on pages 187 & 188.

### 21. Technical requirements

- 21.1** The South Yorkshire Residential Design Guide provides further guidance on technical requirements including those on: highway structures (p162-163), street lighting (165-166), public utilities (p167-170), (surface) materials (p184-186), adoption of highways (p189-193), construction waste (p194) and management (p95). Highways Development Control will refer to this section in checking through detailed proposals, which will normally be the subject of planning conditions.

### 22. Removal of permitted development rights

- 22.1** Residential developments are often designed to maximise density and make the most efficient use of land. In such circumstances the separation distances between buildings are close to the minimum recommended such that future extensions, insertion of windows, additional outbuildings etc. could be highly detrimental to nearby occupiers. Where this would be the case, normal permitted development rights may be taken away so that the impact of such matters can be assessed.

## Supplementary Planning Document: Design of Housing Development

### 23. Infill development

**23.1** As well as the general criteria, including the external spacing standards, infill development should aim to comply with the following:

- Dwellings should be orientated to have a frontage to the existing public highway. Sides and backs and garages should be sensitively located so the frontage of the new development integrates with the existing street scene.
- The space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street.
- The siting of the dwelling should reflect the building line of the dwellings on the same side of the street.
- The eaves and ridge heights of dwellings should usually be comparable with the heights of adjacent dwellings.
- Parking provision should be accommodated in a similar manner to how it is accommodated elsewhere on the street (e.g. if existing dwellings are set forward on their plots with parking at the side, the proposed dwelling should not be set back with parking at the front).
- Architectural features, fenestration and materials should reflect the positive elements elsewhere on the street.
- Infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land.
- Landscaped features such as trees, particularly those prominent in the street scene, should be retained and provided with sufficient space for future growth.

### 24. Backland development

**24.1** As well as the general criteria, including the external spacing standards, backland development should aim to comply with the following:

- Tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted.
- Piecemeal development, which could prejudice the potential comprehensive development of a larger area of land, should be avoided.
- Backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives (typically in excess of 30m), which would result in excessive 'man carry distances' should be avoided.
- Backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.

## Supplementary Planning Document: Design of Housing Development

### 25. Corner sites

**25.1** Corner sites can be particularly difficult to design sensitively and, as well as the general criteria, they should usually comply with the criteria relating to infill and backland development. In addition, the following matters should be considered:

- Two dwellings set at right angles can be wasteful in terms of site coverage and also create rear gardens that are overlooked and should be avoided.
- If a pair of semis is set at 45 degrees to the road frontages this can result in triangular rear gardens providing inadequate private amenity space and awkward parking areas on the frontage. This should be avoided.
- If a single aspect dwelling is proposed one frontage invariably ends up with a blank side wall and a long fence or wall facing the highway. This can be softened by introducing some side aspect windows and setting the wall or fence back behind a planted verge. A dwelling that is specifically designed to occupy a corner plot with two active frontages is therefore likely to be the best solution.

### 26. Conversions of buildings to residential accommodation

**26.1** Conversion of buildings to dwellings, flats or houses in multiple occupation (HMOs) will be allowed where the following criteria are satisfied:

- On the street in question, HMOs and bedsits account for less than 10% of the residential properties.
- HMOs and bedsits account for less than 10% of the residential properties within a 50m radius of the site.
- That the proposal would not result in 3 or more HMOs being located immediately adjacent to each other or the sandwiching of a dwelling house between two HMOs.
- The building and curtilage are of sufficient size to provide suitable facilities for residents.
  - In the case of HMOs, each one should have a shared lounge and shared dining room,
  - For dwellings and HMOs, garden sizes and external separation distances should reflect the requirements set out in the general criteria.
  - In all cases, internal spacing standards should meet the requirements set out in the general criteria.
- There will be no unacceptable noise nuisance for either existing neighbouring residents or occupants of the proposed residential unit(s).
- Satisfactory provision is made for off-street car parking in accordance with the Council's standards or, exceptionally the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off street car parking.
- The appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.

## Supplementary Planning Document: Design of Housing Development

### Approach to determining a planning application

- 26.2** Based on the information provided and on the council's own records, the council will calculate the number of HMOs and bedsits in the relevant area for each individual planning application. The applicant should undertake their own estimate of the number of HMOs and bedsits to accompany the planning application and provide all their supporting data.

### How to apply the threshold

- 26.3** The percentage concentration of HMOs and bedsits surrounding the application site will be calculated through three main stages:

#### Stage 1 – identify residential properties

- 26.4** The residential properties identified are those located within the defined area of impact surrounding the application site i.e. the street in question or a 50m radius measured from the centre of the site curtilage. To be clear which residential properties are identified, all sub-divided properties including flatted blocks within the same curtilage are counted as one whole property at the first stage

#### Stage 2 – Count HMOs

- 26.5** The residential properties identified at stage 1 will be investigated to check whether they are an existing HMO or bedsits as well as whether or not there are live planning permissions for HMOs and bedsits.

#### Stage 3 – Calculate concentration

- 26.6** The concentration of HMOs and bedsits surrounding the application site as well as those with live planning permission is calculated against the 'total number of residential properties'.

### The approach to sandwiching

- 26.7** This document seeks to avoid dwellings being sandwiched between HMOs and bedsits. However, this would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets.

**Supplementary Planning Document**  
**Financial Contributions To Schools**

**Adopted May 2019**







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## Supplementary Planning Document: Financial Contributions To Schools

### 1. About This Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This document supplements Local Planning Policy I1 Infrastructure and Planning Obligations which states:

#### Policy I1 Infrastructure and Planning Obligations

Development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband.

Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.

Where appropriate, pooled contributions will be used to facilitate delivery of the necessary infrastructure.

- 2.2** New houses give rise to the need for additional school places. However, schools are sometimes full and do not always have spare places for new pupils.
- 2.3** When considering planning applications for new homes, the availability of pupil places in local schools is a material consideration. The National Planning Policy Framework requires planning authorities to assess the capacity of schools when deciding planning applications. This Supplementary Planning Document explains how the Council will implement the NPPF when considering the availability of pupil places in local schools, and how we will assess if contributions are required to ensure those places are in buildings of a suitable condition.

## Supplementary Planning Document: Financial Contributions To Schools

**Planning applications for new homes will be refused unless schools already have sufficient capacity to accommodate new pupils from the development or enough extra places can be created to accommodate them.**

- 2.4** Developers can make a financial contribution to the Council to provide physical space needed to accommodate new pupil places at the local school that would serve the new housing development. This space could be either classroom or other accommodation such as a new hall or canteen, depending on what is needed to permit the intake of new pupils. This allows development to go ahead and means that pupils can attend a school local to where they live.
- 2.5** Alternatively, a developer may wish to directly build an extension to a local school to provide the new space needed. In this case special arrangements will need to be agreed with the Council and set out in a planning obligation legal agreement.
- 2.6** However, it may sometimes be the case that schools are full and there is no possibility of providing extra capacity. For example, there may not be enough space on the site to locate a new classroom. In such circumstances planning permission for new homes will be refused.
- 2.7** Local Plan policy I1 states that development must be supported by 'appropriate' infrastructure. Where there are places available but there are issues with the condition of the school/schools, contributions will be sought to carry out necessary works to ensure school places can be provided that are of a standard that can be considered 'appropriate'.

### 3. When A Financial Contribution Will Be Needed

- 3.1** A financial contribution will be needed for planning applications for housing developments where:-
- The scheme provides 10 or more homes; and
  - There is insufficient capacity in schools; or
  - There is a need for contributions to ensure schools are in an appropriate condition.
- 3.2** When assessing the need for a contribution the Council will consider:-
1. How many pupils a development will generate; and
  2. The available spaces at schools in the school planning area within which the development is located; and
  3. The condition of schools in the school planning area within which the development is located, in particular whether any work is required to ensure the school is fit for purpose and can be considered to be "*appropriate*" infrastructure in line with Local Plan policy I1.

## Supplementary Planning Document: Financial Contributions To Schools

### 4. Number Of Pupils Generated

4.1 The number of pupils a development will bring is calculated as follows:-

- Primary school pupils - 21 pupils per 100 homes.
- Secondary school pupils - 15 pupils per 100 homes.

These figures have been arrived at using information from the school census 2015.

4.2 This calculation will be based on the number of homes included in the detailed planning application. Any increase or reduction in this number through revised applications will result in the required contribution being revised accordingly. However, as described below, the principle of a contribution being needed will be established at any outline planning stage.

4.3 When there are concurrent applications in the same area we need to consider the full impact on schools from all those applications together (rather than considering applications individually).

### 5. When A Financial Contribution Will Not Be Needed

5.1 The methodology for calculating the number of pupils a development will bring accounts for a standard housing mix, therefore the numbers therefore the numbers arrived at using this methodology will be applied. Evidence will be required from developers if they are seeking to make a case that the particular mix will yield less need for school places.

5.2 The following types of housing development will not be required to make a financial contribution to schools in any circumstances:-

- Single bedroom homes;
- Homes specifically designed for elderly people;
- Sheltered accommodation; and
- Student accommodation.

5.3 These types of homes are usually occupied by people who are unlikely to have dependant children of school age living with them. The need for additional school places is therefore also unlikely and so a financial contribution would not be necessary.

5.4 Where a development scheme includes both 'family' housing and any of the house types listed above, a financial contribution will only be required in relation to the 'family' housing element. Homes that fall into any of the above categories will be excluded from the financial contribution calculations.

### 6. How The Amount Of Financial Contribution Will Be Calculated

6.1 For the cost of school places the Government recommends using figures from the latest Local Authority Scorecard as a basis of the cost per pupil place. The latest scorecard figure per place for primary schools in Barnsley is £16,202 (as at 2017).

## Supplementary Planning Document: Financial Contributions To Schools

- 6.2** For secondary school places we have looked at costs incurred on a recent secondary school development. The average cost per place is £16,056.
- 6.3** Both these figures are rounded to the nearest thousand, therefore where:-
- Only primary school places are needed, a contribution of £16,000 must be made for each place;
  - Only secondary school places are needed, a contribution of £16,000 must be made for each place;
  - Both primary and secondary school places are needed, contributions of £16,000 must be made for each primary place and of £16,000 for each secondary place.
- 6.4** This is the calculation that will apply in the majority of cases. However, there may be cases where a different approach is needed, depending on what factors are affecting the capacity of the school. For example, if a whole new school is needed and the developer does not want to build this directly, then the contributions required may be different from the figure arrived at using this calculation.
- 6.5** The starting point for assessing if contributions are required to address issues with the condition of schools will be School Condition Reports carried out by the Education and Skills Funding Agency. For schools where these are not in place, we will rely on Academies and Trusts providing us with comparable information. The amount will be determined based on cost estimates of works that may be required to a particular school or schools in the locality.

## 7. How And When The Financial Contribution Will Be Secured

- 7.1** The financial contribution will be secured through a planning obligation. This is allowed by section 106 of the Town and Country Planning Act 1990, as amended by the Community Infrastructure Levy Regulations 2010.
- 7.2** Planning applications may be resolved to be granted, either by officers through delegated powers or by the Planning Regulatory Board, subject to the completion of a planning obligation providing for a financial contribution to school places. The obligation must be signed before planning permission will be granted and the Decision Notice released.
- 7.3** The Planning obligation must specify the amount of the contribution and when it will be paid. The Council will use this guidance note to calculate the amount of contribution required in each case. For outline planning applications the amount of the contribution will not be known. However, an obligation will be required at the outline stage that links the amount of contribution to be made to the calculation formula in this advice note.
- 7.4** The Council will require contributions to be made quickly once building has started on site so that the extra school places can be provided in time for the arrival of new pupils. The precise timing will be set out in the obligation.

## Supplementary Planning Document: Financial Contributions To Schools

### 8. How And When The Financial Contribution Will Be Spent

- 8.1** The planning obligation will specify what the contribution will be spent on. This must relate to creating the additional school places needed to accommodate the new development or ensuring a school is in an appropriate condition to accept pupils. This means that it will only be used in respect of schools local to the new homes built, either to increase capacity or to carry out improvement works required to ensure the condition of the school is appropriate. It will be spent on creating new classroom space or providing other new accommodation where this limits the capacity of the school, or on works required to improve its condition.
- 8.2** Once collected, the money will be held in an Education Service account specifically set aside for financial contributions to schools. It will then be spent on the works identified in the planning obligation as soon as possible. The obligation will include a date by which the contribution must have been spent. This will normally be 10 years from the date the contribution was received by the Council. If it has not been spent by the specified time, then the remaining amount will be returned, including the Council's standard rate of interest.

### 9. How we will determine if a school is local to the development

- 9.1** The starting point for deciding whether contributions to schools are required arising from a development will be to use the broad school planning areas. There are five school planning areas for primary schools and four for secondary schools. These are set out below. Appendix 1 provides more detail on which secondary schools the primary schools generally transfer to within these school planning areas.

Settlement	School Planning Area	
	Primary Schools	Secondary Schools
Urban Barnsley	Central	Central
Urban Barnsley - Darton and Dodworth	North	Central
Cudworth - including Grimethorpe and Shafton	North East	North East
Royston	North East	North East
Dearne - including Goldthorpe, Thurnscoe and Bolton on Dearne	South East	South East
Wombwell - including Darfield	South East	South East

## Supplementary Planning Document: Financial Contributions To Schools

Hoyland - including Birdwell, Blacker Hill, Elsecar, Hemingfield and Jump	South West	South West
Penistone - including Cubley and Springvale	South West	South West

## Supplementary Planning Document: Financial Contributions To Schools

**Appendix 1.**

The following table lists those primary schools which generally constitute 5% or more of the total intake of a particular secondary school This is provided to give further detail on the school planning areas:

<b>Secondary School</b>	<b>Transferring Primary Schools</b>
Barnsley Academy	Hunningley Oakhill Worsbrough Bank End The Forest The Mill
Darton College	Darton Wellgate Wilthorpe Kexborough Mapplewell Barugh Green
Holy Trinity 3-16 Secondary Phase	Holy Trinity Primary Phase Transfers Royston St John's Holyrood Carlton
Horizon Community College	Joseph Locke Ward Green Summer Lane Shawlands Wilthorpe St Mary's CE Keresforth Burton Road Worsbrough Common Gawber Doncaster Road



## Supplementary Planning Document: Financial Contributions To Schools

Kirk Balk Community college	Hoyland Common Greenfield Birdwell West Meadows Jump Tankersley St Helen's Catholic The Ellis
Netherwood ALC	High View Kings Oak Wombwell Park Street Upperwood The Darfield Academy All Saints Sandhill
Outwood Academy Carlton	Athersley South Athersley North Carlton Parkside St Helen's Primary Academy Laithes Primary Summer Fields Meadstead
Outwood Academy Shafton	Littleworth Grange PLC Cudworth Churchfield Cherry Dale Milefield Birkwood Shafton Ladywood Brierley CE

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Penistone Grammar ALC	Penistone St John's Springvale Silkstone Thurgoland CE Silkstone Common Oxspring Cawthorne CE
The Dearne ALC	The Hill Carrfield Highgate Lacewood Gooseacre Heather Garth Dearne Goldthorpe

**Supplementary Planning Document**  
**Heritage Impact Assessment**

**Adopted May 2019**





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## Supplementary Planning Document: Heritage Impact Assessment

### 1. About this guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This document offers guidance to landowners, architects, agents and builders on how to produce a heritage impact assessment or HIA. HIA's are commonly required in support of any application affecting a heritage asset such as a listed building, conservation area, scheduled monument or significant archaeology.

### 3. Policy

- 3.1** This document supplements Local Plan policy HE2 which states as follows:
- 3.2** Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting.
- This description will need to include an appropriate but proportionate level of detail that allows an understanding of the significance of the asset but no more than is necessary to understand the impact of the proposal.
  - For sites with significant archaeological potential, a desk based assessment may be required in line with the provisions of Policy HE6.
  - Applications made in outline form will not be accepted for proposals which will affect a conservation area, a listed building or any other designated heritage asset. In such cases, sufficiently detailed plans and drawings to enable an assessment to be made of the likely impact of the development upon the significance of any heritage assets affected will be required.

## Supplementary Planning Document: Heritage Impact Assessment

### National Policy (The National Planning Policy Framework) July 2018

- 3.3** In order to comply with the advice set out in Paragraph 189 of the National Planning Policy Framework (NPPF), applicants are required to provide a description of the significance of the heritage asset and/or its setting. This can be presented in the form of a Heritage Impact Assessment (HIA). This assessment should provide the Planning Authority with enough information to understand the impact of the proposals on the significance of any heritage assets affected. The submission of inadequate information may lead to your application for Planning Permission or Listed Building Consent being made invalid.

## 4. Statutory Legislation

### The Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.1** The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. These (designated) buildings or areas (also known as assets) receive enhanced and legal protection under this act.
- 4.2** It is a criminal offence not to seek consent or permission, and to undertake works, without the required consent to a listed building or for the demolition of a building in a conservation area.

### The Ancient Monuments and Archaeological Areas Act 1979

- 4.3** Under the Ancient Monuments and Archaeological Areas Act 1979, scheduled ancient monument consent is required for most works which will affect a scheduled monument.

## 5. Why is a heritage impact assessment needed?

- 5.1** Understanding the significance of a historic building, a collection of buildings, an area, or archaeology (the 'asset') and the possible impact of the proposed scheme on this significance is the key to good conservation practice. Good information, available from the outset, can speed up the processing of applications, reduce costs and lead to better overall design.
- 5.2** If the significance of a site has been clearly understood from the outset (based on how the site has changed through time and what survives today), then both the applicant and the Planning Authority can better understand the impact of the proposal and seek to minimise this. As such it is important to understand the significance of a heritage asset when considering proposals to alter, demolish or extend the asset or develop within its setting. An early understanding of the significance will inform the direction of an application and help provide a clear and convincing justification of the proposal as required by the NPPF.

## Supplementary Planning Document: Heritage Impact Assessment

### 6. When is a heritage impact assessment needed?

- 6.1** A HIA is needed for any application that directly affects a heritage asset or its setting and will always be required for the following types of application:
- Applications for Listed Building Consent;
  - Applications for Planning Permission for development attached to a listed building;
  - Applications for Planning Permission for development clearly within the setting of a listed building;
  - Applications for Planning permission for development inside or clearly within the setting of a Conservation Area;
  - Applications for Planning Permission for development likely to affect a Scheduled Ancient Monument;
  - Applications for Planning Permission for development inside or clearly within the setting of Registered Parks and Gardens;
  - Applications for Planning Permission for demolition in a Conservation Area.
- 6.2** There may also be a requirement for an HIA when a proposal has the potential to impact a non-designated heritage asset or its setting. Non-designated heritage assets may include archaeological sites that have never been assessed or not statutorily designated but have a heritage value. Carrying out a pre-application meeting with the Planning Service will ensure that will ensure that any heritage assets or their setting that are likely to be affected by the proposed development are identified at the earliest stage.

#### Is there a requirement to include this information as well as a Design and Access Statement?

- 6.3** Yes, where works are directly proposed to a heritage asset or its setting. The HIA may form part of the Design and Access Statement but the Design and Access Statement is not a substitute for it.

### 7. What information is required?

- 7.1** In accordance with the NPPF, the level of information provided should be appropriate and proportionate to the significance of the heritage asset and the potential impact of the proposal upon that significance. For example, for an application that includes substantial demolition of a heritage asset, it is reasonable to expect an applicant to provide a thorough and detailed understanding of the asset and a thorough explanation of the impact of the demolition on the asset and its setting. An application for a minor alteration to part of the asset is likely only to require information on the affected part of the asset, with only a brief explanation of how the impact relates to the significance of the asset as a whole. However,



## Supplementary Planning Document: Heritage Impact Assessment

it should be borne in mind that a minor alteration could potentially require a more detailed assessment where it is likely to affect an asset of the highest importance.

### Stage 1: Gather known information about the building or site

#### a) Documents relating to the heritage asset

**7.2** Heritage assets, especially when designated, will have some documentary information about them. For example, all listed buildings have a List Description, all Scheduled Ancient Monuments have written schedules and Registered Parks and Gardens have full detailed descriptions that include their historic development.

**7.3** The Historic Environment Record (HER) held by the South Yorkshire Archaeology Service should be consulted as part of the information gathering stage. The Conservation Officer at Barnsley MBC will also have information on individual assets and on the historic environment as a whole. Documentary evidence may also be obtained from other external archival sources and Barnsley Archives would be a good starting point for this.

#### Useful Sources of Information:

- Conservation Officer; 01226 772576,  
[buildingconservation@barnsley.gov.uk](mailto:buildingconservation@barnsley.gov.uk) Design & Conservation  
Westgate Plaza One  
PO Box 603  
Barnsley  
S70 9FE  
<https://www.barnsley.gov.uk/services/conservation/>
- South Yorkshire Archaeology Service (Historic Environment Record); 0114 2736354,  
[syorks.archservice@sheffield.gov.uk](mailto:syorks.archservice@sheffield.gov.uk)  
  
South Yorkshire Archaeology Service  
Development Services  
Howden House  
1 Union Street  
Sheffield  
S1 2SH  
[www.sheffield.gov.uk/syas](http://www.sheffield.gov.uk/syas)
- Barnsley Archives and Local Studies; 01226 773950, [archives@barnsley.gov.uk](mailto:archives@barnsley.gov.uk)  
Town Hall  
Church Street  
Barnsley  
South Yorkshire  
S70 2TA
- The National Heritage List for England (English Heritage):  
<https://historicengland.org.uk/advice/hpg/heritage-assets/nhle/>

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- Heritage Gateway:  
[www.heritagegateway.org.uk](http://www.heritagegateway.org.uk).
- Pastscape:  
<https://www.pastscape.org.uk/>
- British Listed Buildings:  
<https://britishlistedbuildings.co.uk/>

**7.4** Please note that there are numerous other information sources. Please contact the Conservation Officer for details.

#### **b) Photographs, including historic photographs**

**7.5** A good set of colour photographs showing the proposal site should be included. There may also be historic photographs of the site, which can often reveal information about how the building has changed and can provide justification for proposed alterations or inform the design of an alteration or extension.

#### **Sources for Historic Photographs:**

- YOCOCO (Yorkshire Coal Communities) – Barnsley Archives image database;  
<https://wwwapplications.barnsley.gov.uk/librarydigitisation/>
- Tasker Trust - <http://www.taskertrust.co.uk>
- Viewfinder (English Heritage): <http://viewfinder.english-heritage.org.uk>
- Images of England (Listed Buildings): <http://www.imagesofengland.org.uk/>
- Francis Frith: <http://www.francisfrith.com/>
- Parish Councils
- Local History Groups
- Local historic photograph publications

#### **c) Historic maps**

**7.6** Maps can help in the understanding of the historic layouts of sites and buildings, the relationship with other buildings/structures and surrounding landscapes or gardens. An examination of historic maps may reveal how the site has changed and developed, providing evidence for identifying different building phases. There are many sources of historic and modern maps, such as enclosure and tithe maps, to the more detailed Ordnance Survey maps which were first drawn in the mid- 19th century. The types of maps that you should consult will very much depend on the age of the heritage asset and your proposals. The amount of research should be **proportionate** to proposals.

## Supplementary Planning Document: Heritage Impact Assessment

**Sources of Information:**

- Barnsley Archives and Local Studies; 01226 773950, [archives@barnsley.gov.uk](mailto:archives@barnsley.gov.uk); <http://www.experience-barnsley.com/archives-and-discovery-centre>
- South Yorkshire Historic Environment Characterisation Study; [http://archaeologydataservice.ac.uk/archives/view/syorks\\_hlc\\_2012/](http://archaeologydataservice.ac.uk/archives/view/syorks_hlc_2012/)
- South Yorkshire Archaeology Service (Historic Environment Record); 0114 2736354, [syorks.archservice@sheffield.gov.uk](mailto:syorks.archservice@sheffield.gov.uk); <https://www.sheffield.gov.uk/content/sheffield/home/planning-development/south-yorkshire-archaeology-service.html>
- National Library of Scotland (includes Great Britain): <https://maps.nls.uk/>
- Ordnance Survey (via NLS) maps 1842 – 1952: <https://maps.nls.uk/os/6inch-england-and-wales/>
- Old Maps; <http://www.old-maps.co.uk/index.html>
- Old Maps Online; <http://www.oldmapsonline.org>
- A Vision of Britain: <http://www.visionofbritain.org.uk/maps>
- Magic: <http://www.magic.gov.uk>

**7.7** Please note that there are numerous other information sources. Please contact the Conservation Officer for details.

**d) Other sources**

**7.8** Many buildings and areas in the borough are referred to in other sources of information, often published by local historians or history groups. In addition, the council may hold reports on buildings or sites. Where an asset lies within a conservation area, there may be a conservation area appraisal written. Historical directories can be useful sources, especially where the site or building was built for a community purpose, often providing dates of construction, architects and benefactors.

**Sources of Information:**

- Barnsley Archives and Local Studies; 01226 773950, [archives@barnsley.gov.uk](mailto:archives@barnsley.gov.uk)
- National Archives: <http://www.nationalarchives.gov.uk/>
- National Monuments Record: <https://historicengland.org.uk/images-books/archive/>
- The British Library: <http://www.bl.uk>

## Supplementary Planning Document: Heritage Impact Assessment

- Historical Directories: <http://www.historicaldirectories.org>
- Pevsner's Architectural Guides (book);

**7.9** Please note that there are numerous other information sources. Please contact the Conservation Officer for details.

### Stage 2: Written Description

**7.10** A written description should also be provided, although the amount and type of information will depend on the nature of the heritage asset and the scale/type of proposal. If appropriate, you could include copies of any relevant documents discovered as part of Stage 1. The following, to a greater or lesser extent should be included:

- A. A description of the building/structure/site and its setting (this may include important views towards and away from the heritage asset) The description should include information on architectural style, date(s) of construction, materials and notable characteristics generally and specifically in the location of the proposals. Where proposals affect the setting of a heritage asset you may wish to make reference, if appropriate, to other buildings in the grounds/garden, details of landscaping and views towards and away from the application site.
- B. A summary of the building/structure/site's architectural, archaeological or historical significance. Significance is what people value about the heritage asset. This will often be the architectural interest, but can also be social, community, economic or environmental value. Unusual or rare features will usually have a higher level of significance. Significance will often be derived from the age of the fabric of a building. For example, late 20th century extensions to an 18th-century farmhouse will not usually be considered to be as significant as the earlier original fabric. Where a heritage asset has numerous phases of development, or differing levels of significance, plans can be used to show this effectively. Where a heritage asset forms part of a group, consider the group value or cumulative significance i.e. the significance it has by virtue of being in the presence of other assets. Group value could be due to a functional relationship or a fortuitous grouping.

### Stage 3: Proposals and Justification

**7.11** The Planning Authority must clearly understand your proposals and the reasoning for them. Through a good understanding of the heritage asset, your proposals should be designed to avoid or minimise any harm to the significance of the heritage asset. A written explanation should be provided outlining your proposals and justifying them. Your explanation should answer the following questions:

- Do you understand the heritage asset well enough to make an informed decision?
- Why is the proposed work required?
- Could your requirements be met in a different way?

## Supplementary Planning Document: Heritage Impact Assessment

- What would the benefits be of the proposed work?
- Could the proposed work harm the heritage asset or put it at risk in any way?
- Will the benefits outweigh any harm?
- Could you avoid (mitigate) any minor impacts on the heritage asset?
- Is the scale, design, materials proposed for any proposed works appropriate?
- Is any proposed work in the least damaging place?

**7.12** Where an application site includes, or is considered to have the potential to include, archaeological interest, an appropriate desk based assessment or a field evaluation may be required. It is advisable to discuss the archaeological implications with the South Yorkshire Archaeology Service:

0114 2736354

[syorks.archservice@sheffield.gov.uk](mailto:syorks.archservice@sheffield.gov.uk)

South Yorkshire Archaeology Service

Development Services

Howden House

Union Street

Sheffield

S1 2SH

[www.sheffield.gov.uk/syas](http://www.sheffield.gov.uk/syas)

### How Much Detail and who can help?

**7.13** The level of detail in the assessment will depend on the heritage asset and the extent of the proposal. The HIA should be written by anyone competent to do so. In some cases, this may be the owner (i.e. householder), but for a complex heritage asset with high levels of significance, it is advisable to employ a heritage professional (i.e. conservation planner, architectural historian or building archaeologist). If using an architect/agent to submit any application on your behalf, they may also be capable of producing an assessment.

## Supplementary Planning Document: Heritage Impact Assessment

### Glossary

#### Heritage Asset

A building, monument, site, place, area or landscape identified as having a degree of historic Significance

#### Heritage Impact Assessment (HIA)

The process of establishing the impact of a proposal on the significance of a place and identifying ways of mitigating any adverse impacts.

#### Historic Environment Record (HER)

Historic Environment Records are information services that provide access to a range of resources relating to the historic environment of a defined geographic area for public benefit and use.

Typically, they comprise databases and / or files linked to a geographic information system (GIS) and associated reference material, together with a dedicated staffing resource.

#### Mitigation

Action taken to reduce potential damage to significance. This may include avoiding damage, design solutions, options appraisal or seeking further information, as well as, where damage is unavoidable, recording elements that will be destroyed.

#### Setting

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

#### Significance

The value of a heritage asset to this and future generations because of its heritage interest which may be historic, architectural, archaeological, or artistic.

### Contact Us

- Conservation Officer; 01226 772576, [buildingconservation@barnsley.gov.uk](mailto:buildingconservation@barnsley.gov.uk)  
Design & Conservation  
Westgate Plaza One  
PO Box 603  
Barnsley  
S70 9FE

**Planning Advice Note**

# **Hot Food Takeaways**

**Adopted May 2019**







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## Planning Advice Note: Hot Food Takeaway

### 1. About this Guidance

- 1.1 This Planning Advice Note sets out the Council's approach to dealing with hot food takeaways in respect of meeting the Council's health and wellbeing agenda. It should be read in conjunction with the SPD on hot food takeaways.

### 2. Introduction

- 2.1 Hot food takeaways are controlled by a range of different regulations and a number of statutory requirements must be satisfied before trading can begin. This note has been prepared to deal principally with the land use issues. However policies which promote good public health are to be encouraged and the planning system is an important tool for improving health and well-being.
- 2.2 This Planning Advice Note sets out the Council's priorities and objective in relation to the planning control of hot food takeaways. It elaborates upon existing and emerging policy in relation to health and wellbeing.

#### Use Classes Order

- 2.3 Establishments whose primary business is for the sale of hot food for consumption off the premises fall within the Use Class A5 (as defined by the Town and Country Planning (Use Class) Order 1987 (as amended). The proposed layouts of such premises provide a clear guide as to whether the use of the premises will fall into the A3 (restaurant) or the A5 (hot food takeaway) Use Class. In determining the dominant use of the premises consideration will be given to:
- The proportion of space designated for hot food preparation and other servicing in relation to designated customer circulation space; and/or
  - The number of tables and chairs to be provided for customer use;
  - The percentage of the use to the overall turnover of the business.

### 3. Policy

The National Planning Policy Framework section 8 "Promoting Healthy and Safe Communities" states that "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling*".

The following extract from Local Plan policy D1 High Quality Design and Placemaking is relevant where it states that development should:

- **Contribute to place making and be of a high quality that contributes to a healthy, safe and sustainable environment.**

## Planning Advice Note: Hot Food Takeaway

- **In terms of place making, development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.**

### 4. Further Advice

#### Planning

- 4.1** The Hot Food Takeaway Supplementary Planning Document advises that pre-application discussion about the suitability of a particular property may avoid the submission of an application where the proposal would create an unacceptable impact on the environment. If you have any questions or queries, initial contact should be made with Development Management. Telephone number 01226 772595.

#### Regulatory Services

- 4.2** As set out in the Hot Food Takeaway Supplementary Planning Document, for advice on the control of noise and odour, food hygiene, or health and safety, contact Regulatory Services on 01226 773555.

#### Licensing

- 4.3** For advice on the licensing of late night refreshments, contact Legal Services, Licensing on 01226 773843.

### 5. Health

- 5.1** Levels of obesity and excessive weight are a health concern in Barnsley. 73.1% of Barnsley adults are either overweight or obese which is 12% higher than the national average. Over a third of Barnsley's 10-11 year olds are overweight or obese and 18% of 4 to 5 year olds carry excess weight (Public Health England 2018). BMBC has revised its Public Health Strategy (2018-2021) with food as one of the priorities. A food plan has been introduced to improve and diversify the local food environment, increase access to healthy, good quality food, reduce obesity levels and improve obesity related health outcomes, such as diabetes and cardiovascular disease.
- 5.2** People who are overweight or obese have a higher risk of getting type 2 diabetes, heart disease and certain cancers. Excess weight can also affect self-esteem and mental health. The Government is spending £5billion a year to tackle obesity. The wider cost to the economy is estimated to be £20 billion a year once factors such as lost productivity and sick days are taken into account.<sup>1</sup>

#### Hot Food Takeaways and Obesity

- 5.3** In 2018 Public Health England (PHE) emphasised that local physical surroundings have a large impact on the population as residents are now living in an environment which encourages unhealthy behaviours, such as eating more high calorie food and exercising

<sup>1</sup> Source: Public Health England, 2018 (*adult data based on Active Lives survey, Sport England 2016-17 and children's data taken from the National Childhood Measurement Programme 2017-18*)

## Planning Advice Note: Hot Food Takeaway

less. One of the biggest factors influencing our choices is the density of hot food takeaways.

- 5.4** PHE also advise that many of our streets are saturated with fast food outlets, selling food such as chips, burgers, kebabs, fried chicken and pizza. The sheer density of these outlets make it easier for us to consume too much, too often – and the fact that most outlets have no or limited nutrition information in store can make informed choices difficult. While not all fast food is unhealthy, it is typically high in saturated fat, salt and calories. Excess calorie consumption is the root cause of the obesity crisis, with overweight or obese children consuming up to 500 extra calories per day, depending on their age and sex.

### Hot Food Takeaways and Schools

- 5.5** PHE (2018) also advises that children with excess weight are more likely to be overweight or obese as adults, increasing their risk of preventable diseases such as type 2 diabetes, heart disease and some cancers. With a third of Barnsley's children leaving primary school overweight or obese, shaping our food environment is an important part of supporting healthier lifestyles.
- 5.6** Both the built and natural environments can have an influence on our health and wellbeing. Children may find it more difficult to make healthier choices when exposed to so many fast food options, whether on their way to and from school or out with friends.
- 5.7** Continuing to permit school children access to food sold in hot food takeaways, often high in fat, salt and sugar, will perpetuate poor food choice. Restricting the development of hot food takeaways within a ten minute walking distance of the school (i.e. a 400m radius) will limit children's exposure.
- 5.8** The table below displays population figures by electoral ward, compared to the number of hot food takeaways and local childhood obesity data.

## Planning Advice Note: Hot Food Takeaway

## Barnsley Ward Data

Table 1

Ward Name	Ward Population	Number of Outlets 2018: BMBC Local Data Source	Excess Weight in 4-5 year olds	Excess Weight in 10-11 year olds
Central	11,115	40	19.4%	34.9%
Cudworth	10,977	16	17.7%	26.4%
Darfield	10,686	11	20.5%	37.2%
Darton East	10,676	9	18.3%	35.1%
Darton West	10,669	12	28.2%	37.2%
Dearne North	10,498	19	18.1%	37.9%
Dearne South	11,889	13	24%	33.5%
Dodworth	9,777	5	19%	27.9%
Hoyland Milton	11,852	19	19.7%	27.5%
Kingstone	10,680	11	20.5%	30.8%
Monk Bretton	10,785	12	20.3%	37.9%
North East	13,189	11	17.5%	30.9%
Old Town	10,811	3	20.5%	31.4%
Penistone East	11,587	0	18.1%	33.4%
Penistone West	11,322	8	24.3%	35.6%
Rockingham	11,062	6	18.4%	26.2%
Royston	10,728	8	18.5%	28.4%
St Helens	10,250	7	15.1%	29.8%
Stairfoot	11,510	10	21%	36.9%
Wombwell	11,477	17	25.6%	36.7%
Worsbrough	9,682	10	20.4%	30.5%

Ward Population Data Source: 2011 Census.

Number of Hot Food Takeaway units and applications in Barnsley (received and in business between 2015 and 2018), in line with electoral wards and population figures. Source: BMBC 2018.

Child Excess Weight data source: PHE 2018, three year aggregated data

## Planning Advice Note: Hot Food Takeaway

### 6. Part 2 – Guidance

#### Is planning permission required?

- 6.1** As set out in the Hot Food Takeaway Supplementary Planning Document, planning permission is required to build new premises for an A5 use. The Town and Country Planning (Use Classes) Order 1987 (as amended) subdivides different development types into separate classes of use. The Order also provides details on when planning permission is required to change from one particular use to another.
- 6.2** Where a property currently has permission for use as a hot food takeaway, planning permission is not usually required to use the property for any other type of hot food takeaway. However, the conditions attached to the previous planning permission, such as restrictions on opening hours, will still apply. External building works or alterations that materially change the appearance of an existing hot food takeaway, such as the building of an extension or the installation of a new shop front to the property will usually require planning permission.
- 6.3** Separate advertisement consent is sometimes required to display shop advertisements. For example, consent would be required for signs above fascia level, including projecting signs or banners, and illuminated signs of any kind.

#### Planning Application Considerations

In addition to those considerations set out in the Hot Food Takeaway Supplementary Planning Document, the additional considerations arising from this Planning Advice Note are:

1. Over Proliferation

In assessing applications for an A5 use, consideration will be given to the number of hot food takeaways already present in each ward as per Table 1. The NPPF states that “planning decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles”. The greater the number of hot food takeaways within a ward the more likely it therefore is that proposals for further A5 uses would be in conflict with this part of the NPPF.

2. Proximity to Schools

Outside District or Local Centres, proposals for Hot Food Takeaways within 400m of a secondary school or Advanced Learning Centre (ALC), will have regard to guidance from Public Health England on the link between childhood obesity and proximity to Hot Food Takeaways. District and Local Centres are areas of shopping and services as outlined in the Local Plan and will be measured as a circular buffer taken from the centre of the school or ALC.

## Planning Advice Note: Hot Food Takeaway

### 3. Location where there are high levels of obesity

In assessing applications for an A5 use, consideration will be given to levels of excess weight of 10-11 year old pupils. The NPPF states that “planning decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles” Proposals for hot food takeaways within a ward where more than 32% of 10-11 year old pupils are classed as having excess weight are therefore more likely to be in conflict with this part of the NPPF.

### 4. Health Impact Assessment

Applications for A5 uses will be required to include a Health Impact Assessment (HIA). The HIA will be taken into consideration during assessment of the application.

## 7. Annex – Health Impact Assessment

### Barnsley Hot Food Takeaways

#### Health Impact Assessment checklist - guidance for planners

This HIA checklist is a practical approach used to judge the effects of the planning application on the health and wellbeing of different groups of people. The findings of the HIA checklist will inform recommendations as to how any positive health impacts of the planning application may be maximised and any negative impacts reduced.

#### How to use this checklist

**Description of Impact** – Think about what impact the proposal may have with regard to each of the themes listed. Give details of how the proposal will impact on each specific group or population.

**Recommendations** - Write recommendations in these columns detailing how positive impacts could be maximised and negative impacts minimised.

A5 uses will be required to use this health impact assessment checklist.

1. Will any population groups be adversely affected by this application? e.g. minority ethnic groups (including traveller communities, refugees & asylum seekers), people living with a disability, older people, children and young people, people living on low incomes.

Yes/No – please state which groups and potential impact

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**Planning Advice Note: Hot Food Takeaway**

2. What are the positive and negative impacts of the application, and how would they be mitigated or maximised?

**Table 2**

<b>Issue</b>	<b>Describe any impacts</b>	<b>Recommendation – How will negative impacts be mitigated?</b>	<b>Recommendation – How will positive impacts be maximised?</b>
Noise			
Odour			
Contaminated land e.g. disposal of oil			
Air Quality			
Litter			
Anti-social behaviour			
Healthy Eating			
Working Conditions			
Accidental injury & public safety			



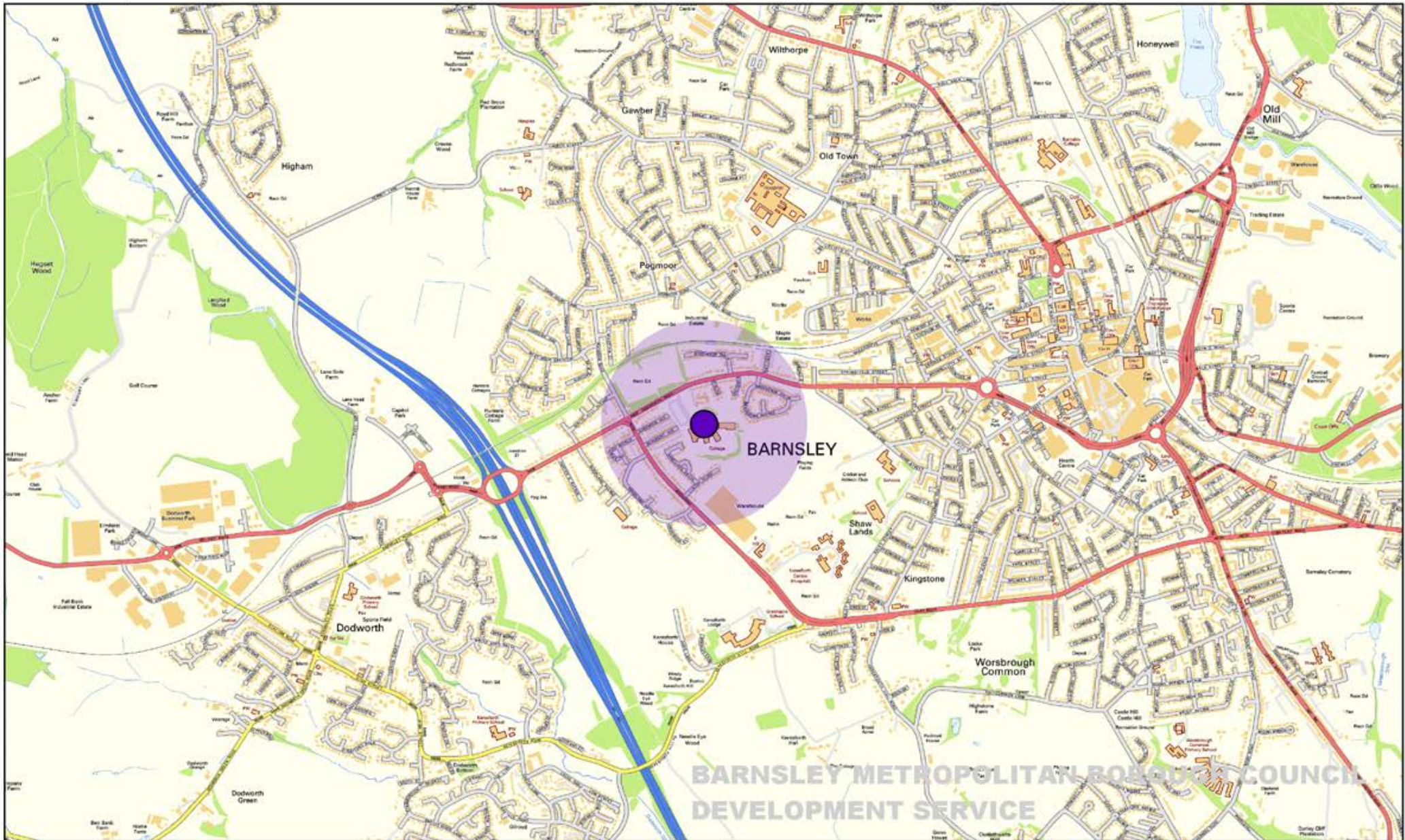
Planning Advice Note: Hot Food Takeaway

Other issues			
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*This template has been amended from the Gateshead Hot food Takeaway SPD 2015*

# Barnsley Town Centre

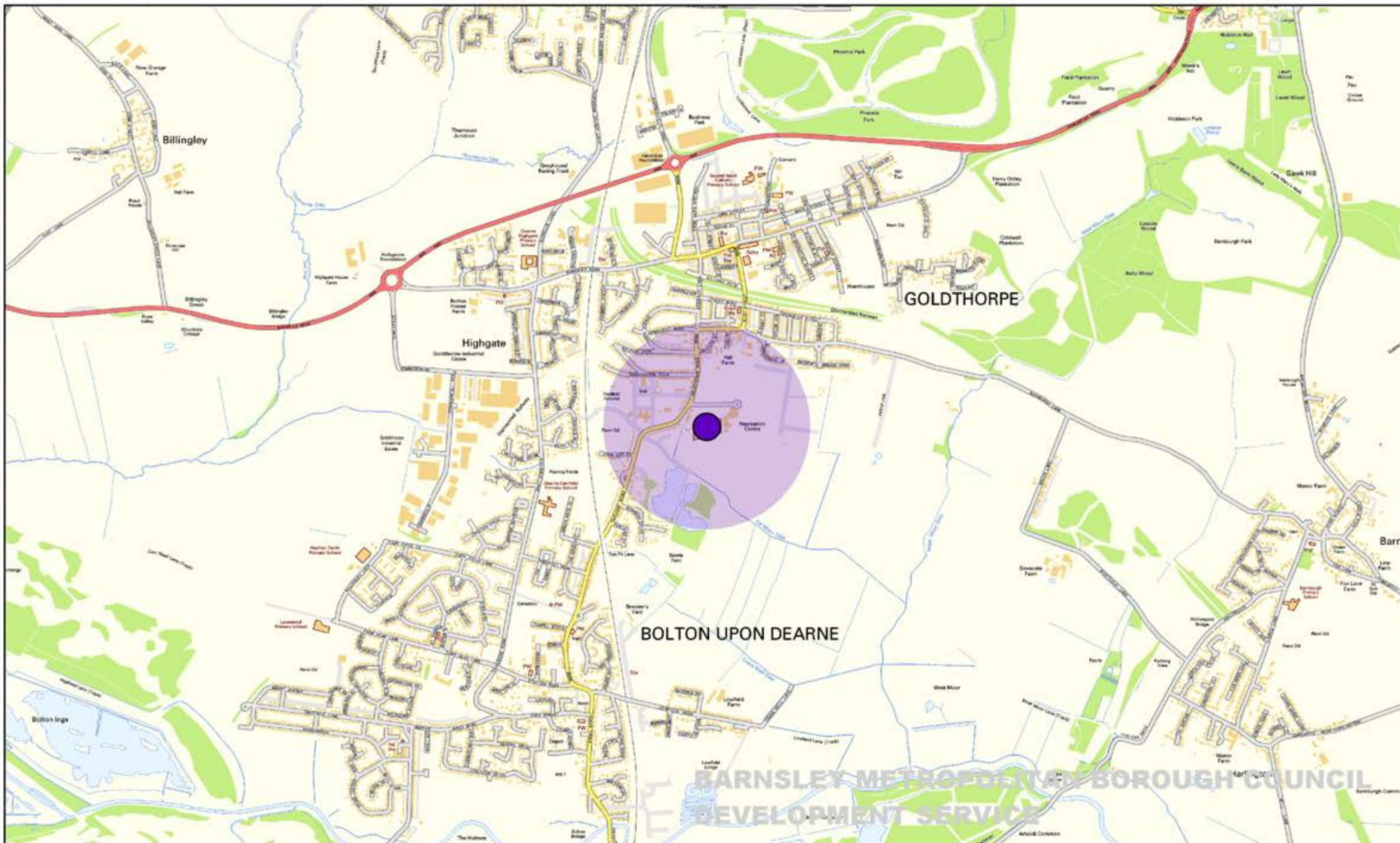
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BARNSELY METROPOLITAN BOROUGH COUNCIL  
DEVELOPMENT SERVICE

<p>Scale 1:20000</p>	<p>Drawn by: ML</p>	<p><b>KEY</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border-radius: 50%; margin-right: 5px;"></span> Schools</li> <li><span style="display: inline-block; width: 30px; height: 15px; background-color: lightpurple; border-radius: 5px; margin-right: 5px;"></span> 400m Buffer</li> </ul>	 <p><b>BARNSELY</b> Metropolitan Borough Council</p>	<p><b>Regeneration &amp; Property</b> Service Director: David Shepherd PO Box 604, Barnsley, S70 9FE Tel: (01226) 772621</p>
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# Goldthorpe & Bolton-on-Dearne



BARNSELY METROPOLITAN BOROUGH COUNCIL  
DEVELOPMENT SERVICE

Scale 1:20000

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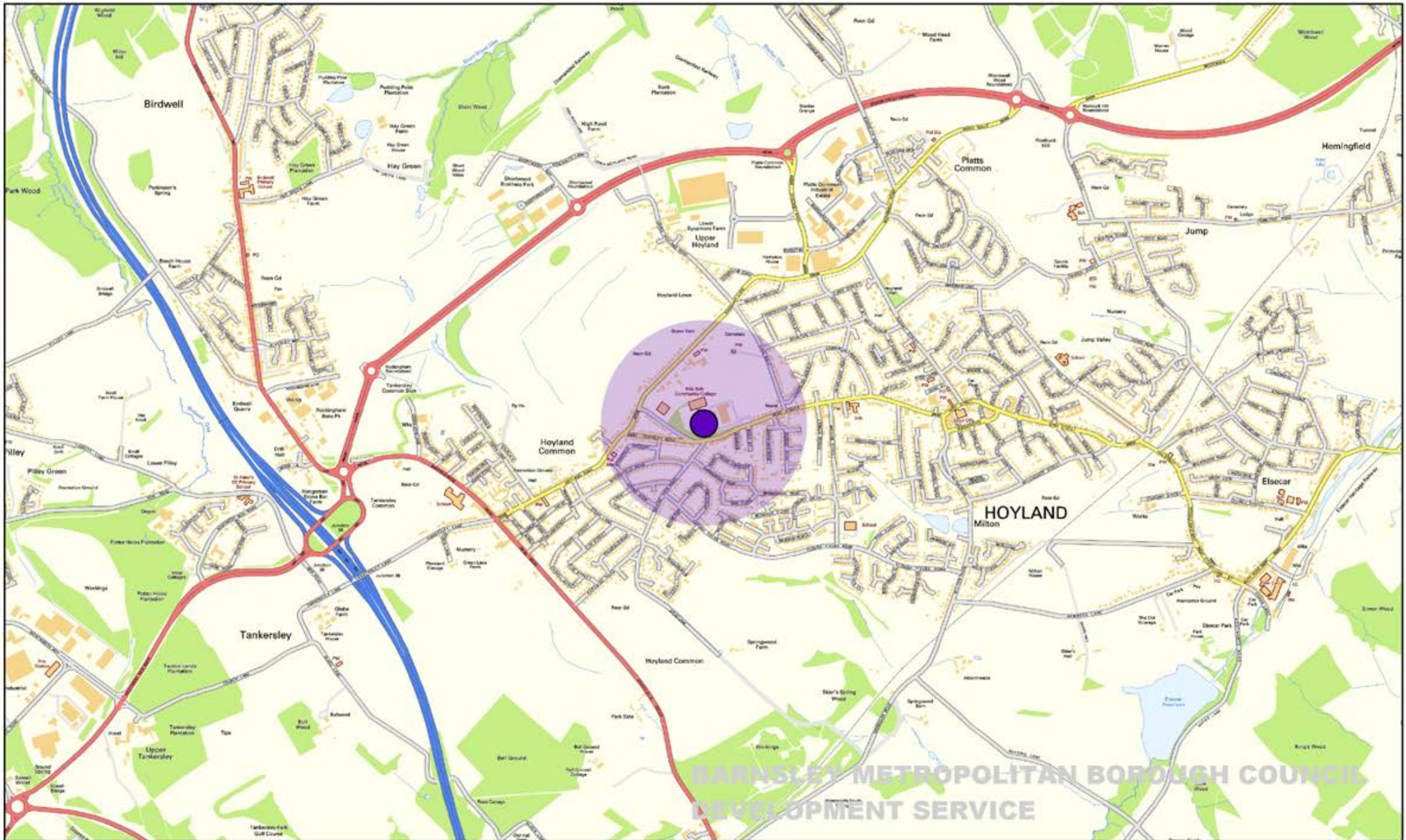


**BARNSELY**  
Metropolitan Borough Council

**Regeneration & Property**

Service Director: David Shepherd  
PO Box 604, Barnsley, S70 9FE  
Tel: (01226) 772621

# Hoyland



BARNSELEY METROPOLITAN BOROUGH COUNCIL  
DEVELOPMENT SERVICE

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KEY



Schools



400m Buffer



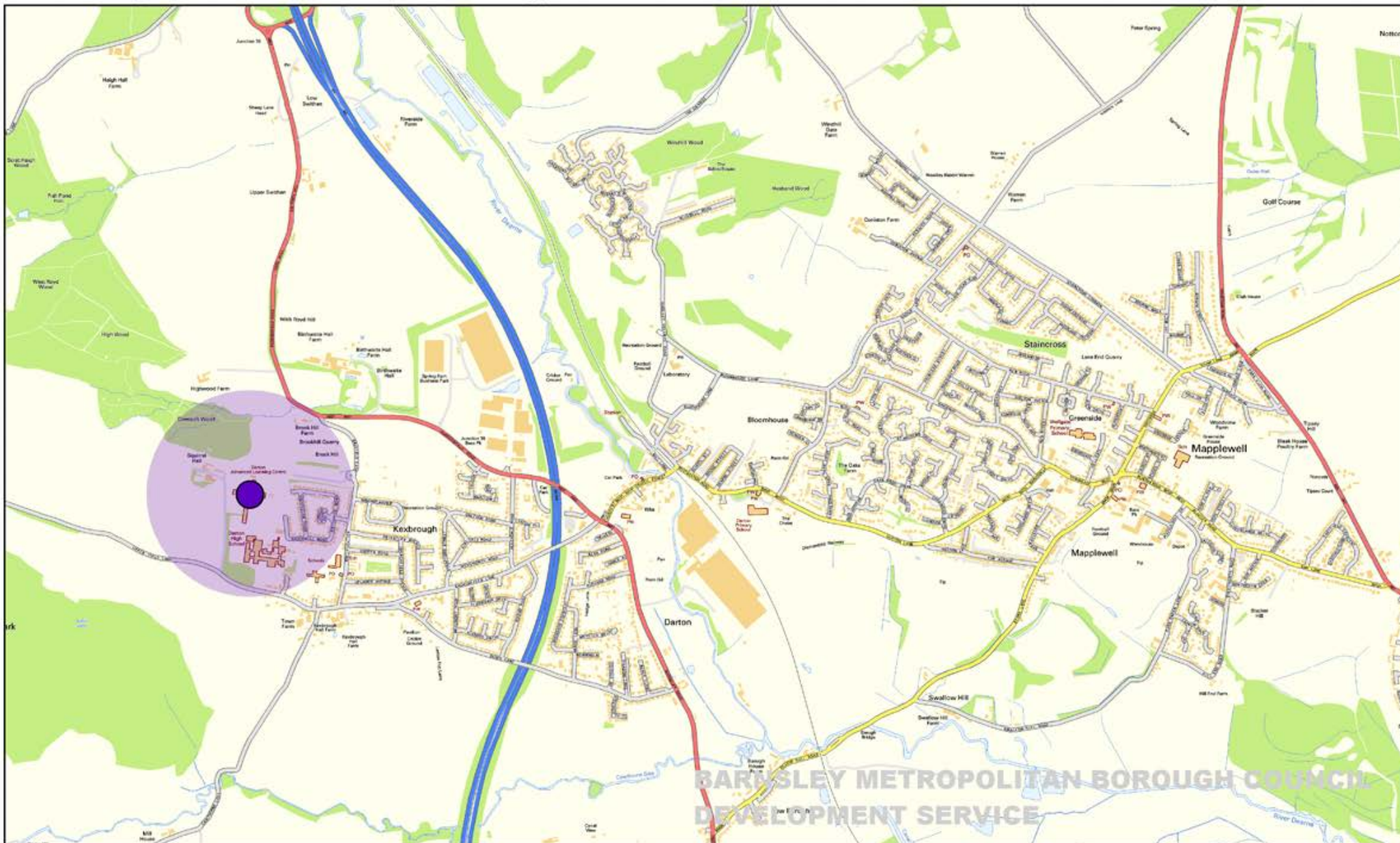
**BARNSELEY**  
Metropolitan Borough Council

**Regeneration & Property**

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# Kexbrough, Darton, Staincross & Mapplewell

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DEVELOPMENT SERVICE

Scale 1:20000

Drawn by: ML

KEY



Schools



400m Buffer

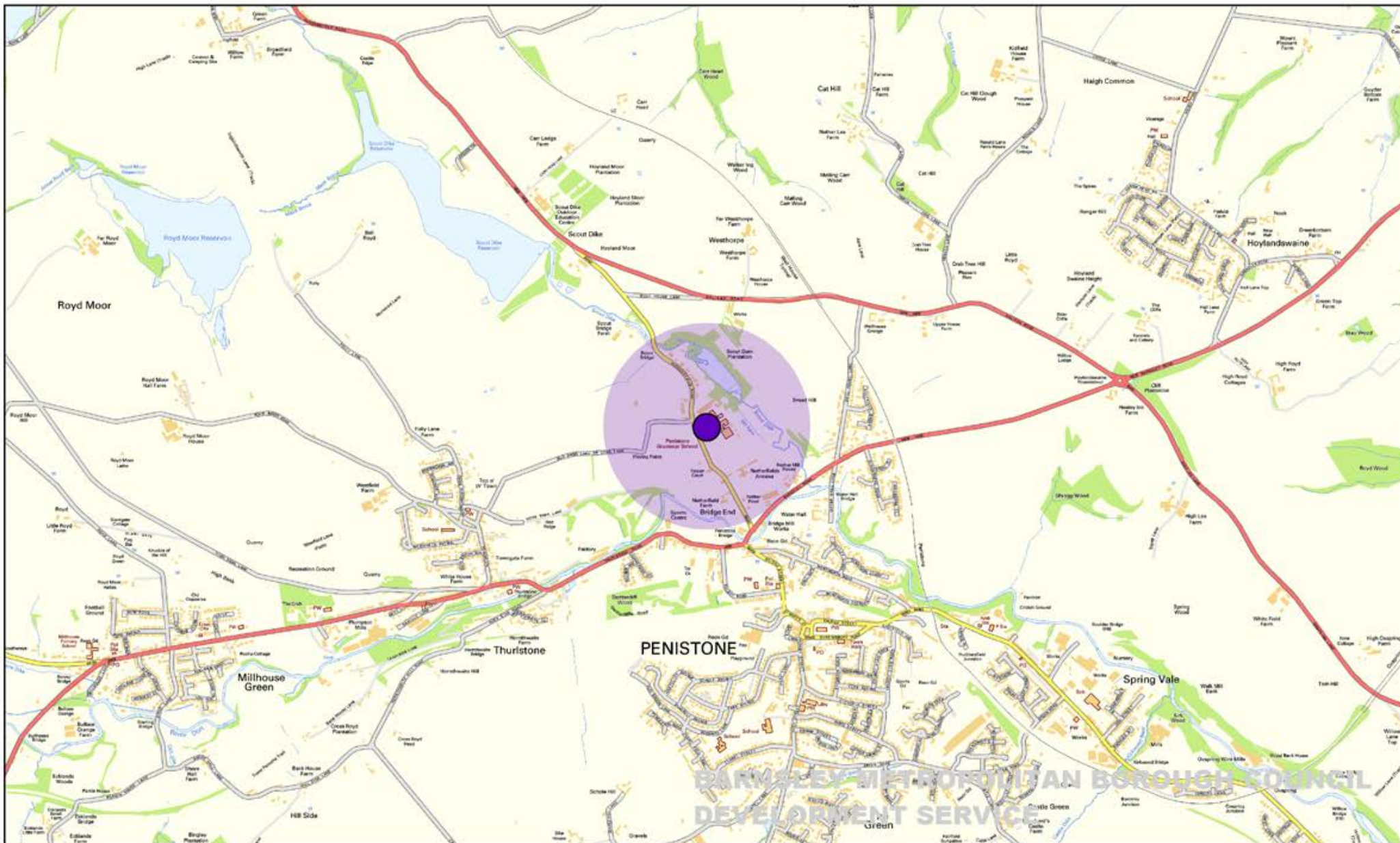


**BARNESLEY**  
Metropolitan Borough Council

**Regeneration & Property**

Service Director: David Shepherd  
PO Box 604, Barnsley, S70 9FE  
Tel: (01226) 772621

# Penistone



BARNSELY METROPOLITAN BOROUGH COUNCIL  
DEVELOPMENT SERVICE

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**KEY**  Schools  
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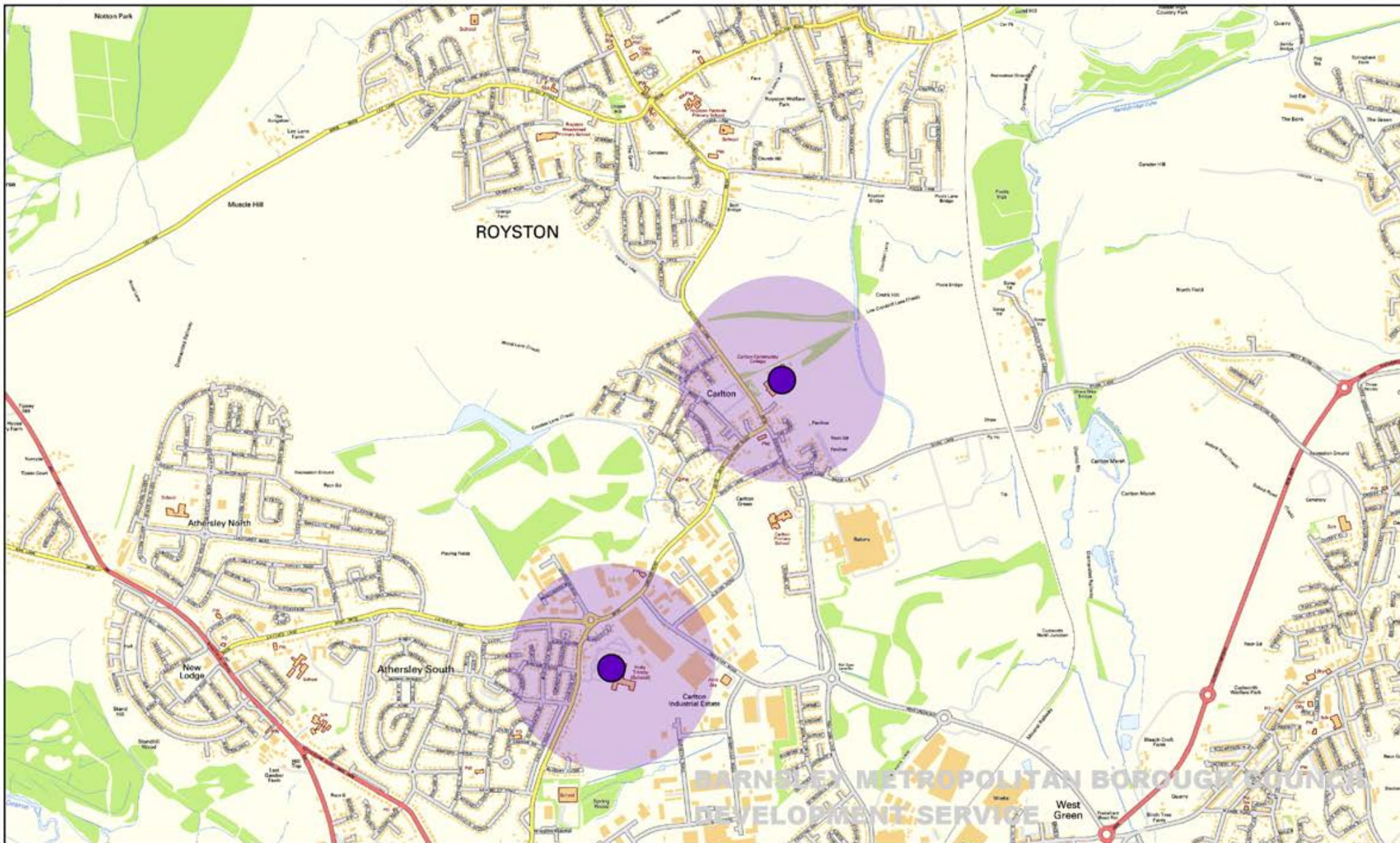
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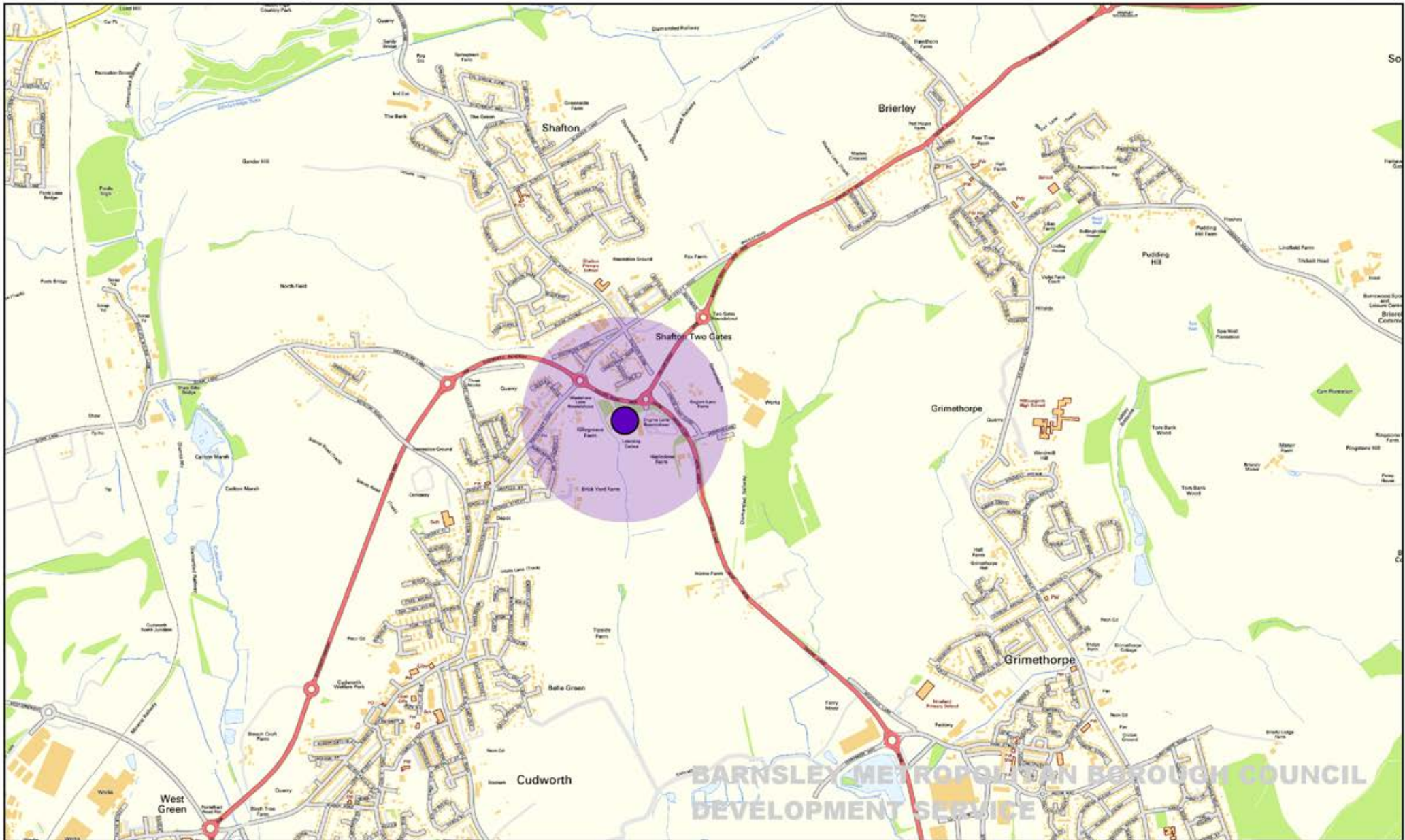
# Royston, Carlton & Athersley

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<p>Scale 1:20000</p>	<p>Drawn by: ML</p>	<p><b>KEY</b></p> <p> Schools</p> <p> 400m Buffer</p>	<p> <b>BARNLSLEY</b> Metropolitan Borough Council</p>	<p><b>Regeneration &amp; Property</b></p> <p>Service Director: David Shepherd PO Box 604, Barnsley, S70 9FE Tel: (01226) 772621</p>
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# Shafton & Grimethorpe



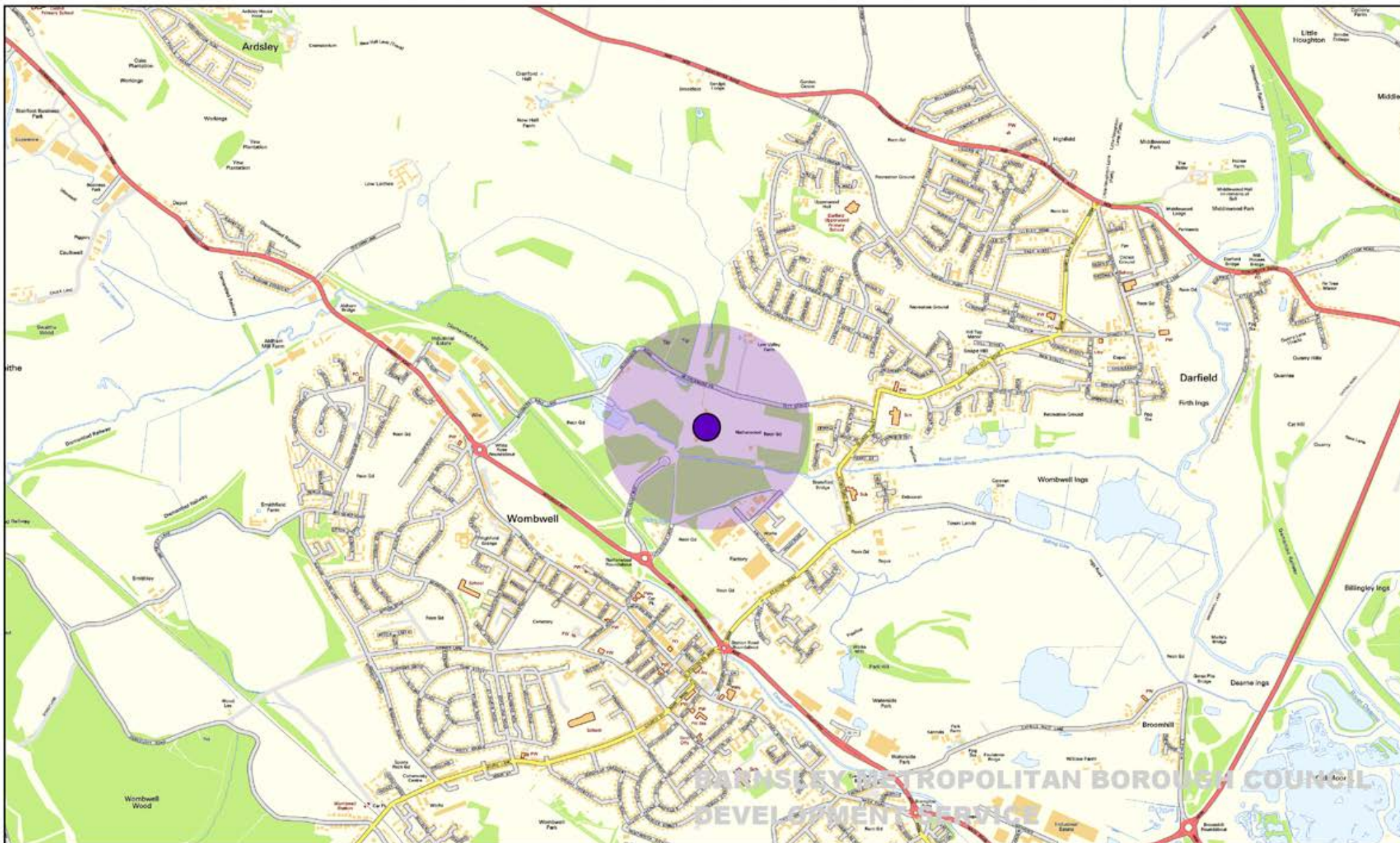
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BARNSELY METROPOLITAN BOROUGH COUNCIL  
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<p>Scale 1:20000</p>	<p>Drawn by: ML</p>	<p><b>KEY</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border-radius: 50%; margin-right: 5px;"></span> Schools</li> <li><span style="display: inline-block; width: 30px; height: 15px; background-color: lightpurple; border-radius: 5px; margin-right: 5px;"></span> 400m Buffer</li> </ul>	 <p><b>BARNSELY</b> Metropolitan Borough Council</p>	<p><b>Regeneration &amp; Property</b> Service Director: David Shepherd PO Box 604, Barnsley, S70 9FE Tel: (01226) 772621</p>
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# Wombwell & Darfield



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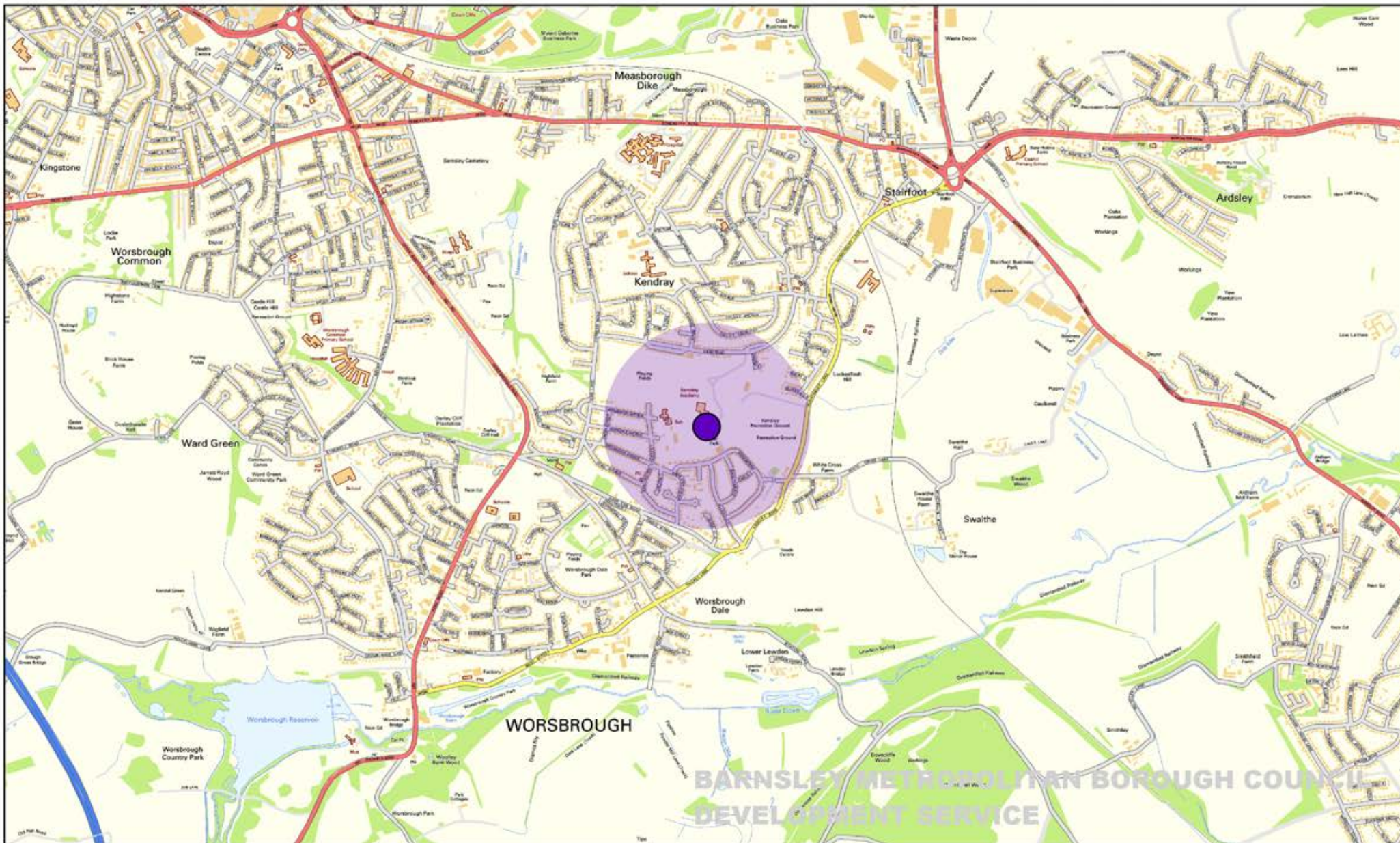


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# Worsbrough & Kendray



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 Schools  
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Metropolitan Borough Council

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**Supplementary Planning Document**

**Hot Food Takeaways**

**Adopted May 2019**





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## Supplementary Planning Document: Hot Food Takeaways

### 1. About this Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** Hot food takeaways are controlled by a range of different regulations and a number of statutory requirements must be satisfied before trading can begin. This note has been prepared to deal principally with the land use issues. However policies which promote good public health are to be encouraged and the planning system is an important tool for improving health and well-being.
- 2.2** As levels of obesity and excessive weight are growing health concerns in Barnsley, a Planning Advice Note has also been prepared on the subject of Hot Food Takeaways. This Supplementary Planning Document should be read in conjunction with this Planning Advice Note.

#### Use Classes Order

- 2.3** Establishments whose primary business is for the sale of hot food for consumption off the premises fall within the Use Class A5 (as defined by the Town and Country Planning (Use Class) Order 1987 (as amended)). The proposed layouts of such premises provide a clear guide as to whether the use of the premises will fall into the A3 (restaurant) or the A5 (hot food takeaway) Use Class. In determining the dominant use of the premises consideration will be given to:
- The proportion of space designated for hot food preparation and other servicing in relation to designated customer circulation space; and/or
  - The number of tables and chairs to be provided for customer use;
  - The percentage of the use to the overall turnover of the business.

## Supplementary Planning Document: Hot Food Takeaways

### 3. Policy

**3.1** This document supplements the Local Plan Policy POLL1 – Pollution Control and Protection – which states:

- **Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people;**
- **We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against; and**
- **Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.**

**3.2** The following extract from **Local Plan policy D1 High Quality Design and Placemaking** is relevant where it states that development should:

- Contribute to place making and be of a high quality that contributes to a healthy, safe and sustainable environment;
- In terms of place making, development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

### 4. Planning Permission

**4.1** The following list of factors explains in greater detail the main considerations that are likely to apply to the determination of a planning application. The weight to be given to each will depend upon the particular circumstances of the case and the outcome will be based upon an assessment of the overall effect of these factors.

#### Noise and Disturbance

**4.2** The protection of the living conditions of nearby residents will be a significant issue when considering applications for hot food takeaways. NPPF states the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of soil, air water or noise pollution or land stability.

**4.3** It is recognised that hot food takeaways pose particular difficulties because activities are often at their peak in the evening and late at night when background noise levels tend to be low. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

## Supplementary Planning Document: Hot Food Takeaways

- 4.4** Planning permission for hot food takeaways is, therefore unlikely to be granted where premises are located outside of defined shopping centres or concentrations of shops, or where the living conditions of the occupants of nearby residential accommodation would be significantly affected. In particular, planning permission is likely to be refused where premises share a party wall with an adjoining house.
- 4.5** When determining planning applications, the Council will have regard to the general character of the area, including levels of commercial and vehicular activity.
- 4.6** The presence of residential accommodation over the property or neighbouring shops, however, would not necessarily preclude a hot food takeaway use, where this is primarily a commercial area.

### **Concentration Issues**

- 4.7** To protect the street scene, achieve a diverse mix of shops and maintain good standards of design, planning permission will not be granted for A5 uses where it would result in a clustering of A5 uses to the detriment of the character, function or vitality of a centre/parade of shops, or if it would have an adverse impact on the standard of amenity for existing and future occupants of land and buildings. Therefore in order to avoid clustering, there should be no more than one A5 use in any one length of frontage.

### **Residential Amenity**

- 4.8** A5 uses will not be permitted where they share a party wall with a residential property. The discharge stack/extraction system must be located and designed so as to prevent noise and odour nuisance to neighbouring premises.

### **Opening Hours**

- 4.9** If planning permission is granted it may be necessary to restrict opening hours to avoid causing noise and disturbance at anti-social hours. For instance, within shopping centres or parades of shops it may be necessary for premises to close at 11pm/11.30pm. The proposed hours and days of opening should be specified when submitting a planning application.

### **Smells/Discharge of Fumes**

- 4.10** The extent of the impact of cooking smells is largely dependent on the location of the premises, the adverse effects being less acceptable in predominately residential areas or in local shopping areas containing flats. Details of the design and siting of a fume extraction system will be required to be submitted before any work is commenced on site. Consideration will also be given to the visual impact of flues and care should be taken to locate them where they will not appear prominent.

### **Storage of Waste Products**

- 4.11** Suitably sized, sited and screened refuse stores should be provided and be accessible at all times. Full details of any waste storage systems should form part of a planning application.



## Supplementary Planning Document: Hot Food Takeaways

### **Customer Traffic Generation/Deliveries**

- 4.12** Hot food takeaways tend to generate significant volumes of traffic, short term on street parking and associated vehicle turning movements. Where on-street parking would lead to highway safety problems, planning permission may be refused.

### **Extension and Alterations**

- 4.13** Any proposal for the extension of a property will be viewed on its merits, taking into account any increased trading that will result from the extension and therefore the effect on such factors as the amount of servicing left available to the property, the increase in traffic and the effects on any neighbouring residential properties.
- 4.14** Alterations that materially change the appearance of the building such as the installation of a new shop front require planning permission.
- 4.15** Some signs require advertisement consent and operators should contact Planning Services for guidance<sup>1</sup>.

## **5. Further Advice**

### **Planning**

- 5.1** Pre-application discussion about the suitability of a particular property may avoid the submission of an application where the proposal would create an unacceptable impact on the environment. If you have any questions or queries, initial contact should be made with Development Management. Telephone number 01226 772595.

### **Regulatory Services**

- 5.2** For advice on the control of noise and odour, food hygiene, or health and safety, contact Regulatory Services on 01226 773555.

### **Licensing**

- 5.3** For advice on the licensing of late night refreshments, contact Legal Services, Licencing on 01226 773843.

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<sup>1</sup> See 'Supplementary Planning Document: Advertisements' for further information

**Supplementary Planning Document**

**House Extensions and Other  
Domestic Alterations**

**Adopted May 2019**





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## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 1. About this guidance

- 1.0.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.0.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

#### Policy D1 High Quality Design and Place Making

##### Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green Infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

**2.0.1** This SPD sets out the design principles that will apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations in particular. The following should be noted:

- The definition of "house" in the document includes bungalows, but excludes apartments or maisonettes.
- This SPD also applies to houses that are located in Conservation Areas and the Green Belt as well as any houses that are listed buildings, however, due to the special characteristics of these areas, more stringent controls may need to be applied (see below).

### 3. General principles

**3.0.1** Proposals for house extensions, roof alterations, outbuildings and other domestic alterations should:

1. Be of a scale and design which harmonises with the existing building
2. Not adversely affect the amenity of neighbouring properties
3. Maintain the character of the street scene and
4. Not interfere with highway safety.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 4. Extension and alterations in the Green Belt

- 4.0.1** Within the Green Belt, extensions, roof alterations, outbuildings and other domestic alterations will be considered against the general principles above and the following criteria:
1. The total size of the proposed and previous extension should not exceed the size of the original dwelling.
  2. The original dwelling must form the dominant visual feature of the dwelling as extended
- 4.0.2** Domestic outbuildings within the curtilage of the dwelling will be treated as part of the dwelling or an extension to it, except for the purposes of calculating the original size of the dwelling.
- 4.0.3** Where an extension is approved it may be necessary to remove permitted development rights for houses in the Green Belt to ensure that the total size of proposed and previous extensions would not exceed the size of the original dwelling.

### 5. Permitted development

- 5.0.1** Planning permission is not always required to extend/alter a dwelling house. This will depend on a number of factors for example the size and location of the proposal, whether any extensions have been undertaken previously and what materials are to be used. Advice in respect of permitted development is not given out over the phone but you can request a Householder Development Enquiry Form or download a copy from the website.

<http://www.barnsley.gov.uk/planning-development-management>

- 5.0.2** A written response will be sent and you are advised to keep this for future reference.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 6. Design principles

- 6.0.1** It is important that any extension is designed to be in keeping with your property and the character of your neighbourhood, therefore, before designing the extension, examine the character and details of your house.

**Figure 6.1** Respectful and unsympathetic ways to extend



- 6.0.2** Unsympathetic additions, as shown on the right in Figure 6.1, destroy the character of the house. In this case, the garage door is forward of the house and becomes unnecessarily dominant, the flat roof is a weak building form and many original features have been lost. Extending walls and roofs without any break lines can spoil the balance and proportions of the original, as well as emphasising the problems of physically joining old and new.
- 6.0.3** The left-hand semi in Figure 6.1 has been extended more respectfully. The addition is clearly expressed, by means of a vertical break, or set-back, and the original identity of the house is retained.

**An extension will tend to be more successful if you follow the following guidelines:**



## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 6.1 Building form

- 6.1.1** The extension should not normally be as large as the existing house. For example, as in Figure 6.2, a three storey extension to a two storey house, is likely to spoil the balance and character of the original and be detrimental to the street scene.

Figure 6.2 Imbalance



Figure 6.3 Better balance



- 6.1.2** Wherever possible, extensions should be set back from the front wall of the main house, allowing a corresponding lowering of the roof line and lessening the awkwardness of the junction with the existing. See Figure 6.3

- 6.1.3** Extensions which radically alter the shape of a house are not acceptable. For example:-

Figure 6.4



Figure 6.5

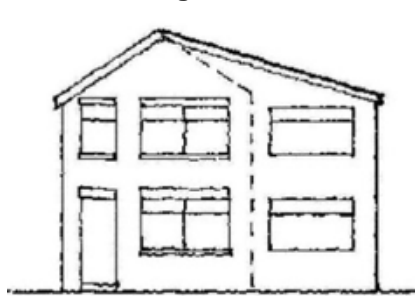


Figure 6.6



- 6.1.4** The flat roof in Figure 6.4 is an ugly and inferior form of construction, and is visually and physically at odds with the pitched roof. The unequal roof pitch created by the extension in Figure 6.5 unbalances the whole elevation, whilst the proportions and roof pitch of the extension shown in Figure 6.6 are incompatible with the original.

- 6.1.5** Figure 6.7 illustrates a more logical and sympathetic way of extending a house whose gable faces the street. The extension is set back to allow the original house form to be expressed.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

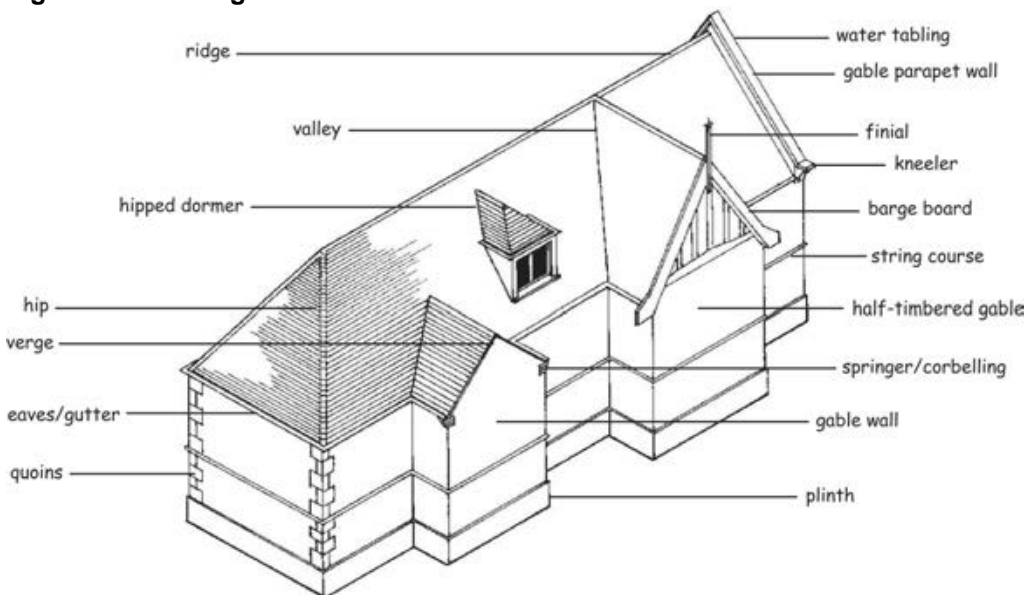
Figure 6.7 A more satisfactory form



### 6.2 Building elements/character

**6.2.1** Figure 6.8 is a building composite which shows the principal external components of a domestic building. Many of the features and details, though traditional, will still be found on your building, even in modern guise. They determine the style and character of your house and should not be ignored in the successful design of your extension.

Figure 6.8 Building elements



## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 6.3 Roof

- 6.3.1** The roof, style pitch and detailing should match those of the existing dwelling, particularly where the extension will be prominent within the street scene or extend on parallel lines at a smaller scale.
- 6.3.2** The single storey extension roof forms shown in Figures 6.9 and 6.10 are precise replicas of the main house. The set-back helps to scale them down proportionally. The lean-to extension in Figure 6.11, again set back, is a good option to Figure 6.9, where overshadowing a neighbour's property might be an issue.

Figure 6.9

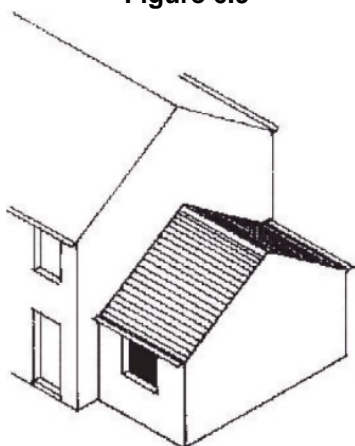


Figure 6.10

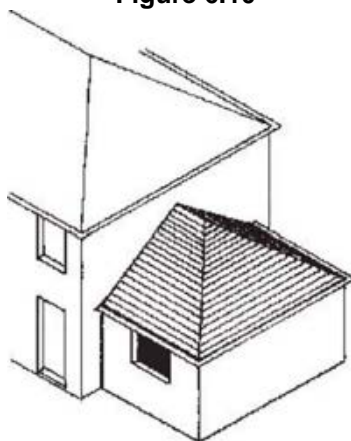
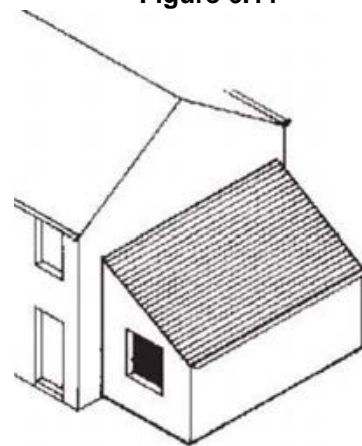


Figure 6.11



- 6.3.3** Two storey extensions, as shown in Figures 6.12 and 6.13, should follow the same principles as recommended for single storey extensions.

Figure 6.12

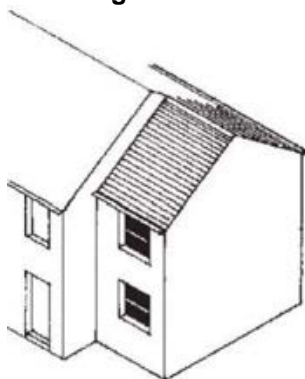
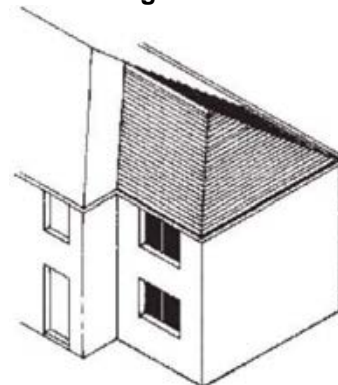


Figure 6.13



### 6.4 Materials

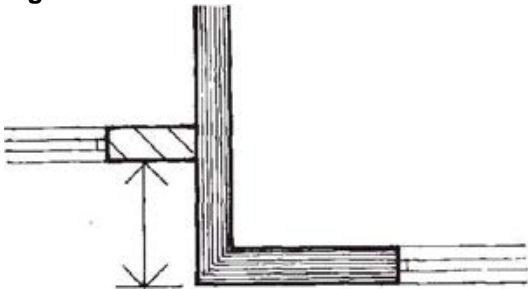
- 6.4.1** Materials should normally be of the same size, colour and texture as to the existing house or as close a match as possible. Often these materials and finishes cannot be exactly matched. This is when the set-back becomes a very important feature, not just as a means of articulating the extension but also to help reduce the unsightliness of bonding the old and new facing materials.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 6.5 The set back

- 6.5.1** An extension should appear as an extension and particularly in the case of two storey side extensions a small 'set back' of the extension from the main wall will be required. This will ensure that the extension appears subordinate and will help reduce the terracing effect that may arise where several dwellings have been extended. The inclusion of a set back also avoids the unsightly bonding of old and new materials.
- 6.5.2** The set-back itself should be a minimum of 500mm, and preferably allow the extension to line with a vertical brick joint. Figure 6.14 shows the 500mm set-back. This figure might increase slightly where the building is constructed in artificial or regular squared and coursed stone.

Figure 6.14 Set back



- 6.5.3** There will be other considerations which may vary the depth of the set-back. For example where the main house has barge boards, the extension will need to be set back sufficiently to allow its fascia to miss the barge board return, as in Figure 6.15.
- 6.5.4** Similar consideration will need to be given when matching up with corbelled eaves, etc. Also, if the main building has quoins, whether in brick or stone, the set-back should be deep enough for the largest quoin to be expressed, as in Figure 6.16.

Figure 6.15

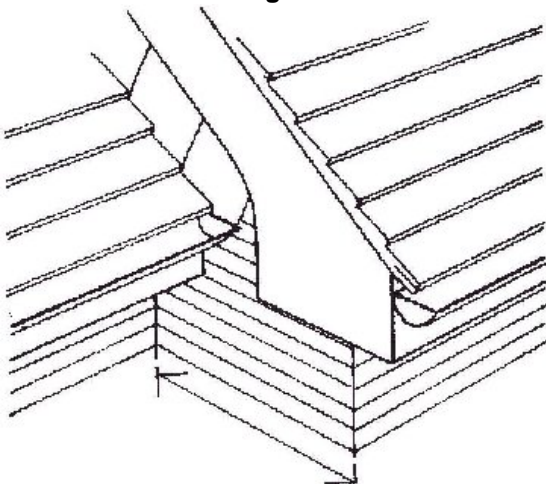
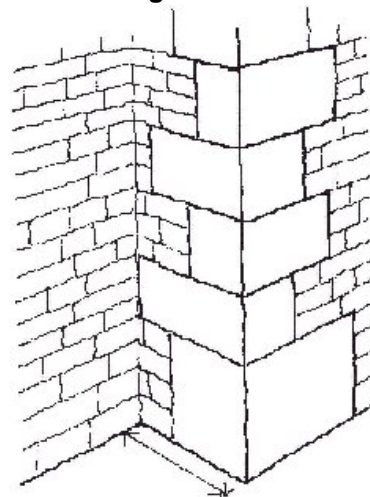


Figure 6.16



- 6.5.5** Before embarking on your extension, it will pay to examine the details of your house to help anticipate these design and detail considerations.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 6.6 Windows & doors

- 6.6.1** Windows and doors should generally repeat the proportion and style of the existing dwelling, lining through with existing openings and using matching design details. This should also include the heads, sills and other opening surrounds.
- 6.6.2** Traditionally, older houses have window openings with a vertical emphasis and it is important to retain these proportions in the new openings as well as in the divisions within the window frames themselves.
- 6.6.3** Generally, any habitable room to the upper floor of a two storey house, or where an inner room at ground floor, is required to have an openable window suitable for emergency escape purposes. The window should have an unobstructed openable area of 0.33m<sup>2</sup> and be at least 450mm high and 450mm wide. The bottom of the window opening should not be more than 1100mm above the floor.

### 6.7 Levels

- 6.7.1** Where the height of development proposed differs significantly from that in the area, developers may be asked to provide elevation drawings showing the relationship between the proposed and existing development in terms of streetscape.

## 7. Layout principles

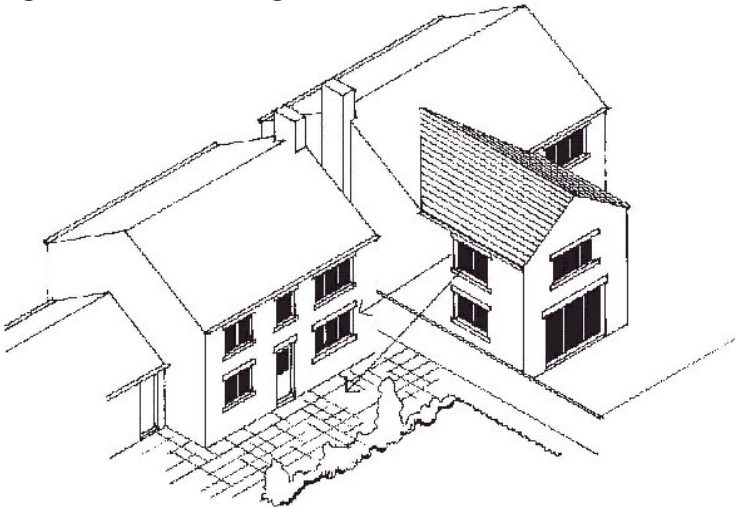
- 7.0.1** As well as seeking an extension designed in keeping with your existing house, you must also ensure your proposals do not harm the character of the area in general or the levels of amenity that your neighbours might reasonably expect to be maintained. An extension will tend to be more acceptable if you follow these guidelines.

### 7.1 Privacy

- 7.1.1** Extensions should be designed so that they do not result in significant overlooking of habitable room windows to nearby houses or private gardens. Privacy problems might be overcome by using a combination of obscure glazing, high level windows, screen fencing or rooflights, but are better avoided altogether.
- 7.1.2** Figure 7.1 illustrates a situation which is unacceptable, and Planning Permission and Building Regulations approval are unlikely to be given for an extension such as this, where the window opening to a habitable room in the side elevation directly overlooks the neighbour's rear window and garden.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

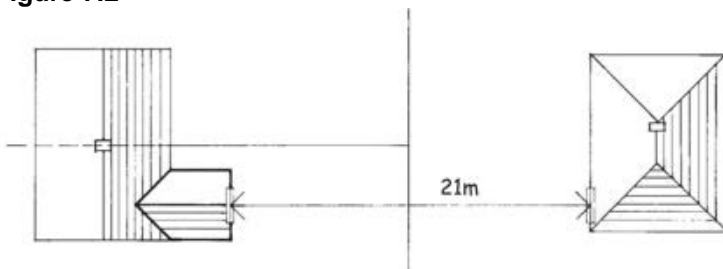
**Figure 7.1 Overlooking**



**7.1.3** A boundary fence may act as an effective screen to a single storey extension and could reduce overlooking from a side window.

**7.1.4** As a general guide, windows to habitable rooms on an extended property should not be less than 21 metres from any other properties with habitable room windows, to ensure reasonable privacy to you and your neighbours. Figure 7.2 demonstrates.

**Figure 7.2**



Habitable rooms should be taken to include: lounge/living room, dining room, kitchen, bedroom and study. A distance of 12 metres should be maintained to a blank gable wall and a distance of 10m should normally be provided between rear-facing windows in the first floor (and above) and the rear boundary.

## 7.2 Overshadowing

**7.2.1** The position of an extension in relation to a neighbouring property and to the path of the sun can influence the level of daylight and sunlight received by that property. Extensions should not overshadow neighbouring properties or their gardens to an unreasonable degree. Extensions directly to the south and to the south east and south west of a neighbouring dwelling will generally have a greater impact than those located to the north, east or west.

**7.2.2** The Council will seek to protect principal habitable room windows on the front and rear elevations of the adjacent property, but not secondary windows, i.e. halls, stairs, utility rooms, toilets and bathrooms including en-suites, particularly those on side elevations of adjacent dwellings.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

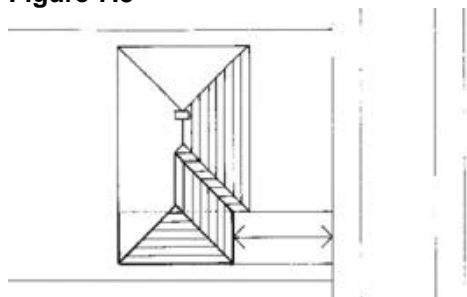
### 7.3 Garden Space

- 7.3.1** Extensions and outbuildings should not take up a disproportionate amount of private rear garden space and as a general principle should allow the retention of at least half the garden area. Account should be taken of existing trees and their future requirements for growth.

### 7.4 Parking Space

- 7.4.1** An extension or outbuilding which incorporates a garage door should have a minimum distance of 6m between the garage door and the highway (see Figure 7.3).

Figure 7.3



- 7.4.2** Extensions or outbuildings which prevent the parking of at least 1 private car within the curtilage of a dwelling will not normally be acceptable if highway safety problems would result. The use of front gardens for parking can be visually intrusive unless very careful attention is given to boundary treatment and surfacing.

### 7.5 Highway Safety

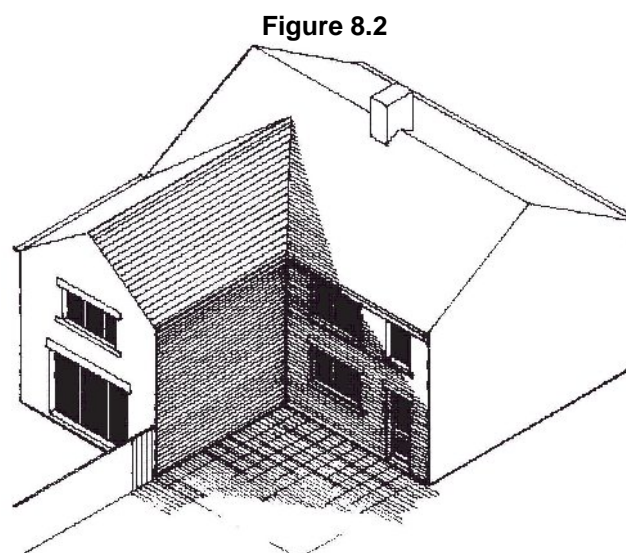
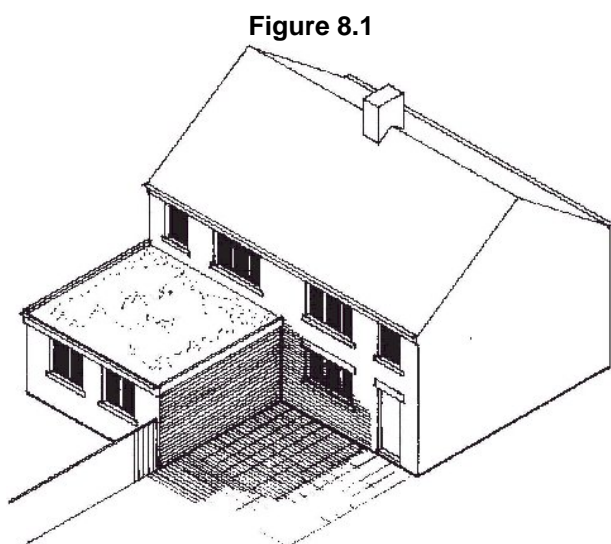
- 7.5.1** Extensions or garages should not be constructed in positions where they interfere with highway sight lines and should ensure that they maintain/provide an access with adequate visibility for drivers entering the highway.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 8. Detailed guidance on types of extensions and alterations

#### 8.1 Rear Extensions

- 8.1.1** Usually, the problem of overshadowing and loss of outlook arises as a result of rear extensions. The single storey rear extension shown in Figure 8.1 is not acceptable because it has an adverse, overshadowing effect on the adjoining property whilst the two storey extension in Figure 8.2 has an even greater impact and would not be permitted.



#### Single Storey

- 8.1.2** To combat the problems of loss of light, as well as loss of privacy and outlook, the size and projection of rear extensions need to be strictly controlled.
- 8.1.3** Single storey extensions to the rear of terraced houses should not exceed 3.5 metres in projection and where they exceed 3m in length the eaves height should not exceed 2.5m. On semi-detached dwellings an extension should not project more than 4m and again, the eaves height should not exceed 2.5m where the extension would project beyond 3m.

#### Two Storey

- 8.1.4** Two-storey rear extensions will be considered on the basis of the extent of overshadowing, loss of privacy and outlook. Two-storey extensions to terraces and semi-detached properties which abut a party boundary and adversely affect main windows will not normally be allowed. Two-storey rear extensions to semi-detached houses should, therefore, generally be designed with a rear projection of less than 3.5 metres and for terraced houses 2.5 metres. Larger extensions may be acceptable in certain circumstances -for instance: where the neighbouring house has been extended; or where there is a strong boundary treatment, such as a high wall or an outbuilding or garage built close to the boundary. Similarly, there may be circumstances where only smaller extensions are acceptable for instance: on sloping sites or where neighbouring houses are already overshadowed.



## Supplementary Planning Document: House Extensions and Other Domestic Alterations

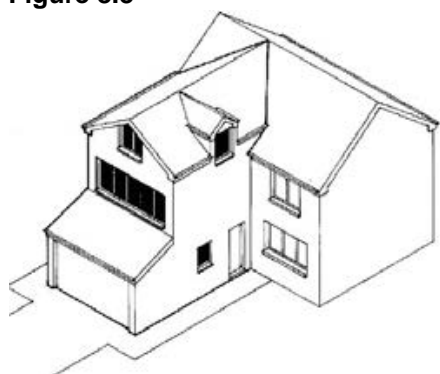
**8.1.5** Extensions to the rear of detached houses will be considered on their design merits where no adjacent properties are affected.

### 8.2 Front Extensions

**8.2.1** The front elevation of a building is the most important for its contribution to the street scene. Generally, therefore, such extensions need to be of a high standard of design and will not be considered acceptable where they detract from the quality of the existing dwelling or character of the street scene or cause overshadowing to neighbouring dwellings. Large extensions and conservatories are likely to appear particularly intrusive and will not normally be acceptable.

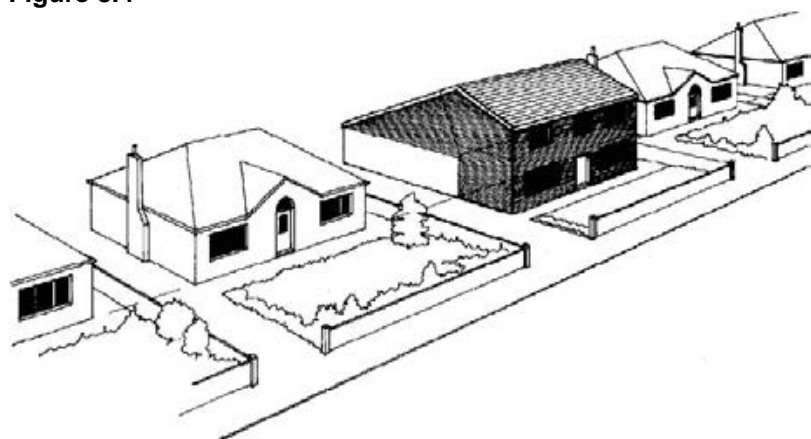
**8.2.2** The front extension in Figure 8.3 would not be acceptable. It alters the character of the original by overwhelming it in an unsympathetic manner. For example, the front door has been removed from the main elevation, and the garage door given excessive prominence.

Figure 8.3



**8.2.3** In Figure 8.4, the forward extension, which changes a hipped-roof bungalow into a gable-roofed two storey dwelling, has broken the common roof ridge line and clumsily interrupted the harmonious pattern and continuity of the street scene, to its detriment. Again this is unacceptable.

Figure 8.4

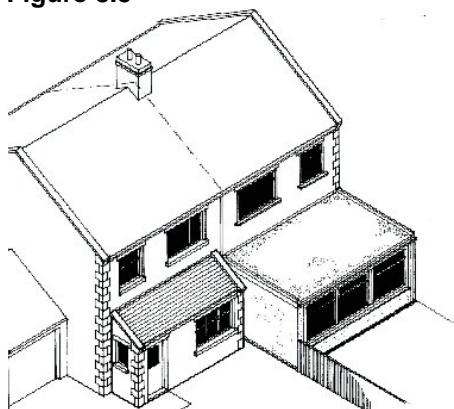


## Supplementary Planning Document: House Extensions and Other Domestic Alterations

**8.2.4** Extensions at the front of individually-designed, detached houses, which are set back from the highway or set on staggered building lines, may, in certain circumstances, be acceptable. However, the extension must complement the original house and not adversely affect any adjacent property or the street scene.

**8.2.5** Modest single storey front extensions, which are in keeping with the style of the existing house, may be allowed. For example, the left-hand semi shown in Figure 8.5 with a small extension to form a porch and provide some extra space in the front living room, would be acceptable because it is sufficiently discreet and adopts the form and features of the original. But the right-hand semi in Figure 8.5, with a larger extension, made more prominent by the alien form of the flat roof and conservatory-like front, is unacceptable.

Figure 8.5



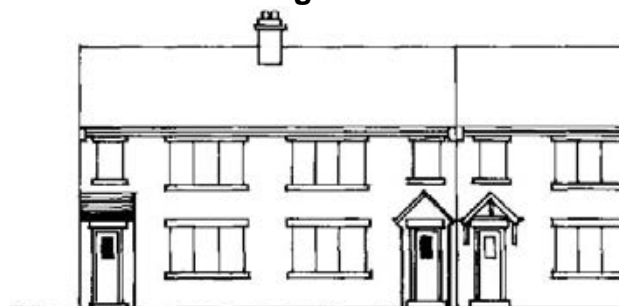
### Porches and Canopies

**8.2.6** Porches which fulfil their traditional function of providing shelter for the front door are normally acceptable as long as they respect the design and external finishes of the original dwelling. Figures 8.6 & 8.7 show examples of simple porches and canopies which fit in with the existing house style.

Figure 8.6



Figure 8.7



**8.2.7** Whilst the joint porch shown in Figure 8.6 maintains the symmetry and balance of the pair of semis, it is preferable, but not always essential, to have the front door on the front of a porch. Sometimes to give it more shelter, or perhaps a better relationship with the approach path the front door needs to be set on the side of the porch. When this is the case, careful attention needs to be given to the porch windows on the front to ensure the style and rhythm of the existing fenestration is maintained.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

- 8.2.8** Porches which have flat or low-pitched roofs, or resemble small conservatories in appearance, as in Figure 8.8, will not normally be permitted.

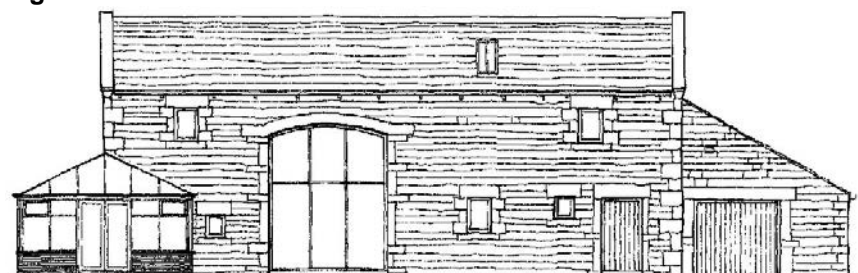
Figure 8.8



### 8.3 Conservatories

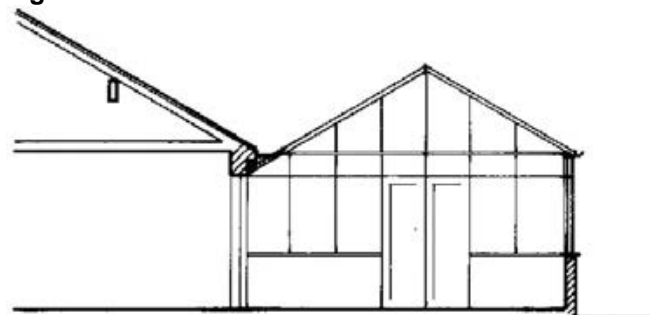
- 8.3.1** Conservatories are likely to appear particularly intrusive on front elevations and will not normally be acceptable. The conservatory shown in Figure 8.9 attached to this converted barn, a building not originally designed as a dwelling, is particularly inappropriate and must be avoided.

Figure 8.9



- 8.3.2** Where a conservatory abuts a bungalow, because of the level of the eaves it is often very difficult to construct a satisfactory roof slope, without resorting to a roof form such as is shown in section in Figure 8.10. This creates an awkward relationship between bungalow and conservatory, as well as a roof junction requiring a valley gutter, which is difficult to access and may give rise to maintenance problems in the long term. It also causes the conservatory to appear unnecessarily high and dominant.

Figure 8.10



## Supplementary Planning Document: House Extensions and Other Domestic Alterations

- 8.3.3** Where located at the rear, conservatories will also be assessed against the guidance set out in relation to single storey rear extensions (particularly in terms of projection).

### 8.4 Side Extensions

#### Single Storey Side Extensions

- 8.4.1** The design of a single storey side extension should reflect the design of the existing dwelling in terms of roof style, pitch materials and detailing and should not have an excessive sideways projection (i.e. more than two thirds the width of the original dwelling). In Figure 8.11 both the gabled roof shown on the left hand side and the hipped roof on the right reflect the form and pitch of the main roof. A lean-to roof (not shown) is a more traditional form and could be used as an option against a gable wall to reduce the impact on a neighbouring property.

Figure 8.11



- 8.4.2** Habitable rooms in the roof space of single storey side extensions will not normally be permitted, particularly where the eaves height would be increased (leaving a number of courses of brick work between the top of the fenestration and the bottom of the eaves) and/or dormer windows would be introduced.
- 8.4.3** On corner plots the sideways projection or a single storey side extension should not exceed more than half the width of the existing gap between the original dwelling and the side boundary.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### Two Storey Side and First Floor Side Extensions

**8.4.4** Terraced housing is a perfectly acceptable form of building design. However, linking or closing the gap between semis or detached houses as in Figure 8.12 to give the effect of a terrace, is a detrimental change to the character of the street scene and must be avoided.

Figure 8.12



**8.4.5** All two-storey side extensions should therefore have a pitched roof following the form of the existing roof. To prevent a terracing effect and to avoid detrimental changes to the character of the street scene, it will be desirable to provide a setback of at least 500mm from the main front wall of the dwelling. A setback from the front elevation allows for a vertical break in the roof plane and a lowering of the ridge line.

**8.4.6** In addition to the set-back from the front, where practicable, a side extension should also be set in by one metre from the side boundary with an adjacent property, to further avoid the terracing effect (Figure 8.13). This also gives the benefit of external access to the rear of the property.

Figure 8.13



**8.4.7** The sideways projection of a two storey side extension should not exceed more than two thirds the width of the original dwelling. Where located on a corner plot the sideways projection should not exceed more than half the width of the gap between the side elevation of the original dwellings and the side boundary (unless the gap exceeded more than two thirds the width of the original dwelling).

**8.4.8** In addition, on a corner plot where the rear elevation of the dwelling is clearly visible, a set back of 500mm will also be required at the rear to ensure the extension remains subordinate and to avoid the unsightly bonding of old and new materials.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 8.5 Outbuildings and Annexes

- 8.5.1** Detached garages should relate sympathetically to the main dwelling in style, proportions and external finishes. In most cases, it will not be appropriate for a garage to be sited between the house and the road.
- 8.5.2** Detached garages should be single storey structures and the eaves height should not normally exceed 2.5m from ground level. It is not considered appropriate for detached garages to include dormer windows as a way of accommodating rooms in the roof space but in some circumstances (e.g. where the garage is set within a large curtilage) it may be possible to utilise the roof space for ancillary accommodation/storage but not as an annex/granny annex. Where the privacy of neighbouring residents would not be compromised it may therefore be possible to install roof lights.
- 8.5.3** An annex building, often referred to as a 'Granny Annex' may be permitted in a rear garden where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. An annex should normally have a close physical relationship with the host dwelling, be single storey and in all circumstances it should only have 1 bedroom and no more than 3 rooms in total.

### 8.6 Decking/Raised Platforms

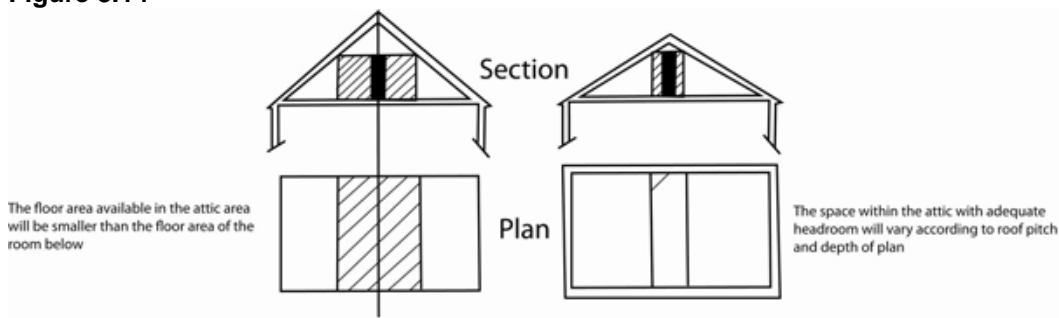
- 8.6.1** Decking and raised platforms are commonly used where the rear garden is below the floor area of the dwelling in order to allow improved access to the rear garden and to provide a convenient outdoor amenity area on the same level as the dwelling. Decking and raised platforms are also used in other circumstances but can often give rise to increased overlooking of neighbouring dwellings and particularly their gardens.
- 8.6.2** In view of this, decking and raised platforms will only be allowed where the privacy of neighbouring residents is not detrimentally affected by significantly increased overlooking (e.g. where the decking is located away from the boundary and where there is sufficient permanent screening, such as a high boundary wall or an outbuilding in an adjacent garden). In addition, decking and raised platforms should not have a significantly detrimental impact on visual amenity and for this reason decking will not be allowed where it is prominently located and can be easily viewed from public vantage points.
- 8.6.3** In some circumstances, to reduce overlooking, it may be possible to include screening such as fencing with an application for decking or a raised platform but any screening should not result in significant overshadowing or loss of outlook from neighbouring dwellings or have a detrimental impact on visual amenity or the character of the dwelling.

### 8.7 Dormer Windows

- 8.7.1** When considering whether to install a dormer window you should assess whether there is adequate space within the attic to accommodate a room(s) with adequate headroom without requiring a dormer extension that will dominate the roof (Figure 8.14). In general, providing that the roof pitch allows adequate height, a space approximately half the area of the floor below can be created.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

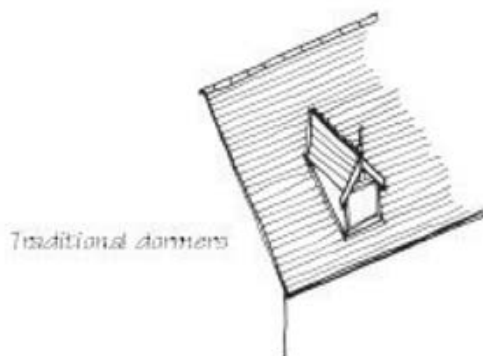
**Figure 8.14**



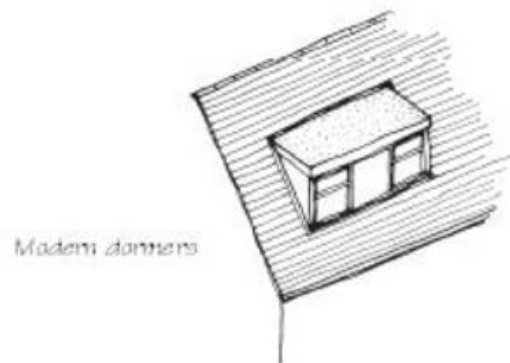
### Style

- 8.7.2** The design of the dormer window should reflect the character of the area, the surrounding buildings and the age and appearance of the existing building.
- 8.7.3** Vertically proportioned dormer windows with pitched roofs are traditionally found in the Barnsley area (Figure 8.15).

**Figure 8.15**



**Figure 8.16**



- 8.7.4** Flat roof dormers which tend to be larger and have horizontal emphasis can be seen in more recent housing developments. These have proved to be more expensive to maintain and prone to failure (Figure 8.16). Flat roof dormers are considered aesthetically inferior and are not normally acceptable.
- 8.7.5** Consequently, pitched roof dormers are generally considered more appropriate for both aesthetic and practical reasons.

### Location

- 8.7.6** To assess whether a dormer on the front or principle elevation will be appropriate, the roofs of the surrounding buildings should be examined. Unless the street is characterised by dormers on the frontage, or these are a feature of the area/street/terrace, dormer windows should be located on the rear or secondary elevations.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### Positioning and relationship to other windows

**8.7.7** The positioning of the dormer on the roof will have an impact on both the house and its neighbours.

Figure 8.17



**8.7.8** So as not to dominate existing roof lines and retain its original form, dormers should be set within the roof plane (see Figure 8.17) and not be built off an external wall. The guidelines below should therefore be followed:-

- The dormer should sit within the roof plane and the top of the dormer should usually be below the ridge (A)
- Dormers and roof lights should be set back from the eaves (B) and gable by at least 0.5m (C)
- They should be at least 0.5m away from the party walls with adjacent properties. (D)

**8.7.9** Where there are existing dormers in the same roof plane, for instance in a terrace, new dormers should line up horizontally.

**8.7.10** It is also important that dormers and roof lights reflect the pattern of existing window openings. They should be positioned to line through vertically with the window openings below.

### Materials

- Roofing materials for pitched roof dormers should match the main roofing material.
- Unless glazed, the sides (or cheeks) of the dormer should be the same or similar in appearance, particularly in colour to the main roofing material.
- Cladding to the front of the dormer should be minimised.
- Glazing on windows on the side elevation must be obscure.



## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 8.8 Extensions for the Benefit of Disabled Persons

**8.8.1** There is an exemption from planning fees for applications that shall be used solely for the benefit of the disabled person. This is interpreted as necessary adaptations, such as a downstairs bedroom or toilet/shower room.

**8.8.2** The majority of these applications are as a result of the person being assessed by the Council's Aids and Adaptations Unit, and that assessment, with a recommendation of needs, is passed to the Council's Grants Agency, who then evaluate that persons suitability for a Disabled Facilities Grant (DFG) if the person is a homeowner. Council Tenants would be passed on to Berneslai Homes for suitability checks.

**8.8.3** If you are intending to submit an application on behalf of a disabled person, it may be worthwhile taking the following, used when assessing the suitability for DFG works by the Grants Agency, as a guide for the nature and type of the extension.

- Single Bedroom 8.4 square metres
- Double Bedroom 10.2 square metres
- Bathrooms (Level Access Shower, Toilet and Wash Basin) 5 square metres

**8.8.4** All the above are internal floor area measurements. This is a minimum figure and may vary, for example, if a wheelchair turning area or hoist is required.

## 9. Other issues/consents

### 9.1 Building regulations

**9.1.1** Even when planning permission is not required, it is almost always necessary to obtain approval under Building Regulations. Building Control is concerned with ensuring any alterations/ extension of your dwelling is undertaken in a safe and satisfactory manner. Please be aware that, under some circumstances, compliance with Building Regulations may well impact upon the overall design of an extension or alteration to a property, which may conflict with the planning design guidance given within this document. For further information please Tel: 01226 772678.

**9.1.2** Good neighbourliness and fairness are among the yardsticks against which your proposals will be measured. You are strongly advised to discuss your plans with your neighbours before submitting your application. Your nearest neighbours, usually at least the properties either side of you will be notified of your proposals by the council and invited to make comments. Their views will be taken into account by the council in reaching a decision. If you are thinking of extending your house, think about what this may mean to your neighbour as well.

### 9.2 Listed buildings/Conservation areas

**9.2.1** If your property is a Listed Building or is located within a Conservation Area, special policies and restrictions will apply. In such a case, it is advisable to discuss your proposal at the earliest opportunity with the Conservation Officer on 01226 772576.

## Supplementary Planning Document: House Extensions and Other Domestic Alterations

### 9.3 Security considerations

- 9.3.1** The most vulnerable areas for domestic properties are the sides and the rear. This is where extensions are often built and if not constructed to the appropriate standards they can become a security risk. The design of single storey extensions in particular should be carefully considered from a security point of view. Flat roofs can compromise the security of a property by allowing access to first floor windows.
- 9.3.2** Further information on security considerations can be sought from the local Police Crime Reduction/Designing out Crime Officer on 01226 736017, or at:

South Yorkshire Police  
The HUB,  
Safer Neighbourhood Services  
Barnsley Police Station  
S70 2DL

Email: [barry.regan@southyorks.pnn.police.uk](mailto:barry.regan@southyorks.pnn.police.uk)

### 9.4 Boundaries/private civil matters

- 9.4.1** When an extension or even a separate garage is built up to the property boundary, this may involve foundations or guttering encroachment over the boundary. This may not be acceptable to your neighbour and means that you cannot build the extension without your neighbour's consent even if planning permission is granted. Alternatively, set the extension away from the boundary to avoid encroachment. If an extension is built on or close to the boundary, access from your neighbours' property may be needed to build your extension and maintain it in the future. This would be a private legal matter between you and your neighbour and emphasises the need to discuss your proposals with your neighbour before submitting an application.
- 9.4.2** Even when planning permission is granted, this does not affect your neighbour's rights under civil law to prevent the work from being carried out if it involves development on their land.
- 9.4.3** Information regarding 'The Party Wall etc. Act 1996' published by the Ministry of Housing, Communities and Local Government (MHCLG), provides full information on your rights and duties under the Act and can be accessed using the following link:
- <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
- 9.4.4** If your extension or outbuilding is designed to be built up to a boundary with the highway (a footpath, road or verge) then encroachment of foundations or guttering over the boundary will not be acceptable and must be redesigned so that there is no encroachment.

**Supplementary Planning Document**  
**Lawful Development Certificates**

**Adopted May 2019**





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## Planning Advice Note: Lawful Development Certificates

### 1. About This Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.
- 1.3** This advice note offers guidance to anyone considering applying for a Lawful Development Certificate (LDC) but does not attempt to provide a definitive interpretation of the law. It should be read in conjunction with the guidance note which can be found on the Planning Portal [https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance\\_note-lawful\\_development\\_certificates.pdf](https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-lawful_development_certificates.pdf)

### 2. What Is A Lawful Development Certificate?

- 2.1** A LDC (Lawful Development Certificate) is a statutory document which confirms that the use, operation or activity named in it is lawful for planning control purposes.
- 2.2** There are two types of LDC which can be applied for, saying whether:-
- i. an existing use of land, operational development or activity in breach of a planning condition is lawful; or
  - ii. a proposed use of buildings, land, or operations intended to be carried out would be lawful.

### 3. What Are The Benefits Of A Lawful Development Certificate?

- 3.1** A LDC can provide protection against enforcement action and therefore is valuable in its own right at any time. However, a certificate may be specifically required, for example, to obtain a Waste Disposal Licence or may be advantageous if the property is to be sold.

## Planning Advice Note: Lawful Development Certificates

### 4. Do Any Time Limits Apply To A Lawful Development Certificate?

**4.1 Yes.** If you are applying for an LDC in respect of an existing use of land, operational development or activity in breach of a condition, the evidence you provide will need to show the following time limits have been passed:-

- i. in the case of operational developments, that the operations were substantially completed at least 4 years ago;
- ii. in the case of a change of use of a building to a single dwelling house, that the change took place at least 4 years ago;
- iii. in any other case, such as a change of use or breach of a condition of a planning permission, that the change or breach occurred at least 10 years ago.

**4.2** Once these time limits have passed, the breach of planning control will be immune from enforcement action.

### 5. How Much Does It Cost To Apply?

**5.1** A fee is payable when an application is made. Generally the fees are:-

- i. for an existing use of land or operational development, the same as the equivalent planning application fee;
- ii. for a proposed use etc. to be carried out, half of the fee for an equivalent planning application.

### 6. How Do I Make An Application?

**6.1** An application can be made on forms available from Development Management. Separate forms are available for an existing and proposed LDC.

### 7. What Type Of Information Is Required?

**7.1 For existing development you should provide:-**

- A. a full description of the operation, use or activity providing a complete definition, (for example, a description might include the number and size of lorries based at a haulage yard and the activities carried on as part of that use; the range of activities carried on at a particular builder's yard; the number and category of vehicles displayed for sale on a site; and other details such as the hours of work, the machinery or equipment used, the height above ground level to which goods or materials have been stored, or other methods of operation of a use);
- B. a plan on an Ordnance Survey base showing the site outlined in red;
- C. a scaled plan defining areas having different functions within the same site (e.g. storage, offices, manufacturing etc.);
- D. details of working practices of relevance (e.g. working hours, the processes carried out on site);
- E. details of any relevant planning decisions known to you.

## Planning Advice Note: Lawful Development Certificates

- 7.2** To substantiate your claim you should provide any additional information you consider necessary, such as:-
- a. any information concerning business rates, or from the council tax or electoral records;
  - b. any relevant invoices/bills or receipts for services such as water, electricity, gas or telecom;
  - c. personal testimonies or sworn affidavits of applicants, operations or witnesses;
  - d. photographs which can be dated;
  - e. any other relevant factual information.
- 7.3** Please ensure any information you submit is relevant to the LDC and if extensive, is properly organised and indexed.
- 7.4** **For proposed development you should provide:-**
- a. a full and precise description of the current use and operations;
  - b. a full and precise description of the proposed use and operations.

## **8. How Is A Decision Made?**

- 8.1** An assessment of the submitted evidence will be made by a Planning Officer and any further details by way of clarification requested. The application will then be referred to the Borough Secretary, who will make a final judgement upon the application.
- 8.2** The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. However, the onus of proof in an LDC application is squarely on the applicant to show to the Council on the balance of probabilities, that a Certificate ought reasonably to be issued. Put simply, the applicant must show that it is more likely than not that the facts asserted by him or her are correct. Indeed, Government advice to local Council's is that "they need not go to great lengths to show that the use, operations or failure to comply with a condition specified in the application is not lawful". There is no requirement on the part of the Council to make an independent search for evidence. The Planning Service will always co-operate with an applicant seeking information by making records available but unless sufficient evidence is provided by the applicant, "such an application would be refused as not proven on present evidence" (Circular 17/92).



## Planning Advice Note: Lawful Development Certificates

### 9. What Happens If I Provide False Information?

- 9.1** It is a serious offence to make a false or misleading statement, use a false or misleading document or withhold information material to the application, to obtain a certificate. The maximum penalty on summary conviction is £5000. On conviction in the Crown Court, the maximum penalty is two years imprisonment and/or an unlimited fine.
- 9.2** If a false statement is made or a document used, or any material information withheld, the Council can revoke a certificate.

### 10. Do I Have A Right Of Appeal?

- 10.1** If an application is wholly or partly refused or granted in a different form to the application submitted, or it is not determined within 8 weeks, an appeal can be made to the Secretary of State. Appeal forms are available from :-

The Planning Inspectorate, 3/08a Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0117 3728612).

### 11. Further Advice

- 11.1** A Department of the Environment Circular 'Planning and Compensation Act 1991 – Implementation of the remaining Enforcement Provisions' No 17/192 is available from H.M.S.O.
- 11.2** If you have any queries about this note or have any questions about specific sites, you should contact members of the Development Management Section of Planning Services on (01226) 772595.

**Supplementary Planning Document**

# **Mortar Mixes For Historic Buildings**

**Adopted May 2019**





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## Supplementary Planning Document: Mortar Mixes For Historic Buildings

### 1. About This Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** Historic buildings are best pointed with a mixture of sand aggregate that is well graded (that is to say sand that has a good mixture of fine, medium, and coarse aggregate), and natural hydraulic lime (NHL). Cement binders are in general terms neither desirable nor necessary as long as good working practices are adhered to. In traditional walls and buildings lime mortars were the norm for centuries. However, following the First World War Portland Cement was generally adopted as a binder due to its strength, its faster curing properties and its consistency. However, when used to re-point, build or re-build historic or traditional walls it can be damaging. This is largely due to its strength which often exceeds that of the stone and a severe lack of breathability. By way of contrast, a correctly mixed and applied lime mortar retains some plasticity even when cured (it can reform without cracking), and is breathable so allows moisture to escape. In particular, strap (or ribbon) or weather-struck pointing in context with historic buildings that has horizontal ledges and includes cement is technically incorrect, physically damaging, and visually harmful.

### 3. Policy

This document supplements Local Plan policy HE3 which states as follows:

Proposals involving additions or alterations to listed buildings or buildings of evident significance will be expected to:

- Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building.

## Supplementary Planning Document: Mortar Mixes For Historic Buildings

### 4. Suggested Mixtures

#### Suggested Mix and Important Considerations

- 4.1** Modern dry-hydrated hydraulic lime is generally marketed as 'natural hydraulic lime' or NHL. These are available in three grades of compressive strength (cured) of NHL 2, NHL 3.5 and NHL 5. When gauging natural hydraulic limes with sand / aggregate it must be remembered that a dry hydrate will have a different relative bulk density to sand (as do all powder binders). To account for this, most lime suppliers specify volumes of sand (usually to the nearest 10 litres) per full bag of NHL.
- 4.2** A typical general purpose lime mix ratio would be:
- 1 part NHL 3.5
  - to
  - 3 parts well graded aggregate or washed river sand.
- 4.3** The use of NHL 3.5 may be replaced with NHL 2 or NHL 5 where the environment dictates a mortar that has a lesser or greater compressive strength (respectively).
- 4.4** Close attention should be paid to the colour and appearance of the final cured mix to ensure decent sympathy of appearance with existing mortar. Colouring of the mix may be achieved using a specific aggregate or colourants. As such test panels for mortar samples are advisable and often a requirement of a listed building consent.

### 5. Application

- 5.1** A detailed description of every technique for the use of lime mortar is beyond the scope of this guidance\*. However in general terms, the existing joint should be excavated by hand to a depth of at least twice that of the width. Dust and debris must be removed and then the prepared joint must be sufficiently dampened to avoid suction and cracking of the new mortar. The joint must then be firmly packed from the back to remove voids with an appropriate pointing iron or tool in layers not exceeding 25mm. Any mortar smeared on the adjacent masonry should be removed with a damp sponge. Once the mix has cured sufficiently, the surface of the joint should be finished with a stiff churn brush to a slightly concave and gently stippled finish. This last stage is important because it further compacts the joint, removes laitance, exposes the courser aggregate, and aids curing. Following the application of the mortar, the works should be protected from frost, rain, or sun with hessian for as long as possible and at least a week.
- 5.2** \* Technical guidance on the full range of scenarios where lime might be used can be found within Historic England's publication - *Repointing Brick and Stone Walls* found here:

<https://historicengland.org.uk/images-books/publications/repainting-brick-and-stone-walls/>

## **6. Further Information**

- 6.1** For further information please contact the Conservation Officer on (01226) 772576.

**Supplementary Planning Document**  
**Open Space Provision on New  
Housing Developments**

**Adopted May 2019**







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## Supplementary Planning Document: Open Space Provision on New Housing Developments

### 1. About this guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This SPD offers guidance to developers considering submitting a planning application for residential development and what will be expected in terms of open space provision.
- 2.2** This advice note supplements Policy GS1 of the Local Plan, which states that: 'In order to improve the quantity, quality and value of green space provision we will require qualifying new residential developments to provide or contribute towards green space in line with the standards set out in the green space strategy and in accordance with the requirements of Policy I1 Infrastructure and Planning Obligations'.
- 2.3** The National Planning Policy Framework (NPPF) paragraphs 96-98 and associated Planning Practice Guidance (PPG) 'Open space, sports and recreation facilities, public rights of way and local green space' recognises the importance of providing open spaces for leisure, sport and recreation and the contribution they make to people's quality of life. It requires that plan policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities (including deficits or surpluses in quantity or quality) and opportunities for new provision.
- 2.4** The Council attaches great importance to the provision of good quality green space in connection with new housing developments. Green space can provide a valuable formal and informal recreation facility for children and adults. It can also add character and interest to a housing development thus considerably enhancing its quality.
- 2.5** This advice note replaces the Supplementary Planning Document: Open Space Provision on New Housing Development dated March 2012.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### 3. How we will assess planning applications that propose redevelopment of green space for alternative uses

- 3.1** Green spaces are 'green' open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments woodlands wildlife areas, recreation grounds, sports pitches, play areas and parks. We will seek to protect green space from development, particularly where an assessment indicates that there are current deficiencies within an area.
- 3.2** When we receive a planning application to redevelop green space for an alternative use we will undertake a green space assessment to determine the level of provision within the area. In some instances, material considerations may indicate approval for development on green space, in which case we will seek compensation in order to secure community benefit to outweigh the loss of the green space. As set out in Policy GS1, compensation could include on-site retention and enhancement, off-site replacement or financial contribution. In instances where the Council deem it appropriate to seek a financial contribution towards improvements of an existing facility nearby, the contribution will be calculated at £125,640 per hectare of green space that will be lost to development.
- 3.3** The contribution has been calculated using the Council's current land valuation for amenity land which equates to £29,640 per hectare, and the cost of providing 1 hectare of informal open space including 15 years maintenance which equates £96,000. These figures will be reviewed periodically if the land value and/or costs change.

### 4. General open space requirements

- 4.1** A minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.
- 4.2** Where it is impossible to make such provision on land either within or immediately adjacent to the site in a satisfactory and acceptable manner, or where the Council deem it appropriate, suitable off-site open space facilities, remote from the development land, may be acceptable either as new facilities or improvements to those existing.
- 4.3** A greenspace assessment will be carried out to determine what the most appropriate greenspace requirement is in line with identified local need.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### 5. When will we require open space?

The policy will be applied in the following circumstances:

- All new housing developments of 20 or more dwellings including flats.
- All conversions of existing buildings providing 20 or more dwellings.
- Individual proposals of less than 20 dwellings where the application site forms part of a larger site which when fully developed would exceed 20 dwellings or 0.8 hectares in size.
- Where sites are developed incrementally or by separate developers the policy requirement will be applied to the total site area to be developed or that which is available for housing development.
- Where significant amendments are made to developments with planning permission, the open space requirements for the site will be reviewed.

### 6. How will 15% of the site area be calculated?

- 6.1** A minimum of 15% of the gross site area is required to be laid out as open space. However, on occasions substantial landscaped strips may be required to protect the living conditions of residents or soften the boundary with countryside. The land used for landscaped strips is not available for development and will not usually make any significant contribution to recreational open space requirements. In these cases the 15% requirement will be calculated on the basis of the developable site area rather than the gross site area.

### 7. Types of green space

- 7.1** The type and quantity of green space which will normally be required as a result of new housing developments is set out below. However, it is important to stress that nothing contained in the guidance is a fixed standard which will be rigidly applied in each case. Each proposal will be considered on its own merits taking into account all material considerations.

#### **(A) Equipped children's play areas**

20-100 houses: Financial contribution required to enhance an existing equipped play area where one is accessible from the site or to provide a new play area off site where one is not accessible.

Over 100 houses: Provision generally required on site. In some circumstances a financial contribution for off site facilities may be acceptable if a suitable site is located nearby.

#### **(B) Informal play space and informal landscaped areas (including natural and semi-natural areas, allotments and green ways)**

20-40 houses: Financial contribution required to enhance existing informal open space and where accessible from the site or to provide new informal open space where none exists nearby.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

Over 40 houses: Provision should be made on site. In some circumstances a financial contribution to enhance informal space off site may be acceptable if any is located nearby.

**(C) Formal recreation (sports pitches, courts, greens etc.)**

20-200 houses: Financial contribution required to enhance existing facilities or to provide additional provision if there is a shortfall in quantity or quality in the locality.

More than 200 houses: Provision will be required on site. Where this is not possible, a financial contribution to provide or enhance facilities off site will be required.

- 7.2** An off-site financial contribution, based on the figures at Appendix 2, will be required in lieu of any of the above open space types that is not provided on site.
- 7.3** The types of open space required will be related to the type of development. For instance, a development of elderly persons housing would not be expected to make a contribution to children's play facilities. Similarly, a development of one bedroom dwellings will not be required to contribute to children's play facilities.
- 7.4** In some cases, it may be desirable for sites of 20-40 houses to have all or some of the 15% open space requirement on site. For example, where there are no local opportunities to use off site financial contributions for children's play facilities or informal play space, then all of the 15% open space requirement should be provided on site.
- 7.5** An equipped children's play area may occasionally be required on sites of less than 100 dwellings, where there are no opportunities to use off site contributions in locations which are accessible from the site.
- 7.6** Only land which makes a positive open space contribution will count towards the required 15%. Highway verges; visibility splays; landscaped strips adjacent to roads; awkwardly shaped left over areas of land and private gardens will not be counted as contributing.
- 7.7** The definition of accessibility is set out in Appendix 1
- 7.8** The level of financial contributions for off site facilities is set out in Appendix 2.
- 7.9** The necessary legal procedures are set out in Appendix 5.

## **8. Safeguarding natural features**

- 8.1** Opportunities should be taken regardless of the size of the site to retain and enhance features of ecological and visual importance. This might include, for example, providing landscaped paths next to watercourses and retaining groups of trees and natural vegetation with or without public access as appropriate. Where retained natural features would form a substantial proportion of the 15%, the normal requirement for recreational open space may be proportionately relaxed.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

- 8.2** Greenspace serves an important role in providing habitat for wildlife as well as providing opportunity for people: open space should incorporate habitat for wildlife wherever possible and any landscaping should further enhance existing habitats with the use of appropriate native species.
- 8.3** There is potential for SuDS techniques to be incorporated into greenspace and form part of landscape features. Such features could be for example swales, filter strips, detention basins and retention ponds. Developments incorporating water features will need to be carefully designed.

### 9. Awkwardly shaped sites

- 9.1** Where a site is awkwardly shaped it may not always be desirable to provide open space on site. For instance, on a long narrow site it might be difficult to design open space that would be centrally located and overlooked by the fronts of houses. In such cases a contribution to off site facilities will be necessary.

### 10. Is it possible to have a combination of on and off site provision?

- 10.1** Yes. For example, on sites of over 40 houses, depending on individual circumstances, a combination of on and off site provision is a likely outcome, with informal open space being provided on site, and a financial contribution to enhance existing formal recreation facilities and equipped children's play facilities off site.
- 10.2** Contributions will be used for the following:
- Equipped children's play facilities: to provide or replace play equipment, safety surfacing and associated landscaping including fencing, planting and seating.
  - Informal open space: to provide new space or to improve existing planting, surfacing, access, car parking, seating, signage, public art and other infrastructure within existing open spaces, including cemeteries.
  - Formal recreation space: to upgrade existing facilities including: better drainage for sports pitches; improvements to seating; changing facilities; car parking; paths; fencing and landscaping; or to provide new facilities.
- 10.3** Contributions for maintenance will be held in a separate protected account to ensure the open space is maintained to an agreed standard for the relevant period (normally 15 years).

### 11. At what stage of the development should open space be provided?

- 11.1** It is important that open space is provided before a significant proportion of the site is completed and occupied.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### On site provision

- 11.2** Full details of the layout, landscaping (including any play equipment etc.) and phasing of all on-site open space provision will be secured by conditions attached to the planning permission.
- 11.3** If the land is to be dedicated to the Council this should take place within 1 year of the open space being laid out, landscaped and equipped. It is preferable for the plots adjoining open space to have been completed by this stage.

### Off site provision

- 11.4** Contributions for off site facilities should be paid on or before the commencement of the development.

## 12. Maintenance

- 12.1** It is important that provision is made for the future maintenance of new open space otherwise its value will deteriorate. The future maintenance of open space, which is principally of benefit to the development, is the responsibility of the developer. Developers will need to demonstrate they have secured an acceptable means of ensuring future maintenance, preferably by way of a management company. The Council will require full details of any such arrangements before a planning application is determined.
- 12.2** The Council expects the maintenance arrangements to be sufficient to ensure that areas of open space remain high quality whilst ensuring that the costs imposed on residents are reasonable, and remain so for the lifetime of the development. To ensure this, the Council's preference will be for a Community Interest Company (CIC) to be formed with its members being the residents of the new development (and their successors in title).
- 12.3** Where it is not possible to create a Community Interest Company or secure other management and maintenance arrangements in accordance with the requirements set out above, open space may be adopted and maintained by the Council. Where this is the case, a similar arrangement will be expected whereby residents contribute an agreed, index linked annual fee to cover the Council's maintenance and management costs in perpetuity. These arrangements would begin 1 year following completion of the development with the developer being responsible for all management and maintenance costs prior to that.



## Supplementary Planning Document: Open Space Provision on New Housing Developments

### 13. Design principles

- 13.1** Where green space is to be provided on site it should be designed in accordance with the principles outlined in the South Yorkshire Residential Design Guide 2011 and particularly the principles listed below.

#### Open Space

- 13.2** Open space should:

- be an integral part of the development and should usually form a central feature;
- incorporate significant existing landscape features wherever possible, including mature trees and watercourses even if these are not located centrally;
- be designed and located to reduce opportunities for crime, for instance, wherever possible houses should not back onto open space;
- be designed to avoid risk of noise, disturbance and nuisance. In particular, equipped play areas should be sited at least 20 metres from the curtilage of the nearest residential property, although some child and youth facilities will require greater buffer zones;
- not be located in peripheral areas of the site or where access would be by narrow alleyways;
- be separate from areas of major vehicle movements and designed and located to allow easy pedestrian access;
- avoid awkwardly shaped and leftover areas of land which should not form part of the open space provision for the site and in any case would not be adopted by the Council. Such areas of land are usually best planted and incorporated into gardens; and
- be linked by green corridors to allow people and wildlife to move between areas.

- 13.3** It should be noted that the minimum viable size for informal open space is about 0.2 hectares. The Council is unlikely to adopt open space of less than this size.

#### Equipped Children's Play Facilities

- 13.4** Equipped children's play facilities should:

- be overlooked by the fronts of houses and from well used pedestrian routes;
- be specifically designed for younger children of early school age to meet the NPFA standard for Local Equipped Areas for Play (LEAP);
- have a minimum play zone of 400 sq. m;
- be provided with at least 5 items of play equipment, one of which should include a multi-play item with a number of different play opportunities. Swings should be separate units and not attached to the multi-play item; and
- in some instances be required to be enclosed by robust dog proof fencing and provided with safety surfacing and approved signage.

- 13.5** You may wish to contact the Parks Supervisor on 01226 774356 for further information.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### Facilities for older children and youth's

- 13.6** Neighbourhood Equipped Areas for Play (NEAP) serve a substantial residential area and have a minimum play zone of 1000 sq m. They should have no less than 8 items of play equipment with the relevant safety surfacing and should include either a space for free use games, multi use games area, BMX or Skate Park facility. NEAPs generally serve children aged 8-14 years of age and younger children if supervised.
- 13.7** Youth facilities may have some form of shelter and lighting. This will be negotiated dependent on the location and individual site requirements.

### Informal play space and landscaped areas

- 13.8** Opportunities should be taken to design Local Areas of Play (LAP in the NPFA hierarchy) so that they provide informal opportunities for play for younger children (4-6 years of age). These areas which can be used for low-key games can include landscaped mounds and informal playspace, informal paved areas, low walls and tree trunks. These areas should be flat and level, normally with grass surfacing. Guardrails should be provided where there is any risk of road-related accidents. One or two simple items of static equipment may be included with appropriate safer surfacing.
- 13.9** It is important to bear in mind that any structures, including paving and low walls, will require future maintenance.

### Further Guidance on children's play

- 13.10** Guidance on the types and design of facilities is available from the Parks Supervisor in Neighbourhood Services on 01226 774356.
- 13.11** Useful information is also provided in '*Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard England*', Fields in Trust (formerly National Playing Fields Association).
- 13.12** All fixed children's play equipment should be regularly inspected in accordance with BS EN1176 recommendations.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### Appendix 1. Explanation of accessibility

The Fields In Trust guidelines advise that children should not have to walk more than 5 minutes to an equipped children's play area and 1 minute to an informal play space, without crossing a main road. This equates to a pedestrian route of 400 metres for equipped play areas. Additionally the Greenspace Strategy sets local accessibility standards based on the typology of greenspace so for instance how far you can expect to travel to access a local neighbourhood greenspace or natural area; this can be found in Appendix 1 of the document. However, in considering where new facilities should be located it may not always be possible to achieve these standards given land availability and other factors.

Where open space provision is to be provided off site the Council will seek to ensure it is in a location which is reasonably accessible from the development site, wherever possible avoiding the need to cross busy roads.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### Appendix 2. Contributions per dwelling for off site provision of green space

The figures set out below reflect the cost of providing new and or enhanced green space. The figures reflect the need for larger dwellings to make a proportionally greater contribution than smaller dwellings, as on average they are lived in by more people. The figures also include provision for 15 years maintenance.

The contribution figures will be reviewed periodically if the costs of providing green space change.

Type of open space	Dwellings			
	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Child and Youth facilities	None	£503.51	£604.48	£705.47
Informal open space	£132.79	£196.40	£235.14	£275.26
Formal recreation	£560.22	£824.41	£989.01	£1155.00
<b>Total for all open space</b>	<b>£693.01</b>	<b>£1524.32</b>	<b>£1828.63</b>	<b>£2135.73</b>

In most cases no land acquisition will be necessary as contributions will be used on existing recreation land. However, there may be occasions where land acquisition will be required to establish new green space. In these cases an additional contribution to that set out in the table above will be required.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### Appendix 3. Examples of calculation of financial contributions

- (a) Development of 60 three bed houses and 40 two bed houses, where informal open space and children's play facilities are to be provided on site and formal recreation facilities off site:

Off site formal recreation requirement:

$£989.01 \times 60$  three bed houses = £59,340.60

$£824.41 \times 40$  two bed houses = £32,976.40

Total financial contribution  $£59,340.60 + £32,976.40 = £92,317.00$

- (b) Development of 50 three bedroom house where informal open space is to be provided on site and formal recreation space and children's play facilities off site:

Off site formal recreation requirement:

$£989.01 \times 50$  three bed houses = £49,450.50

Off site children's play facilities requirement:

$£604.48 \times 50$  three bed houses = £30,224.00

Total financial contribution  $£49,450.50 + £30,224.00 = £79,674.50$

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### Appendix 4. Contributions for maintenance of on site open space

Where the agreement reached entails the taking of a commuted contribution for the maintenance of on-site open space that contribution will be calculated for a period of 15 years and will generally fall within a range of £5.86 to £9.78 per square metre depending on the type of open space. The figures are set out below:

<u>Type of open space</u>	<u>Rate: (£ per Sq.m.)</u>
Low maintenance	£6.22
Normal maintenance	£8.29
Intensive maintenance	£10.38

#### Notes:

Low maintenance= mostly gang mowing and native trees and shrubs

Normal maintenance= grass and shrub planting

Intensive maintenance= grass and ornamental planting and/or play equipment

\*The figures will be reviewed periodically if the costs of maintenance change.

## Supplementary Planning Document: Open Space Provision on New Housing Developments

### Appendix 5. Legal procedures

#### On site provision

The Council will require a planning obligation, the precise terms of which will depend on the particular development proposal, but may include financial contributions, restrictions on use, requirements as to works, phasing and, long term maintenance arrangements (including land transfer). Development won't be allowed to commence until the planning obligation has been entered into. The planning obligation will seek to limit the occupation of the development until the terms of the planning obligation have been complied with.

Where land is transferred to a management company the planning obligation should include provision for the future management, inspection and maintenance of the Open Space to be met by an arrangement through rent charge or other covenant under which each householder is obliged to make a reasonable and proportionate contribution to the cost of management and maintenance of the Open Space in perpetuity. Where land is dedicated to the Council the planning obligation should include provision for the cost of the future management and maintenance of the Open Space to be met either by the rent charge/covenant arrangement or by provision for a commuted sum to cover future maintenance and a bond in case of default of works.

The Council will require full details of any such arrangements before a planning application is determined.

#### Off site provision

Where open space provision is to be made off site a planning obligation will be required to secure a financial contribution.

#### Outline applications

Provision for open space provision must be secured at the outline planning application stage. However, the precise nature of the proposed development will not be known at this time and provision of open space will normally be secured by use of planning conditions.

A model planning obligation and examples of standard conditions are available on request.

**Supplementary Planning Document**

**Removal of Agricultural  
Occupancy Conditions**

**Adopted May 2019**







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## Supplementary Planning Document: Removal of Agricultural Occupancy Conditions

### 1. About this Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Policy

- 2.1** This document supplements policy GB4 in the Local Plan which states that:-

#### Policy GB4 Permanent Agricultural and Forestry Workers Dwellings

Proposals for agricultural and forestry workers dwellings will be allowed provided that:

- They support existing agricultural or forestry activities on well established agricultural or forestry units;
- There is clearly an established existing functional need which relates to a full time worker;
- The unit and the agricultural activity concerned have been established for at least 3 years and profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so; and
- The functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.

Development will be expected to:

- Be of a size commensurate with the established functional need;
- Be sited directly adjacent to existing buildings wherever possible;
- Be of a high standard of design and respect the character of its surroundings, in its footprint, scale and massing, elevation design and materials; and

## Supplementary Planning Document: Removal of Agricultural Occupancy Conditions

- Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.

Where permission is granted we may remove permitted development rights, and impose occupancy conditions as appropriate.

- 2.2** Supporting text to this policy in the Local Plan states *"Where occupancy conditions are imposed they will not normally be removed unless it can be shown that the long term needs, both on that unit and in the locality, no longer warrant the dwelling's reservation for that purpose"*
- 2.3** Agricultural occupancy conditions are imposed only where a dwelling which is intended to serve the needs of agriculture is proposed for a site where a house would not normally be permitted.
- 2.4** In this context, it is clear that in order to safeguard the countryside from future encroachments there is a need to retain existing agricultural workers dwellings to serve the needs of that sector of the population, even if there is no longer agricultural justification for the dwelling upon the farm for which it was built. It is therefore clear that agricultural occupancy conditions should only be removed where the long term needs for such a dwelling can be explicitly proven to no longer exist.

### 3. Information Required to Support Planning Applications

- 3.1** All planning applications for the removal of agricultural occupancy conditions should be accompanied by relevant information from which the Council can make a rational assessment of the long term needs for the agricultural workers dwelling, both on the particular farm and in the locality. The onus for the provision of this information lies with the applicant and it should comprise:-
- i. A statement from an agricultural consultant assessing the existing viability of the farm and its continuing need for an agricultural workers dwelling; and
  - ii. A statement of the methods employed to dispose of the dwelling to which the conditions relate. In order to collate this information, the Local Planning Authority suggests the following guidelines be followed:
    - a. The property should be advertised for sale as an agricultural workers dwelling, at frequent intervals, for a period of at least 12 months in both the Farmers Guardian or Farmers Weekly and the local press. The sales literature and advertisements should clearly refer to the agricultural occupancy condition.
    - b. The sales price of the property should reflect the restrictive nature of the agricultural occupancy condition. Copies of all advertisements and details of all enquires from prospective purchasers (including occupancy and place of work) should be retained and submitted as part of the statement.

## Supplementary Planning Document: Removal of Agricultural Occupancy Conditions

- c. Prospective purchasers who consider they meet the requirements of the occupancy condition should be advised to contact the Council to establish their eligibility.

- 3.2** Applications for the removal of occupancy conditions should be considered on the basis of realistic assessments of the continuing need for them, bearing in mind that it is the need for a dwelling for someone solely, mainly of last working in agriculture in an area as a whole and not just on the particular holding that is relevant.
- 3.3** In terms of need on the particular farm a report from an agricultural consultant is considered essential to facilitate this part of the assessment.
- 3.4** In respect of need within the locality the Council can provide details such as the number of applications for agricultural workers dwellings and the number of agricultural workers on the Housing Department's waiting list. However, this information alone is inconclusive and as such, if arguing lack of demand, the applicant should illustrate that unsuccessful attempts have been made to sell the property and that the marketing has been correctly targeted, financially realistic and sustained. It should be noted that a large number of appeals are dismissed due to failure by the appellant to undertake an appropriate selling campaign or due to failure to set a realistic asking price, as the value for an encumbered property is somewhere between 15-50% less than that of an unencumbered dwelling.

### 4. Further Information

- 4.1** For further information please contact Development Management on (01226) 772595 the first instance.
- 4.2** The contact details below are provided to enable you to select a consultant of your choice:-
  1. ADAS Northern  
[Planning@adas.co.uk](mailto:Planning@adas.co.uk)  
Tel: (0113) 232 1630
  2. Royal Institute of Chartered Surveyors  
[www.ricsfirms.com](http://www.ricsfirms.com)  
Tel: (0113) 394 5980
  3. British Institute of Agricultural Consultants  
[info@biac.co.uk](mailto:info@biac.co.uk)  
Tel: (01275) 375559

**Supplementary Planning Document**

**Residential Amenity and the Siting  
of Buildings**

**Adopted May 2019**





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## Supplementary Planning Document: Residential Amenity and the Siting of Buildings

### 1. About this Guidance

- 1.0.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.0.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.0.1** This Document primarily supplements Local Plan PolicyD1 High Quality Design and Place Making which states as follows:

#### Policy D1 High Quality Design and Place Making

##### Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green Infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;

## Supplementary Planning Document: Residential Amenity and the Siting of Buildings

- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

- 2.0.2** This SPD sets out the design principles that will apply to the consideration of planning applications for non residential buildings in proximity to existing residential properties. The Council is committed to maintaining a high standard of residential amenity in areas where new development is proposed.
- 2.0.3** For a development to make a positive impact it needs to be successfully integrated into the wider built environment in which it is located. To do this effectively new developments must fit in with their surroundings in terms of height, spacing, massing, landscaping and design (e.g. choice of materials, details such as position of windows, architectural features, walls/fences) and not cause undue loss of amenity to existing residents. In this respect outlook, amenity, privacy and daylight/sunlight are considered. Good design, layout and landscaping should be the aim of everyone involved in the development process. It is, therefore, the responsibility of the developer, their advisors and the Council to raise standards. This guidance is a first step in terms of raising standards and maintaining residential amenity.
- 2.0.4** You are advised to discuss your proposal with the Council at an early stage. Formal pre-application discussions can help avoid problems and delays once an application is submitted. Further information, including the Pre-application Advice Protocol and charges for this are available on our web site.

## Supplementary Planning Document: Residential Amenity and the Siting of Buildings

### 3. Guidelines for Development

**3.0.1** The Council will assess your proposal for non residential development against the guidelines set out below. However, if your scheme matches these guidelines it does not necessarily mean that your application will be approved or that you have fulfilled your responsibility to achieve quality development. The guidelines should ensure that development which would have an unacceptable impact will be avoided. However, in some instances higher standards may be required and in other cases standards may be relaxed if there are mitigating circumstances and the development would result in overall benefits to the community and the environment.

#### 3.1 Relationship with existing dwellings

**3.1.1** The layout and design of new housing development must ensure that a high standard of privacy, light and outlook is obtained for existing residents where they live in close proximity.

**3.1.2** Developers in the first instance should consider design led solutions to ensure layouts deliver high standards by avoiding:

1. close overlooking of the windows in any existing dwelling or its garden from the proposed development or inappropriate siting of security cameras.
2. the introduction or intensification of vehicular and pedestrian movements close to an existing dwelling, its garden or boundary.
3. the overbearing or overshadowing effect of new buildings on an existing dwelling or its garden.
4. the proximity of plant or machinery to existing dwellings
5. the proximity of security or other lighting to existing dwellings.
6. the proximity of outside compounds or storage areas to existing dwellings.

#### Daylight & Sunlight

**3.1.3** Daylight is an important factor in residential amenity. Daylight will be impaired by the siting of a structure which obstructs it directly in relation to its size and distance away. The Building Research Establishment, (BRE), made a number of recommendations in its report, "Site Layout Planning for Daylight and Sunlight 1991". Although these recommendations are not mandatory, they are clear indicators of achieving design quality in development schemes. One of the recommendations is that suitable daylight to a dwelling is achieved where an unobstructed vertical angle of 25 degrees can be drawn from the centre point of the lowest window, the 25 degree rule. See Appendix 1.

**3.1.4** New developments should achieve this standard and demonstrate how day lighting of existing dwellings is safeguarded.

**3.1.5** In terms of sunlight, the orientation and height of any new building to existing dwellings will be important, with buildings on the south east, south or south west side of dwellings potentially having the greatest effect on sunlight.

## Supplementary Planning Document: Residential Amenity and the Siting of Buildings

### Separation Distances

**3.1.6** The following guidelines for non residential buildings will be applied unless it can be demonstrated that a design led solution can allow a relaxation of standards whilst maintaining high levels of privacy, amenity and outlook:

1. Any building at single or two storey height should be a minimum 25m from the windows of any habitable rooms in any nearby dwelling or the distance required by the 25 and 45 degree rules for access to daylight, whichever is the greater. See Appendix 1.
2. Any building at 3 storey height should be a minimum 30m from the windows of any habitable room in any nearby dwelling or the distance required by the 25 and 45 degree rules for access to daylight, whichever is the greater and the depth/bulk of the building taken into account. The larger the building footprint the greater the distance should be from existing dwellings. For example, a building more than 20m long or wide behind or in front of the main windows to the habitable rooms of a dwelling should be a minimum 35m away.
3. Any building higher than 3 storeys will need careful assessment as to its suitability for the location, distance and orientation to any existing dwelling and a significantly greater separation distance may be required.
4. Distances between new buildings and existing dwellings may be relaxed depending on a number of factors including site level relationships, (i.e. if at a lower level), existing screening or landscaping between the existing and proposed buildings and location. Each case will be judged on its merits in relation to these varying factors and particularly where a difference in site levels effectively reduces the effect of the height of proposed buildings in relation to existing dwellings.
5. Full compliance with standards are expected in predominantly residential areas whereas they may be relaxed in town centre situations/higher density areas.
6. Compliance with the suggested spacing criteria will usually provide most of the layout requirements for achieving satisfactory outlook, amenity and privacy and daylight/sunlight for conventional development. However, developments designed to control aspect or which employ screening may allow closer spacing, but sufficient, detailed information must be submitted to justify any relaxation.

**3.1.7** Special Note; Under certain circumstances, the Building Regulations control the number and size of windows and door openings (unprotected areas) fronting a boundary in order to minimise the risk of fire spread over the relevant boundary, this may be in conflict with any planning requirements. For further information please telephone 01226 772678.

### Outlook

**3.1.8** Care should be taken over the siting of buildings, especially those close to existing dwellings and common boundaries as their proximity may result in an unacceptable overbearing impact even though all other amenity requirements have been achieved. Outlook is the visual amenity afforded by a dwelling's immediate surroundings, which can be adversely affected by the close siting of another structure. However, this does not extend to the protection of a person's particular view from a property as this is not a material planning consideration.

## Supplementary Planning Document: Residential Amenity and the Siting of Buildings

- 3.1.9** Making the best use of site characteristics, changes in level and the retention of mature trees and shrubs will greatly assist the potential for achieving satisfactory outlook. When a structure is placed too close to a window so that it completely dominates the outlook it will have an overbearing impact. This is also dependent on the footprint of the building and generally, the larger the footprint the greater the impact. Compliance with the separation distances set out above will usually ensure that reasonable levels of outlook are retained for neighbouring residents.

### Privacy

- 3.1.10** New developments should be designed to protect the privacy of the occupiers of existing dwellings. This primarily covers accommodation forming habitable rooms, (bedrooms and living areas), although consideration should also be given to effects on private areas of amenity closely related to the dwelling, e.g. patio areas.
- 3.1.11** When developments are proposed near existing dwellings, special care needs to be placed on preventing windows in new buildings looking into the rear private areas of existing dwellings. Spacing standards, screening and design can help to mitigate this. e.g. high level, oriel or obscure windows. As privacy is eroded through the overlooking of existing dwellings, any significant change of ground levels can alter the effect of the separation distance. In these circumstances it will be important to provide a cross section to demonstrate the relative height between opposing accommodation.
- 3.1.12** The incorporation of permanent screening between respective elevations can help reduce overlooking between buildings. Where adequate permanent, appropriate screening can be provided, it may be possible to reduce recommended separation distances, providing daylight/sunlight and amenity provision is met. All proposals, which incorporate screening to reduce separation distances will be assessed on their own merits, but accurate cross sections will need to be provided with the application to demonstrate how privacy is achieved within the layout. The retention of existing, established, evergreen shrubs adjacent to a common boundary can constitute effective screening or other suitable size and species of trees, though care is needed to prevent undue overshadowing. The introduction of new planting can have a similar effect, but at sufficient size to provide a screening effect until mature, using species appropriate to the area's character. New planting will require a minimum two year maintenance period to establish.

### 3.2 Existing trees and hedgerows

- 3.2.1** If there are mature trees or hedgerows on your site the Council will expect them to be incorporated into the design and layout of the development and retained, wherever possible, for their visual, ecological and amenity protection value. Applications should be accompanied by an accurate site survey plan showing the position, spread, and species of all trees and hedgerows, and which are proposed to be retained. The spaces allowed for trees to be retained should be sufficient not just to safeguard the trees survival in the short term, but be sufficient to allow their long term development without interfering with the adjacent occupiers' enjoyment of their property in the future.

## Supplementary Planning Document: Residential Amenity and the Siting of Buildings

### 3.3 New planting

**3.3.1** Consideration should be given at an early stage as to whether landscaping can assist in maintaining residential amenity. Any scheme should be designed to help the development fit into its surroundings and soften its visual impact. The planting of trees, hedges and shrubs can improve the appearance and help to protect the amenity of any existing adjacent residents. If appropriate, a landscaping scheme should be submitted with your planning application.

### 3.4 Walls and fences

**3.4.1** The type and height of screen fencing or walls on boundaries with existing residential development can help protect residential amenity and are likely to be required as part of the scheme unless other boundary treatment exists or is proposed.

# Supplementary Planning Document: Residential Amenity and the Siting of Buildings

## Appendix 1.

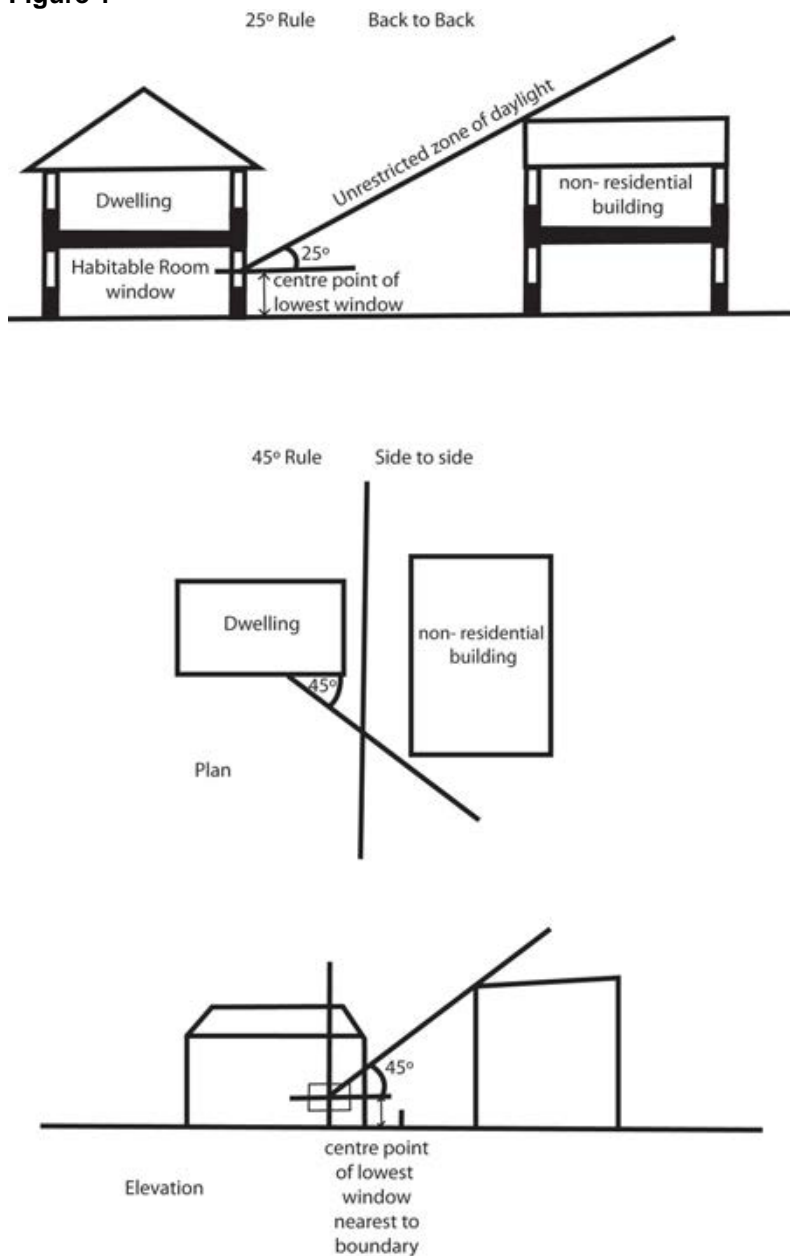
### 25 degree rule (back to back orientations)

Taking a horizontal line extending back from the centre point of the lowest window, draw a line upwards at 25 degrees. All built development facing a back window should be below the 25 degree line.

### 45 degree rule (back to side orientations)

Taking a horizontal line parallel to the back face of the building at the centre point of the lowest window closest to the boundary, draw a line 45 degrees upwards and another 45 degrees outwards towards the side boundary. All built development to the side of a back window should be below and behind these lines.

Figure 1



**Supplementary Planning Document**

**Shopfront Design**

**Adopted May 2019**







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## Supplementary Planning Document: Shopfront Design

### 1. About this guidance

- 1.0.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.0.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.0.1** The aim of the guidance is to raise standards throughout the Borough; and is of importance to anyone seeking to either alter their existing shopfront or install a new shopfront. The guidance supplements Local Plan Policy D1 which promotes good design.

### 3. Policies

#### Policy D1 High Quality Design and Place Making

##### Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green Infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

##### Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;

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- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
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- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

### 4. Good shopfront design - the reasons

- 4.0.1** Good design gives an impression of quality and permanence and makes the shopping environment more attractive for everyone. This in turn will increase business confidence. In contrast, poorly designed or maintained shopfronts can have a significant adverse impact, not just on the environment of the area but upon the local economy and the wellbeing of residents and visitors to the Borough. Poor quality shopfronts and security measures can create an environment where crime and vandalism thrives and this guidance seeks to help prevent these problems.
- 4.0.2** Shopping areas comprise a mix of uses operating at different times of day including the evening. It is therefore important that a high standard of appearance is maintained at all times and not only when shops are open.
- 4.0.3** Shopfronts are the main visible element of the street and are crucial in setting the character of a shopping area. Design should therefore take into account the character and form of the surrounding area as well as the proportions and style of the building itself and the adjacent properties.

## Supplementary Planning Document: Shopfront Design

- 4.0.4** It is not the aim of this SPD to provide a set of inflexible rules for new shopfronts or for alterations to existing ones, nor should this SPD restrain creative design. However, without a proactive and positive approach to shopfront design, new shopfronts or alterations to existing ones may be unsympathetic to the character of individual buildings and to the street scene in general. Shopfront design considerations can be of particular importance in sensitive settings where the character of heritage assets such as listed buildings or conservation areas are concerned. In such settings sympathetic shopfront design and the use of appropriate and traditional materials will be expected to maintain and protect the character of the area.
- 4.0.5** Solid external roller shutters can have an adverse environmental impact, they can give an area a 'dead' appearance and contribute towards creating a hostile fortress-like environment.
- 4.0.6** The Council therefore expects that new or replacement shopfronts to be designed in accordance with this guidance, and to achieve the Sustainability, Design and Conservation Team are able to offer design and installation advice (contact Tony Wiles on [tonywiles@barnsley.gov.uk](mailto:tonywiles@barnsley.gov.uk) or 01226 772576).

## 5. Good shopfront design - the principles

- 5.0.1** Improvements to shopfronts should be considered in accordance with the following criteria:
- The style of the shopfront should be derived from, reflect and harmonise with the character, age and materials of the building as a whole, as well as being seen in the wider context of the area within which it is located.
  - Modern shop fronts in a modern development can still accord with the principles of classic shop front design. A modern appearance with modern materials can still be acceptable whilst retaining the principles of traditional shop front design, scale and proportions. A blend of innovation and traditional principles can achieve an acceptable contemporary design form.
  - Innovative and contemporary approaches to shop front design can be appropriate in the correct context and the council does not wish to be prescriptive and stifle innovation in shop front design.
  - The upper floors and the shopfront should be seen together rather than as separate elements of the building. The scale of the shop front should be in proportion with the rest of the building. Essential features which are inherent in the upper floors of the building should be continued at shopfront level; i.e. window style.
  - Shopfronts should fit within the original structural framework of the building. Where there is an existing shopfront of good quality then it should normally be refurbished or repaired as a first course of action. Full replacement should only be considered when the applicant has proved that it is expedient to do so.
  - Where the shopfront involves what was historically two buildings, then the vertical division between the two, including any significant features, should be maintained.
  - Security of the premises must be incorporated within the overall design, and should be as unobtrusive as possible.
  - Signage should be appropriate to the age, scale and proportions of the building.
  - Illumination of shop signs should be external rather than in the form of internally illuminated box signs in translucent materials (see later note).

## Supplementary Planning Document: Shopfront Design

- Where the applicant seeks to incorporate a canopy then this should be within the overall design of the shopfront.
- Entranceways should be designed to allow access for everyone; including people with disabilities, older people and people with pushchairs and prams.

### 5.1 Good shop front design

Figure 5.1



The facade and shop front of the original building are an integral part of the whole design, from the pavement to the roof. The shop front as a whole creates a rhythmic pattern through its size, proportions, scale, fascia, lettering, etc.

New shop fronts should still be capable of respecting the existing buildings despite the use of different materials, and will contribute positively to the street scene and continue to advertise the business effectively.

### 5.2 Poor shop front design

Figure 5.2



This illustration shows shop frontages which have been converted in an unsympathetic way. The buildings and the street both suffer due to:

- The intrusive nature of oversized shop fronts which dominate the buildings and the street.
- The excessive use of large areas of glazing.
- The loss of architectural features.
- The loss of a balanced architectural relationship between the shop fronts and the upper portion of the facade.
- Large, unsuitable fascias and 'house styles' which disregard local conditions.
- The use of unsuitable materials

## Supplementary Planning Document: Shopfront Design

### 6. Detailed considerations

#### 6.1 Choice of materials

- 6.1.1 Materials should respect the age and style of the building and the street scene.
- 6.1.2 Timber is robust and versatile and is recommended for most shopfronts. Where the use of aluminium shopfronts are appropriate, then these should be colour powder coated as an integral part of the overall colour scheme.
- 6.1.3 Stallrisers should be in materials which are in character with the building. Large expanses of glass can appear out of scale as well as being costly to replace. A more intimate scale can be achieved by subdividing the windows by means of glazing bars.

#### 6.2 The well-balanced shop front (Figure 6.1)

- 6.2.1 The details contained in existing shop fronts are very important.
- 6.2.2 The original fascia, mouldings, glazing, doors, signs, lettering styles, recesses and projections all form part of the overall design.
- 6.2.3 What on the surface may appear to be a minor alteration to any one of these, may spoil the appearance of the shop front with no apparent gain.

Figure 6.1



Where possible, interesting features should be retained and repaired, and this should be allowed for in the builder's estimates.

## Supplementary Planning Document: Shopfront Design

## 6.3 Inappropriate alterations (Figure 6.2)

Figure 6.2



The illustration shows the shop front whose details have been spoiled by several changes:

- The new fascia obliterates the cornice and masks part of the window above.
- The fascia is too big and dominates the frontage.
- The roller shutter box is an afterthought - it has not been incorporated into the design. It protrudes clumsily, obscuring the clerestory light, and reduces the amount of natural light entering the shop.
- The new materials are unsympathetic and there is too much glass.
- The old shop front has been gradually destroyed through losing its character. The street is the worse for this, and the trader has lost a distinctive business image.



## Supplementary Planning Document: Shopfront Design

### 7. Shopfront security

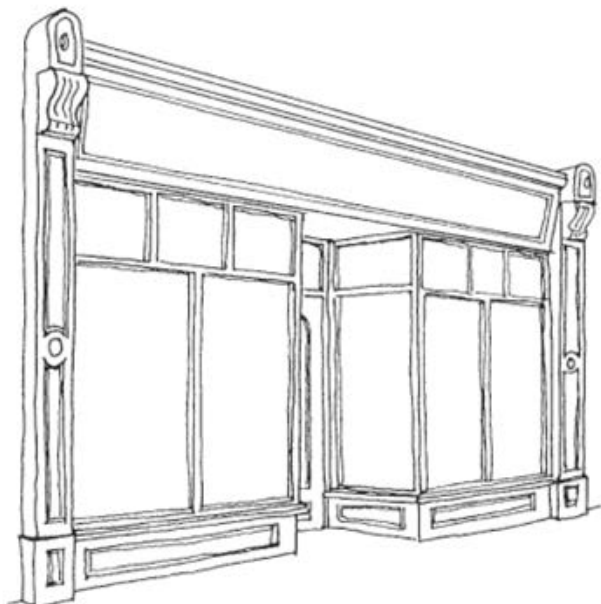
**7.0.1** The security of shops is a serious issue which must be a consideration at the design stage. In this way the overall design of the shop front is enhanced by the unobtrusive inclusion of security elements. By contrast, a well designed shopfront can be let down by ill-conceived or 'add-on' security measures which neither respect the building or the area.

#### 7.1 Traditional shop fronts (Figure 7.1)

**7.1.1** The preferred methods of providing security without destroying the character of the original shop front are:

- Alarm systems
- Toughened or laminated glass
- Perforated or grille-type internal roller shutters
- Strengthening the glazing bars and stallrisers

Figure 7.1 Traditional Shop Front



## Supplementary Planning Document: Shopfront Design

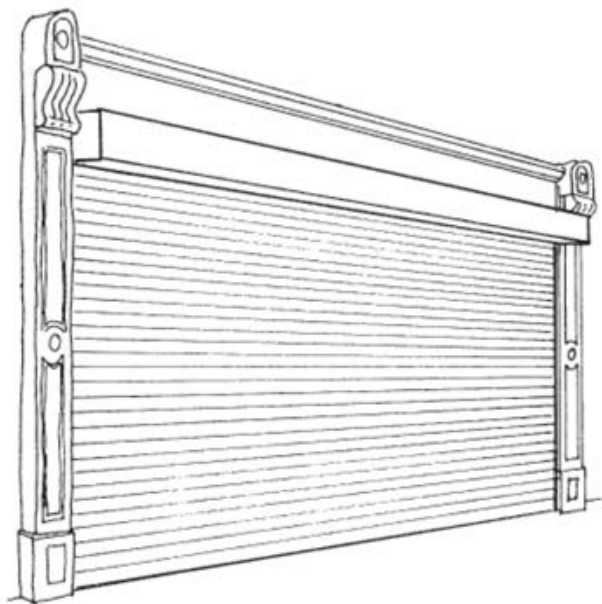
**7.2 Inappropriate design (Figure 7.2)**

**7.2.1** The second illustration shows how the character and appearance of the original shop front are adversely affected by the introduction of external roller shutters.

**7.2.2** The clumsy, protruding steel shutter box is at odds with the style of the fascia.

**7.2.3** The solid, steel roller shutters are a hostile form in the street scene, and are prone to graffiti.

**Figure 7.2 Inappropriate Design**



**7.2.4** Shopfront security can be achieved in a number of ways:

- **toughened laminated glass**  
this is an extremely unobtrusive solution which can offer a good level of security without affecting the appearance of the property.
- **internal shutters**  
internal shutters are a visible form of security which does not compromise the external appearance of the shop. The shutters should be perforated and colour powder or plastic coated.
- **concrete or reinforced stallrisers concealed by suitable external materials**  
this can help contribute to reducing the risk of ram raiding by strengthening the shop front frame.
- **steel framed shop fronts**  
as above this can be an unobtrusive means of strengthening the shop front and reducing the risk of ram raiding.

## Supplementary Planning Document: Shopfront Design

- **external roller shutters**  
Solid external shutters are more prone to graffiti and give out signals about the area's vulnerability to crime - thus deterring positive use. As a result these will only be considered where the alternative measures outlined above have been fully explored and can be shown by the developer to be unsatisfactory. Where this can be shown, their design should follow strict guidelines; with the shutter box located behind the existing fascia and not protruding out onto the street, and the shutter itself perforated and powder or plastic coated in a colour to match the other elements of the shopfront. Planning Permission will be refused for poorly designed shutters even if similar examples exist in the locality. Solid galvanised projecting shutters will not normally be permitted. Roller shutters can only be used outside shop opening hours as they can adversely affect the means of escape from the building in the event of fire. Appendix 1 gives further technical advice.
- **works to the forecourt**  
Some businesses may feel that additional security measures are required to the forecourt area to the front of their premises because of concerns about ram raiding. Where this is the case, the measures to strengthen the shop front outlined above can be undertaken. Where supplementary works are required these should be of an appropriate style and design, as well as located so that they do not impede the pedestrian flow.

**7.2.5** The Police Architectural Liaison Officer who can be contacted on 01226 736017 or at [chris.squires@southyorks.pnn.police.uk](mailto:chris.squires@southyorks.pnn.police.uk) , can provide free advice on techniques to design out crime at an early stage. SPG11 entitled Design to Avoid Crime gives guidance on security issues.

## 8. Signs

**8.0.1** Well designed signs can project an image of quality, confidence and permanence; whereas too many or oversized signs can give a cluttered and unattractive appearance which does not relate to either the building or the surrounding area.

**8.0.2** The Council is likely to approve signs which are:

- in character with the scale of the building;
- located at fascia level;
- respectful of the architectural features of the building, including first floor windows and shop front details;
- fascia box signs which do not protrude more than 100mm;
- designed using a style of lettering appropriate to the character of the building.

**8.0.3** The best option for signs is often to use individual letters restricted to the shop name. Clear well spaced letters are as easy to read as larger oversized letters. If additional signage is required then this is best applied to the window. For the safety of pedestrians and vehicles the bottom of any protruding sign should be at least 2.3m above the pavement and should not overhang the carriageway. A separate SPD on Advertisements has been produced and provides additional information.

## Supplementary Planning Document: Shopfront Design

## 9. Illumination

- 9.0.1** Excessive illumination causes light pollution and is therefore wasteful of energy. Well directed lighting can, however, aid personal safety within an area and enhance its attractiveness. The form which this illumination takes should also be considered at an early stage. For example, a well designed fascia box in a solid material which allows internal illumination to show through cut out lettering can be a very effective solution, whilst internally illuminated box mounted signs in an opaque material is an unsightly option and will be discouraged.
- 9.0.2** External lights can also be an acceptable solution, either by means of trough lighting or carefully designed and located spot lighting.

## 10. Canopies and blinds

- 10.0.1** Canopies and blinds should usually be canvas or other non reflective material. The incorporation of a blind should be examined with regard to the shopfront as a whole, and where possible the canopy should not unduly detract either from the fascia or the traditional window height.

## 11. Access

- 11.0.1** Alterations to a shop access which worsen access to premises contravene the Building Regulations.
- 11.0.2** Plate glass doors should have adhesive stickers fixed to them so as to warn partially sighted people.
- 11.0.3** Single doors should have a clear opening of 850mm and double doors 1620mm.

## 12. Corporate image

- 12.0.1** A large number of businesses, comprising national regional and local chains have a corporate image which they wish to communicate to the public. This is an understandable aim, which the Council supports. It is equally valid that the promotion of this image can be achieved in a number of ways, and that house styles can be adapted so as to respect the age, style, proportions and character of the building.

## Supplementary Planning Document: Shopfront Design

### 13. Questions

#### What needs Permission?

- 13.0.1** The installation of a new shopfront always requires permission as does any significant alteration to an existing shopfront. For further information phone Development Management on 01226 772595.
- 13.0.2** The regulations regarding the display of advertisements (including signage) are complex and you should always contact Development Management to discuss whether consent is needed at an early stage. Generally, any illuminated sign and any sign on an elevation which does not have a display window will need advertisement consent. However, many other signs also need consent.
- 13.0.3** All proposals which involve structural alterations or a revised door layout require Building Regulations Consent. For further information phone 01226 772678.
- 13.0.4** Any works in the Highway will require the consent of the Assistant Director, Environmental Services, who you should contact at an early stage on 01226 772063.

#### Are there any other consents required?

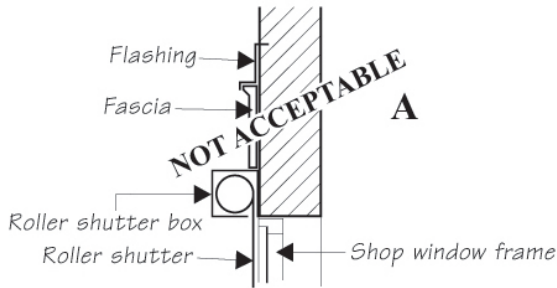
- 13.0.5** If your premises is a Listed Building or is located within a Conservation Area special policies and restrictions apply. To find out whether your premises are affected, please contact the Conservation Officer on 01226 772576.

Supplementary Planning Document: Shopfront Design

**Appendix 1. Roller shutter design**

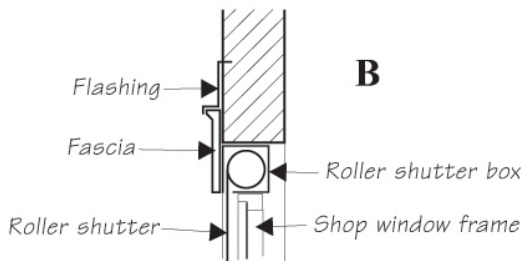
**The Shutter Box**

**Figure A**



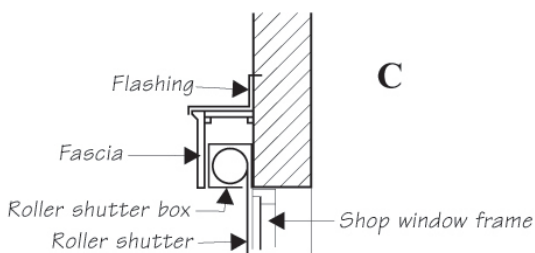
A standard square-sectioned box fixed onto the fascia is **unacceptable. (A)**

**Figure B**



The shutter box should be hidden from view, and ideally, built behind the fascia. **(B)**

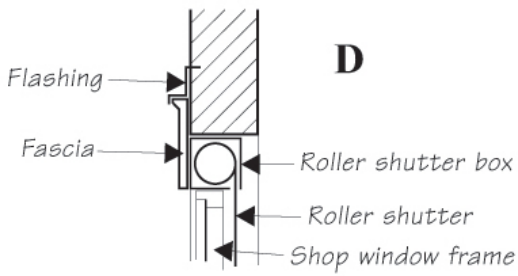
**Figure C**



In exceptional circumstances, where it is not possible to achieve the above, the fascia may be rebuilt to conceal the projecting shutter box. **(C)**

Supplementary Planning Document: Shopfront Design

Figure D



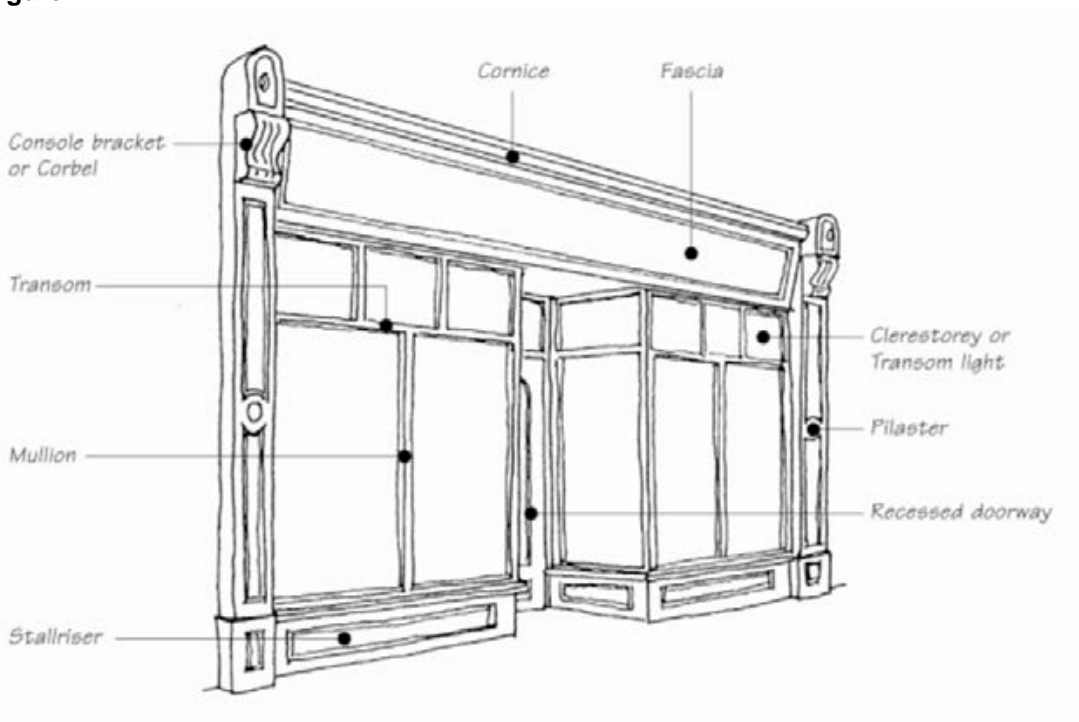
In areas of higher quality design and streetscape, including conservation areas and for listed buildings, a more design-sensitive approach will be required. In these cases, internal security grille-type shutters will be the most appropriate solution. **(D)**

**The Shutter**

The shutter is visible when the premises are closed and so should be as attractive as possible. They should be coloured and for best results the pierced or latticed type, allowing a view to the window display when illuminated.

**Appendix 2. Elements of the shop front**

Figure E



**Supplementary Planning Document**

**Trees and Hedgerows**

**Adopted May 2019**







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- 4. Statutory legislation ..... 3
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## Supplementary Planning Document: Trees and Hedgerows

### 1. About this guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.

### 2. Introduction

- 2.1** This document offers guidance to landowners, architects, and builders on how to deal with existing trees and hedgerows on development sites. Information can be obtained from the Council's online interactive maps as to whether a particular tree or woodland is the subject of a Tree Preservation Order or in a Conservation Area via the following link <https://www.barnsley.gov.uk/barnsley-maps/planning-explorer/>

### 3. Policy

- 3.1** This document supplements Local Plan policy BIO1 which states as follows:

#### Policy BIO1 Biodiversity and Geodiversity

Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:

- Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment and Rural Communities Act 2006 (for list of the species and habitats of principal importance) and in the Barnsley Biodiversity Action Plan<sup>1</sup>;
- Maximising biodiversity and geodiversity opportunities in and around new developments;
- Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets such as the river corridors of the Don the Dearne and Dove

<sup>1</sup> The Barnsley Biodiversity Action Plan' can be viewed here: <http://www.barnsleybiodiversity.org.uk/>

## Supplementary Planning Document: Trees and Hedgerows

as natural floodplains and important strategic wildlife corridors;

- Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity interest;
- Protecting ancient and veteran trees where identified; and
- Encouraging provision of biodiversity enhancements

Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/ or compensatory measures can be ensured.

Development which adversely affects a European Site will not be permitted unless there is no alternative option and there are imperative reasons of overriding public interest (IRPOI).

### 4. Statutory legislation

#### Tree Preservation Orders

- 4.1** A Tree Preservation Order (TPO) is a written order which makes it an offence to cut down, top, lop, uproot, wilfully damage, or destroy a tree protected by the order without our permission. TPOs are used to protect trees that have a significant visual impact on the environment, including individual trees, groups of trees, and those in defined areas or woodlands. If a protected tree is deliberately damaged or destroyed then the perpetrator could be liable to fines of up to £20,000 via the Magistrates Court, or unlimited fines via the Crown Court. Fines can also be imposed on people who cause or permit such work.
- 4.2** It is generally expected that trees protected by a TPO are retained and remain unaffected by any proposed development.

#### Hedgerow Regulations 1997

- 4.3** This legislation aims to protect important hedgerows in the countryside by controlling their removal by a system of prior notification. In particular it relates to hedges over 20 metres long for example on agricultural land, commons and village greens. It does not affect garden hedges. The Local Planning Authority must be given prior notification of the proposals, setting out the reasons for removal. It is a criminal offence to remove a hedgerow without prior notification and the Local Authority can require a replacement hedge. A guide to the Hedgerow Regulations can be obtained from HMSO. The regulations require assessment of any hedgerow's importance against a set of criteria including its woody species, and its ground flora. An assessment of the heritage significance (or lack of) must also be demonstrated where a hedge:
- Incorporates, demarcates or is associated with an archaeological feature that is a Scheduled Ancient Monument;

## Supplementary Planning Document: Trees and Hedgerows

- Incorporates, demarcates or is associated with an archaeological feature recorded within the Sites and Monuments Record (SMR) held by the South Yorkshire Archaeological Service. aspects (such as whether it forms part of an ancient boundary line, etc.);
- Marks a historic boundary, parish or township in existence before 1850;
- Marks the boundary of a pre-1600AD estate or manor or is associated with a building related to that estate or manor;
- Is recorded as an integral or visibly related feature of a pre-inclosure Act field system; or
- Forms part of a key landscape characteristic

### Conservation areas

**4.4** Trees in a Conservation Area can be protected by a Tree Preservation Order (TPO). However, even those trees in these areas which are not the subject of a TPO are still protected by Section 211 of the Town and Country Planning Act. An owner must give the Local Planning Authority six weeks written prior notice of any works to trees, to give them an opportunity to determine whether or not a Tree Preservation Order should be served. Exemptions include trees under 75mm in diameter or those for which the Forestry Commission has granted a felling licence.

## 5. Content of planning applications

**5.1** The Council considers that trees and hedgerows enhance the quality of the environment, including that of new developments, and should be retained and protected wherever possible.

**5.2** Section 15 of the planning application form must be completed to state whether the proposal affects any trees either on or immediately adjacent to the site.

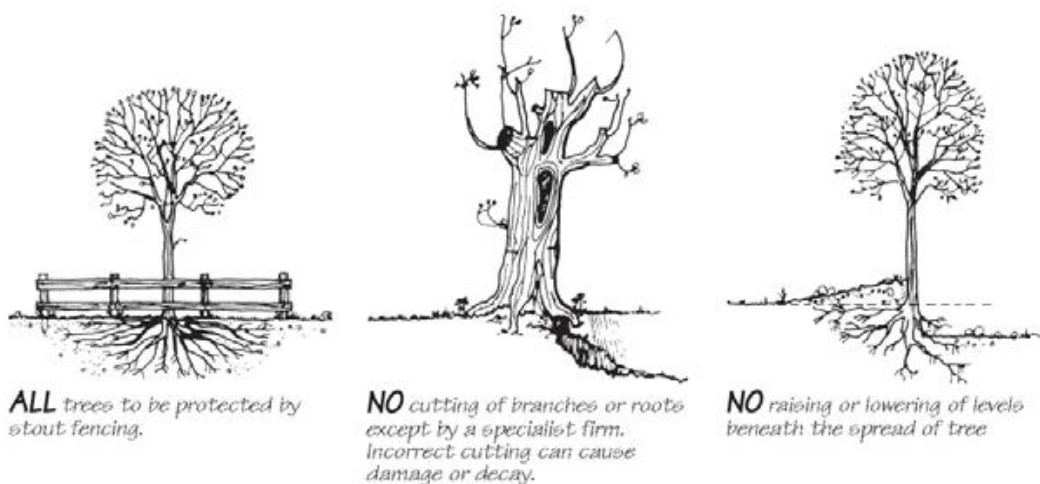
**5.3** Where trees and hedgerows are situated in close proximity to a proposed development a full Tree Survey to British Standard BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations will be required. The Tree Survey should include as a minimum the species, height, crown spread, stem diameter, crown height and general condition of the trees and hedgerows. The trees and hedgerows must also be given a retention category in accordance with the guidance laid out in BS5837: 2012. The Tree Survey also needs to specify any works or pruning that is needed so that they can be satisfactorily and safely accommodated in the development.

**5.4** The tree constraints plan submitted with the survey must show the position and crown spread of all trees and hedgerows on and adjoining the site and the Root Protection Area (RPA) of each tree. The site plan submitted with the application must also clearly indicate which trees it is proposed to retain and which to remove. The site plan must also show the proposed layout of the site with the existing contour of the ground and any proposed alterations in ground level.

## Supplementary Planning Document: Trees and Hedgerows

- 5.5** Where there are impacts on trees you may be requested to provide an Arboricultural Impact Assessment (AIA) in addition to the above information detailing all the potential impacts on the trees and how they can be dealt with in a manner which means that the tree can be safely retained.

Picture 5.1



- 5.6** Section 12 of the planning application form must be completed to state whether the proposal affects any a) priority and protected species on the site or near to it, or b) designated sites, important habitats, or other biodiversity features. Trees and hedgerows are often valuable biodiversity assets in their own right and for the habitats they offer to other species/ groups such as bats.
- 5.7** Implications for trees, hedgerows, woody habitats and the species they encompass arising from the development proposal must be evaluated fully in ecology reports supporting any planning application. The reports should be produced by appropriately qualified and experienced ecologists. Trees and/ or hedgerows proposed for removal via a planning application should also appear in tables which link to plans identifying individual trees or groups of small trees with ecology criteria including: species, trunk diameter, bat roost potential, etc. Hedgerows should also have a full evaluation against all the Hedgerow Regulations 1997 criteria.
- 5.8** Proposals to fell trees or hedgerows within a designated nature conservation site, including ancient and semi-natural woodlands, will not normally be approved unless they comply with a management plan drawn up with regards to the reasons for designation. Ancient or veteran trees should also be retained in all but exceptional circumstances which should be justified by a suitably-qualified ecologist.
- 5.9** Where on-site trees or hedgerows contribute to either valuable bat commuting/ foraging habitat, and/or bat roost potential, the resource should be fully surveyed for its importance to bats following the current Bat Conservation Trust Survey Guidelines before any ecology report is submitted. This will not be conditioned as all UK bat species are so-called European Protected Species with a high level of protection.

## Supplementary Planning Document: Trees and Hedgerows

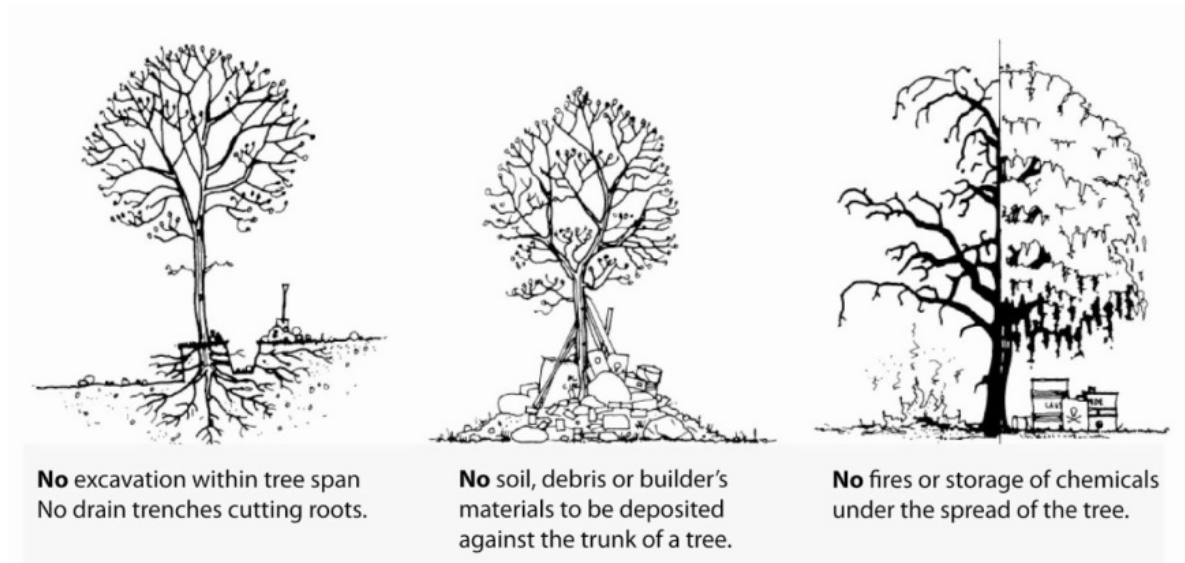
- 5.10** Pockets of woodland may be relict ancient woodland even if no ecological designation is in place. In this case other ecological groups such as birds, invertebrates, fungi, woodland wildflowers and micro-organisms indicative of antiquity may be present. If such habitat appears as if it may exist on the application site then the importance of the habitat as a whole should be evaluated within ecology reports and planning permission may not be given for its removal.
- 5.11** Planning applications will be expected to commit to not cover trees, hedgerows or other habitats with netting etc, prior to construction in order to exclude birds from nesting, etc.

### **6. Layout of development**

- 6.1** The Tree Survey information should inform the layout and design of the development and should ensure that, in particular, the higher retention category trees and hedgerows are retained, both in the short and long term. Plans which show the retention of high value trees or hedgerows which are too close to buildings, roads, or drainage systems or will be affected by alterations in ground level will not be approved. Sometimes it can take several years for damage to a tree caused by development to be apparent, and in other cases future residents may wish to remove trees that are too close to their dwelling, for instance due to the overshadowing of windows or leaves dropping in gutters or on car parking areas. In considering planning applications, the Council will seek to avoid such long term problems arising as well as ensuring that the development does not lead to the unnecessary direct removal of trees and hedgerows.
- 6.2** Generally, no buildings or works will be allowed within the RPA of any tree which it is proposed to retain because works within the key rooting area of the tree could lead to lasting damage being caused. The laying of impervious surfaces to areas previously covered with grass or gravel within or in close proximity to the RPA can lead to lack of water for trees. This means care must be taken with the provision of roads and parking areas.
- 6.3** Intervening distances must be adequate to ensure that future residents will not feel unduly threatened in high winds and to ensure that falling branches are not likely to cause damage to property or danger to residents. This may require that in some cases buildings, garages and parking areas are located substantially beyond the canopy spreads of large trees.

## Supplementary Planning Document: Trees and Hedgerows

Picture 6.1



- 6.4** Where trees/hedgerows are retained within development proposals or offered by way of mitigation/enhancement planting they should be clearly differentiated from ornamental/amenity features on layout/landscaping plans with an appropriate key.

## 7. Protection during development

- 7.1** Not only must care be taken with the layout and design of development, but also with construction work once plans have been approved. Adequate protective fencing to the standards set out in BS5837:2012 for trees and hedgerows which are to be retained on or adjoining the site must be erected. Damage on building sites can easily occur directly or indirectly through soil compaction by vehicles or materials, fires, spillage of oil, the addition or removal of soil above the roots or interference with the movement of water in the soil. Temporary, protective barriers, erected outside the RPA of all trees and hedgerows to be retained before work on site starts will be necessary.
- 7.2** When part of a tree's RPA cannot be fully fenced off and as such are affected by the development through hard surfacing or the construction of foundations etc. you will be asked to provide an Arboricultural Method Statement (AMS). The AMS will specify the works within the RPA which are to be undertaken to ensure the trees remain unaffected by the construction works.



Figure 7.1



**NO** tree to be used as an anchor for winching purposes.



**NO** traffic over root system; compacting of soil over roots can lead to root suffocation.

**7.3** For further information regarding trees in relation to development please contact the Tree Officer on (01226) 772557 or via email at [developmentmanagement@barnsley.gov.uk](mailto:developmentmanagement@barnsley.gov.uk).

**Supplementary Planning Document**

**Walls and Fences**

**Adopted May 2019**





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## Supplementary Planning Document: Walls and Fences

### 1. About This Guidance

- 1.1** The National Planning Policy Framework (NPPF) indicates that Local Development Documents form the framework for making decisions on applications for planning permission. Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. NPPF advises that a local planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its Local Plan. Supplementary Planning Documents are a 'material' consideration when planning applications are decided.
- 1.2** As required by the Planning and Compulsory Purchase Act 2004 we have prepared a Statement of Community Involvement (SCI) which sets out how we will involve the community in preparing our Local Plan and consulting on planning applications. In accordance with the SCI we have involved people who may be interested in this Supplementary Planning Document and asked them for their comments. We have produced a consultation statement which summarises all the comments people made to us and our response. This is available on request.
- 1.3** The Council will not usually have any control over walls and fences which do not require planning permission. The only exceptions would be when the Council has a legal interest in the land or the wall or fence is considered dangerous.

### 2. When Is Planning Permission Required?

- 2.1** Planning permission is normally required to erect a wall or fence or other means of enclosure:-
1. Over 1 metre in height above ground level, adjacent to a highway used by vehicular traffic.
  2. Over 2 metres in height above ground level elsewhere.
  3. Your house is either listed or within the curtilage of a listed building.\*
  4. In a conservation area planning permission may be required to take down a fence, wall or gate
- 2.2** \*If a proposed wall or fence replaces a pre-existing structure and is physically attached to or is within the historic curtilage of a listed building, this may also require listed building consent.
- 2.3** In addition where the erection of a fence or wall would cause danger by obstructing the view of persons using a highway then planning permission will usually be required and is likely to be refused.
- 2.4** You are advised to check with Development Management before you start erecting a wall or fence to see if permission is required. Please contact Planning Services on (01226) 772595.

## Supplementary Planning Document: Walls and Fences

### 3. Ground Level

- 3.1** This is generally taken to be the natural ground surface next to the wall or fence. If ground level is different on either side of the wall or fence the measurement is generally taken from the highest point. However, where the natural ground level has been raised, for instance to form a patio area the measurement may be made from the original ground level.

### 4. Open Plan Estates

- 4.1** If you live on an open plan estate you should contact Development Management to check whether the erection of a wall or fence to the front of your property needs permission. It would also be advisable to check your deeds for similar restrictions.

### 5. Considerations In Determining Applications

- 5.1** Where the erection of a wall or fence does require permission the main issues are likely to be:-
- Design, appearance and materials.
  - Highway safety.
  - The impact on your neighbours.

### 6. Design And Appearance

- 6.1** The design, the materials used and the height of the wall or fence should relate to the character of the area in which you live or work.
- 6.2** Particular care should be taken on site frontages, in other visually prominent locations, or in sensitive settings (close to listed buildings for example).
- 6.3** In urban and suburban areas the use of stone, artificial stone and brick walls, good quality timber fencing, iron railings or hedges will usually be appropriate depending on the type and colour of the materials used and the character of the area and the individual property.
- 6.4** The use of less appropriate materials such as blockwork, concrete panels, perforated blocks and industrial security fencing will often damage the appearance of a property and the area in which it is located.
- 6.5** In rural areas, dry stone or traditional stone coursed walls or hedges (for instance, hawthorn) will usually be most appropriate.

### 7. Your Neighbours

- 7.1** The erection of a new boundary fence or wall or replacement of an existing wall or fence can unfortunately sometimes give rise to concern from an adjoining neighbour and become a source of bad feeling. If you let neighbours know what you are intending to do at an early stage, such difficulties may sensibly be avoided, even if planning permission is not required.

## Supplementary Planning Document: Walls and Fences

- 7.2** Where planning permission is required, your neighbours will be notified of your proposals by the Council and invited to make comments. Their views will be taken into account by the Council in reaching a decision.

### **8. Private Legal Matters**

- 8.1** The Council would not normally have any control over the obstruction of a private access unless the Council has a legal interest in the land. Similarly the Council cannot get involved in land ownership disputes between private individuals.
- 8.2** The extent of your land ownership may be shown in your property deeds (often retained by the Building Society). Information regarding land ownership may also be held by the Land Registry. For further information, contact: The Nottingham (East) District Land Registry, Robins Wood Road, Nottingham, NG8 3RQ (Tel. 0115 9065353).

### **9. Council Houses**

- 9.1** If you live in a Council or former Council house you will usually need the permission of the Head of Housing Services to erect a wall or fence regardless of size. It is advisable therefore to check your deeds for any such restrictions. For further information contact the Council's contact centre on (01226) 773555 who will put you into contact with the team who deal with Right To Buy /property queries on behalf of the Council.

### **10. Unsafe Walls**

- 10.1** The Council can take action under the Building Act 1984 to ensure dangerous walls or structures are made safe. For further information contact the Building Control Section on (01226) 772678.

### **11. Retaining Walls**

- 11.1** A freestanding retaining wall retaining over 1.5 metres of ground would need approval under the South Yorkshire Act 1980. Retaining walls forming part of a building will normally require approval under the Building Regulations. For further information you should contact the Building Control Section on (01126) 772678.

### **12. Demolition**

- 12.1** Permission is not usually required to take down a wall or fence unless:-
- i. the retention or erection of the wall or fence has been specifically required by previous planning approval;
  - ii. it lies within the curtilage of a listed building; or
  - iii. it is located within a Conservation Area.

### **13. Flood Risk**

- 13.1** The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change: <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications> makes

## Supplementary Planning Document: Walls and Fences

clear that a Flood Risk Assessment (FRA) is required for 'minor development' in flood zone 2 or 3. Walls and fences requiring planning permission would fall in this category. Flood Risk Standing Advice (FRSA) applies to minor development when it comes to the assessment of flood risks.

- 13.2** In the case of walls and fences particular attention should be paid to the potential to divert flood waters elsewhere / impede flood flows – the NPPF and PPG make clear that development which increases flood risk to others should not be permitted.
- 13.3** A flood risk activity permit may be required, under the Environmental Permitting Regulations, from the Environment Agency for any proposed works or structures in, under, over or within eight metres of a 'main river'. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

### 14. Further Information

- 14.1** Please contact Development Management on (01226) 772595.in the first instance.



## BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

Report of the Executive  
Director of Place

### **PLANNED MAINTENANCE PROGRAMME 2019-2020**

#### **1. Purpose of Report**

- 1.1 To obtain approval to the 2019-2020 Planned Maintenance Programme, delegated authority to vary the programme, and invoke Contract Standing Order 3.2(b) in respect of the allocation of schemes to NPS Construction.

#### **2. Recommendations**

- 2.1 That the list of schemes identified as priorities for each Service be agreed and that NPS Barnsley Ltd, in conjunction with the Service Director Regeneration and Property, be authorised to place orders for the work.
- 2.2 That the Service Director Regeneration and Property be authorised, in consultation with the relevant Service and the Cabinet Spokesperson for Place Directorate, to vary the programme within the overall financial approval.
- 2.3 That, in accordance with Contract Standing Order 10.1(h), Contract Standing Order 3.2(b) is invoked to allow single tenders to be received from the NPS Construction, subject to these being checked for value for money against previously tendered works, such an exception being justified on the grounds set out in Section 4.
- 2.4 That, in the event that the planned maintenance budget for 2019-2020 is not fully expended, the value of any committed works be rolled forward in addition to next year's planned maintenance allocations.

#### **3. Introduction**

- 3.1 The Planned Maintenance Programme (budget of £1.466M) is produced by Operational Estates through consultation with Service Managers and within the wider context of the corporate accommodation strategy. The detail of which is outlined in Appendix B.
- 3.2 In collaboration with NPS Barnsley Ltd, the maintenance programme is prioritised and considers:
- the condition of the stock to avoid deterioration of the fabric;
  - the maintenance needs of the asset;
  - addressing any urgent health and safety risks;

- to remedy any breaches of legislation that has been identified.

The Priority Description is as follows:

<b>Urgent</b>	Prevent immediate closure of premises
<b>Essential</b>	Required within 2 years
<b>Desirable</b>	Required within three to five years
<b>Long-term</b>	Work required outside the five year planning period

3.3 A full review of cyclical maintenance in Council buildings is carried out annually, to ensure that the Council is meeting statutory and insurance obligations. A key benefit of a comprehensive cyclical maintenance programme is that by maintaining stock effectively, efficiency will be maximised and the life of components within buildings will be prolonged. The cost (£167K) of carrying out cyclical maintenance is mainly met from the repairs and maintenance budget.

3.4 During 2019/20 a full review of planned maintenance and the whole process will take place to support the accommodation strategy and the pending community buildings reviews and town centre rationalisation programme to ensure that resources are deployed to the right priorities moving forward.

#### **4. Proposal and Justification**

4.1 The Council's maintenance programme for 2019/20 exceeds the resources available; this is a one off occurrence due to the delays and slippage of essential work in previous years. Once addressed, it will alleviate ongoing pressures, especially as the Council divests itself of properties in line with our accommodation strategy.

4.2 The current programme is £1.596M, however it should be noted that it will be managed by careful programme administration and slippage. If in the event that the programme spends to plan the S151 Officer has agreed that an element of 2020/21 allocation can be brought forward.

4.3 The table below outlines the key priorities for 2019/20:

<b>Premise</b>	<b>Recommendation</b>	<b>£</b>
Barnsley Town Hall	Electrical works identified during the 5 year programme conducted during 2018/19. This needs to be addressed urgently to ensure the building is compliant for insurance purposes	100,000

Premise	Recommendation	£
Digital Media Centre	Replacement of security system & door locks to ensure the building is safe and remove the ongoing cost of maintaining the current system.	70,000
Smithies Depot	Upgrade of the staff facilities to bring the standards in line with other corporate provisions, this is a recommendation from the corporate peer review.	40,000
Smithies Depot	Replacement entrance gates as the existing metal palisade is too heavy to open and needs replacing with something more suitable. During bad weather the current solution is posing a health and safety risk.	30,000
Smithies Depot	Electrical works required replacing distribution boards and urgent containment works across the site to ensure compliance with current standards (currently very dangerous with exposed wires). Further work including general wiring is required and quoted £200k but is to be contained for a further year pending a wider review of the depot.	150,000
Grange Lane Waste Transfer Station	Replacement floor to ensure the fabric of the ground is compliant and level. This is an obligation as tenant on site.	200,000
Parks Surfacing - various	Footpath resurfacing across various sites. These have been identified through risk assessments that have taken place in year. Communities have secured £42k of grant funding that could potentially offset this expenditure during the year and therefore reduce the cost of the overall programme. It should be noted that this maintenance cost is increasing year on year.	30,000
Royston Leisure Centre	Gas boiler replacement (2 phases 19/20 and 20/21)	40,000
Elsecar Heritage	2 Replacement boilers to Playmania which also serves the public toilets and 1 to nursery.	70,000
		<b>730,000</b>

4.4 The following table highlights the statutory and legislative measures (such as legionella prevention and asbestos contingency measures that need to be fulfilled within the planned maintenance programme.

		£
All Sites	Gutter Clearing and Maintenance	30,000
All Sites	Legionella	30,000
All Sites	Asbestos	40,000
All Sites	5 Year Electrical Testing	25,000
All Sites	Landlord/tenant obligations	100,000
All Sites	Fire risk assessments	10,000
NPS	Professional Fees	150,000 tbc
<b>Total</b>		<b>385,000</b>

4.5 A fixed budget for Professional Fees (£150K) is paid to NPS to deliver the full Planned Maintenance Programme of £1,466M, including designing/scoping, procuring and overseeing the works undertaken. This has increased from the £85k paid during 2018/19. Further discussion and negotiation with NPS regarding the fixed fee is required and within the overall context of the VFM exercise that is still outstanding. There should be noted that there is the potential for this to subsequently be reduced following the conclusion of the VFM review.

4.6 Work at Worsborough Mill is required to take place during 2019/20. This has been identified through the consultation sessions with the business. It is recognised as an issue but not an activity to be funded through planned maintenance and is therefore currently being considered by the capital programme oversight board and will be brought through the system separately in due course.

	£
Dredging of Mill Pond – Surveys are underway - need to carry out work asap as without this there is a major flood risk to the mill/impacts on milling activity (tourist attraction).	100,000
Major riverbank slippage - contractor estimated over £100k to repair. NPS are obtaining other quotes from specialist contractors. Works are urgent as the site is continuing to deteriorate.	130,000
	<b>230,000</b>

4.7 There are a number of works that are given as a single tender to NPS Barnsley as the Council's strategic property partner to the approximate value of £400,000 providing that value for money can be demonstrated and performance targets met. This supports the partnership and specifically enables them to continue the capacity to provide emergency building services out of hours.

- 4.8 The remaining schemes will be put out to the market to give local and regional providers an opportunity to deliver the work packages.
- 4.9 From time to time, it is necessary to revise the programme where priorities arise, it is recommended that NPS Barnsley Ltd, in conjunction with the Service Director Regeneration and Property, be authorised to vary the programme within the overall financial approval.
- 4.10 In the event that the Planned Maintenance budget for 2019-2020 is not fully expended, special consideration is given to roll forward the value of any committed works. .

## **5. Consideration of Alternative Approaches**

- 5.1 Do Nothing – This approach would increase the risk of third party claims, not meet statutory compliance, building stock would continue to deteriorate, resulting in asset value depreciating.
- 5.2 Transfer of budget to reactive repairs and maintenance budget – this would limit the ability to manage the budget and the potential to package works and procure in the most cost effective way. Operationally, it would be more likely that this would result in closure of facilities and potentially impact on service delivery, impacting on BMBC’s resilience as a result of non-planned breakdowns or failures.

## **6. Impact on Local People**

- 6.1 The investment in the buildings through the Planned Maintenance Programme will make the buildings more sustainable in the longer term and provide better accommodation for those who use the buildings.
- 6.2 The proposed programme of works on the properties detailed in this report and the investment in the planned maintenance will have a significant impact on the people using these properties and the local areas

## **7. Financial Implications**

- 7.1 Total resources of £1.466 million are available for the Planned Maintenance Programme incorporating works and fees. This is funded by previously agreed budgets. The current estimated costs total £1.596 million. This report is not however seeking additional resources, as a number of the costs within the proposed programme are estimated at this stage and through effective procurement it is anticipated that efficiencies can be made to enable the specified programme to be delivered within budget. To the extent that this is not achieved, approval has been granted to draw down early against the 2020/21 allocation.

7.2 Should there be any slippage from the 2019-2020 Planned Maintenance Programme, related to works committed but not yet completed, then it is proposed to put this forward as an earmarking seeking approval as part of the 2019/20 final accounts process, to be submitted to Cabinet.

7.3 The Planned Maintenance Programme for 2019/20 will have partial VAT exemption implications for the council but these can be contained within the de minimus limit for 2019/20

7.4 The financial implications are detailed in the attached Appendix A

**8. Employee Implications**

8.1 A number of the proposed schemes will improve the working conditions for employees. Examples of this include boiler or roof renewals, internal decorations and toilet refurbishments. A full list of schemes can be seen in Appendix B.

**9. Communications Implications**

9.1 Close working with services will ensure that, where operations within buildings are affected by works carried out as part of this programme; this is effectively communicated to stakeholders.

**10. Consultations**

10.1 In preparing the draft planned maintenance programme, the Strategic Maintenance Manager has collaborated with the following Service Managers and/or their representatives:

- Barnsley Premier Leisure: Mick Daley, Joanie Milthorpe and Lee Brown.
- BMBC: Lynn Dunning, Stephanie Evans, Maria Cotton, Anthony Devonport, Mick Clegg, Mick Sadler, Tim Hartley, Jo Birch, Julie Hammerton, Claire Gilmore, Liz Taylor, and Kathryn Green

**11. The Corporate Plan and the Council’s Performance Management Framework**

11.1 The planned maintenance programme supports our Future Council characteristics as follows:

Clear vision and values	Collaboration with services throughout the development of the programme is open and transparent, with a team approach to identifying priorities.
Customer focus	The works identified ensure BMBC buildings are accessible to all. All affected BMBC services are consulted during programme development and prioritisation.

Commercial and business acumen	As detailed within the report, all works will be procured in accordance with BMBC contract standing orders with the exception of works directly awarded which will be subject to value for money check and comparison with benchmarking data.
Effective delivery of projects and programmes	Services will be consulted on how the works will affect stakeholders and the works subsequently programmed to minimise disruption. A programme of works will be prepared accordingly and regular meetings will take place to continuously monitor the delivery of the programme.
Innovative and managed risk taking	A risk management system is utilised to prioritise the maintenance proposals against the available resources, i.e. worst first, taking into account potential for third party claims and property dilapidation. Consultation with Risk Management takes place where programme works dictate.
Learning organisation	A third of the works programme will be delivered by NPS Barnsley, who has signed up to the apprentice programme. Existing information retained by BMBC relating to the asset portfolio will be used to inform on the condition of buildings and assist in the allocation of funds for planned maintenance.
Leaders at every level	Programme delivery officers work towards the successful execution of the plan and are authorised to make decisions as appropriate.
Flexible workforce	To minimise disruption to services located in affected buildings, out of hours working will be employed as required.
Working with our partners, communities and residents	Services will be consulted on how the works will affect stakeholders and the works subsequently programmed to minimise disruption.

## **12. Promoting Equality and Diversity and Social Inclusion**

- 12.1 The Planned Maintenance Programme will offer practical assistance, in the form of physical improvements to public buildings, to overcome social exclusion in respect of access to Council services.

## **13. Tackling Health Inequalities**

- 13.1 The planned maintenance programme will offer practical assistance, in the form of physical improvements to public buildings (eg lift maintenance), to overcome exclusion on health grounds in respect of access to Council services.

#### **14. Reduction of Crime and Disorder**

- 14.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.
- 14.2 Planned maintenance works have been identified and prioritised by services to provide an effective contribution to crime and disorder reduction; in particular, antisocial behaviour and property related crimes such as graffiti and vandalism. As well as crime and disorder reduction, these are a key influence on the need to spend on responsive repairs, e.g. security measures such as boarding up. Where there is evidence of antisocial property crime, planned maintenance activities will be directed to support the work of Safer Neighbourhood Teams.

#### **15. Risk Management issues**

- 15.1 The planned maintenance programme is based on a Risk Management System that ensures resources are targeted where they are most needed. This process and how a risk rating is applied to the works to establish a priority ranking is set out in Section 3 of this report.

#### **16. Health, Safety and Emergency Resilience Issues**

- 16.1 The planned maintenance programme takes into consideration planned works to ensure buildings can continue to operate in the event of component failure eg installation of back up plant, improving business resilience of council services.
- 16.2 Recommendations from the buildings health and safety risk assessments prepared by the BMBC Health and Safety Unit are factored into the planned maintenance programme.
- 16.3 The Construction (Design and Management) Regulations 2007 (CDM) Notification will apply to some projects. The purpose of CDM is to ensure that the health and safety is co-ordinated and managed throughout all stages of a construction project in order to help reduce accidents, ill-health and costs. The Council will have 'client' duties defined by CDM. The Compliance Section of NPS Barnsley Ltd will carry out the CDM Co-ordinator duties.

#### **17. Conservation of Biodiversity**

- 17.1 Consultations with the appropriate agencies will be undertaken for all applicable schemes.

#### **18. Glossary**

- 18.1 Not applicable.



**19. List of Appendices**

19.1 Appendix A – Financial Implications.

19.2 Appendix B – Planned Maintenance Programme.

**20. Background Papers**

20.1 Correspondence regarding this matter is held on the files in Asset Management – not available for inspection contains exempt information

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

Report author: Rachel Tyas

Date: 03.04.19

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**APPENDIX A**  
**Report of the Executive Director of Place**

**FINANCIAL IMPLICATIONS**

**Service - Scheme of Delegation**

i) <b>Capital Expenditure</b>	<u>2019/20</u> £	<u>2020/21</u> £	<u>2021/22</u> £	<u>Total</u>
Not applicable in this instance	0	0	0	0
	0	0	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>To be financed from:</b>				
	0	0	0	0
	0	0	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

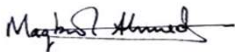
ii) <b>Revenue Effects</b>	<u>2019/20</u> £	<u>2020/21</u> £	<u>2021/22</u> £	<u>Later Years</u> £
<u>Expenditure</u>	1,466,000	0	0	0
	1,466,000	0	0	0
<u>Income</u>	0	0	0	0
	0	0	0	0
	<b>1,466,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>To be Financed from:</b>				
	0	0	0	0
	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

There is no impact on the Medium Term Financial Strategy. Costs to be contained within the grant funding available.

**Impact on Medium Term Financial Strategy**

**This report has no impact on the Authority's Medium Term Financial Strategy.**

	<u>2018/19</u> £m	<u>2019/20</u> £m	<u>2020/21</u> £m	<u>2021/22</u> £m
<b>Current forecast budget gap</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>-0.317</b>
Requested approval	0.000	0.000	0.000	0.000
<b>Revised forecast budget gap</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>-0.317</b>

Agreed by:  .....On behalf of the Service Director and Section 151 Officer - Finance

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PLANNED MAINTENANCE PROGRAMME 2019-2020  
APPENDIX B - PRIORITISED SCHEMES BY SERVICE

Premise	Recommendation	Priority 1-4	2019/20	2020/21	2021/22	2022/23	2023/24
<b>ADMIN BUILDINGS</b>			£	£	£	£	£
Barnsley Town Hall	Decoration of high footfall areas	3		16,000	6,000	6,000	6,000
Barnsley Town Hall	Replacement of wireless fire alarm batteries	2	3,000			3,000	
Barnsley Town Hall	Remedial works to steps, walls and ironwork	2	10,000	10,000	10,000	10,000	10,000
Barnsley Town Hall	Install hearing loops to top floor meeting rooms	3	4,000				
Barnsley Town Hall	Install back up water boiler	3		10,000			
Barnsley Town Hall	Electrical maintenance work	1	100,000				
Beevor Court	Plumbing and heating repairs	2	10,000				
Civic Phase 1	External decoration	3		6,000			
Digital Media Centre	Replacement security system/door locks	2	70,000				
Digital Media Centre	Decoration	3		10,000			
Gateway/Westgate	Decoration of office buildings	3		30,000	30,000	30,000	30,000
Westgate Plaza	Replacement carpets in highfootfall & corridors	3		35,000	35,000	35,000	35,000
Westgate Plaza	Work to improve water pressure	2	7,000				
<b>Total</b>			<b>204,000</b>	<b>117,000</b>	<b>81,000</b>	<b>84,000</b>	<b>81,000</b>
<b>CHILDRENS SOCIAL CARE AND SAFEGUARDING</b>			£	£	£	£	£
35 Newsome Avenue	Work to improve building access	3	10,000				
Various sites	Decoration	3		7,000	5,000	5,000	5,000
<b>Total</b>			<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FAMILY CENTRES</b>			£	£	£	£	£
Various sites	Replacement flooring/decoration	2	8,000	8,000	8,000	8,000	8,000
Various sites	Repair/replace external surfacing	2	8,000	8,000	8,000	8,000	8,000
<b>Total</b>			<b>16,000</b>	<b>16,000</b>	<b>16,000</b>	<b>16,000</b>	<b>16,000</b>
<b>YOUTH CENTRES</b>			£	£	£	£	£
Wombwell Resource Centre	Repair/replacement of roof coverings	3		130,000			
<b>Total</b>			<b>0</b>	<b>130,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>LEARNING CENTRES AND BUSINESS CENTRES</b>			£	£	£	£	£
Acorn Centre Phase 1	Security measures	1	5,000				
Kendray Business Centre	Structural works to biomass fuel store	1	5,000				
Various Business Centres	Replacement flooring/decoration	3		20,000	20,000	20,000	20,000
<b>Total</b>			<b>10,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>
<b>DEPOTS</b>			£	£	£	£	£
Smithies Depot	Energy efficiency works to workshop	3		250,000			
Smithies Depot	Car park resurfacing and upgrade of external lighting	3		120,000			
Smithies Depot	Replacement of Security Hut	3		50,000			
Smithies Depot	Replacement of Entrance Gates	1	30,000				
Smithies Depot	Electrical works	1	150,000				
Smithies Depot	Upgrade of Staff Facilities	2	40,000				
Springvale Depot	CCTV improvements	2	5,000				
Waste Transfer Station	Replacement Floor	2	200,000				
<b>Total</b>			<b>425,000</b>	<b>420,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

PLANNED MAINTENANCE PROGRAMME 2019-2020  
APPENDIX B - PRIORITISED SCHEMES BY SERVICE

<b>PARKS</b>			£	£	£	£	£
Various locations	Footpath/surfacing repairs	2	30,000	30,000	30,000	30,000	30,000
Various locations	Footbridge repairs	2	5,000	5,000	5,000	5,000	5,000
Various locations	Wall/Fencing repairs	3		20,000	15,000	15,000	15,000
Various locations	Gully clearing	2	5,000	5,000	5,000	5,000	5,000
Elsecar Park	Replacement of water main (phased)	2	10,000				
<b>Total</b>			<b>50,000</b>	<b>60,000</b>	<b>55,000</b>	<b>55,000</b>	<b>55,000</b>

<b>BARNSELY PREMIER LEISURE</b>			£	£	£	£	£
Metrodome	Replacement wet side water heater	2	35,000				
Metrodome	Pool hall structural works	2	16,000				
Metrodome	Replacement AHU hanger and wires in pool hall	2	23,000				
Metrodome	Treatment to external metal cladding and gutter replacement	3		35,000			
Metrodome	Resurfacing/remedial works to uneven car park surface	2	30,000	30,000	20,000	20,000	20,000
Metrodome	Replace CWST	3		10,000			
Metrodome	Repair/replace fire escape doors	3		5,000	5,000	5,000	5,000
Metrodome	Works to Air Handling System	3		60,000			
Metrodome	Replace Frost coil	2	11,000				
Hoyland Leisure Centre	Renew external door and windows	3		120,000			
Hoyland Leisure Centre	Gutter repairs	2	7,000				
Hoyland Leisure Centre	Repairs to Fire Alarm System	2	5,000				
Royston Leisure Centre	Gas Boiler Replacement	2	40,000	30,000			
Royston Leisure Centre	Replace liner to small teaching pool	2	26,000				
Dearneside Leisure Centre	Replacement Heating system	2		40,000			
Dearneside Leisure Centre	Repoace pool water heat exchanger and controls	2	15,000				
Dorothy Hyman Sports Centre	Replace Intruder Alarm	2	5,000				
All sites	Contingency Sum to cover various plant items	2	45,000	45,000	45,000	45,000	45,000
All sites	Work in association with TREND	3	12,000	12,000	12,000	12,000	12,000
<b>Total</b>			<b>270,000</b>	<b>387,000</b>	<b>82,000</b>	<b>82,000</b>	<b>82,000</b>

<b>BEREAVEMENT AND SPORT SERVICES</b>			£	£	£	£	£
Ardasley Crematorium	Repairs to cremator hearths	2	5,000	5,000	5,000	5,000	5,000
Ardasley Crematorium	Decoration of crematorium buildings	3	1,000	3,000	3,000	3,000	3,000
Various Sites	Wall/fencing repairs	2	12,000	15,000	15,000	15,000	15,000
Various Sites	Footpath/surfacing repairs	2	7,000	10,000	10,000	10,000	10,000
Bolton on Dearne Cemetery	Demolition of Building to create burial ground	3		5,000			
Hoyland Columbarium	General repairs	3	10,000				
Staincross Golf Club	Replace external timber panelling	2	6,000				
Staincross Golf Club	Replace defective roof covering	2	6,000				
<b>Total</b>			<b>47,000</b>	<b>38,000</b>	<b>33,000</b>	<b>33,000</b>	<b>33,000</b>

<b>MARKETS</b>			£	£	£	£	£
Penistone Market	Replace pigeon netting	3	4,000				
<b>Total</b>			<b>4,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

PLANNED MAINTENANCE PROGRAMME 2019-2020  
APPENDIX B - PRIORITISED SCHEMES BY SERVICE

CULTURE			£	£	£	£	£
Cannon Hall	Monitoring/maintenance of kitchen ranges & boiler flues	2	3,000	3,000	3,000	3,000	3,000
Cannon Hall	Replacement of wireless fire alarm batteries	3		3,000			3,000
Cannon Hall	Replacement/refurbishment of external windows	2	18,000	10,000	10,000	10,000	10,000
Cannon Hall	Decoration	3	8,000	5,000	5,000	5,000	5,000
Cannon Hall	Repairs to Play Area	3	6,000				
Cannon Hall	Structural survey of walls to Tennis Courts/Pinery	2	3,000				
Cannon Hall	Replacement bin store	3		3,000			
Cooper Art Gallery	Replacement of front entrance doors	2	8,000				
Elsecar Heritage	Replacement boilers to Building 17	2	70,000				
Elsecar Heritage	Repair uneven surfacing to various locations around site	2	5,000	5,000	5,000	5,000	5,000
Elsecar Heritage	External site painting	3	5,000	5,000	5,000	5,000	5,000
Elsecar Heritage	Gutter/rainwater pipe replacement	3	9,000	9,000	9,000	9,000	9,000
Elsecar Heritage	Structural work to Buildings 13, 17 and 18	2	3,000				
Elsecar Heritage	Maintenance of Newcomen Engine	3	4,000	4,000	4,000	4,000	4,000
Elsecar Heritage	Recommission lift in Building 22		5,000				
Worsbrough Mill	External works - footpaths, fencing, walls, bridges	2	15,000	15,000	15,000	15,000	15,000
Worsbrough Mill	Maintenance of Mill Machinery	2	3,000	3,000	3,000	3,000	3,000
<b>Total</b>			<b>165,000</b>	<b>65,000</b>	<b>59,000</b>	<b>59,000</b>	<b>62,000</b>
<b>GENERAL</b>			£	£	£	£	£
Various Industrial Estates	Gully/Drainage Clearing and Maintenance	3	10,000	10,000	10,000	10,000	10,000
<b>Total</b>			<b>10,000</b>	<b>10,000</b>	<b>10,000</b>	<b>10,000</b>	<b>10,000</b>
<b>GENERAL</b>			£	£	£	£	£
Various Sites	Gutter Clearing and Maintenance	2	30,000	30,000	30,000	30,000	30,000
Various Sites	The Vertical Crossing - Structural testing	2		2,500			
Various Sites	Legionella	1	30,000	50,000	30,000	50,000	30,000
Various Sites	Asbestos	1	40,000	40,000	40,000	40,000	40,000
Various Sites	5 Year Electrical Testing	1	25,000	50,000	50,000	50,000	50,000
Various Sites	Landlord/tenant obligations	2	100,000	50,000	50,000	50,000	50,000
Various Sites	Fire risk assessments	1	10,000	10,000	10,000	10,000	10,000
	Professional Fees		150,000	150,000	150,000	150,000	150,000
<b>Total</b>			<b>385,000</b>	<b>382,500</b>	<b>360,000</b>	<b>380,000</b>	<b>360,000</b>
<b>Total PM Programme</b>			<b>1,596,000</b>	<b>1,645,500</b>	<b>716,000</b>	<b>739,000</b>	<b>719,000</b>

**PRIORITY RATING**

1	Urgent works that will prevent immediate closure of premises and/or address and immediate high risk to the health and safety of occupants and/or remedy a serious breach of legislation.
2	Essential work required within 2 years that will prevent serious deterioration of the fabric or services and/or address a medium risk to the health and safety of occupants and/or remedy a less serious breach of legislation and/or address a risk to business resilience
3	Desirable work required within three to five years that will prevent deterioration of the fabric or services and/or address a low risk to the health and safety of occupants and/or remedy a minor breach of legislation
4	Long term work required outside the five year planning period that will prevent deterioration of the fabric or services.
	Works to be directly awarded to NPS (cabinet report section 4), subject to VFM and performance

**CYCLICAL MAINTENANCE WORKS FUNDED FROM REACTIVE REPAIRS BUDGET (PARAGRAPH 3.3 OF CABINET REPORT)**

Premise	Maintenance Type	Actual Spend		Anticipated Spend			
		2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Various Sites	Air Conditioning Servicing	11,000	11,000	11,000	11,000	11,000	11,000
Various Sites	Automatic Door Servicing	13,500	13,500	13,500	13,500	13,500	13,500
Various Sites	Biomass Boiler Servicing	5,500	5,500	5,500	5,500	5,500	5,500
Various Sites	Emergency Lighting Servicing	12,000	12,000	12,000	12,000	12,000	12,000
Various Sites	Fire Alarm Servicing	15,000	15,000	15,000	15,000	15,000	15,000
Various Sites	Gas Servicing	11,000	11,000	11,000	11,000	11,000	11,000
Various Sites	Legionella Testing/Monitoring	27,000	27,000	27,000	27,000	27,000	27,000
Various Sites	Mixer Valve Servicing	7,000	7,000	7,000	7,000	7,000	7,000
Various Sites	Portable Appliance Testing	30,000	30,000	30,000	30,000	30,000	30,000
Various Sites	Other Servicing	35,000	35,000	35,000	35,000	35,000	35,000
	<b>TOTAL</b>	<b>167,000</b>	<b>167,000</b>	<b>167,000</b>	<b>167,000</b>	<b>167,000</b>	<b>167,000</b>



## BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan.

### Report of the Executive Director of PLACE

#### Housing Infrastructure Funding (HIF) Marginal Fund

#### 1. Purpose of report

- 1.1 To report on the outcome of the Housing Infrastructure Fund – Marginal Fund bid submission and to recommend the Council's acceptance of £2.039m grant funding allocated to enable the accelerated completion of essential infrastructure works (and expediting the delivery of 311 new homes) to Phase 3 of the Seasons (Willow Heights) Housing Development in Thurnscoe.

#### 2. Recommendations

##### It is recommended that:

- 2.1 Cabinet notes the outcome of the bid submission to the HIF Marginal Fund and the offer of a revised grant allocation following an independent Due Diligence appraisal over summer 2018.
- 2.2 Cabinet authorises BMBC Legal (working in partnership with our appointed Framework Solicitors Walker Morris) to:
- Enter into contract with Homes England to accept the funding and all associated terms and conditions.
  - Enter into a flow down funding agreement with Keepmoat Limited which replicates the terms and conditions of the Homes England contract.
  - Enter into a Development Licence with Keepmoat Limited to enable the completion of the Phase 3 infrastructure works
  - Enter into a Variation to the Development Agreement with Keepmoat Limited relating to the delivery of Phase 3.

#### 3. Introduction

- 3.1 In July 2017, DCLG launched the Housing Infrastructure Fund, a £2.3bn capital grant fund to be awarded to Local Authorities to deliver the infrastructure required to unlock new homes. The fund offered two bidding options; the Forward Fund for longer term, strategic infrastructure requirements over £10m and the Marginal Fund to unlock 'oven ready' developments which have stalled due to viability issues associated with infrastructure costs.
- 3.2 Barnsley MBC submitted bids to both funds at the end of September 2017. The Marginal Fund bid was to secure grant to enable the delivery of Phase 3 (311 homes) of the Seasons (now Willow Heights) housing development in Thurnscoe. The scheme is a former Housing Market Renewal Pathfinder

clearance site, with Phase 1 of the development (160 homes) commencing on site in 2011 and completing in June 2015.

- 3.3 Since this date, the site had remained stalled until spring 2018 when, following robust partnership working between the Council and Keepmoat Homes, a viable scheme solution for Phase 2 was produced. The viability gap was only addressed as a result of significant re-phasing, value engineering and agreement of a significantly reduced land receipt (compared to original development appraisal expectations). Following planning approval, works started on site in spring 2018.
- 3.4 Given the time taken to address the viability issues on Phase 2 (as result of site abnormalities and low house values), there was significant concerns that the remaining phase of development would stall once more, without funding to address the infrastructure requirements on Phase 3. There was also a strong case that the development could deliver accelerated housing growth (improving the desirability of Phase 2 homes) and other 'value' efficiencies, if the infrastructure requirements across the remainder of the whole site could be delivered consecutively.
- 3.5 The bid requested an allocation of £2.72m grant funding to bridge the funding gap and enable the delivery of essential infrastructure requirements (roads, utilities, drainage) for Phase 3 on an accelerated basis.
- 3.6 The scheme will deliver 440 new homes in total (phases 2 & 3); contributing to the Council's housing growth aspirations, stimulating housing delivery and market confidence (increased values) in a less buoyant housing area and completing Housing Regeneration activity in the Village; abruptly stalled in 2011 following the end of HMR funding. The bid was fully supported by our developer partner, Keepmoat Homes.

#### **4. Current Situation**

- 4.1 In spring 2018, Homes England (HE) announced that the Council had been successful in its bid to the HIF Marginal Fund, subject to an independent project appraisal and other Due Diligence. Officers worked closely with HE's consultants over the summer and received formal confirmation of the grant allocation in late October 2018. The revised 'gap' grant offer of £2.039m was based on a revision to the Council's assumptions on land value as, for the purposes of appraising the required grant level, Homes England appraised land value on an existing use basis (in this instance agricultural).
- 4.2 Following consultation with Keepmoat Homes, and the Council's Legal team in relation to the terms and conditions of the grant offer, it is envisaged that it is still possible to complete the required infrastructure requirements within the reduced grant envelope.
- 4.3 Whilst the Council had intended to re-coup a higher land value for the site than HE have based their initial appraisal on (existing use agricultural @ £16,060 per hectare), the terms and conditions of the grant allow for the Council to

clawback 100% of any 'overage/surplus' arising from costs savings or an uplift in values (based on an agreed viability appraisal). Any monies clawed-back, up to the loan value (£2.039m), are to be recycled by BMBC into future residential development schemes. Over this value, any 'overage/surplus' will be split 65%:35% between the Council and Keepmoat Limited in line with the over-arching Development Agreement.

- 4.4 As part of the contract requirements, the Council (in consultation with Keepmoat) has provided revised cost estimates for each element of the infrastructure works, a delivery programme and timescales for the drawdown of grant instalments. Homes England will monitor the progress of the works and spend.
- 4.5 As part of the Council's over-arching development agreement for the site with Keepmoat, it is proposed that Keepmoat are contracted to undertake the delivery of the works to Phase 3 under licence and on an 'open book' basis. All works will be tendered on a competitive basis. A flow down contract agreement will tie Keepmoat into the same terms and conditions for delivery/spend/outputs as imposed on the Authority. This will include the delivery of the new homes.

A DRAFT contract is located at Appendix B.

- 4.6 In March 2019, the Council appointed Walker Morris to provide external Legal Advice via the BMBC - Legal Services Framework Agreement Lot 6 - Public Law & Corporate Governance. Walker Morris was commissioned to review both the Homes England contract and the existing Development Agreement between Barnsley Council and Keepmoat Limited to:
- Confirm that the existing Development Agreement allows Barnsley Council to work directly with Keepmoat Limited to deliver the infrastructure works using the grant.
  - Provide a State Aid response on behalf of the Council regarding the acceptance of grant funding.
  - Prepare a flow down agreement to issue to Keepmoat Limited tying them to all associated terms and conditions of the Homes England grant, and;
  - Prepare a licence agreement and variation to the Development Agreement for Phase 3 of the development.

This advice/suite of documents will ensure that the Council can comply with the terms and conditions of the Homes England contract; tie Keepmoat Limited into the grant terms and conditions and ensure that the Development Agreement is updated to reflect the delivery mechanisms for Phase 3. The Legal Fees (£4750) have been funded from the Housing Investment Programme (HIP) Feasibility Pot. This was agreed via ODR on 22<sup>nd</sup> March 2019.

## **5. Proposal and justification**

- 5.1 It is proposed that Cabinet approve the recommendation to enter into contract with Homes England to enable the drawdown of grant funding up to a total of £2.039m; for the purpose of accelerating the delivery of essential infrastructure works at Phase 3 Seasons (Willow Heights), Thurnscoe.
- 5.2 Without grant funding, the site is not considered to be viable and it is thus assumed that it is unlikely to come forward for delivery following the completion of Phase 2 without intervention. There are cost (not to mention reputational) implications for the Council/developer if sites are shut down and effectively mothballed between phases – thus impacting further on scheme viability. The delivery of the infrastructure works on an accelerated basis will enable the delivery of new homes at greater pace and may well improve the desirability of Phase 2 properties as potential purchasers will see a commitment to the completion of the site as a whole.
- 5.3 The Council will benefit from any ‘overage/surplus’ generated from cost savings and/or uplift in value.

## **6. Implications for local people / service users**

- 6.1 Local people will benefit from the provision of new ‘market sale’ and affordable homes in a key growth/regeneration zone within Barnsley.
- 6.2 Due to viability issues, there was a 3 year delay between the completion of Phase 1 at Seasons and the commencement of build at Phase 2. This created:
- Additional cost to the contractor (closing and re-opening their compound and site mobilisation costs etc.).
  - A management liability for the Council (in maintain and clearing the site whilst it stood empty), and;
  - Uncertainty/some issues of ASB for residents who had anticipated the delivery of Phase 2 (and its associated infrastructure/POS) much sooner.

## **7. Financial implications**

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 This report seeks approval to accept grant funding from the Housing Infrastructure Fund issued by the DCLG. The funding will be used to unlock the Phase 3 Seasons (Willow Heights), Thurnscoe new build site and deliver 311 new build homes.
- 7.3 Total grant funding of £2.039M has been awarded to BMBC to fund the infrastructure works required to make the site viable for a new build development.

- 7.4 The Council will commission Keepmoat to deliver these infrastructure works under the original site development agreement terms. These works are estimated by Keepmoat to total £2.039M.
- 7.5 Following completion of the works, an independent valuation of the Keepmoat development will be undertaken. Any increase to the estimated profits generated from the original project plan will be payable to BMBC, up to the value of the grant £2.039M.
- 7.6 Any additional profits over the £2.039M will be split 65:35 in favour of BMBC to allow the Local Authority to receive a satisfactory proportion of any Funding or Receipts that are surplus to the costs of delivering the Project, in order to re-invest these funds in the delivery of additional housing.
- 7.7 The development land will be sold to Keepmoat at the land's agricultural valuation of £0.176M.
- 7.8 The capital receipt received by the Council will be earmarked to cover any potential overspend, up to the maximum value of £0.176M as per the terms of the contract.
- 7.9 Keepmoat will supply valuations of works completed on an open book basis. These costs will be checked and verified by an appointed Quantity Surveyor before payment is released.
- 7.10 Consultations have taken place with the Council's legal advisors as to whether the proposed funding of the Project is compatible with EU rules on state aid. The opinion received is that the project does not meet State Aid conditions and is therefore eligible to proceed. See appendix C.
- 7.11 Under the terms of the agreement, the development must be completed by 2026.
- 7.12 It should be noted that the expected Council Tax and New Homes Bonus generated from this proposal has already been considered within the Council's Medium Term Financial Strategy.

### **Employee implications**

- 8.1 There are no issues arising directly from this report.

### **9. Communications implications**

- 9.1 Homes England publically announced the allocation of the funding earlier this year. At that time, officers worked with internal/external media to share the good news with Members and the Local Community following national announcements. Subject to the approval and drawdown of grant, there will be a number of publicity events to promote the acceptance of the grant and accelerated delivery of the works.

## **10. Consultations**

- 10.1 Consultation has been undertaken with Keepmoat and BMBC Planning, Legal, Finance, Assets and Procurement to understand the terms and conditions of the grant. Given requirements in the Homes England contract (for external legal advice) and the complexity of the existing Development Agreement, Walker Morris were appointed to prepare all associated legal agreements on behalf of the Council and to negotiate with Legal representatives at Homes England and Keepmoat Limited. .

## **11. Tackling Health Inequalities**

- 11.1 The regeneration of this site will provide new, high quality homes for rent/sale to local people. The homes will be highly energy efficient, benefit from high quality POS and are sustainably located closed to shops, doctors and other local amenities.

## **12. Climate Change & Sustainable Energy Act 2006**

- 12.1 There are no issues arising from this report.

## **13. Background Papers**

Appendix A – Finance

Appendix B – Grant DRAFT contract.

Appendix C – State Aid

Sarah Cartwright: 17/04/2019.

Report of the Executive Director of Place

**FINANCIAL IMPLICATIONS**

i) <b>Capital Expenditure</b>	<u>2019/20</u> £	<u>2020/21</u> £	<u>2021/22</u> £	<u>2022/23</u> £
<b>Housing Infrastructure Funding (HIF) Marginal Fund</b>				
Infrastructure Works - Keepmoat Phase 3 Seasons (Willow Heights) Thurnscoe	2,039,000			
	<u>2,039,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>To be financed from:</b>				
DCLG Grant	2,039,000			
Housing Infrastructure Funding (HIF) Marginal Fund				
	<u>2,039,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
ii) <b>Revenue Effects</b>	<u>2019/20</u> (£)	<u>2020/21</u> (£)	<u>2021/22</u> (£)	<u>2021/23</u> (£)
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>To be financed from:</b>				
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**Impact on Medium Term Financial Strategy**

Not applicable in this report

Agreed by: .....



.....On behalf of the Service Director-Finance, Section 151 Officer

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**Homes England – Grant Funding Agreement in relation to:**

Programme: Housing Infrastructure Fund (Marginal Viability Fund)

Project: Seasons Phase 3, Thurnscoe Housing Development, Barnsley

**Dated** **2019**

**Parties:**

- (1) **Homes and Communities Agency (trading as Homes England)** of Arpley House, 110 Birchwood Boulevard, Birchwood, Warrington WA3 7QH (**Homes England**); and
- (2) **Barnsley Metropolitan Borough Council** of Westgate Plaza, 1 West Street, Westgate, Barnsley, S70 2DR (the **Local Authority**).

**PCS No: 29767 Seasons Phase 3, Thurnscoe Housing Development, Barnsley**  
**Homes England Programme:** Housing Infrastructure Fund (Marginal Viability Fund)

**Recitals**

- 1.1 Homes England agrees to make the Grant Funding available to the Local Authority on the terms of this Agreement.
- 1.2 These recitals, the schedules (including Standard Terms and Conditions of Funding) and the Appendices to this Agreement are incorporated into and form part of this Agreement.
- 1.3 Subject to the terms of this Agreement, the Local Authority may seek to deliver the Project by providing funding to [developer-partners/third parties] who will procure the HIF Funded Infrastructure Works.
- 1.4 Prior to the date of this Agreement:
  - 1.4.1 the Local Authority has provided satisfactory evidence to Homes England that it has entered into a 100% claw-back agreement with Keepmoat Homes up to the value of the grant of £2,039,085 plus a 65:35 split in favour of the Local Authority on anything over and above the £2,039,085 to allow the Local Authority to receive a satisfactory proportion of any Funding or Receipts that are surplus to the costs of delivering the Project, in order to re-invest these funds in the delivery of additional housing;
  - 1.4.2 the Local Authority has provided written confirmation to Homes England that, should the costs of delivering the Project increase or statutory affordable housing requirements become more onerous to the extent that the Project becomes unviable, the Local Authority shall decrease the sum requested from Keepmoat Homes for the Site sufficiently that the Project becomes viable, such requested sum never to be greater in value than the Market Value and;
  - 1.4.3 the Local Authority has provided satisfactory evidence to Homes England that this Agreement is fully compliant with State Aid Law.

**General**

- 1.5 All definitions and principles of interpretation set out in the standard terms and conditions of Funding specified in **Schedule 2** shall apply to this Agreement (including the schedules to this Agreement), together with the Project specific definitions set out in **0** and the schedules and the Appendix to this Agreement are incorporated into and form part of this Agreement.
- 1.6 The Local Authority acknowledges and agrees that Homes England's obligation to provide the Funding is subject to Homes England receiving any approvals Homes England may require (whether internally or from central Government) and on central Government making funds available to Homes England for the Funding. Homes England will not be in breach of its obligations under this Agreement if it is unable to provide the Funding should any such approval and/or funding not be forthcoming.
- 1.7 The key principles of the proposed Funding for the Project are as follows:

<b>Total Commitment</b>	means up to two million thirty nine thousand and eighty five pounds (£2,039,085.00)
<b>Project</b>	means: 1. the HIF Funded Infrastructure Works; and 2. the Wider Project;
<b>HIF Funded Infrastructure Works</b>	means the infrastructure works to be funded by the Housing Infrastructure Fund (Marginal Viability Fund) pursuant to this Agreement including but not limited to the remediation of gradient by ground remodelling, the construction of highways as principal infrastructure for the site to enable access to serviced development plots, drainage works associated within the primary highway infrastructure along with associated surface water drainage and the delivery of 6,751 square metres of public open space at the Site;
<b>Wider Project</b>	means the residential development of not less than 311 Residential Units on the Site together with associated infrastructure or any other construction on the Site;
<b>Site</b>	means all of the land and buildings known as lad on the north and south sides of Lingamoor Leys, Thurnscoe registered at Land Registry under Title Number SYK536243 and identified on the plan at Appendix 1 to this Agreement;
<b>Availability Period for Funding</b>	means the period from the date of this Agreement until 31 March 2021
<b>Outputs and Milestones</b>	See <b>Schedule 3</b>
<b>HIF Funded Infrastructure Works Start Date</b>	<b>July 2020</b>

<b>Start Date of Project</b>	<b>February 2021</b>
<b>Project Completion Date</b>	<b>December 2026</b>
<b>Restriction on title</b>  In favour of Homes England requiring Homes England's consent to dispositions made in relation to the Site	<b>Yes</b>

### 3. **Conditions Precedent to Funding**

#### 3.1 Conditions precedent to each Claim for Funding

3.1.1 Homes England's obligations under this Agreement to make available any Funding is subject to the conditions precedent more particularly specified in **paragraph 1, Schedule 4**, each being in a form and substance satisfactory to Homes England at the time:

- (a) when the Local Authority delivers a Claim Form to Homes England; and
- (b) when such Funding is to be made available to the Local Authority.

3.2 The conditions precedent required by Homes England pursuant to this Clause 3 are for the sole benefit of Homes England and may only be waived or otherwise deferred by Homes England in writing at its entire discretion.

#### 3.3 **Funding**

Subject to clauses 1.6 and 3.1 and the Standard Terms and Conditions of Funding and the other matters set out in this Agreement, Homes England will pay the Funding on the terms set out in this Agreement.

#### 3.4 **Reporting**

The Local Authority will provide Homes England with the Monitoring and Progress Report in accordance with paragraph 9 to the Standard Terms and Conditions.

#### 3.5 **Repayment**

The Local Authority will repay any overpayment of the Funding in accordance with paragraph 8 to the Standard Terms and Conditions.

#### 3.6 **Communications**

3.6.1 The Local Authority contact for all enquiries at Homes England is the HIF Programme Management Office.

All correspondence with Homes England must be in writing and either be delivered at or sent by first class post to:

Homes England, Arpley House, 110 Birchwood Boulevard, Birchwood, Warrington WA3 7QH

with a copy to

HIF Programme Management Office, Homes England, Windsor House, 50 Victoria Street, London SW1H 0TL.

3.6.2 Any notice or other communications between us shall be accepted as having been received;

(a) if sent by first-class post, three days after posting exclusive of the day of posting; or

(b) if delivered by hand, on the day of delivery,

in the case of Homes England addressed as set out above and in the case of the Local Authority addressed to Barnsley Metropolitan Borough Council, Westgate Plaza, 1 West Street, Westgate, Barnsley, S70 2DR.

Either of Homes England or the Local Authority may change the details of service by notice in accordance with the above.

### 3.7 **Amendments to the Agreement**

Homes England may amend or vary the Agreement where either:

(a) mandatory changes are required by the UK or EU laws or regulations; and/or

(b) by mutual written consent between the Local Authority and Homes England.

## 4. **TERMINATION**

Homes England reserves the right to terminate this Agreement by notice in writing and / or to implement paragraph 7 of **Schedule 2** with immediate effect where:

(a) the Local Authority fails to achieve any Output or Milestone;

(b) the Local Authority fails to remedy any breach of this Agreement which is capable of remedy within 14 days of Homes England requesting the Local Authority to do so;

(c) the Local Authority becomes Insolvent;

(d) the Local Authority commits a breach of this Agreement which is incapable of remedy.

**IN WITNESS** whereof this document has been executed as a deed by the parties hereto but is not intended to have legal effect until it has been unconditionally delivered and dated

The common seal of )  
**HOMES AND COMMUNITIES AGENCY** )  
is hereunto affixed in the presence of: )

.....  
Name:  
Authorised Signatory

The common seal of )  
**BARNSELY METROPOLITAN BOROUGH COUNCIL** )  
is hereunto affixed in the presence of: )

.....  
Name:  
Authorised Signatory

## PROJECT SPECIFIC DEFINITIONS

The following terms shall have the following meanings when used in this Agreement (unless the context requires otherwise).

<b>Adverse Condition</b>	means a condition imposed in a Planning Permission or requirement in any Statutory Agreement regulating the development or use of the Sites which is unacceptable to Homes England in its absolute discretion.
<b>Appeal</b>	means any of the following: <ol style="list-style-type: none"> <li>(1) an appeal to the Secretary of State under section 76 of the Planning Act against refusal of an application for Planning Permission;</li> <li>(2) any application or appeal to any court in respect of the decision of the Local Authority or the Secretary of State in relation to an application for Planning Permission;</li> <li>(3) any reconsideration by the Local Authority or the decision arising out of any application or appeal as described in (1) or (2) above;</li> <li>(4) any further proceedings, application or appeals arising out of (2) or (3) above.</li> </ol>
<b>Assurance Framework</b>	means the assurance framework for the Housing Infrastructure Fund – Marginal Viability Funding provided by Homes England to the Local Authority on 26 October 2018.
<b>Cashflow Recovery Amount</b>	Not applicable.
<b>Development Costs</b>	means the costs of: <ol style="list-style-type: none"> <li>1. the remediation, preparatory works and construction of 4,410 square metres of roads and footpaths to be constructed as principal infrastructure for the site to enable access to serviced development plots;</li> <li>2. drainage works within the primary highway infrastructure along with associated surface water drainage at a capacity of 1,662 linear metres along with 3,050 cubic metres' surface water attenuation; and</li> <li>3. works associated with delivering the primary area of public open space of 6,751 square metres;</li> </ol> <p>as set out in the Cashflow which Homes England is satisfied will be reasonably and properly incurred by the Local Authority in carrying out the HIF Funded Infrastructure Works, such costs must constitute capital expenditure in accordance with Regulations made under the Local Government Act 2003.</p>
<b>Disposal</b>	means a transfer, disposal or grant of any legal or equitable interest in or over the Site or part thereof (other than (in relation to any land assets) by way of grant of a legal charge or the grant of a licence not creating exclusive possession terminable on 3 months' notice or less) including by way of lease and the terms “ <b>Dispose</b> ” and “ <b>Disposed</b> ” shall be

	construed accordingly.
<b>End Date</b>	The date specified in Schedule 3 by which Homes England may exercise any Clawback provision.
<b>Keepmoat Homes</b>	means Keepmoat Homes Limited with company number 02207338 of the Waterfront, Lakeside Boulevard, Doncaster, South Yorkshire, DN4 5PL.
<b>Local Authority Senior Officer</b>	means the employee of the Local Authority holding the title of 'Section 151 Officer' or any such other person with equivalent seniority notified to Homes England by the Local Authority.
<b>Market Value</b>	<p>means in relation to the Site or any part or parts thereof (including in each case the works (or the relevant part thereof) thereon) the Market Value as defined in the Practice Statement Number PS 3.2 of the RICS Appraisal and Valuation Standards 6th Edition as varied from time to time BUT (in addition to the assumptions mentioned in that definition) on the following further assumptions in relation to the Site (or relevant part or parts of it:</p> <ul style="list-style-type: none"> <li>a) the Disposal is subject to and with the benefit of any subsisting leases which are Permitted Disposals or agreements for the same but otherwise sold with vacant possession free from all charges and other encumbrances;</li> <li>b) the Local Authority has a good and marketable title;</li> <li>c) all necessary consents for any works have been obtained and the same can be lawfully used;</li> <li>d) any damage caused by any insurable risk has been made good;</li> <li>e) it has the benefit of all easements and rights necessary for the beneficial use and occupation of it; and</li> <li>f) which complies with; <ul style="list-style-type: none"> <li>i. the Local Authority's obligations to obtain Market Value under the Local Government Act 1972; and</li> <li>ii. State Aid Law (as defined under paragraph 8 of <b>Schedule 2</b>).</li> </ul> </li> </ul>
<b>Planning Act</b>	means the Town and Country Planning Act 1990 including any amendment, modification or re-enactment of it for the time being in force.
<b>Planning Permission</b>	means detailed planning permission (whether granted by the Local Authority or the Secretary of State or pursuant to an Appeal) for the delivery of the HIF Funded Infrastructure Works.
<b>Programme</b>	<p>means an up-to-date programme for the delivery of the Project, detailing the following:</p> <ol style="list-style-type: none"> <li>1. the process by which designs will be produced and agreed;</li> <li>2. the process by which Satisfactory Planning Permission will be secured;</li> <li>3. the process by which the Project will be tendered;</li> <li>4. when works will be commenced on the Site;</li> <li>5. the date of completion of the HIF Funded Infrastructure Works;</li> <li>6. the date of commencement of the Wider Project; and</li> <li>7. the date of completion of the Wider Project.</li> </ol>
<b>Project Completion</b>	The date by which the Project is actually completed to Homes England's reasonable satisfaction and in accordance with the terms of this

<b>Date</b>	Agreement.
<b>Receipts</b>	<p>means the aggregate of all proceeds or other receipts of the Local Authority or any other such party as provided for by this Agreement in relation to the Project including but not limited to:</p> <p>(a) all rents, licence fees and other income or sums received or receivable; and</p> <p>(b) all proceeds received or receivable or the amount or value of all consideration received or receivable from any disposal of any part of the Site;</p> <p>(c) the proceeds of any insurance policy;</p> <p>(d) interest (if any) accruing on any items listed at (a) to (c) above,</p> <p>but excluding:</p> <p>(a) Funding.</p>
<b>Satisfactory Planning Permission</b>	means Planning Permission which is free from any Adverse Condition.
<b>Secretary of State</b>	means the secretary of state or other minister or authority for the time being having or entitled to exercise the powers conferred by sections 77 and 79 of the Planning Act (including were appropriate an inspector or other appropriate officer having authority to act on his behalf).
<b>Standard Terms and Conditions of Funding</b>	means the standard terms and conditions of funding contained at <b>Schedule 2.</b>
<b>Statutory Agreement</b>	means an agreement or undertaking whether made under section 106 of the Planning Act or any other statutory provision which is a pre-requisite to the grant of Planning Permission.
<b>Title Letter</b>	means the certificate of title to the land in form set out in Appendix 3
<b>Wider Project Costs</b>	means the development costs that relate to the Wider Project.



## SCHEDULE 2

### STANDARD TERMS AND CONDITIONS OF FUNDING

#### 1. DEFINITIONS

1.1 In these Standard Terms and Conditions the following words and expressions have the following meanings:

**Agreement** means this agreement, the attached schedules and annexes pursuant to which Homes England makes Funding available to the Local Authority from time to time and incorporating these Standard Terms and Conditions;

**Availability Period** means as defined in paragraph 2.3 to the Agreement;

**Business Day** means any day other than a Saturday, Sunday or statutory bank holiday in England;

**Cashflow means** the cashflow for the Project as detailed at Appendix 2 setting out information including but not limited to:

- (a) total costs;
- (b) envisaged total Receipts;
- (c) total source(s) of funding for the Project;

as updated from time to time with the approval of Homes England and provided to Homes England pursuant to the Monitoring and Progress Report;

**CDM Regulations** means the Construction (Design and Management) Regulations 2015;

**Claim** means an application for Funding;

**Claim Day** means a day on which a Claim for Funding is submitted in accordance with the terms of this Agreement, such day being no later than the 20th day within a Claim Month save where the Claim Month falls during March when the day is to be no later than the 15th of March;

**Claim Month** means for the purposes of this Agreement:

- (a) the month on which the first Claim for Funding is received by Homes England; and
- (b) the month which is every third month following the month on which the first Claim for Funding is received by Homes England.

**Claim Form** means the document in the form of the template annexed as Appendix 4 to be completed and provided by the Local Authority to the nominated Homes England contact at agreed intervals to claim Funding;

**Clawback** means Homes England's right to recover the whole or any part of the Funding under paragraph 7 of Schedule 2;

**Data Protection Legislation and DPL** means (i) unless and until the General Data Protection Regulation (EU) 2016/679 (the GDPR) is no longer directly applicable in the UK, the GDPR, the Law Enforcement Directive (Directive (EU) 2016/680) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 2018 (the DPA) and (iii) all applicable Law relating to the processing of personal data and privacy;

**EU Procurement Regulations** means all applicable United Kingdom and European procurement legislation and any implementing measures and any other legislation in connection with the procurement of works, supplies or services including European Union directives 89/665/EEC, 2004/17/EC and 2014/24/EU, United Kingdom Statutory Instruments 1991/268, 1995/201, 1993/3228, 2006/6 and 2015/102 (Public Contracts Regulations 2015) insofar as the same are applicable;

**Financial Year** means the period from 1<sup>st</sup> April in one year to the 31<sup>st</sup> March in the subsequent calendar year;

**Funding** means funding made or to be made under the Agreement or the principal amount of each advance of Funding made by Homes England under the Agreement or the aggregate amount of all advances of Funding which have been made by Homes England as a financial contribution towards the Project;

**Health and Safety Legislation** means any applicable health and safety legislation, statutory instruments or regulations (including but not limited to the Health and Safety at Work etc. Act 1974) and any guidance and/or codes of practice relating to them;

**HIF Funded Infrastructure Works** means as defined in paragraph 2.3 to the Agreement;

**Initial Cashflow** means the cashflow for the Project as detailed at Appendix 2 setting out information including but not limited to:

- (a) total costs;
- (b) envisaged total Receipts;
- (c) total source(s) of funding for the Project.

**Insolvency** means where the Local Authority is unable to pay its debts as they fall due or are insolvent (within the meaning of s.123(1) of the Insolvency Act 1986 in the case of a company, or s.268 of the Insolvency Act 1986 in the case of an individual) or the Local Authority enters into any arrangement with creditors, or a liquidator, trustee in bankruptcy, receiver, administrator, administrative receiver or similar is appointed, or possession or enforcement or any other similar process is taken against the Local Authority or any of its assets and Insolvent shall be interpreted accordingly;

**Monitoring and Progress Report** means a report (including the Cashflow) prepared by the Local Authority and submitted to Homes England, the means of submission and the location of the form being as notified by Homes England to the Local Authority from time to time in writing;

**Milestones** means the key events and stages as agreed between the Local Authority and Homes England in relation to the Project as detailed in Schedule 3 and **Milestone Dates** shall be construed accordingly;

**Outputs** means the specific targets and objectives agreed between the Local Authority and Homes England as detailed in Schedule 3;

**Permitted Disposal** means a disposal;

- (a) of freehold or leasehold disposal part or parts of the Site in an arm's length transaction; and/or
- (b) of part or parts of the Site pursuant to a lease, or licence and in an arm's length transaction; and/or
- (c) of part or parts of the Site upon which an electricity sub-station, gas generation or pumping station or other statutory services or infrastructure have been or are to be constructed or installed and the immediate curtilage of the same together with ancillary easements; and/or
- (d) made pursuant to a planning obligation pursuant to section 106 of the Town & Country Planning Act 1990 or the Local Government (Miscellaneous Provisions) Act 1982 or section 33 and/or the Local Government Act 1972 section 111 and the Highways Act 1980 section (s) 38 and/or 278; and/or
- (e) any other disposal which Homes England agrees (in writing) from time to time will become a Permitted Disposal,

provided that in the case of a Disposal the contracted sale price is at Market Value and the Disposal is in line with the Project Details.

**Project** means the project to which the Funding relates, details of which are set out in paragraph 1.7 to the Agreement;

**Project Completion Date** means the date by which the work on the Project is to be completed as defined in paragraph 1.7 to the Agreement;

**Project Details** means information provided by or on behalf of the Local Authority in relation to the Project, which shall include, without limitation:

- (a) the descriptive and other details in respect of the Project as set out in the definitions of Project, the Milestones and the Outputs;
- (b) all details of the works required to complete the Project;
- (c) the Cashflow;
- (d) the timing for Disposals,

each as may have been varied from time to time with Homes England's prior agreement in accordance with the terms of the Agreement;

**Quarter Date and Quarter** means each of 31 March, 30 June, 30 September and 31 December;

**Regulatory Body** means any UK or EU Government department or agency or any other regulatory body having jurisdiction whether regional, national or local and including, but not limited to, the Ministry for Housing, Communities and Local Government, UK central Government, the European Commission or any successor such department, agency or regulatory body which, whether under statute, rules, regulations, codes of practice or otherwise, is entitled to regulate, investigate, or influence the matters dealt with in this Agreement or any other affairs of Homes England;

**Site** means as defined in paragraph 1.7 to the Agreement;

**Start Date** means the date by which the work on the Project is to be started as defined in paragraph 1.7 to the Agreement;

**Total Commitment** means as defined in paragraph 1.7 to the Agreement;

**Wider Project** means as defined in paragraph 1.7 to the Agreement;

**Wider Project Milestones** means each Wider Project Milestone set out in Schedule 3;

## 1.2 Interpretation

1.2.1 A reference to:

- (a) the masculine includes the feminine and vice versa;
- (b) the singular includes the plural and vice versa; and
- (c) a person includes firms, partnerships and corporations and their successors and permitted assignees or transferees.

1.2.2 Any reference in the Agreement (including, for the avoidance of doubt, these Standard Terms and Conditions) to any condition, sub-condition, paragraph, schedule, appendix or section heading is, except where it is expressly stated to the contrary, a reference to such condition, sub-condition, paragraph, schedule, appendix or section heading of the Agreement.

1.2.3 Any reference to any enactment, order, regulation or similar instrument (including any Legislation) shall (except where expressly stated otherwise) be construed as a reference to the same as amended, replaced, consolidated or re-enacted.

1.2.4 A time of day shall be a reference to London time.

1.2.5 A party means a party to the Agreement.

1.2.6 The words includes or including are to be construed without limitation.

1.2.7 In any case where the consent or approval of Homes England (or any officer of Homes England) is required or a notice is to be given by or to Homes England, such consent or approval or notice shall only be validly given if it is in writing and signed by (if relevant) the officer stipulated in the Agreement or such other person as may be specified to the other parties from time to time.

1.2.8 If there is any ambiguity or conflict between the implied terms and the express terms of the Agreement then the express terms shall prevail.

1.2.9 No review comment or approval by Homes England under the provisions of the Agreement shall operate to exclude or limit the Local Authority's obligations or liabilities under the Agreement save where Homes England have confirmed the said review comment or approval in writing.

1.2.10 The Local Authority shall be responsible as against Homes England for the acts or omissions of any contractor as if they were the acts or omissions of the Local Authority.

1.2.11 Neither the giving of any approval, consent, examination, acknowledgement, knowledge of the terms of any agreement or document nor the review of any document or course of action by or on behalf of Homes England shall, unless otherwise expressly stated in the Agreement or agreed in writing by Homes England, relieve the Local Authority of any of its obligations under the Agreement or of any duty which it may have to ensure its correctness, accuracy or suitability nor does it confer impose or imply any liability or responsibility on or on behalf of Homes England in respect of or in connection with the matter to or in relation to which such approval, consent, examination, or acknowledgement was given or review made.

- 1.2.12 "disposal" includes a sale, transfer, assignment, grant, lease, licence, declaration of trust or other disposal, whether voluntary or involuntary and "dispose" will be construed accordingly.
- 1.2.13 any reference to "works" in the Agreement (including these Standard Terms and Conditions) shall mean the works to be carried out on each Site to enable the delivery of a Project in accordance with the Agreement, the Project Details, the Project Documents, the consents, the authorisations and the Agreement.

## 2. PROVISION OF FUNDING

Homes England (in exercise of its powers under the Housing and Regeneration Act 2008) agrees to make available to the Local Authority during the Availability Period the Funding in an aggregate principal amount equal to the Total Commitment.

### 3. PRE-CONDITIONS OF FUNDING

Homes England's obligations under this Agreement are subject to it having received all documents and other evidence detailed in **Schedule 4** each in form and substance to the satisfaction of Homes England.

### 4. WARRANTIES AND REPRESENTATIONS

In accepting this offer (and every time the Local Authority submits a claim form) the Local Authority warrants and confirms to Homes England that:

- 4.1 it:
- 4.1.1 is a legally constituted body and has the full capacity and authority and all necessary consents to enter into and perform the obligations under this Agreement; and
- 4.1.2 acknowledges that it constitutes valid, legal and binding obligations of and on the Local Authority which are enforceable against it;
- 4.2 all information, documents and accounts provided by the Local Authority or on its behalf, from time to time are and will be true, valid and correct;
- 4.3 it is not in breach of any law, regulation, agreement or obligation which affects or may affect its ability to commit to this Agreement;
- 4.4 is not under any statutory obligation to carry out the Project or any part of it;
- 4.5 is not aware of any fact or circumstance that may affect the successful completion of the Project or otherwise constitutes a breach of this Agreement;
- 4.6 is not aware of any fact or circumstance whereby the Project is not proceeding in accordance with the Cashflow;
- 4.7 it will ensure that all the necessary consents and licences are in place and maintained for the duration of the Project without limitation;
- 4.8 it will ensure that all necessary planning consents and property licences for the Project are in place and maintained for the duration of the Project. If any such consents or licences are varied in any way or revoked it must inform Homes England in writing immediately;
- 4.9 it has full legal control and good title to the Site and all other assets (including Intellectual Property Rights) necessary to enable delivery of the Project and has all such further rights as are necessary to comply with its obligations in this Agreement;
- 4.10 It will comply with the Assurance Framework;
- 4.11 All:
- (a) Development Costs saved or recovered;

- (b) any Wider Project Costs saved or recovered;
- (c) any Receipts to the extent that they exceed the projected amount for such Receipts in the Initial Cashflow;
- (d) the Cashflow Recovery Amount (if applicable); and
- (e) any other monies the Local Authority is required to recover from a contractor, developer and/or Site owner as stipulated in the Cashflow,
- may be retained by the Local Authority subject to:
- (f) Homes England's written approval; and
- (g) any conditions imposed by Homes England (in its entire discretion) as a term of such approval, and
- any such monies must be used for further housing delivery;
- 4.12 it has in place legally binding arrangements with its contractors, developers and Site owners to recover any:
- (a) savings;
- (b) recoveries;
- (c) Receipts exceeding projections, which are made and/or required to be made by a contractor and/or Site owner (as applicable);
- (d) the Cashflow Recovery Amount (if applicable); and
- (e) any other monies the Local Authority is required to recover from a contractor, developer and/or Site owner as stipulated in the Cashflow,
- such that the Local Authority can comply with its obligation in paragraph 4.11;
- 4.13 it will ensure that Homes England is recognised as a third party pursuant to the Contracts (Rights of Third Parties) Act in contracts with its contractors, developers and site owners (as applicable) such that Homes England's interest in paragraphs 4.11 and 4.12 pursuant to paragraph 7.2.6 will be recognised;
- 4.14 it will comply with EU Procurement Regulations (to the extent that the same apply);
- 4.15 it will procure that all contractors comply with EU Procurement Regulations (to the extent that the same apply); and
- 4.16 it has appointed a Principal Designer and Principal Contractor (each being as defined by the CDM Regulations) and has provided Homes England with a copy of the notification to the Health and Safety Executive of the particulars specified in schedule 1 of the CDM Regulations.

## 5. PAYMENT OF FUNDING

### 5.1 Mechanics and payment of Funding

- 5.1.1 Claims must be submitted:
- (a) during a Claim Month: and
- (b) on a Claim Day,
- save where a Claim Month would fall during the months of January and February of a given year when such Claim must be submitted during the month of March on a Claim Day.
- 5.1.2 Claims can be submitted in advance of spend but only where the spend by the Local Authority will be incurred in the relevant Financial Year, save where a Claim Month falls in March for which the Claim must relate to Development Costs already incurred.
- 5.1.3 Only one Claim can be made in a Claim Month unless otherwise agreed by Homes England in writing.
- 5.1.4 A Claim will not be regarded as having been validly made by the Local Authority unless:

- (a) it is submitted on a Claim Form which must be signed by the Local Authority Senior Officer and it is:
    - i received by Homes England no later the time period specified in paragraph 5.1.1; and
    - ii delivered during the Availability Period; and
  - (b) it relates to Development Costs and for which the Local Authority has not submitted any other Claim or received any other funding and it is accompanied by written evidence satisfactory to Homes England that the Development Costs have been or will be incurred within a 12 month period ending 31 March in the relevant Financial Year in which the Claim is made together with confirmation from the Local Authority Senior Officer that it has verified and approved the Claim;
  - (c) it accords with the Cashflow and each Milestone is to be met by the relevant Milestone Date or is accompanied by evidence satisfactory to Homes England (at its absolute discretion) to justify any deviation; and
  - (d) it is for an amount which (if paid) would not cause the Total Commitment to be exceeded.
- 5.1.5 Subject to the terms of the Agreement, Homes England will pay Funding to the Local Authority within twelve (12) Business Days of receipt of a valid Claim.
- 5.1.6 Any amount not drawn by the Local Authority under Agreement during the Availability Period will be automatically cancelled.

**5.2 Use of Funding**

- 5.2.1 The Funding will be the sole property of the Local Authority and will be used by the Local Authority for Development Costs only in line with the Milestones and the Cashflow.
- 5.2.2 Without affecting the obligations of the Local Authority in any way, Homes England is not bound to monitor or verify the application of any amount provided pursuant to the Agreement.

**6. LOCAL AUTHORITY DELIVERY OBLIGATIONS**

The Local Authority will procure that:

- 6.1.1 the Project commences by the Start Date and is carried out in accordance with the Milestone Dates and the Cashflow; and
- 6.1.2 the Wider Project Milestones are achieved.

**7. CLAWBACK ON DEFAULT**

- 7.1 In the event that Homes England in its sole and absolute discretion determines that an event of default has occurred in respect of the events listed at paragraph 7.2 (**Event of Default**) Homes England has the right to call an Event of Default by issue of a notice to the Local Authority in respect of the same.
- 7.2 An Event of Default occurs where:
- 7.2.1 any representation or warranty made by the Local Authority pursuant to paragraph 4 is materially incorrect when made or repeated;
  - 7.2.2 the Local Authority fails to achieve any Output or Milestone;
  - 7.2.3 the Local Authority becomes Insolvent or any steps are taken by any person toward such Insolvency;
  - 7.2.4 the Local Authority commits a material breach any of the terms and conditions of the Agreement and/or any other agreement the Local Authority has with Homes England (and fails to remedy such

- breach within 14 days of Homes England asking the Local Authority to do so);
- 7.2.5 the Local Authority does not comply with paragraph 9;
- 7.2.6 the Local Authority does not comply with any conditions on it to permit a retention pursuant to paragraph 4.11(g); and/or
- 7.2.7 subject to the provisions of paragraph 4.11, any amount of Funding has not been spent by the Local Authority on Development Costs.

**7.3 Homes England's rights**

Where an Event of Default has occurred Homes England at its absolute discretion may by notice to the Local Authority:

- 7.3.1 pursuant to clause 7.2.2 only, consider and agree a revised Milestone Date with the Local Authority in which case any relevant condition of this Agreement shall apply mutatis mutandis to the revised Milestone Date; and
- 7.3.2 pursuant to clause 7.2.3 only, require the Local Authority to prepare a plan to remedy and/or mitigate the effects of the Event of Default and submit the plan to Homes England within five (5) Business Days of such request for approval. Homes England (at its absolute discretion);
  - (a) may approve the terms of the plan to remedy in writing in which case any relevant condition of this Agreement shall apply mutatis mutandis to the terms of the plan to remedy albeit the Event of Default shall continue until such time as it is remedied to Homes England's satisfaction; or
  - (b) decline to approve the terms of the plan to remedy with the Event of Default continuing.

**7.4 Acceleration**

On and at any time after the occurrence of an Event of Default which is continuing Homes England may by notice to the Local Authority suspend or withhold payment of any instalments and/or recover all or part of the Funding (or to the value thereof, together with costs and expenses), any such recoveries to be paid to Homes England within three (3) Business Days of Homes England's demand.

**8. OVERPAYMENTS**

Homes England may vary or withhold any or all of the payments of Funding under this Agreement and/or require repayment of any or all Funding already paid to the extent that:

- 8.1 repayment or recovery is required under or by virtue of any European Union state aid laws (including without limitation under Article 107 of the Treaty on the Functioning of the European Union and/or any applicable judgment, court order, statute, statutory instrument, regulation, directive or decision (insofar as legally binding) ("State Aid Law"); and/or
- 8.2 Homes England is otherwise required to repay or recover such Funding in whole or in part by or to the European Commission. Any Funding required to be repaid in accordance with this Clause 8 will bear interest at such rate as required under or by virtue of State Aid Law from the date of Homes England's notice requiring

repayment to the date of repayment (both before and after judgement) or such other period as may be required under or by virtue of State Aid Law.

## **9. APPLICANT NOTIFICATION AND REPORTING OBLIGATIONS**

### **9.1 Reporting**

The Local Authority will:

9.1.1 from the date of this Agreement until the end of the Availability Period, and no later than ten (10) Business Days following each Quarter Date, the Local Authority will provide the Monitoring and Progress Report to Homes England save that the first Monitoring and Progress Report shall be the period commencing on the date of this Agreement and ending on the next Quarter Date;

9.1.2 once the Availability Period has expired, except where Homes England has confirmed to the Local Authority in writing (within three calendar months following the expiration of the Availability Period) that the provisions of paragraph 9.1.1 are to remain effective (at its discretion), the Local Authority will provide the Monitoring and Progress Reports to Homes England twice a year, such reports to be provided no later than ten (10) Business Days following the end of March and September of the relevant Financial Year until the Project Completion Date or such other date that Homes England notifies the Local Authority of in writing;

9.1.3 notwithstanding paragraphs 9.1.1 and 9.1.2, provide Homes England with more frequent Monitoring and Progress Reports should it be requested to do so by Homes England (at its absolute discretion);

9.1.4 provide Homes England with such other information as Homes England may reasonably require in connection with the Project (including without limitation evidence that a Claim relates to Development Costs) and the Outputs and Milestones; and

9.1.5 procure that the Local Authority's Representative and/or any other officers appointed by the Local Authority to deal with the Project will attend such meetings as Homes England may reasonably request to review progress in relation to the Project.

### **9.2 Inspection and Audit Facilities**

The Local Authority will:

9.2.1 allow or procure access to its premises for Homes England, its internal auditors or its other duly authorised staff or agents or any Regulatory Body and will allow such persons to inspect and take copies of documents relating to the Project. Homes England will be entitled to interview the Local Authority's employees to obtain oral and/or written explanations of documents;

9.2.2 provide Homes England, in writing, with any such information about the Funding and/or the Project and/or the Programme as it requires for the conduct of its statutory functions or which may be required by any Regulatory Body in respect of its regulatory and / or compliance functions;

9.2.3 allow Homes England or persons authorised by it to inspect, audit and take copies of all reports, books, accounting records and vouchers which relate to the Funding and the Project provided that Homes England does not impede or obstruct the progress of the Project; and

9.2.4 at all times retain documentary evidence to support each Claim and will maintain full and accurate accounts for the Project in accordance with all applicable law and accounting standards and (to the extent that no accounting standard is applicable) use generally accepted accounting principles and practices of the United Kingdom then in force. For the purpose of this paragraph 9.2.4 "Accounting Standards" means the statements of standard accounting practice referred to in section 464 of the Companies Act 2006 issued by the Accounting Standards Board.

## **10. TITLE TO THE LAND**

10.1 The Local Authority will procure that the Local Authority's solicitor provides a Title Letter in respect of the Site to Homes England in accordance with paragraph 1.5 of Schedule 4 to this Agreement.

## **11. DISPOSALS**

11.1 The Local Authority will procure that the whole and any part or parts of the Site are disposed of by way of a Permitted Disposals only and will not make any other Disposal of the Site or any part thereof without the consent of Homes England such consent not to be unreasonably withheld.

## **12. CONDUCT**

12.1 The Local Authority must comply with and assist and co-operate with Homes England in order that it can comply with (and require third parties who benefit from this Funding and any appointed contractors do the same) all applicable legal obligations and statutory requirements in relation to the Project, including, but not limited to:

12.1.1 EU and UK Planning and Environmental legislation

12.1.2 EU State Aid Law, including but not limited to N7471A/99 and N747/8/99 Partnership Support for Regeneration (1) Support for Speculative Developments and (2) Support for Bespoke Developments

12.1.3 Any relevant health and safety legislation

12.1.4 Modern slavery

12.1.5 Employment legislation

12.1.6 CDM Regulations

12.1.7 Equal opportunities (in relation to race, sex, disability, faith and sexuality)

12.1.8 Financial regulations and legislation

12.1.9 Copyright and Data Protection legislation

12.2 The Local Authority must not grant any lender security over assets funded, or part-funded, by this Funding unless the Local Authority has first obtained Homes England's written consent.

12.3 In carrying out the Project the Local Authority must not act directly or indirectly in any way that will bring Homes England into disrepute.

12.4 The Local Authority must inform Homes England immediately if any of its directors, officers or partners are a) disqualified, or b) subject to

- investigation or challenge which may have a detrimental effect upon Homes England and/or the Project.
- 12.5 The Local Authority must advise Homes England immediately of any threat of or any notice or any resolution in respect of any Insolvency.
- 12.6 The Local Authority will act in good faith to achieve the Milestones and Outputs and will provide evidence of this to Homes England as required by Homes England.
- 12.7 The Local Authority will provide Homes England with such evidence that it requires that the Development Costs and Wider Project Costs have been incurred.
- 12.8 Homes England agrees, and the Local Authority accepts that the Local Authority:
- 12.8.1 is a "client" as defined by the CDM Regulations and warrants that it will make suitable arrangements for the managing the Project and maintaining and reviewing these arrangements throughout, so the Project is carried out in a way that manages health and safety risks in accordance with applicable Legislation including but not limited to the CDM Regulations;
- 12.8.2 will act as the only client in respect of the Project and the Local Authority hereby agrees to be the only client under the CDM Regulations for the Project;
- 12.8.3 shall comply fully with all the duties of the client under the CDM Regulations.
- 12.9 The Local Authority will procure that all contractors comply at all times with the Health and Safety Legislation and the CDM Regulations and the requirements of the Health and Safety Executive;

### 13. INSURANCE

- 13.1 The Local Authority must take out and maintain with a reputable insurance company adequate insurance of the type and level of cover which it is reasonable to expect from a business such as that operated by the Local Authority.
- 13.2 The Local Authority must produce a schedule of all appropriate insurance cover and copies of all relevant cover notes and insurance policies to Homes England within 10 days of any such request being made by Homes England.

### 14. CONFIDENTIALITY, FREEDOM OF INFORMATION, DATA PROTECTION, INTELLECTUAL PROPERTY, PUBLIC RELATIONS AND PUBLICITY

#### 14.1 Definitions

In this paragraph 14 the following words and expressions have the following meanings:

**Confidential Information** means any and all information whether disclosed or otherwise made available by one Party to another (or otherwise obtained or received by a Party) whether before or after the date of this Agreement including but not limited to:

- (a) know-how, confidential, commercial and financial information and all other information which should reasonably be treated as confidential (whether marked confidential or otherwise);
- (b) the existence or terms of this Agreement or other information relating to the Project; and

(c) information relating to a Party's business and affairs, its customers, employees and suppliers;

in whatever form in each case (including but not limited to information given orally or in writing or in any document electronic file or machine readable form or other means of recording or representing information whatsoever) and including any information (in whatever form) derived from such information

**EIR** means the Environmental Information Regulations 2004, and any subordinate legislation made under the Environmental Information Regulations 2004 from time to time together with any guidance and/or codes of practice issued by the Information Commissioner in relation to such legislation;

**EIR Exception** means any applicable exemption to EIR;

**Exempted Information** means any Information that is designated as falling or potentially falling within the FOIA Exemptions or the EIR Exceptions;

**FOIA** means the Freedom of Information Act 2000, and any subordinate legislation made under this Act from time to time together with any guidance and/or codes of practice issued by the Information Commissioner in relation to such legislation;

**FOIA Authority/Authorities** means a public authority as defined by FOIA and/or EIR;

**FOIA Exemption** means any applicable exemption to the FOIA;

**Information** means in relation to:

- (a) FOIA the meaning given under section 84 of the FOIA and which is held by Homes England at the time of receipt of an RFI; and
- (b) EIR the meaning given under the definition of "environmental information" in section 2 of the EIR and which is held by Homes England at the time of receipt of an RFI;

**Information Commissioner** has the meaning set out in section 6 of the DPA;

**Intellectual Property** includes, without limit, all copyright (and future copyright), patents, trademarks and service marks (whether registered or not) design rights, registered designs, database rights, moral rights and know-how together with the right to register, protect, enforce and exploit the above anywhere in the world.

**Pre-existing Intellectual Property Rights** means any Intellectual Property provided or used by the Local Authority in connection with the Project which exists as at the date of the Agreement.

**Request for Information/RFI** shall have the meaning set out in the FOIA or any request for information under EIR which may relate to the Project, any Agreement or any activities or business of Homes England.

#### 14.2 Confidentiality and freedom of information

##### 14.2.1 Confidentiality

- (a) Each party recognises that under the Agreement it may receive Confidential Information belonging to the other.
- (b) Each party agrees to treat all Confidential Information belonging to the other as confidential and not to disclose such Confidential Information or any other confidential information relating to Homes England arising or coming to its attention during the currency of the Agreement to any third party without the prior written consent of the other party and agrees not to use such Confidential Information for any purpose other than that for which it is supplied under the Agreement.
- (c) The obligations of confidence referred to in paragraph 14.2.1(a) above will not apply to any Confidential Information which:
- i is in, or which comes into, the public domain otherwise than by reason of a breach of the Agreement or of any other duty of confidentiality relating to that information; or
  - ii is obtained from a third party without that third party being under an obligation (express or implied) to keep the information confidential; or
  - iii is lawfully in the possession of the other party before the date of the Agreement and in respect of which that party is not under an existing obligation of confidentiality; or
  - iv is independently developed without access to the Confidential Information of the other party.
- (d) Each party will be permitted to disclose Confidential Information to the extent that it is required to do so:
- i to enable the disclosing party to perform its obligations under the Agreement; or
  - ii by any applicable law or by a court, arbitral or administrative tribunal in the course of proceedings before it including without limitation any requirement for disclosure under the FOIA and the EIR and the Local Authority acknowledges that any lists or schedules provided by it outlining Confidential Information are of indicative value only and Homes England may nevertheless be obliged to disclose such Confidential Information; or
  - iii by any regulatory body (including any investment exchange) acting in the course of proceedings before it or acting in the course of its duties; or
  - iv in order to give proper instructions to any professional adviser of that party who also has an obligation to keep any such Confidential Information confidential.
- (e) The Local Authority will ensure that all Confidential Information obtained from Homes England under or in connection with the Agreement:
- i is given only to such of its employees, professional advisors, Contractors or consultants engaged to advise it in connection with the Agreement as is strictly necessary for the performance of the Agreement and only to the extent necessary for the performance of the Agreement;
  - ii is treated as confidential and not disclosed (without Homes England's prior written approval) or used by any such staff or professional advisors, contractors or consultants otherwise than for the purposes of the Agreement;
  - iii where it is considered necessary in the opinion of Homes England the Local Authority will ensure that such staff, professional advisors, contractors or consultants sign a confidentiality undertaking before commencing work in connection with the Agreement.
- (f) Nothing in this paragraph 14.2.1 shall prevent Homes England:
- i disclosing any Confidential Information for the purpose of:
    - A the examination and certification of Homes England's accounts; or
    - B any examination pursuant to section 6(1) of the National Audit Act 1983 of the economy, efficiency and effectiveness with which Homes England has used its resources; or
  - ii disclosing any Confidential Information obtained from and the Local Authority:
    - A to any other department, office or agency of the Crown; or
    - B to any person engaged in providing any services to Homes England for any purpose relating to or ancillary to the Agreement or any person conducting an Office of Government Commerce gateway review; or
  - iii provided that in disclosing information under paragraphs 14.2.1(f)(ii)(A) or 14.2.1(f)(ii)(B) above Homes England discloses only the information which is necessary for the purpose concerned and requires that the information is treated in confidence and that a confidentiality undertaking is given where appropriate.
- (g) Nothing in this paragraph 14.2.1 shall prevent a party from using any techniques, ideas or know-how gained during the performance of the Agreement in the course of its normal business, to the extent that this does not result in a disclosure of Confidential Information or an infringement of Intellectual Property Rights.
- 14.2.2 Freedom of information**
- (a) The Local Authority acknowledges that Homes England is subject to legal duties

which may require the release of information under the FOIA and/or the EIR and that Homes England may be under an obligation to provide Information subject to a Request for Information.

- (b) Homes England shall be responsible for determining at its absolute discretion whether:
  - i any Information is Exempted Information or remains Exempted Information; or
  - ii any Information is to be disclosed in response to a Request for Information.
- (c) Subject to paragraph 14.2.2(d) below, the Local Authority acknowledges that Homes England may be obliged under the FOIA or the EIR to disclose Information:
  - i without consulting the Local Authority ; or
  - ii following consultation with the Local Authority and having taken (or not taken, as the case may be) its views into account.
- (d) Without in any way limiting paragraphs 14.2.2(b) and 14.2.2(c) above, in the event that Homes England receives a Request for Information, Homes England will, where appropriate, as soon as reasonably practicable notify the Local Authority .
- (e) The Local Authority will assist and co-operate with Homes England as requested by Homes England to enable Homes England to comply with its disclosure obligations under the FOIA and the EIR within the prescribed periods for compliance and in particular without limitation will (and shall procure that its agents, contractors and sub-contractors will), at their own cost:
  - i provide all such assistance as may be required from time to time by Homes England and supply such data or information as may be requested by Homes England; and
- (f) Nothing in the Agreement will prevent Homes England from complying with any valid order, decision, enforcement or practice recommendation notice issued to it by the Information Commissioner under the FOIA and / or the EIR in relation to any Exempted Information.
- (g) To the extent that the Local Authority becomes a FOIA Authority subject to the FOIA and the EIR during the course of the Agreement this paragraph will apply mutatis mutandis to both parties.
- (h) The obligations in this paragraph 14.2.2 will survive the expiry or termination of the Agreement for a period of two (2) years or, in respect of any particular item of Confidential Information, until such earlier time as that item of Confidential Information reaches the public domain otherwise than by reason of a

breach of the Agreement or of any other duty of confidentiality relating to that information.

#### 14.2.3 **Publication of information before Parliament**

The Local Authority acknowledges that the National Audit Office has the right to publish details of the Agreement in its relevant reports to Parliament.

#### 14.3 **Data Protection**

For the purposes of this paragraph 14.3, "**Personal Data**" and "**Process**" shall have the meanings ascribed to them in the Data Protection Legislation as amended or re-enacted from time to time.

##### 14.3.1 **Cooperation**

The parties will co-operate with one another in order to enable each party to fulfil its statutory obligations under the DPL.

##### 14.3.2 **Registrations, notifications and consents**

The Local Authority warrants and represents that it has obtained all and any necessary registrations, notifications and consents required by the DPL to Process Personal Data for the purposes of performing its obligations under the Agreement. The Local Authority undertakes at all times during the term of the Agreement to comply with the DPL (and the data protection principles contained therein) in processing all Personal Data in connection with the Agreement and shall not perform its obligations under the Agreement in such a way as to cause Homes England to breach any of its applicable obligations under the DPL.

#### 14.4 **Intellectual Property Rights**

14.4.1 All Intellectual Property Rights arising from the Project hereby vest in Homes England, other than Pre-existing Intellectual Property Rights, unless specifically detailed and agreed in writing with Homes England.

14.4.2 Homes England is entitled to make publicly available Best Practice arising from the Project ("Project Know-how") and (subject to Clause 14.4.3) the Local Authority hereby grant to Homes England a licence to use such Project Know-how in accordance with this Clause. Homes England will have the right to amend the Project Know-how or to combine with any other know how as it thinks fit when compiling and publishing what it regards as Best Practice.

14.4.3 If the Intellectual Property Rights in Project Know-how are owned by a third party, the Local Authority will use your reasonable endeavours to obtain a licence for Homes England to use such Project Know-how in accordance with this Clause 14. The Local Authority will notify Homes England where the Local Authority are unable to obtain such licence and will identify which parts of the Project Know-how Homes England is not licensed to use ("Excluded Know how").

14.4.4 Subject to Clause 14.4.3 the Local Authority will provide Homes England with complete copies of and access to all



information and know-how relating to or derived from the Project (including the methods by which the Project was conducted). The Local Authority will provide all assistance and explanation requested by Homes England to enable it to disseminate Best Practice.

- 14.4.5 The Local Authority agrees to indemnify Homes England and keep it indemnified at all times against all or any costs, claims, damages or expenses incurred by Homes England, or for which Homes England may become liable, with respect to any intellectual property infringement claim or other claim relating to the Intellectual Property Rights arising from the Project or the Project Know-how.

#### 15. INDEMNITY

The Local Authority will be liable for and will indemnify Homes England in full for any expense, liability, loss, claim or proceedings arising under statute, tort (including negligence), contract and/or at common law in respect of personal injury to or death of any person or loss of or damage to property (whether belonging to Homes England or otherwise) or any claim by any third party arising directly or indirectly out of or caused or contributed to by the Project and/or the performance or non-performance or delay in performance by the Local Authority of its obligations under this Agreement except to the extent that the same is due to any act or neglect of Homes England.

#### 16. ACCESS TO INFORMATION

- 16.1 The Local Authority is required to provide Homes England, in writing, any such information about the Funding as it requires for the conduct of its statutory functions or which may be required by any Regulatory Body in respect of its regulatory and / or compliance functions.
- 16.2 The Local Authority is required to record for Homes England any such information as may be required to monitor and evaluate the performance of the Agreement. The Local Authority is required to retain this information for access by Homes England or any Regulatory Body for a minimum period of 10 years from the Completion Date.
- 16.3 The Local Authority is required to promptly provide to Homes England, at its reasonable request, access to all and any information about the Project including the location(s) at which the Project will be/ has delivered, Outputs and / or beneficiaries of the Funding from the Start Date up to and including the End Date.

#### 17. TRANSFER

The offer of Funding is personal to the Local Authority. Save as expressly contemplated by the Agreement or as otherwise specifically agreed in writing by Homes England the Local Authority may not assign, novate, transfer, sub-contract or dispose of in any other way either the benefit of the Funding or any of your obligations under this Agreement.

#### 18. VAT

The Local Authority and Homes England both understand and agree that the Funding by Homes England under this Agreement is not consideration for

any supply for Value Added Tax ("VAT") purposes whether by the Local Authority or otherwise. If, notwithstanding the agreement and understanding of the Local Authority and Homes England, it is determined that the Funding is consideration for a supply for VAT purposes, the Funding shall be treated as inclusive of any VAT.

#### 19. CHANGES

The Local Authority must advise Homes England immediately if the Local Authority want or require to make any changes to the Project including, but not limited to, changes to any of the Outputs, Milestones, Start Date, End Date, Project Completion Date, Development Costs and Wider Project Costs and/or funding of the Project. Any changes must be agreed, in writing, with Homes England before taking effect.

#### 20. PUBLICITY

- 20.1 The Local Authority will ensure that, where appropriate, publicity is given to the Project by drawing attention to the benefits and opportunities afforded by it. In acknowledging the contribution and investment made by Homes England the Local Authority must comply with any guidance on publicity provided by or on behalf of Homes England from time to time.
- 20.2 The Local Authority must not publicise or promote the Funding without Homes England's prior written agreement.
- 20.3 The Local Authority shall not refer to Homes England or the Funding in any publicity and/or promotional material relating to the Project without first receiving Homes England's written approval to such references.
- 20.4 Homes England reserves the right to use all data provided by the Local Authority in relation to the Funding for publicity or promotional purposes.

#### 21. Fees and Expenses

##### 21.1 Variations and Enforcement Costs

The Local Authority shall within three (3) Business Days of demand on demand, pay to Homes England the amount of all costs and expenses (including legal fees and irrecoverable VAT relating thereto) incurred by it:

- 21.1.1 in connection with the variation or amendment of, or enforcement or preservation of any rights under, the Agreement; or
- 21.1.2 in investigating any Event of Default which has occurred.

#### 22. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties relating to its subject matter and supersedes all prior negotiations, representations and undertakings whenever occurring.

#### 23. FURTHER ASSURANCE

On the written request of Homes England, the Local Authority will promptly execute and deliver or procure the execution and delivery of any further documents necessary to obtain for Homes England the full benefit of this Agreement.

24. **APPLICABLE LAW**

This Agreement is governed and interpreted in accordance with English Law and subject to the jurisdiction of the courts of England and Wales. If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction

such provision shall be severed from it and the remainder of the provisions of this Agreement shall otherwise remain in full force and effect.

### SCHEDULE 3

#### 1. MILESTONES

##### Part A: HIF Funded Infrastructure Milestones

MILESTONE	MILESTONE DATE
Commencement of procurement of HIF Funded Infrastructure Works	31 July 2020
Start Date	30 September 2020
Submission of first Claim for Funding	31 August 2020
HIF Funded Infrastructure Works Start Date	31 July 2020
Completion of HIF Funded Infrastructure Works	28 February 2021
Reserved Matters Planning Permission achieved for the HIF Funded Infrastructure Works	31 July 2019
Unconditional contract entered into by the Council with a developer or building contractor for the HIF Funded Infrastructure Works	30 September 2020

##### Part B: Wider Project Milestones

MILESTONE	MILESTONE DATE
Commencement of procurement of Wider Project	Phase 1 - commenced 2011
Wider Project start date	Phase 2 - commenced May 2018 Phase 3 - after completion of the HIF Funded Infrastructure Works
Reserved Matters Planning Permission achieved for the Wider Project	31 May 2019
Unconditional contract entered into by the Local Authority with a developer or building contractor for the Wider Project	30 September 2020
311 residential units commenced	31 December 2020
Project Completion Date	31 December 2026
Local Authority to have undertaken a scheme reappraisal and submit its proposal to Homes England in accordance with paragraph 4.11 of the Standard Terms & Conditions as to how the monies recovered will be used for further housing delivery (the <b>Further Housing Plan</b> )	1 month after Project Completion Date, such date being 31 January 2027
Local Authority to have gained approval for the Further Housing Plan in accordance with paragraph 4.11 of the Standard Terms & Conditions.	2 months after Project Completion Date, such date being 28 February 2027
End Date	31 December 2028

#### 2. OUTPUTS

OUTPUT	Measure
Number of residential units practically completed (Programme Completion)	311

## SCHEDULE 4

### PRE-CONDITIONS

1. In additional to Clause 1.6 of this Agreement, Homes England will not be obliged to advance any Funding under this Agreement (even where a Claim Form has been submitted) unless:
  - 1.1 Homes England is satisfied that the Local Authority are not in breach of this Agreement;
  - 1.2 the Local Authority has provided satisfactory evidence to Homes England that the Local Authority has complied with the Local Authority representations and warranties set out in Clause 4 of Schedule 2;
  - 1.3 the Local Authority has provided Homes England with a copy of the legal opinion it has received for the Project in relation to EU State Aid Law, such legal advice shall be provided by a firm of reputable solicitors with expertise in EU State Aid Law;
  - 1.4 Homes England is satisfied (acting reasonably) that contractors have or will be appointed with sufficient capability, experience and funding to deliver the Project by the Project Completion Date;
  - 1.5 The Local Authority has issued (or procured the issue) to Homes England of the Title Letter in respect of the Site for which Funding is claimed;
  - 1.6 the Local Authority has provided Homes England with confirmation from its legal advisors that it has received legal advice to ensure its compliance with paragraphs 4.11 and 4.12 of the Standard Terms of this Agreement;
  - 1.7 Homes England has confirmed to the Local Authority that it has approved the Cashflow at Appendix 2 to this Agreement;
  - 1.8 Homes England has provided written confirmation to the Local Authority that it is satisfied that both the procedure for appraising development and the Cashflow at Appendix 2 to this Agreement are sufficiently transparent to allow Homes England to monitor:
    - 1.8.1 the costs incurred in delivery of the Project;
    - 1.8.2 the purchase price of the Site and any other land; and
    - 1.8.3 the viability of the Project;
  - 1.9 The Local Authority is to provide or procure the provision of an updated development appraisal and Cashflow to Homes England on a quarterly basis demonstrating that:
    - 1.9.1 the Project is financially viable; or
    - 1.9.2 An open book monitoring process of the development appraisals and cashflow for Phase 3 is adopted, in order for scheme costs, land purchase price and viability to be monitored by Homes England. An updated appraisal and cashflow are to be provided to the Homes England on a quarterly basis ahead of drawdown, and should show that the scheme is viable, or if unviable, should be accompanied by a written commitment from the Local Authority that they will reduce the sum requested from Keepmoat for the Phase 3 land to enable the scheme to be viable, such sum requested never to be greater than the Market Value.
  - 1.10 Prior to or on 1 July 2019, the Local Authority has provided Homes England with satisfactory evidence that an application for Planning Permission has been submitted;
  - 1.11 Prior to or on 1 July 2019, the Local Authority has provided satisfactory evidence to Homes England that any Statutory Agreement and associated costs have been confirmed and agreed and Homes England is satisfied with the terms of the Statutory Agreement;

- 1.12 Prior to or on 1 July 2019, the Local Authority has provided satisfactory evidence to Homes England of confirmation of any statutory or agreed obligations relating to the delivery of affordable housing as part of the Project;
- 1.13 Prior to [1 February 2019], the Local Authority has provided Homes England with the Programme. The dates specified in the Programme must facilitate delivery of the HIF Funded Infrastructure Works by 31 March 2021; and
- 1.14 The Local Authority must notify Homes England immediately upon becoming aware of any changes to the Programme that may:
  - 1.14.1 delay delivery of the Project beyond the Project Completion Date; or
  - 1.14.2 accelerate delivery of the Project so that the Project is completed prior to the Project Completion Date.
2. Homes England may agree to pay Funding to the Local Authority before the above pre-conditions have been met without prejudice or waiver to its rights under this Agreement or to its right to refuse to pay any further Funding until the above pre-conditions are met.

**SCHEDULE 5**  
**ADDITIONAL PROJECT SPECIFIC PROVISIONS**

**APPENDIX 1**  
**PLAN SHOWING THE SITE**

**APPENDIX 2**

**CASHFLOW**



**APPENDIX 3**

**TITLE LETTER**

**[Title Letter to be provided on Solicitors letterhead]**

Site: Land on the North and South side of Lingamoor Leys, Thurnscoe

Title Number: SYK536243

Local Authority: Barnsley Metropolitan Borough Council

The Project: Seasons Phase 3, Thurnscoe Housing Development, Barnsley

Date of Certificate: [Date]

Insurance Amount: [To be confirmed]

**TO: Homes and Communities Agency** (trading as Homes England), a body corporate under Section 1 of the Housing and Regeneration Act 2008, of Arpley House, 110 Birchwood Boulevard, Birchwood, Warrington, WA3 7QH (including any statutory successor) (Homes England);

Except as set out in the Schedule hereto.

We certify that:

- 1 We investigated the title of the Local Authority to the Site, including the carrying out of all appropriate searches and enquiries.
- 2 The Site is:
  - 2.1 held freehold by the Local Authority; and
  - 2.2 registered with absolute title at the Land Registry.
- 3 There are no financial charges secured on the Site.
- 4 The interest of the Local Authority in the Site is sufficient to allow the Site to be included in the Project and for the development of residential units without the need to obtain any further property or rights or the consent of any third party.
- 5 The Local Authority has a good and marketable title to the Site and to any appurtenant rights free from prior mortgages or charges and from onerous encumbrances that have an adverse effect on the development or use of the Site for the Project or its intended development.
- 6 We confirm that there either is, or will be on completion, sufficient insurance in place for the Insurance Amount as set out above

- 7 The Local Authority is not subject to any other contractual obligations which will adversely affect its ability to carry out the Project or materially affect the cost of the Project.
- 8 Nothing has been revealed by our searches and enquiries which would prevent the Site being used for the Project.



7. I confirm compliance with each representation, warranty and covenant specified in the Funding Agreement.
8. I confirm that no Event of Default has occurred and is continuing or will occur as a result of the proposed draw down.
9. I confirm that the Funding to be provided pursuant to this Claim Form is in respect of Development Costs and will be used to meet the Development Costs and that no other Claim has been made in respect of such costs and that any supporting evidence required to be submitted with this Claim (to Homes England's satisfaction) provides evidence of the relevant expenditure incurred to date.
10. I confirm that:
  - 10.1 The Development Costs have been or will be incurred and constitute or will constitute capital expenditure in accordance with Regulations made under the Local Government Act 2003.
  - 10.2 We have not received and will not receive any specific grants, other support or contributions towards the expenditure for which payment is now being sought.
  - 10.3 The information in this form is true and correct.

By: .....

Section 151 Officer  
for and on behalf of  
Barnsley Metropolitan Borough Council

Name (Printed):

Position:

Dated:

-----For Completion by Homes England Only-----  
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Department/Location					
<b>Order/Contract No:</b>		<b>Supplier Ref:</b>		<b>EFIN/APTOS INV NO:</b>	
Cost Centre	Account No	Activity	Job Code	Net Amount	Vat Code
	Creditor Code	<b>Total Net</b>	<b>Total VAT</b>	<b>Invoice Total</b>	
<b>CERTIFIED BY &amp; Date</b>			<b>AUTHORISED BY &amp; Date</b>		



## Advice Note

### State Aid Advice: Thurnscoe Housing Development

#### 1 Background

- 1.1 We have been instructed by Barnsley Metropolitan Borough Council (the **Council**) to advise on the state aid implications of the Seasons (Willow Heights) Housing Development in Thurnscoe (**the Development**).
- 1.2 The Council has secured funds from the Housing Infrastructure Fund – Marginal Fund for a £2.039m grant (**the HIF grant**) to enable the accelerated completion of essential infrastructure works for Phase 3 of the Development which is aimed to expedite the delivery of 311 new homes.
- 1.3 The funding is being provided to bridge the gap and to enable the delivery of essential infrastructure including roads, drainage and utilities.
- 1.4 The Council estimates that the total costs of the Development are £40.9m of which the cost of Infrastructure is £2,208,804.
- 1.5 Keepmoat (the **Development Partner**) are the Council's development partner for the project and will undertake the property and infrastructure works.
- 1.6 The Council has asked for advice as to whether the proposed funding of the Project is compatible with the EU rules on state aid.
- 1.7 In drafting our advice, we have used factual information provided by the Council in the HIF Marginal Fund Report to Cabinet, the funding application and the draft funding agreement. To the extent that any factual information contained is incorrect please inform us promptly as it may change our advice.

#### 2 Legal Framework

- 2.1 A state aid exists when all of the following four conditions are met.

**1<sup>st</sup> Condition** – The assistance must be granted by the state or through state resources.

**2<sup>nd</sup> Condition** - The assistance favours certain undertaking(s) which are engaged in an economic activity.

**3<sup>rd</sup> Condition** - The assistance gives a selective advantage to such undertaking(s) and thereby distorts or potentially distorts competition.

**4<sup>th</sup> Condition** - The assistance affects trade between member states.

2.2 Where a state aid exists it may nonetheless be compatible with the EU state aid rules. The Commission has established "safe harbour" provisions for state aids that meet certain conditions in the General Block Exemption Regulation (651/2014) (the **GBER**). It also permits a limited amount of "de minimis" aid to undertakings and as a last resort, state aid schemes may apply to the Commission in advance for approval.

### 3 Legal Analysis

3.1 The Project comprises of a number of elements: the HIF Grant; Council funding; works contracts to build out the Project; and home sales. Accordingly, we have identified three potential beneficiaries in the Project:

- 3.1.1 the Council;
- 3.1.2 the Development Partner; and
- 3.1.3 the eventual homeowners/tenants:

3.2 We do not regard the Council as a beneficiary of state aid for the reasons set out in paragraph 3.3 below.

3.3 The HIF Grant and the Council funding are supporting the Council in the provision of local infrastructure to facilitate the development of new homes. Our assessment is that this assistance does not meet all of the conditions for state aid set out in paragraph 2.1 above:

- 3.3.1 The HIF Grant is being provided by the state but is being provided to the Council rather than directly to any private undertakings (i.e. public to public).
- 3.3.2 In our view, the Council is not acting as a separate "undertaking" but is acting in its capacity as a public authority in developing and revitalizing public land.<sup>1</sup> The activities being exercised cannot reasonably be separated from the exercise of these public powers and therefore would fall outside the notion of undertaking.<sup>2</sup>
- 3.3.3 The assistance is not generally available and is selective.
- 3.3.4 The residential property market in Barnsley is unlikely to be a pan-EU market and therefore the assistance may not affect trade between member states. However, we have not explored in detail whether any house builders or investors in the Barnsley region are likely to be from outside of the UK so it may be possible that trade between member states might be affected in this case although there are good arguments to argue otherwise.

3.4 We note the judgment in *Leipzig Halle*<sup>3</sup> provides that the transfer of state resources to a public sector organisation for the construction of infrastructure within a commercial market may constitute an economic activity. For the sake of completeness and in the event that the Council is considered to be acting as an undertaking (in providing residential homes to the commercial market), we consider that exceptions may be available under the GBER (in particular, Article 56 for local infrastructure and regional aid – see further Section 4 below).

<sup>1</sup> See Commission Notice on the notion of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union (2016/C 262/01) at paragraphs 17 to 18.

<sup>2</sup> See fn 1 above at paragraph 18.

<sup>3</sup> Case C-288/11 P, *Flughafen Leipzig-Halle GmbH, v European Commission*, ECLI:EU:C:2012:821

- 3.5 We do not consider the Development Partner to be a beneficiary of state aid for the reasons set out in paragraph 3.6 below.
- 3.6 We are informed that Keepmoat is the Council's Development Partner for the Development. We are informed that Keepmoat was appointed following a competitive process compliant with public procurement legislation and the Council can demonstrate value for money. This approach should comply with the market economic operator test guidance in the Commission Notice on the notion of state aid<sup>4</sup>.
- 3.7 We do not consider the eventual homeowners/tenants to be a beneficiary of state aid for the reasons set out in paragraph 3.8 below.
- 3.8 We understand that the Council will sell/rent the homes at market rates in an open, transparent and non-discriminatory way. This approach complies with the market economic operator test guidance in the Commission Notice on the notion of state aid<sup>5</sup>. Accordingly, there will be no state aid to homeowner/tenants and in any event, homeowners/tenants are unlikely to be undertakings.
- 3.9 We would recommend that the Council ensures that robust governance processes are put in place to ensure compliance with these "market conditions" requirements in order to avoid state aid issues arising in particular in relation to the Development Partner.
- 3.10 In particular, grant monies should not be provided to the Development Partner in a way that it is 'off-market'. Any granting of favourable conditions to Keepmoat will have to comply with the relevant GBER provisions or will need to fall under the De Minimis Regulation (under €200,000 over three fiscal years).<sup>6</sup> For these reasons, we would advise that the Council put in place clawback provisions to ensure that no state aid is provided to the Development Partner (i.e. they are obliged to repay any surplus).

#### 4 GBER Exemptions

- 4.1 We have also considered the relevant GBER exemptions in case the Council is considered to be a state aid recipient although our assessment is that it is not state aid (see paragraph 3.3 above).

##### Article 56

- 4.2 Article 56 (Investment aid for local infrastructures) of the GBER provides a safe harbour for state aid that is granted to improve local infrastructure provided that certain conditions are met. The specific conditions of Article 56 are discussed below.
- 4.3 **Article 56 (1)** requires that the project is for "*the construction or upgrade of local infrastructures which concerns infrastructure that contribute at a local level to improving the business and consumer environment and developing the industrial base*".

The purpose of the Project is to provide roads, drainage and utilities for the Development. Therefore, we regard the Project as a "good fit" for Article 56.

- 4.4 **Article 56(2)** states that the Article shall not apply "*to aid for infrastructures that is covered by other sections of Chapter III of this Regulation with the exception of Section 1 — Regional aid. This Article shall also not apply to airport infrastructure and port infrastructure*".

<sup>4</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0719\(05\)&%20from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0719(05)&%20from=EN)

<sup>5</sup> See fn 1 above.

<sup>6</sup> Regulation (EU) No 1407/2013

The Project is to provide local infrastructure. This does not clearly fit into any of the other exemptions with the exception of regional aid. Therefore, we regard this condition as met.

- 4.5 **Article 56(3)** requires that the "*infrastructure shall be made available to interested users on an open, transparent and non-discriminatory basis. The price charged for the use or the sale of the infrastructure shall correspond to market price*".

This provision requires the Council to offer the infrastructure in an open, transparent and non-discriminatory way. We recommend governance is put in place after completion of the works to ensure compliance with this requirement. In respect of the price corresponding to market rates, we understand that this will be the case.

- 4.6 **Article 56(4)** requires that "*any concession or other entrustment to a third party to operate the infrastructure shall be assigned on an open, transparent and non-discriminatory basis, having due regard to the applicable procurement rules*".

We understand that the Council intends to operate the infrastructure itself (or in combination with relevant utilities). It should be noted by the Council that should its plans for the Project change then this stipulation may need to be complied with in tendering any concession to operate the infrastructure.

- 4.7 **Article 56(5)** requires that "*the eligible costs shall be the investment costs in tangible and intangible assets.*" "Tangible assets" are defined in GBER<sup>7</sup> as "*assets consisting of land, buildings and plant, machinery and equipment*".

The development costs identified in the draft grant agreement relate to:

- The remediation, preparatory works and constructions of roads and footpaths;
- Drainage works;
- Works associated with delivery the primary area of public open space.

- 4.8 **Article 56(6)** sets the maximum amount of aid that the Project can receive – "*The aid amount shall not exceed the difference between the eligible costs and the operating profit of the investment. The operating profit shall be deducted from the eligible costs ex ante, on the basis of reasonable projections, or through a claw-back mechanism*".

- 4.9 The Council do not expect that the investment will make an operating profit.

- 4.10 **Article 56(7)** provides that "*dedicated infrastructure shall not be exempted under this Article. Dedicated infrastructure is defined as "infrastructure that is built for ex-ante identifiable undertaking(s) and tailored to their needs"*".

We understand that the Council intends to offer access to a wide range of potential users so this condition is satisfied.

- 4.11 GBER also contains a number of other conditions that must be met:

- 4.11.1 Article 1 excludes certain types of aid from being covered by the GBER. We do not consider that any of these apply.

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<sup>7</sup> Article 2(29)



- 4.11.2 Article 4.1(cc) caps the level of aid under Article 56 at €10m and with eligible costs of no more than €20m. The proposed investment is below this cap.
- 4.11.3 The Council must demonstrate an incentive effect which is consistent with the requirements of Article 6. Article 6.2 states that aid is considered to have an incentive effect if the beneficiary has submitted a written application (containing certain information) before work on the project has started. This condition is met.

### **Regional aid**

- 4.12 We understand from the Council that the Development lies within an Assisted Area for the purposes of Regional aid.
- 4.13 Under Article 14 GBER, regional investment aid is compatible with the internal market provided that:
- 4.13.1 the aid is granted in assisted areas;
  - 4.13.2 the aid is granted for an initial investment regardless of the size of the beneficiary.
- 4.14 Regional investment aid may therefore also apply provided that the conditions in Article 14 are met.

## **5 Potential Schemes**

- 5.1 There may also be potential schemes that could be relied on to exempt this aid, including the English Aid for Local Infrastructures Scheme.<sup>8</sup>
- 5.2 We also note that the HIF grant conditions list two Commission clearance decisions from 1999 (Decisions N7471A/99 and N747/8/99 referred to in Schedule 2 at clause 12.1.2). The Commission concluded that the two schemes for partnership support for regeneration were compatible with the internal market and were designed to stimulate investment.

## **6 Conclusions**

- 6.1 It is our opinion that the HIF Grant should not be construed as state aid to the Council. However, if the Council were considered to be an undertaking providing residential accommodation, we consider that Article 56 of GBER and/or Article 14 GBER would be applicable to any state aid provided the conditions are met as indicated above.
- 6.2 We would advise that appropriate clawback provisions are put in place to ensure that there is not any state aid to the Development Partner but that any funding drawdowns paid to the Development Partner are on market terms based on the Market Economy Investor Principle.

**Walker Morris LLP**

**28 March 2019**

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<sup>8</sup> Available at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/417288/English\\_Aid\\_for\\_Local\\_Infrastructures\\_Scheme.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/417288/English_Aid_for_Local_Infrastructures_Scheme.pdf)

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## BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

### REPORT OF THE EXECUTIVE DIRECTOR PLACE TO CABINET

#### HOUSING REVENUE ACCOUNT (HRA) – CAPITAL WORKS 2019/20 PROGRAMME

#### 1. PURPOSE OF REPORT

- 1.1 To approve the 2019/20 HRA Capital Programme Works complimentary to the core Barnsley Homes Standard Programme.

#### 2. RECOMMENDATIONS

It is recommended that:

- Cabinet approve the HRA Capital Works detailed in the report.

#### 3. INTRODUCTION

- 3.1 Cabinet approved the HRA Housing Capital Investment Programme for 2019/20 on the 9<sup>th</sup> January 2019 and the indicative programme up to 2024. This report seeks approval to the detail of the programme for 2019/20. The work is additional to the Barnsley Homes Standard Programme which Cabinet also approved on the 9<sup>th</sup> January 2019, but is complimentary and helps maintains the housing stock to the Decency Standard.
- 3.2 This report covers Council Housing Individual heating replacements, general replacement Items, extensive structural works and the major adaptations programme.

#### 4. PROPOSAL AND JUSTIFICATION

##### 4.1 Urgent Individual Property Heating Replacements – £0.475M

In all cases following a heating breakdown, a repair is attempted in the first instance. In some cases, the boiler cannot be repaired or is beyond economic repair which cannot wait for a planned programme. The budget is sufficient for around 200 such replacements each year within the housing stock of 18,500 properties. This work is delivered through the Property Repairs and Improvement Partnership (PRIP) with the works carried out by Berneslai Homes Construction Services or Kier.

#### 4.2 Planned Works to District Heating Networks - £0.606M

The Council has 24 District Heating Networks serving 1,212 dwellings, community centres, a school and a doctor's surgery. Properties have heat meters and pay at cost of the heat they use. The systems operate on an 'at cost' basis for revenue income and expenditure and the Council has been able to maintain the same charge for the last three years, with no increase for the 2019/20 financial year. The capital cost of improvements and replacements for the systems falls on the HRA, as it does for all other domestic systems.

The plans for 2019/20 include replacement of underground heating mains at Aldham House Farm in Wombwell and a refurbishment of the Grey Street Plant room at Elsecar. The heating mains at Aldham House are towards the end of their life expectancy. Replacement of heating mains reduces the risk of mains failure, improves flow rates and the overall efficiency of the heat network. The plant room work at Grey Street is also designed to improve system efficiency and will include new highly efficient gas boilers. Each scheme will require individual approval and further details of each schemes will be presented at that time.

A smaller part of this capital budget may be required for any major failures that occur during the year, for example, major boiler failure requiring a renewal or a bust underground main requiring section renewal rather than repair.

#### 4.3 Major Adaptations for Tenants With Special Needs - £2.007M

The Council has an approved policy that any major adaptations that are required for Council Housing tenants are funded through the Housing Revenue Account and not the Disabled Facilities Grant. This budget is used to fund those adaptations each year.

The population in Barnsley is aging and tenants are living longer, and as a consequence, the number of adaptation requests is rising, which are responsive and reactive in nature.

All applications are first accessed by the Council's Equipment, Adaptation and Sensory Impairment Service, to determine exact requirements. Following this, applications are assessed by officers from the Equipment and Adaptation Service jointly with Berneslai Homes' officers. Applicants have a right of appeal, with a final decision from an independent appeals panel.

The three most frequent type of adaptations requested are:

- Level Access Shower;
- Entrance Ramps; and
- Stair lifts and Ceiling Hoists.

The proposed budget is sufficient to fund around, on average, 860 adaptations.

Where appropriate, the proposed budget is also used to build a small number of extensions to properties where tenants cannot be re-housed to more suitable accommodation.

#### 4.4 Replacement Items - £1.539M

The proposed replacement items budget is to be used to replace items in Council Housing, where they cannot be repaired, are reasonably urgent in nature and are not heating related (where there is a separate budget allocation). The items are placed in planned programmes released monthly through the Property Repairs and Improvement Partnership (PRIP) to Berneslai Homes Construction Services and Kier. These batched releases enable the work to be properly planned and priced, making delivery efficient and costs more controllable. The works typically consist of:

- Full or Partial Kitchen Replacements;
- Full or Partial Bathroom Replacements;
- New Guttering;
- New Doors; and
- New Windows.

The proposed budget is sufficient to fund around, on average, 1,300 replacements.

#### 4.5 Extensive Structural and Void Replacements - £1.685M

This proposed budget is to be used to fund extensive, one-off structural works that are urgent and which cannot wait for the Barnsley Homes Standard Programme, and to fund replacement items in void properties that are required to bring the properties back to the lettings standard which need to be carried out quickly to let the property and keep void rent loss to a minimum.

All of these works are delivered through the Property Repairs and Improvement Partnership (PRIP) by Berneslai Homes Construction Services or Kier.

Typically extensive structural works will include:

- Re-roofing;
- Subsidence Underpinning;
- Major Damp Works; and
- External Retaining Wall Failure.

Void replacements are typically home standard type works of kitchens, bathrooms, replacement heating replacements and rewires, which take place in empty properties following tenant vacation or property purchase.

#### 4.6 Community Centre Rewires - £0.065M

This proposed budget is to be used to fund electrical upgrade works in a number of the 14 HRA Community Centres and 18 other HRA buildings with communal facilities. The budget is sufficient to fund two to three upgrades per year, dependant on the scale of the project. This work is planned and is carried out by partners in the Property Repairs and Improvement Partnership (PRIP) by Berneslai Homes Construction Services or Kier.

#### 4.7 Community Refurbishment Scheme - £0.191M

Berneslai Homes runs a very successful Community Refurbishment and Training Scheme which has been operational for the last 15 years. The scheme helps young, unemployed and some older, long-term unemployed into work based learning and employment. It provides level 2 basic skills training in construction, mainly, bricklaying. Work programmes are based on a trainee profile of 20 in total at any one time with a split of 10 on site and 10 undertaking off site assessment and training. Training is delivered in Partnership with Barnsley Community Build.

The types of work undertaken on Council owned properties and estate includes:

- General tidying up and clearance of open space;
- Brick boundary walls;
- Installation of metal fencing and gates;
- Timber fencing;
- Construction of footpaths and driveways in concrete, tarmac and block paving;
- Pavement crossings and dropped kerbs; and
- Minor / incidental hard landscaping works.

The proposed budget is used to purchase building materials and hire of plant etc. The scheme is currently working in Athersley South and has been very popular with residents. In addition to skills training, it is a cost effective way of delivering environmental improvements.

#### 4.8 Barnsley Homes Standard Capitalised Salaries - £0.178M

A number of Berneslai Homes' support staff work specifically on the Barnsley Homes Standard capital schemes throughout the year, whose cost is charged to the HRA via the Berneslai Homes Management fee.

This proposed budget is to be used to fund the cost of those project managers which are capitalised during 2019/20.

#### 4.9 Works Programme Contingency - £0.213M

The proposal is to hold the remaining balance of resources totalling £0.213M as a contingency for the whole works programme, pending any new priorities that may emerge throughout the year.

Subsequent approval reports will be submitted in due course.

### 5. **CONSIDERATION OF ALTERNATIVE APPROACHES**

- 5.1 The delivery of works as described above has worked well for a number of years and enabled capital expenditure from essentially demand led works to be tightly controlled within budget allocations. The method of delivery is however kept under review.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The works programs enable Council tenants to live in homes that are good quality, maintained to the National Decent Homes Standard and at an affordable social rent. The Major Adaptations Budget additionally supports tenants with special adaptation needs to continue to live in their homes and in the community.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The estimated cost of this proposal totals £6.960M including £0.213M as a contingency for emerging pressures.
- 7.3 The funding associated with these proposals was set aside and formally approved as part of the 2019/20 HRA Budget Planning process that was submitted to Cabinet in January 2019 (Cab.9.1.2019/11 refers).
- 7.4 The individual elements and associated costs of the Capital Works Programme are detailed at Section 4 to the report.
- 7.5 The 30 year business plan, including the capital programme requirements will be subject to review during 2019/20.
- 7.6 The financial implications are summarised in the attached Appendix A.

## **8. EMPLOYEE IMPLICATIONS**

- 8.1 There are no additional employee implications arising from the work programmers. The majority of these works are delivered by Berneslai Homes Construction Services and Kier. Between them they employ 372 staff on the Property Improvement and Repairs Contract almost all who live within the borough. The planned Works to District Heating Schemes is specialist work and will be competitively tendered.

## **9. LEGAL IMPLICATIONS**

- 9.1 All of these work programs are carried out under contract approved and signed by the Borough Secretary. The largest of these is the Property Repairs and Improvement Contract which runs in its current form until 31<sup>st</sup> March 2020.

## **10. CUSTOMER AND DIGITAL IMPLICATIONS**

- 10.1 Customers who receive works under planned programmes have a number of consultations and communications in the lead up period to work being carried out, including planned appointment times. Work is ongoing to improve the range and quality of digital platforms enabling tenants to report repairs.

## **11. COMMUNICATIONS IMPLICATIONS**

11.1 There are no communications implications contained within this proposal.

## **12. CONSULTATIONS**

12.1 Consultations on this report have taken place within Berneslai Homes, the Council Strategic Finance manager, and the Head of Housing and Energy.

12.2 Consultation on individual works items takes place with the tenant, including elements of choice for kitchen and bathroom replacements.

## **13. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK**

13.1 The works described in this report feed into a number strategic goals and KPI's including:-

- Council Homes meeting the decency standard.
- Reducing Fuel Poverty.
- Enabling Residents to live safely and longer in their homes and tackling health inequalities.

## **14. TACKLING THE IMPACT OF POVERTY AND HEALTH INEQUALITIES**

14.1 Having and maintaining an affordable home is an important part of tackling the impact of poverty and health inequalities.

14.2 Council Housing provides by far the main provision of Social Housing in Barnsley. Maintaining adequate numbers of well managed low cost, good quality Council owned social rented properties in therefore a major part of tackling poverty and health inequalities within the borough.

## **15. REDUCTION OF CRIME AND DISORDER**

15.1 All Council owned properties have a good level of security particularly door and windows which have secured by design locking mechanisms.

## **16. RISK MANAGEMENT ISSUES**

16.1 Health and Safety risk management forms part of the delivery strategy for all of these works. Larger works falling under the Construction Design and Management regulations will have individual plans and a health and safety file. Smaller works are covered by risk assessments carried out by Construction Services and Kier under the Property Repairs and Improvement Partnership. Both contractors have excellent Health and Safety records.

## **17. GLOSSARY**

HRA – Housing Revenue Account

PRIP – Property Repairs and Improvement Partnership.



**18. LIST OF APPENDICES**

Appendix A – Financial Implications.

**19. BACKGROUND PAPERS**

Budget Reports.

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

**Report author:** Stephen Davis

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Report of the Executive Director Place

FINANCIAL IMPLICATIONS

HRA Capital Works Programme 2019/20

i)	<b><u>Capital Expenditure</u></b>	<u>2019/20</u> £	<u>2020/21</u> £	<u>2021/22</u> £
	Individual Central Heating replacements	475,474		
	Planned District heating works	605,526		
	Major Adaptations Works	2,007,000		
	Replacement Items	1,539,000		
	Extensive Structural	1,685,000		
	Community Centre Rewires	65,379		
	Community Refurbishment Scheme	190,893		
	BHS Capitalised Salaries	178,303		
	Works Programme Contingency	213,425		
		<b>6,960,000</b>	<b>0</b>	<b>0</b>
	<b>To be financed from:</b>			
	Resources Set Aside Within The Approved Budget Papers (Cab.9.1.2019/11 refers)	6,960,000		
		<b>6,960,000</b>	<b>0</b>	<b>0</b>


**Impact on Medium Term Financial Strategy**

Not applicable in this report

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Agreed by: .....  .....On behalf of the Service Director-Finance, Section 151 Officer

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## BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is a Key Decision within the Council's definition and has been included in the relevant Forward Plan

### Executive Director Place

#### **NPS Barnsley Ltd Business Plan and Barnsley Norse Business Plan 2019 - 2020**

#### **1. Purpose of Report**

- 1.1 To present to members the NPS Barnsley and Barnsley Norse's Business Plans for 2019-20, and to show how the Joint Venture partnerships contribute towards the achievement of the Council's 20/20 Outcomes Framework and Corporate Plan Priorities.

#### **2. Recommendations**

- 2.1 **That the NPS Barnsley Business Plan (Appendix A) be approved.**
- 2.2 **That the Barnsley Norse Business Plan (Appendix B) be approved.**

#### **3. Introduction**

- 3.1 On the 31<sup>st</sup> January 2011 the Council formed a Joint Venture Company with NPS Property Consultants Limited for the provision of Property and Procurement services for a period of 15 years. In addition, on the 1<sup>st</sup> November 2011 the Council entered into an agreement with NPS Barnsley for the delivery of Facility Management services through a partnership arrangement with Barnsley Norse.
- 3.2 On the 29th November 2013 a deed of variation was agreed between the Council and NPS Barnsley which resulted in Asset Management and Corporate Procurement services transferring back to the Council and residing in the Assets Business Unit.
- 3.3 Under the terms of the service agreement entered into as part of this arrangement, NPS Barnsley Ltd and Barnsley Norse are required to produce an annual Business Plan for consideration by the Council. The business plan will allow the Council the opportunity to:
- Measure performance against the targets and aspirations set out in the plan;
  - Understand the opportunities and challenges facing both the Council and NPS Barnsley/Barnsley Norse;
  - Quantify the resources required to deliver services through the partnership arrangement;
  - Identify the key risks and possible mitigation associated with the delivery of the services provided by NPS Barnsley and Barnsley Norse.
- 3.4 The Council has worked with NPS Barnsley Ltd and Barnsley Norse on the production of the Business Plans to ensure they reflect both continuing and new challenges that have emerged, and in particular to ensure that it supports the

objectives of Future Council 2020 Outcomes Framework and the Corporate Plan. The Council will continue to work together with the Joint Venture partners to implement the recommended changes identified as part of the recent value for money reviews of both Barnsley Norse and NPS which will further strengthen the business and the partnership moving forwards.

- 3.5 During 2018/19 both Barnsley Norse and NPS Barnsley have been working towards an improvement plan with a number of recommendations to drive forwards value for money, with the aim of improving quality, transparency and efficiencies in the services provided.

#### **4. Consideration of Alternative Approaches**

- 4.1 It would have been possible to have requested NPS Barnsley and Barnsley Norse to have produced a Business Plan for a longer period of time e.g. a three year period. However given the current economic climate and the Council's financial position it is felt more appropriate that an annual Business Plan is produced.

#### **5. Proposal and Justification**

- 5.1 The NPS Barnsley and Barnsley Norse Business Plans contain the following:

- Social and economic impact of their business within Barnsley.
- Contribution to the three key priorities of the council:
  - A thriving and vibrant economy
  - People achieving their potential
  - Strong and resilient communities
- Financial and operational performance
- Key Business Aims

#### **6. Implications for Local People/Service Users**

- 6.1 NPS Barnsley and Barnsley Norse both play a role in supporting and delivering the objectives of the Councils 2020 Outcomes framework and Corporate Plan priorities. Further information on how this is achieved is in both Section 12 of this report and in the supporting documents.

#### **7. Financial Implications**

- 7.1 Consultations have taken place with the Council's Section 151 Officer, Service Director, Finance.
- 7.2 The Joint Venture allows for a profit sharing arrangement with the Council receiving a 50% share of profits derived from NPS Barnsley and Barnsley Norse.
- 7.3 For 2019/20 NPS Barnsley's Business Plan projects a profit of £442,000; the Council will receive £221,000 (50%). Of this sum £57,460 (26%) is payable to the HRA and £163,540 (74%) being attributable to Regeneration and Property.
- 7.4 Barnsley Norse's Business Plan projects a profit of £97,950 for 2019/20 of which the Council will receive £48,975 (50%).



- 7.5 Profit shares are already assumed within the Councils Medium Term Financial Planning, therefore there are no direct financial implications associated with this report. However, there remains an ongoing risk to the council as profits continue to fall as reported to Cabinet in previous years.
- 7.6 NPS profit margins have fallen by 3% since 2016/17 from 10.5% to 7.5%, they currently appear to have stabilised over the last 2 years, and this is mainly attributable to the ongoing town centre regeneration works.
- 7.7 The risk of reducing profit margins will increase as the level of activity with the Council continues to decrease as a result of reduced Council resources, academisation and the fall out of the town centre regeneration programme. To mitigate this both NPS and Norse are seeking to increase the level of external work. Officers will continue to monitor the position, working in partnership with NPS and Norse putting actions in place to ensure the Councils medium term financial plan is protected.

## **8. Legal Implications**

- 8.1 The NPS group are aware of the need to comply with Teckal legislation.

## **9 Employee implications**

- 9.1 There are none arising from this report.

## **10 Communication Implications**

- 10.1 There are none arising from this report.

## **11 Consultations**

- 11.1 Key users of NPS Barnsley and Barnsley Norse services have been consulted with as part of the process of developing the business plan.
- 11.2 Consultation with key users has also been undertaken by the Partnership and Shared Services Team within the Assets Business Unit as part of the performance review

## **12 The 20:20 Outcomes Framework and Corporate Plan Priorities**

- 12.1 The authority has worked with NPS Barnsley and Barnsley Norse to ensure that their priorities support the Councils 20:20 Outcomes Framework and Corporate Plan Priorities. Examples of their contribution are as follows:

### **A thriving and vibrant economy**

- 11% of NPS Barnsley workforce is apprentices
- NPS Barnsley have undertaken new council house building with Berneslai Homes
- Barnsley Norse have supported 14 previously unemployed people into employment



### **People achieving their potential**

- NPS Barnsley have delivered the Education Capital Programme in support of the aim of every child attending a good school.
- Barnsley Norse will continue to support the supported internship programme.

### **Strong and Resilient Communities**

- Sponsoring and fundraising for charitable and community projects
- Barnsley Norse are Dementia Champions and have 50+ staff trained as Dementia Friends.

## **13. Tackling Health inequalities**

13.1 There are none arising from this report

## **14. Climate Change and Sustainable Energy Act 2006**

14.1 NPS Barnsley are committed to supporting the reduction of energy usage in the borough and the use of renewable energy such as solar panels through their design and procurement work.

## **15. Risk Management issues**

15.1 The risk register is submitted on a quarterly basis to the Risk and Governance Manager of the Council for assessment.

## **16. Health, safety and emergency resilience issues**

16.1 There are none arising from this report.

## **17. Compatibility with the European Convention on Human Rights**

17.1 There are none arising from this report.

## **18. Promoting equality, diversity and social inclusion**

18.1 There are none arising from this report

## **19. Reduction of crime and disorder**

19.1 There are none arising from this report

## **20. Conservation of biodiversity**

20.1 There are none arising from this report

## **21. Glossary**

21.1 Not applicable.

**22. List of Appendices**

22.1 Appendix A- NPS Barnsley Ltd Business Plan 2018 -2019

22.2 Appendix B - Barnsley Norse Business Plan 2018-19

**23. Background Papers**

23.1 There are no background papers associated with this report.

**Office Contact: Rachel Tyas**

**Date: 02.04.19**

Financial Implications/Consultation



.....  
*(To be signed by senior Financial Services officer where no financial implications)*

## **NPS BARNSLEY BUSINESS PLAN 2015 - 2016**

### **Annex – Consultations**

(a) **Financial Implications**

Consultations have taken place with the Council's Section 151 Officer, Service Director, Finance shown in Section 7 of this report.

(b) **Employee Implications**

There are no employee implications as a result of this report

(c) **Legal Implications**

There are no legal implications as a result of this report

(d) **Policy Implications**

There are no issues arising as a result of this report.

(e) **ICT Implications**

There are no issues arising from this report.

(f) **Local Members**

There are no issues arising as a result of this report.

(g) **Health and Safety Considerations**

There are no issues arising as a result of this report.

(h) **Property Implications**

There are no property implications arising from this report.

(i) **Implications for Other Services**

NPS Barnsley and Barnsley Norse will continue to deliver services throughout the authority in accordance with the partnership agreement.

(j) **Implications for Service Users**

There are no issues arising as a result of this report.

(k) **Communications Implications**

There are no issues arising as a result of this report.

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# NPS Barnsley Business Plan 2019-2020



# Contents

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About Us	4
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**A dynamic,  
independent, publicly  
owned organisation  
designing, developing  
and managing buildings**

# Executive Summary

We are pleased to report a strong set of results for 2018/19 despite an increasingly challenging environment, with NPS Barnsley emerging from its first formal Council Performance Review during 2018/19, and delivering the requirements of a challenging Performance Improvement Plan.

In this financial year we have fundamentally reviewed the structure of the company through the 'Construction Review'. This exercise will embed 'One NPS Barnsley' and maximise the collective expertise of design, build and engineering. It will create capacity and sustainable growth. It will enable us to pursue and deliver larger projects more efficiently and effectively. It will improve our ability to collaborate, respond and leverage our technical capabilities for the benefit of our clients, and it will create more opportunities for employee mobility and variety in careers.

During the year we've also delivered on our key business objectives and achieved our operating margin goal. We continue to work to attract more people into pursuing a career in the construction sector. During the year we welcomed graduates and work experience students, we accelerated our apprentice programme and recruited two talented professionals returning to work following a career break through the 12 week Returners Programme.

A more diverse and inclusive workforce will help to address the critical skills shortage in our industry and our commitment to build a more diverse organisation continues to gain momentum. We aim to attract the best people and continually develop their capabilities so that we can deliver outstanding solutions for our clients and partner, and maintain our position as a high performing Barnsley business.

Through the 'Norse Way' local plan we showcase expertise and drive to support Barnsley Council deliver its ambitious plans to Build a Better Barnsley and a Brighter Future. The future depends on what we do today. With the hard work and support of our workforce we believe that we can make a difference to the communities in which we live, and we remain confident for the year ahead.

Karen Temple  
Managing Director



# About Us



## Our Group Purpose

To provide innovative end to end property solutions that generate outstanding value for our customers

## Our Group Role

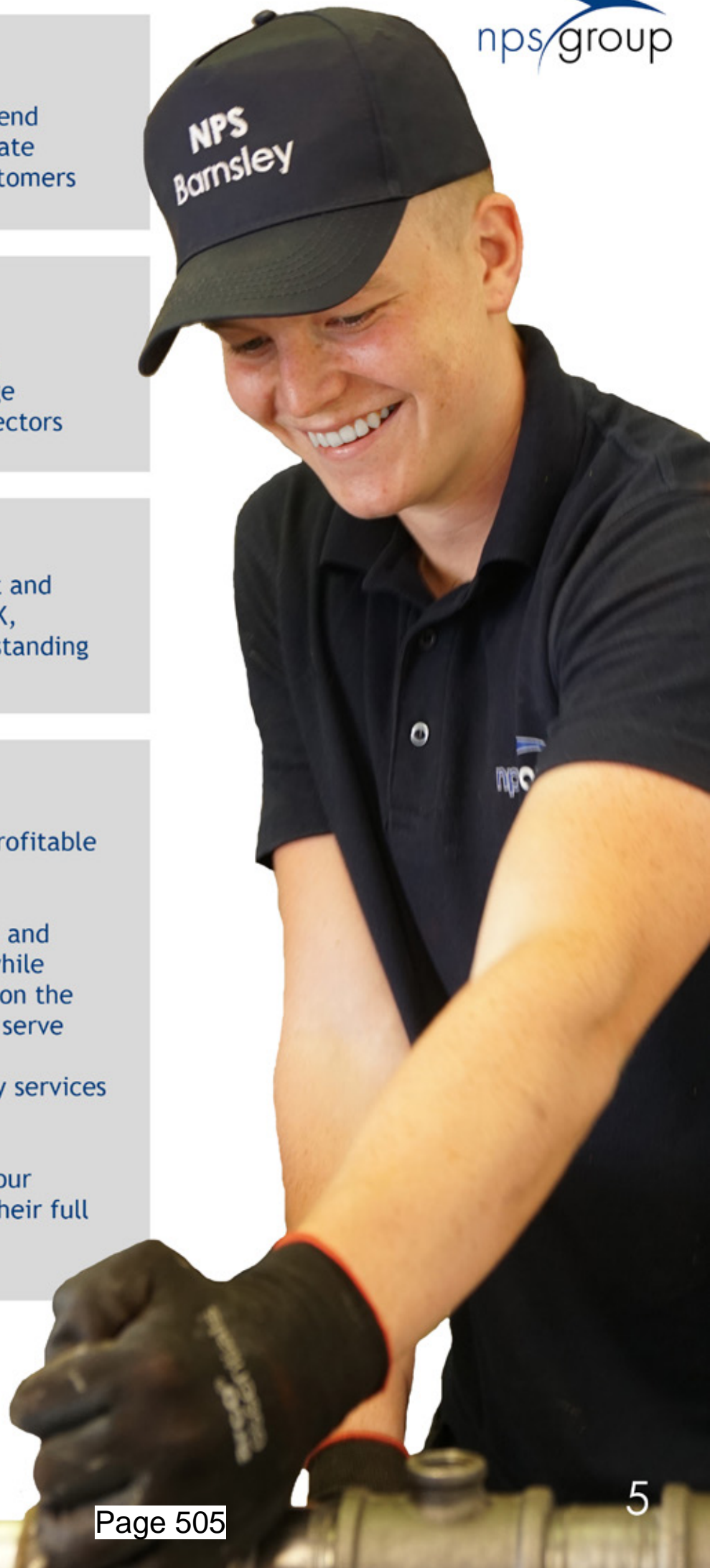
To design, build and maintain property solutions and manage property services across all sectors

## Our Group Vision

To be the property consultant and contractor of choice in the UK, recognised for delivering outstanding solutions

## Our Group Aims

1. Achieve sustainable and profitable growth
2. Expand our customer base and meet our client's needs while making a positive impact on the communities in which we serve
3. Always deliver high quality services efficiently
4. Maintain a culture where our people thrive and reach their full potential



## Our Group Values

**Quality** - We strive to deliver outstanding quality and make business excellence the standard by which we measure ourselves.

**Innovation** - We embrace new ideas and have the courage to be creative so our services are delivered in the most effective and safe way possible.

**Respect** - We value everyone as an individual. We respect their rights, life choices and the personal contribution they make to our business success.

**Trust** - We want to be a trusted provider, partner and employer, recognising that to do so, our word must be our bond. If we say we will do something, we do it.



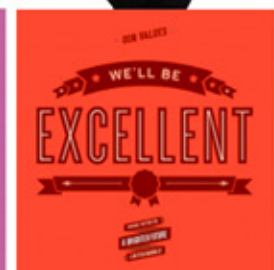
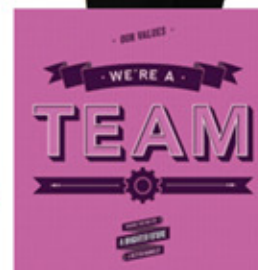
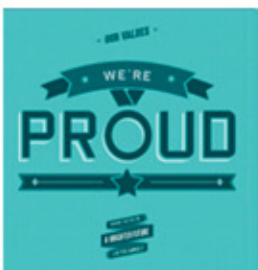
“ Linda Pattison, Chief Officer of BIADS said: “BIADS is so grateful to NPS Barnsley for their ongoing support which is vital to keep our services alive. We had a fabulous golf day, everyone involved had a great time while raising funds to help those in Barnsley who are affected by dementia.” ”

**PROUD  
SUPPORTER OF**



**BIADS**

BARNSELY DEMENTIA SUPPORT



# Why we are Different



# Why we are different

We achieve impressive commercial success whilst remaining in public sector ownership



As part of the Norse Group we can offer a wide and cohesive range of services that deliver leading quality and value

Our unique business model provides the opportunity for our partners and the communities we serve to directly benefit from our partnerships



We understand partnership values and demonstrate transparency, honesty and integrity



We respect and support our clients, partners and people



We take personal responsibility for our actions and deliver on our promises

Our Group-wide Corporate Social Responsibility strategy, The Norse Way, is integrated throughout our business operations



# NPS Barnsley Awards



# NPS Barnsley Local Support



Barnsley Hospital Charity  
support local care



**I KNOW I CAN**



“ Cllr Caroline Makinson  
“Just want to give NPS a personal thanks on behalf of the Pavilion Group, these are very generous contributions and very much appreciated. It has enabled us to fulfil our ambitious plans.”

# NPS Barnsley

## Key Achievements

**£17m**

Spent with local businesses\*



**70**

Work Experience placements\*



**£2.05m**

Profit share with BMBC\*



**£42k**

Pro bono work for local community groups\*



**£1.2m**

Invested in staff training\*



**£57k**

Raised for local charities\*



**11%**

Staff are apprentices



**100**

Volunteer hours annually



**85**

Clients



**22%**

of the workforce are women



**£82m**

Turnover\*



**101**

Employees



\*2011-2019

# Financial Performance



# Financial Summary

## 2019/20 Business Plan

	£
Internal Income	4,263
External Income	1,712
Contractors	5,012
<b>Total Turnover</b>	<b>10,987</b>

Staff Costs	(4,028)
General Running Costs	(1,505)
Contractors	(5,012)
<b>Total Expenditure</b>	<b>10,545</b>

**Gross Profit/ (Loss) before Vol. Discount/WIP** **442**

GPM% (Excl. Contractors/ Materials) 7.4%

Volume Discount (2019/20) (221)

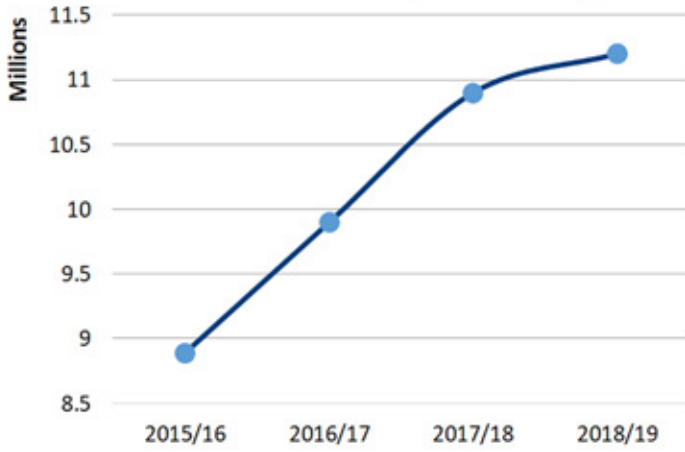
**Profit / (Loss) for the Financial Year** **221**



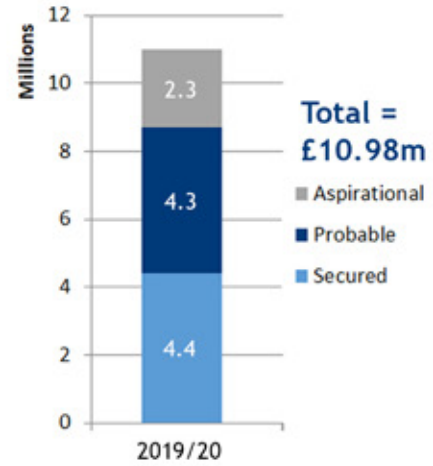


In 2019-2020, NPS Barnsley will maintain an operational profit around 7.5%. This will maintain the return to its shareholders and allow the necessary investment in the company to continue to develop new and cost effective services.

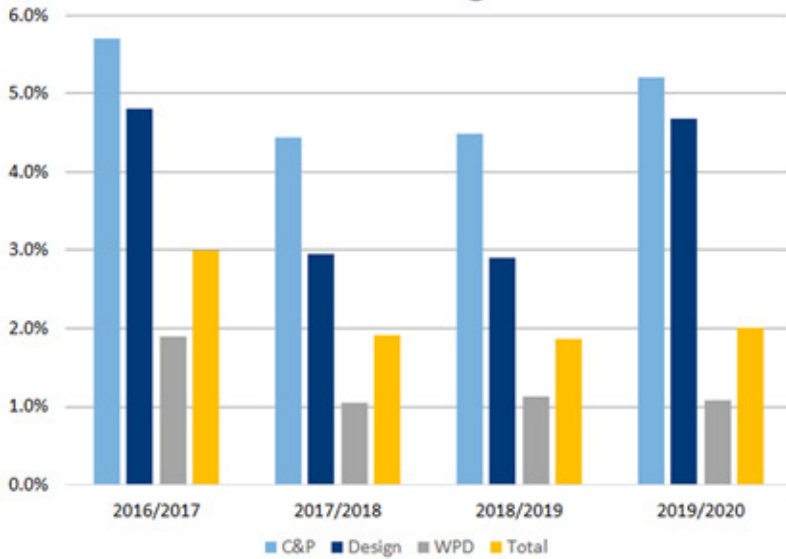
Turnover 2015/16 - 2018/19



Turnover 2019/20



Profit Margin

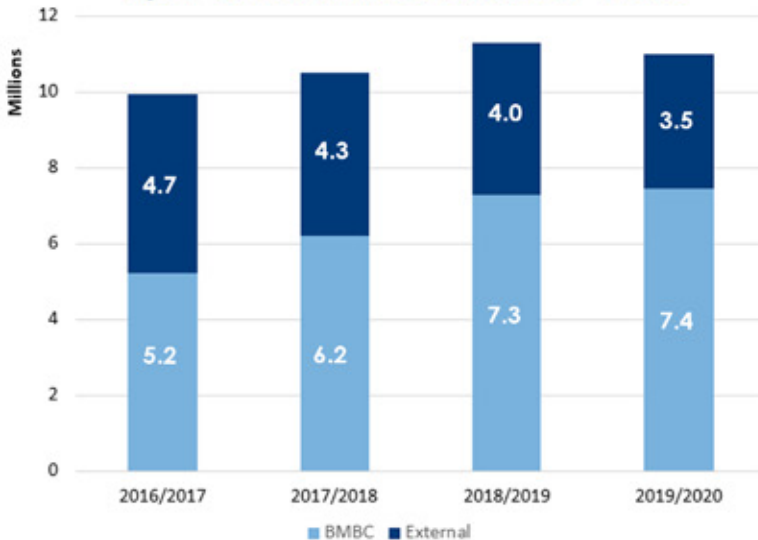


2019/20 Profit Forecast

£442k



Split of Internal & External Work



# NPS Barnsley Finance Performance Measures

## Creditor Days

35 2017/18

29 2018/19

< **30** Our target for 2019/20



## Debtor Days

62 2017/18

46 2018/19

< **30** Our target for 2019/20



## Current Ratio

1.24 2017/18

1.53 2018/19

> **1.50** Our target for 2019/20



## ROCE

26.9% 2017/18

21.8% 2018/19

> **20%** Our target for 2019/20



## Percentage of Barnsley Spend

48% 2017/18

51% 2018/19

> **50%** Our target for 2019/20



## Tender Success Rate

76% 2018/19

> **70%** Our target for 2019/20



## Turnover per Full Time Employee

£117k 2017/18

£122k 2018/19

> **£120k** Our target for 2019/20





# Our Three Year Plan

# NPS Barnsley Three Year Plan

NPS Barnsley aims to achieve 20% sustainable and profitable growth over the next 3 years through:

- Developing new markets & services
- Developing New Work Streams with our Council Partners
- Increased exposure in the private sector
- Actively controlling our overheads

## New Markets and Services



### Developing New Markets

Building on current impressive success rates (+70%) in winning local work, NPS Barnsley is investing resources in further developing its local tender and bidding strategy with the aim of improving current market share and targeting new markets.

### Housing Sector Developments

Build a strong reputation in new build housing development having successfully developed open market sale and social housing sites (5-10 unit sites). NPS Barnsley will broaden its housing sector offer with support from Barnsley Council:

- Source 10-15 unit sites and opportunities initially, and increase site size capability year-on year
- Develop a 3 year pipeline of housing new build projects
- Form development alliances with local housing associations and contractors
- Refurbish existing private sector rental stock
- Move into change of use/renovation works

### New Services

Priorities over the next 12 months are:

- Broaden Clerk of Works
- Strengthen Principal Designer
- Introduce Design Management
- Commercial Energy Assessment
- Conservation architecture
- Design & Build
- Disabled Adaptations

In addition, NPS Barnsley will undertake consultation and market research on the provision of:

- Project Management
- Landscape architecture
- Management contracting
- CCTV/Intruder and Fire alarms fitting and maintenance
- DPS development / management

## New Council Driven Workstreams

NPS Barnsley will support delivery of the principal towns programme, also supporting national delivery of estate rationalisation and One Public Estate through Land Solve.

To maintain current levels of business from our partners we will undertake joint grant fund bidding to secure new monies and drive additional local development and projects for example:

- Sheffield City Region funding
- Local Growth Fund programme
- European Structural Investment Funds
- Future High Streets Fund.



Sheffield  
City Region



Land Solve  
THE LAND DELIVERY  
FRAMEWORK

## Increasing Exposure in the Private Sector

Through continuing pursuit of strong and mutually beneficial partnerships with developers and contractors. We will achieve growth in our external business to maintain a strong trading position.



## Actively Control Overheads

Initiatives over the next 24 months include:

- Streamline the current ICT infrastructure and associated costs
- Phase 2 of the mobile technology initiative
- 'Green' the fleet and consider options such as hybrid/electric vehicles
- Review office accommodation
- Deliver phase 2 of the procurement strategy and managed supplier arrangements
- Establish an 'Efficiency Dashboard' to continually review, challenge and improve operational effectiveness



# Finance and Customer

A man with short dark hair and glasses, wearing a red dress shirt and a patterned tie, is shown in a thoughtful pose. He has his right hand resting on his chin and is looking slightly to the right. The background is blurred, suggesting an office or meeting environment. The entire image is overlaid with a semi-transparent blue filter.

# Finance

## Our 2018 Objectives

- Achieve minimum Turnover of £9.7M
- Maintain profit margin around 7.5%
- Maintain Staff productivity rates at around 78%
- Increase levels of non-core client income by 10%
- Achieve £200k income from new service offerings
- Establish pipeline of Housing New Build/Development project
- Achieve debtor days target of 30
- Achieve savings through procurement of £200k

## How We Did\*

\*Projected based on results to Dec 18

- Turnover of £11.2M
- Profit margin of 7.5%
- Staff productivity rate of 79%
- Non-core client income of £4.6M
- Income from new services of £390K
- Pipeline of Housing New Build projects under discussion (Beever Street, Billingley View and Moorland Avenue)
- Debtor days of 46 days
- Savings through procurement of £211K

## What we will do in 2019-20

- Achieve Turnover of £10.89M
- Maintain Profit Margin of around 7.5%
- Maintain Staff productivity at 18/19 level
- Improve non-core client income from 2018/19 level
- Achieve £200K income from new service offerings
- Achieve wider housing sector work aspirations
- Maintain year on year savings through procurement
- Establish and deliver against “Efficiency Dashboard”



2018 objectives review/targets for 2019

# Customer

## Our 2018 Objectives

- Maintain levels of customer satisfaction
- Further develop the local 'Norse Way' CSR plan
- Increase direct expenditure within the Barnsley area >50%
- A tender success rate of at least 35%
- Secure 12 new clients
- Increase private sector work by 10%
- Implement SCR energy and resource efficiency project
- Implement developments agreed within the performance review improvement plan

## How We Did\*

\*Projected based on results to Dec 18

- Adopted Net Promoter Score for Customer Satisfaction - currently all 'Promoters' (Score of 100)
- Delivered full programme of CSR activity - credentials widely recognised in sector and through business awards.
- Year-end direct expenditure within the Barnsley area of 51%
- Tender success rate of 76%
- Secured more than 12 new clients
- Private sector client income increased by 10.3%
- Led successful SCR New Energy bid
- Performance Improvement Plan on target for delivery by end March 2019

## What we will do in 2019-20

- Achieve Net Promoter Score of at least 80 (equivalent 90%)
- Champion the Norse Way CSR initiative through a programme of local activities
- Maintain direct expenditure within the Barnsley area of at least 18/19 levels
- Focused Tender/Bidding strategy
- Target service provision to Top 5 non-council clients
- Deliver on commitments to Stakeholder Ambitions

Expand our customer base and meet our client's needs while making a positive impact on communities in which we serve

# Process and People



# Process

## Our 2018 Objectives

- Extend BIM level 2 projects and 70% of staff Revit competent
- Continue to explore IT/technological design solutions
- Maintain ISO and construction accreditations
- Zero major non-conformances against ISO 9001
- Deliver full mobile technology implementation plan
- Implement outcome of review of Construction Services
- Implement recruitment application tracking system
- Introduce managed supplier arrangement for construction supplies

## How We Did\*

\*Projected based on results to Dec 18

- BIM level 2 extended to cover projects valued >£750k
- Technological solutions to lone/agile working
- ISO Quality, Environmental and all Construction related accreditations maintained
- Zero major non-conformances against ISO 9001
- Phase 1 of Mobile technology implemented successfully
- 'Construction Review' delivered
- Kallidus recruitment system implemented
- Managed supplier arrangements introduced for electrical, general building, plumbing and heating supplies

## What we will do in 2019-20

- Implement and embed Principal Designer best practice
- Establish and deliver Phase 2 mobile technology plan
- Maintain ISO Quality, Environmental and all Construction related accreditations
- Zero major non-conformances against ISO 9001
- Embed new operational structure and working practices (arising from the 'Construction Review')
- Deliver procurement strategy and best practice contract management
- Champion BIM and achieve Norse Group accreditation

# People

## Our 2018 Objectives

- Increase staff satisfaction level by 5% on 2017/18 levels
- Reduce staff sickness rates to <3%
- Maintain existing level of apprenticeships, and sponsor internships, work experience placements, Year out student and graduate opportunities
- Increase the number of professionally qualified staff
- Conservation architect registered on the RIBA register
- Expand training plan to support aspirations for new services

## How We Did\*

\*Projected based on results to Dec 18

- Launched new Employee Satisfaction survey - action plan in place to build on results
- Staff sickness rates reduced to 1.2%
- Maintained existing level of 11 apprenticeships, and undertook a programme of schools development activity
- Supported and invested in professional training for staff
- Actively pursuing registration of conservation architect
- Training plan includes support to new services
- Hosted two placements on NPS Returners to Work programme

## What we will do in 2019-20

- Improve Employee satisfaction ratings from 2018/19 levels
- Maintain investment in training at or above 2018/19 levels
- Maintain staff sickness rates below Norse Group target
- Individual Training Plans reflect new service aspirations
- Maintain level of apprenticeships
- Maximise conversion rates from Apprenticeships to employment
- Workforce profile is representative of local diversity and demographics

# Our Governance



Norse Group Ltd

NPS Property Consultants Ltd

NorseCare Ltd

Norse Commercial Services Ltd

NPS Barnsley Ltd  
 NPS Humber Ltd  
 NPS Leeds Ltd  
 NPS London Ltd  
 NPS Newport Ltd  
 NPS North West Ltd  
 NPS Norwich Ltd  
 NPS Peterborough Ltd  
 NPS South West Ltd  
 Broadland Growth Ltd  
 Hamson Barron Smith Ltd  
 Hearth UK Ltd  
 International Aviation Academy Ltd  
 Norse Development Company Ltd  
 Norse Energy Ltd



Barnsley Norse Ltd  
 Devon Norse Ltd  
 Enfield Norse Ltd  
 Eventguard Ltd  
 Great Yarmouth Norse Ltd  
 GYB Service Ltd  
 Medway Norse Ltd  
 Medway Norse Transport  
 Newport Norse Ltd  
 NEWS Ltd  
 Norse Eastern Ltd  
 Norse Environmental Waste Services Ltd  
 Norwich Norse (Building) Ltd  
 Norwich Norse (Environmental) Ltd  
 Norse South East Ltd  
 Norse Transport Ltd  
 Suffolk Coastal Ltd  
 Suffolk Norse Ltd  
 Suffolk Norse Transport Ltd  
 Waveney Norse Ltd  
 Wellingborough Norse Ltd

Board of Directors



**Dean Wetteland**  
 Managing Director  
 Norse Group



**James Pratt**  
 Strategic Director  
 NPS Group



**Karen Temple**  
 Managing Director  
 NPS Barnsley



**Cllr Alan Gardiner**  
 Councillor  
 Barnsley Council



**Phillip Spurr**  
 Service Director  
 Barnsley Council



**Nick Maddox**  
 Group Director of Operations  
 Norse Commercial Services

Governance

NPS Barnsley Ltd has completed its eighth year as a Local Authority joint venture company following the successful transition from Barnsley Council on 31 January 2011.

NPS Barnsley is a subsidiary of Norse Group Limited, the diagram above shows the group structure. Norse Group Limited is wholly owned by Norfolk County Council.

The Board of Directors of NPS Barnsley and Barnsley Norse Limited (which is a wholly owned subsidiary of NPS Barnsley) meet every quarter to consider and review the strategies and activities of both companies. Barnsley Council and Norse Group both appoint Directors to the Boards. Barnsley Council and Norfolk County Council have direct controls over certain activities of both companies and these controls are set out in the articles of association.

All Directors have a duty under section 172 of the Companies Act 2006 to act, in good faith, in the way they consider would be most likely to promote the success of the company for the benefit of its shareholders as a whole, and in doing so have regard (amongst other matters) to:

- The likely consequences of any decision in the long term
- The interests of the company's employees
- The need to foster the company's business relationships with suppliers, customers and others
- The impact of the company's operations on the community and the environment
- The desirability of the company maintaining a reputation for high standards of business conduct
- The need to act fairly as between shareholders

Norse Group Limited has adopted the Wates Corporate Governance Principles for Large Private Companies as its Code of Corporate Governance with effect from 1 January 2019.

External financial audits are undertaken by Price Waterhouse Cooper. KPMG are appointed to provide internal audit services to the Norse Group.



# Stakeholders' Ambitions

Whether its helping people to achieve their potential, building strong and resilient communities or a thriving and vibrant economy, NPS Barnsley have a key role to play.

# STRONG & RESILIENT COMMUNITIES

What we do...

- Barnsley hospital heart sponsor
- Proud of Barnsley sponsor
- Barnsley Young Champions Sponsor
- Pro bono work i.e Royston Pavillion 'Volunteer it' Project
- Annual programme of volunteering
- Staff Charity of the Year
- Member of Better Barnsley Bond Board

What we will also do...

- Embody public health principles within workforce
- Support Berneslai homes initiatives
- Develop councils website and intranet for NPS Barnsley
- More agile workforce initiatives
- 'Green' the Fleet
- More low carbon ideas & schemes i.e. explore modular housing and renewables
- Energy audits & wider energy management support



# PEOPLE ACHIEVING THEIR POTENTIAL

What we do...

- Delivery of Education Capital programme
- Work experience placements
- SCR enterprise advisors
- School internships
- Schools 'Meet the Employer' and mentoring initiatives
- Barnsley Big Challenge/Take over challenge
- Workplace wellbeing charter accreditation
- Dementia champion
- Stepjockey sponsorship
- OOH emergency/silver team response support
- Staff DBS enhanced

What we will also do...

- Safeguarding through procurement
- Barnsley College joint working
- Support the Council's biomass review





# THRIVING & VIBRANT ECONOMY

## What we do...

- Workforce of 101
- 75% of staff live in Barnsley & £1.2m invested in training
- 12 Technical & Craft Apprentices
- Member of work & Skills Board
- Signatory of Employer Promise
- Targetted local spend = >£2.5M annually
- Profit Share >£2m to date
- 2 female 'Returners' encouraged back to work
- Provide employment in skillsets underrepresented in the region
- Promote opportunities for women in construction (WISH Board)
- Support culture, museums, heritage initiatives
- Social Housing Repairs and Improvement Contract

## What we will also do...

- Growing business by 20% over next 3 years
- Cross partner work shadowing
- Maximise social value through construction procurement
- Support Barnsley Skills Village
- Inclusive growth - Upskill to retain work within JV
- Joint initiatives with Barnsley Norse
- Workforce succession planning
- New build housing development pipeline
- Deliver Glassworks, courthouse, principal towns, Landsolve
- More planned/preventative maintenance of core assets
- Improve quality of private sector empty homes



# ONE COUNCIL

## What we will do...

- Support the delivery of property related investment funds (Joint grant bidding)
- Establish strategic group (BMBC/NPSB/Barneslai Homes)
- Agree NPS Barnsley 3 year business plan
- Joint Community engagement/volunteering initiatives
- Closer working with Local Education Partnership
- Develop earlier engagement and longer term vision for the partnership (Place shaping)
- Specialist advice/best practice/training initiatives



# NPS Barnsley Ltd

Level 5

Gateway Plaza

Sackville Street

Barnsley

S70 2RD

[www.nps.co.uk](http://www.nps.co.uk)

01226 773651

[propertyhelpdesk@nps.co.uk](mailto:propertyhelpdesk@nps.co.uk)

@NPSBarnsley



## NPS Barnsley Business Plan 2019/20 - Project List

Project / Programme	Total Income	Design	Procurement	Construction	Category
Cyclical & Reactive Repairs & Maintenance	£1,567,500			✓	Secured
New Housing Development - Billingley	£768,000			✓	Probable
Barneslai Homes HRA IN7005	£702,000			✓	Secured
Capital Investment Programme	£569,994	✓	✓	✓	Probable
Keresforth Close - Conversion and Refurbishment	£391,040	✓	✓	✓	Probable
PRIP Projects and Contract Management 2019/20 ( Time Charges)	£300,000		✓		Secured
Barneslai Homes HRA IN7005	£217,620			✓	Probable
Better Barnsley - Redevelopment of Metropolitan Centre and Town Centre , RIBA Stages 5 - 6	£163,020	✓	✓		Secured
Better Barnsley - The Beacon and Attached Leisure Units, (incl Library)	£141,800	✓	✓	✓	Secured
Cannon Hall Cottages	£120,000			✓	Probable
King Street, Hoyland - New Build Bungalow Development	£120,000	✓	✓		Secured
Prevention Hub Programme	£99,000	✓	✓		Probable
Accommodation Strategy	£89,996			✓	Probable
Planned Maintenance - Management of the Programme	£84,990	✓	✓		Secured
St Michaels Avenue, Monk Bretton - New Build Development, Houses, Bungalows, Apartments	£79,760	✓	✓		Secured
Monkton Way, Royston - Proposed Development of 56 New Build Dwellings	£73,350	✓	✓		Probable
New PRIP Procurement Contract 2020 - 2025	£71,500		✓		Secured
Billingley View - New Build Housing Development, 11 Units	£67,000	✓			Secured
The Glass Works - New Market Gate Bridge, RIBA Stages 4 - 6	£52,440	✓	✓		Secured
Completion of Fixed Fee Final Accounts 2019/20	£48,000		✓		Secured
CYPF - Milefield School, Roof Replacement and Mechanical Works Say £500k	£41,598	✓	✓		Probable
Management of Planned Maintenance Programme 2019/20	£35,700	✓			Secured
Barneslai Close, Old CO Offices - Conversion and Refurbishment to Create Apartments	£34,745	✓	✓		Secured
Billingley Drive New Build Development 20 Units (NPS New Build)	£34,375	✓	✓		Probable
Gas Servicing and Domestic Water Hygiene Risk Assessments 2019/20 - Construction Services Contract	£29,970		✓		Probable
Legionella Protection and Monitoring of Barneslai Homes Properties 2019 - 2021	£26,093	✓			Probable
Barneslai Homes, New Refurbishments or Disabled Adaptations	£25,200	✓	✓		Probable
The Core Building - Proposed Internal Fit Out/Refurbishment	£20,475	✓			Probable
Central Heating Replacements 2019/20 Say £900k	£20,000		✓		Probable
Provision of Stair Lift Contract 2015 - 2020 (Time Charges)	£18,000		✓		Secured
Planned Maintenance 2019/20 - Management of Asbestos (Time Charges)	£15,600	✓			Secured
Annual Service and Maintenance of Lifts - Contract Administration 2019/20 (Time Charges)	£14,400	✓			Secured
CYPF - Condition and Health and Safety Works Say £200k	£13,874		✓		Probable
Gas Servicing and Domestic Water Hygiene Risk Assessments 2019/20 - Kiers Contract	£13,680		✓		Probable
Kenworthy Road, Worsbrough Common - New Build Development, 3 Units	£13,075	✓	✓		Secured
BMBC Culture Team - Building 19, Parks for People, Elsecar Masterplan; Cooper Cottage etc.	£12,000	✓			Probable
Planned Maintenance 2019/20 - Management of Legionella (Time Charges)	£12,000	✓			Secured
BMBC Corporate Buildings - Provision of Energy Management Services 2019/20	£11,520	✓			Probable
CYPF - Mechanical and Electrical Works Say £200k	£10,339		✓		Probable
Penistone Grammar	£10,000			✓	Probable
Provision of Energy and Carbon Management Report - 2018/19 Reporting Year	£7,600	✓			Probable
Meadstead Drive & Manor Grove, Royston - New Build Bungalow Development	£7,500	✓			Secured
Woodhall Flats - Proposed New External Lift, Pre and Post Contract	£7,210		✓		Probable
Penistone St John the Baptist C of E Primary - Phase 4, Extension to Junior School	£7,200		✓		Secured
Disabled Grant Funding 7 Extensions Per Annum	£6,250	✓	✓		Probable
PRIP Projects 2019/20 (Time Charges)	£6,000		✓		Secured
The Glass Works Retail and Leisure Development - DMO Contract Administration 2017 - 2021	£6,000		✓		Secured
Barneslai Homes Buildings - Provision of Energy Management Services 2019/20	£5,760	✓			Probable
Meadstead Drive & Manor Grove, Royston - New Build Bungalow Development	£5,654	✓	✓		Secured
BMBC Clients Building Maintenance Day to Day Time Charges	£5,400	✓			Probable
Principal Towns Programme Other Workstreams - Design, QS and Construction	£5,000	✓	✓		Probable
BPL Sites 2018/19 - Works In Association with Trend - Time Charges, £10k cap	£4,800	✓			Probable
Electrical Support on main PRIP Projects 2019/20	£4,800	✓			Probable
The Glass Works, Wider Public Realm (Cheapside) - Post Contract Services RIBA Stages 5 - 6	£4,690		✓		Secured
Community Centre Budget 2019/20 (CS) - Electrical Repairs & Maintenance & 5 Year Testing	£4,320	✓			Probable
Social Housing Drainage Repairs and Renewals- Post Contract Administration 2016 - 2019	£4,200		✓		Secured
Bellbrooke Avenue, Darfield - New Build Housing Development	£3,631	✓			Secured
Baden Street, Worsbrough Dale - Demolition Works and New Build of 8no Terraced Dwellings	£3,000	✓			Secured
The Courthouse Redevelopment Pre and Post Contract - Cost Consultancy/Procurement Advice	£3,000		✓		Probable
Through Floor Lifts and Ceiling Hoists Contract 2018 - 2021 (Time Charges)	£3,000		✓		Secured
External Painting Programme 2019/20 (Construction Services) - CDMC Service	£2,520	✓			Probable
Barneslai Homes - Structural Inspections (Time Charges)	£2,250	✓			Probable
Completion of Health and Safety Manuals	£2,160	✓			Probable
Beever Street, Goldthorpe - New Build Housing Development	£1,935	✓			Secured
External Painting Programme 2019/20 (Kiers) - CDMC Service	£1,620	✓			Probable
Cannon Hall - New Pet Crematorium	£1,544	✓			Secured
26 - 32 Rufford Avenue, Athersley North - Conversion of Shop Units to Create Residential Homes	£1,252	✓			Secured
Barnsley Metrodome - CHP Project (C.O.W.)	£1,200	✓			Secured
Installation of Automatic Sprinkler Systems in 6no Sheltered Housing Complexes	£1,200	✓			Secured
Supporting Procurement Unit	£1,000		✓		Probable
Cannon Hall 2019/20 - Monitoring and Maintenance of Kitchen Ranges & Boiler Flueway	£960	✓			Secured
79 Beeston Square, Athersley - Ground Floor Extension	£951	✓			Secured
8a and 8b Park Road, Thurnscoe - Conversion to Two 3 Bed Houses	£900	✓			Secured
Milefield Primary - Extend Existing Playground and Create Fenced Ball Area	£700	✓			Secured
50 Hope Avenue, Grimethorpe - Internal Alterations and Ground Floor Extension	£640	✓			Secured
Gawber Primary - Replace Roof Covering	£620	✓			Secured
Barugh Green Primary - Replace Roof Covering	£577	✓			Secured
Burton Road Primary - Replace Roof Covering to Sports Pitch	£566	✓			Secured
Unit 2 Carlton Industrial Estate - Replacement Roof	£500	✓			Secured
Woodhall Flats - Conversion of 2 Studio Flats Into 1 Bedroom Unit, Say £60k	£499	✓			Secured
Mapplewell Primary School - Remove 5nr Windows, Enlarge Opening, Insert Aluminium Doors/Screens	£443	✓			Secured
Hawthorne House - Below Ground District Heating Replacement 2018/19	£400	✓			Secured
Barugh Green Primary - New Security Fencing and Site Entrance Works	£386	✓			Secured
Athersley South Primary - Boiler Replacement	£328	✓			Secured
Wilthorpe Junior - Boiler Replacement	£324	✓			Secured
Jump Primary - Replace Lighting and Ceilings Phase 1	£300	✓			Secured
Millhouse Primary - Replace Roof Covering to Flat Roof	£290	✓			Secured
Worsbrough Common Primary - Replace Roof Covering Over Nursery Toilets and Adjacent Classroom	£288	✓			Secured
Summer Lane Primary - Re-cover Asphalt Roof	£250	✓			Secured
Churchfield Primary - Boiler Replacement in Hall Block	£230	✓			Secured
DH Building Level Meters Project	£200	✓			Secured
Oxspring Primary - New Fire Alarm System	£200	✓			Secured
Jump Primary - Nursery/Toilet Refurbishment	£193	✓			Secured
Keresforth Primary - Replace Cladding to Nursery Block	£149	✓			Secured
Worsbrough Common Primary - Reroofing Works Over Schools Meals Kitchen	£121	✓			Secured
Silkstone Primary - Remove Asbestos From Sub-Floor	£111	✓			Secured
Silkstone Primary - Internal Refurbishment to KS2 Cloakroom	£102	✓			Secured

JV CLIENT

	Project / Programme	Total Income	Design	Procurement	Construction	Category
<b>EXTERNAL CLIENTS</b>	Misc External Income (SAP)	£885,600			✓	Probable
	Speculative Bidding to win new work	£540,000				Probable
	West Yorkshire Police	£540,000			✓	Secured
	Milefield School Roofing	£350,000			✓	Probable
	Schools Repairs & Maintenance	£222,684			✓	Secured
	West Yorkshire Police	£185,910			✓	Probable
	Various one stop shop projects (£20m pipeline)	£105,000	✓	✓		Probable
	South Yorkshire Police	£100,500	✓		✓	Probable
	Arney	£88,070	✓	✓	✓	Probable
	North Yorkshire Police	£52,800			✓	Probable
	Engie	£48,000			✓	Probable
	NPAS	£48,000			✓	Probable
	Rotherham MBC	£40,500			✓	Probable
	Refurb Liddys Solicitors	£33,000	✓	✓	✓	Probable
	Land Solve Call Offs - New Projects	£24,000		✓		Probable
	BIC Phase 5	£21,525	✓	✓		Probable
	Esh Facilities (police stations)	£18,000	✓		✓	Probable
	Big Local Thurnscoe - Refurbishment of Thurnscoe Hotel	£15,600	✓	✓		Probable
	Retention Release	£15,500			✓	Secured
	BIADS Proj Mngmt	£15,000	✓			Probable
	BPL Projects (various refurbishments)	£12,750	✓			Probable
	Arnold Clarke - Motor Dealers	£12,000			✓	Probable
	Penistone Leisure Centre project/s	£7,900	✓	✓		Probable
	£2m Chesterfield Council Design Manager	£5,250	✓			Probable
	Design services working directly for Main Contractors	£4,000	✓			Probable
	Energy Management for Schools 2019/20	£4,000	✓			Probable
	Darton College Science Classrooms	£3,900	✓	✓		Probable
	BPL Premises - Energy Management Services (Trend) 2019/20	£3,464	✓			Probable
	BBIC Premises - Energy Management Services (Trend) 2019/20	£2,408	✓			Probable
	Works Direct For Main Contractors	£2,000		✓		Probable
	Display Energy Certificates for Schools 2019/20	£1,680	✓			Probable
	Stradia Procurement Support	£1,268		✓		Probable
	Baden Street, New Build - Architects Design Novation	£1,000	✓			Secured
	Meadstead Drive & Manor Grove, Royston - Architects Design Novation	£1,000	✓			Secured
	Laithes Primary Academy - Repairs to External Fabric of Building Phase 2	£189	✓			Secured
	Laithes Primary Academy - Phase 2 Roofing Works	£121	✓			Secured
NPS Intercompany Work Norse Energy	£60,000			✓	Secured	
Cobcar Lane, Elsecar - New Build Housing Development, 6 Units	£4,997	✓	✓		Secured	
Wood Bank School - Classroom Extension	£1,250	✓			Secured	



# Business plan

2019 – 2020

Barnsley Norse Ltd

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# Executive summary

In 2018/19 Barnsley Norse again produced a profitable year of growth and attained record levels of employee and customer satisfaction. The year also saw the first formal Performance Review undertaken by BMBC, the outcomes of which are currently being delivered in conjunction with the Council.

2019/20 will see the retendering process of the LIFT contract along with continued labour cost pressures from NJC agreements, National Living Wage increases, Pension costs and the Apprenticeship Levy. However, the Barnsley Norse business plan is predicated on maintaining current levels of business as a minimum from within the BMBC portfolio and there is an allowance for predicted growth in our external portfolio that will aim to stabilise Norse's strong trading position.

The business plan has been developed with staff and stakeholder consultation and focuses efforts on working in support of BMBC's vision and values, contributing towards the corporate plan and 2020 Outcomes Framework. Furthermore, the focus is on working with the Council to deliver the Town Spirit vision of 'Working together for a better Barnsley' and one that realises change and growth to 2020, benefitting everyone who lives, works and visits the borough. The business plan is built around five key objectives, achieve balanced and profitable growth; maintain a diverse client base; increase the profit to our shareholders; continue to maintain our operating margins and maintain our success rate in competitive tendering of 63%, one of the highest across the Norse Group.

We aim to achieve these objectives by developing new markets and services; increasing our exposure in the private sector; successful tendering of new and existing contracts; actively controlling our overheads. This plan will ensure Barnsley Norse continues to remain a high performing partner to the Council and a successful business in Barnsley and regionally, which will continue to contribute to the Council's corporate plan.



# About us



## Our purpose

To provide cost effective soft FM solutions to our clients in corporate buildings and within the healthcare and education sectors.

## Our role

In providing our services we aim to be customer focused, listen and respond to feedback and strive to be the very best at everything we do. Take pride in our work and our achievements, celebrating our successes. Work as a team that is professional in approach, ethical in its operations, motivated, accurate, thorough and has a winning attitude.

## Our vision

To be the FM contractor of choice providing innovative, high-quality customer focused services

## Our aims

1. Achieve sustainable and profitable growth
2. Expand our customer base and meet our clients' needs
3. To maximise local employment opportunities
4. Always deliver high quality services efficiently and effectively
5. Maintain a culture where our people thrive and reach their full potential



## Our values

**Quality** - We strive to deliver outstanding quality and make business excellence the standard by which we measure ourselves.

**Innovation** - We embrace new ideas and have the courage to be creative, so our services are delivered in the most effective and safe way possible.

**Respect** - We value everyone as an individual. We respect their rights, life choices and the personal contribution they make to our business success.

**Trust** - We want to be a trusted provider, partner and employer, recognising that to do so, our word must be our bond. If we say we will do something, we do it.



# Why we are different

# Our Key Achievements

# £4,839,608

Annual turnover for Barnsley Norse



# £56,658

Spend on Staff Training and Development to date



Over

# £1M

Income from competitive tendering in 2018/19

## Our Accreditations



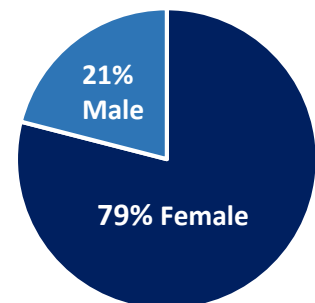
Profit Share and Efficiency Savings to Barnsley Council

of

# £1,470,724

Over Life of Joint Venture

# 605 Employees



63% of our total workforce are women over 45



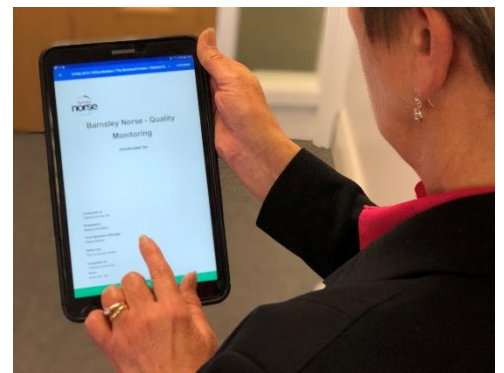
Within the Norse Group we believe in sustaining and developing our skilled and motivated workforce and supporting a culture of staff engagement, sense of pride and feeling valued. To achieve this we use our internal training division, The Skills Hub, to develop, train and motivate our staff to drive our business forward.

Barnsley Norse has worked closely with Public Health to deliver healthier and more nutritious offerings throughout our catering service over the past few years, including ceasing the sale of full sugar drinks and implementing healthier buffets. We have, in conjunction with Public Health, now ensured that all our products have clear and visible calorific content for our customers to make an informed choice.



Our employees are a valued asset to our business and their continued efforts are recognised at our annual awards ceremony held in Norfolk. Barnsley Norse employees have been recognised for their efforts at consecutive awards since 2012 and most recently at the 2018 awards we were winners in two categories, 'Corporate Social Responsibility' and 'Directors Choice'.

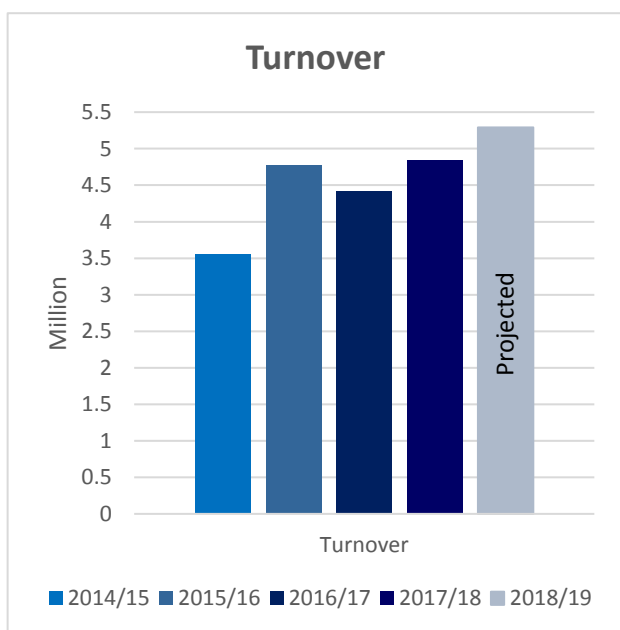
We are currently working on the implementation of a further online management system following the successful roll out of our iAuditor system in Cleaning, the new system will further increase our efficiency and potential to deliver a more professional service to our clients.



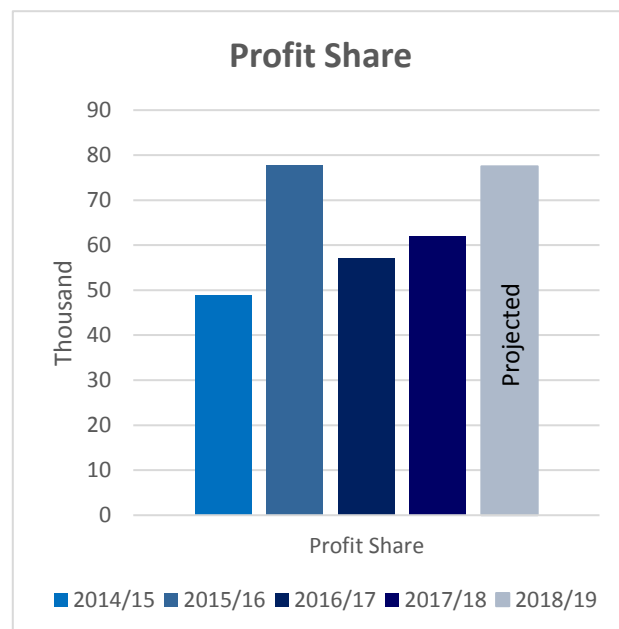
The Norse Group has a proud legacy of social responsibility and our group wide corporate social responsibility initiative, The Norse Way, runs through the core of our business supporting local projects and creating opportunities for local people. We have been a proud 'Park Partner' with Wilthorpe Park since 2016 and support a different local charity annually.

# Financial performance

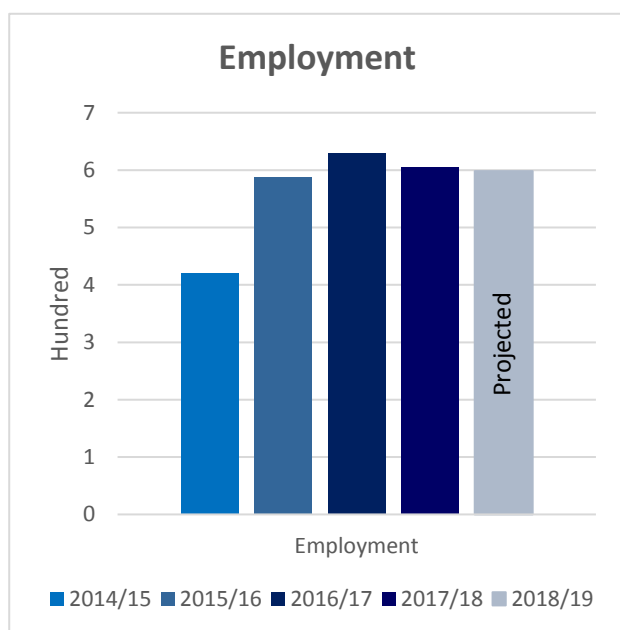
In 2019-2020, the Group will seek to improve its operational profit to 8.5%. This will improve the return to its shareholders and allow the necessary investment in the company to continue to develop new and cost effective services.



N.B. 2015/16 - 14 month year



N.B. 2015/16 - 14 month year



N.B. 2015/16 - 14 month year

The Business Plan for 2019/20 includes the following financial projections:

**Projected 12 Month Profit**

**£97,950**

**Projected Volume Discount to BMBC**

**£48,975**

The financial projections for 2019/20 make assumptions for the LIFT soft FM contract provision up to 1<sup>st</sup> July 2019 and the Library Coffee Shop provision up to June 2019. Midyear financial projections will be uplifted accordingly should Barnsley Norse retain the LIFT contract.

## Financial summary

**2019/2020**

**Business Plan**

Internal Income	£2,087,607
External Income	£3,456,736

<b>Total Turnover</b>	<b>£5,544,343</b>
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Staff Costs	£4,505,569
General Running Costs	£940,824

<b>Total Expenditure</b>	<b>£5,446,393</b>
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<b>Gross Profit/ (Loss) before Vol. Discount/WIP</b>	<b>£97,950</b>
--	----------------

GPM% (Excl. Contractors/ Materials)	1.8%
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Volume Discount (2019/20)	£48,975
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<b><u>Profit / (Loss) for the Financial Year</u></b>	<b>£48,975</b>
--	----------------



# Our five year plan

**Our five key objectives that we aim to achieve over the next 5 years:**

- Achieve balanced and profitable growth
- Maintain a diverse client base
- Increase the profit to our shareholders
- Continue to maintain our operating margins
- Maintain our success rate in competitive tendering of 63%



**Barnsley Norse aims to grow the business by 15% over the next three years despite ongoing business pressures. We aim to achieve this growth by:**

- Developing new markets and services
- Increasing our exposure in the private sector
- Successful tendering of new and existing contracts
- Actively controlling our overheads

Barnsley Norse's growth strategy maintains its emphasis on a solid Joint Venture foundation with a view to expansion further in to the wider Yorkshire Region in existing and new emerging markets. Our external business now equates to 22% with our overall growth now exceeding 43% since 2011 and we continue to work with Barnsley Council to drive efficiencies which we project will amount to savings of £1,240,000 by 2023.

# Finance and customer

# 2018 objectives review/targets for 2019

<b>Finance</b>	<i>Achieve profitable and sustainable growth</i>
Our 2018 objectives	<ul style="list-style-type: none"><li>• Deliver to financial projections</li><li>• Maintain a sound financial base across our range of operations</li><li>• Increase operating profit</li></ul>
How we did	<ul style="list-style-type: none"><li>• Delivered all financial projections above budget for 2018/19</li><li>• Maintained a stable financial base across all operational services</li><li>• We increased our operating profit from 2017/18</li></ul>
What we will do in 2019-20	<ul style="list-style-type: none"><li>• Meet budgeted financial projections</li><li>• Increase profit in line with budget</li><li>• Maintain financial stability</li><li>• Maintain cumulative savings</li></ul>

## Customer

*Expand our customer base and meet our client's needs while making a positive impact on the communities in which we serve*

### Our 2018 objectives

- Maintain a diverse client base
- Satisfy the quality and service expectations of our clients
- Develop our services in line with client expectations
- Achieve customer satisfaction of 96%

### How we did

- Maintained our client base across the business
- Increased customer satisfaction and compliments received
- Introduced a number of service improvements across our services
- Achieved customer satisfaction of 99%

### What we will do in 2019-20

- Build on our client base
- Achieve customer satisfaction of 96%
- Develop services in line with client expectations
- Achieve commitments to Stakeholders Ambitions

# Process and people

# 2018 objectives review/targets for 2019

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="background-color: black; color: white; padding: 5px 10px; font-weight: bold;">Process</div> <div style="text-align: right; font-style: italic;">Continue to deliver high quality services efficiently</div> </div>	
Our 2018 objectives	<ul style="list-style-type: none"> <li>• Continue to work closely with BMBC to identify efficiencies</li> <li>• Implement online management system to increase business efficiency</li> <li>• Deliver better value for money through chemical procurement</li> </ul>
How we did	<ul style="list-style-type: none"> <li>• Created efficiencies in Courier service with BMBC</li> <li>• iAuditor system introduced across the business</li> <li>• Continued to maintain efficiencies through the chemical tender</li> </ul>
What we will do in 2019-20	<ul style="list-style-type: none"> <li>• Continue to assist BMBC to reduce costs</li> <li>• Continue to support community projects</li> <li>• Increase skills within the workforce</li> <li>• Deliver efficiencies with our processes</li> </ul>

# People

*Become the employer of choice within the industry*

## Our 2018 objectives

- Continue to deliver management training
- Work with Mencap and the Supported Internship programmes
- Develop our CSR initiatives including Dementia training
- Maintain good staff satisfaction

## How we did

- Level 5 Management qualification commenced
- Continued to work with both Mencap and Supported Internship
- Undertook numerous CSR initiatives including work for Macmillan and Barnsley Hospice
- Received a staff satisfaction result of 97%

## What we will do in 2019-20

- Continued Management development training
- Develop our CSR programme
- Continue to work with the supported internship
- Continue to develop workplace health & wellbeing and work with Public Health
- Maintain staff satisfaction results



# Our governance

## Norfolk County Council

## Norse Group Ltd

NPS Property Consultants Ltd

Norse Care Ltd

Norse Commercial Services Ltd

NPS Barnsley Ltd  
NPS Humber Ltd  
NPS Leeds Ltd  
NPS London Ltd  
NPS Newport Ltd  
NPS North West Ltd  
NPS Norwich Ltd  
NPS Peterborough Ltd  
NPS South West Ltd  
Broadland Growth Ltd  
Build Insight Ltd  
Hamson Barron Smith Ltd  
Hearth UK Ltd  
International Aviation  
Academy Norwich Ltd  
Norse Development  
Company Ltd  
Norse Energy Ltd  
NPS Infinity Ltd

Barnsley Norse Ltd  
Daventry Norse Ltd  
Devon Norse Ltd  
Enfield Norse Ltd  
Eventguard Ltd  
Great Yarmouth Norse Ltd  
GYB Services Ltd  
Medway Norse Ltd  
Newport Norse Ltd  
NEWS Ltd  
Norse Eastern Ltd  
Norse Environmental Waste  
Services Ltd  
Norwich Norse (Building) Ltd  
Norwich Norse  
(Environmental) Ltd  
Norse South East Ltd  
Norse Transport Ltd  
Suffolk Coastal Norse Ltd  
Suffolk Norse Ltd  
Suffolk Norse Transport Ltd  
Waveney Norse Ltd  
Wellingborough Norse Ltd

### Board of Directors



**Dean Wetteland**  
Group Managing Director  
Norse Group



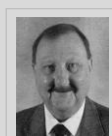
**Nick Maddox**  
Group Director of Operations  
Norse Group



**James Pratt**  
Strategic Operations Director  
NPS Ltd



**Karen Temple**  
Managing Director  
NPS Barnsley



**Cllr Alan Gardiner**  
Barnsley Metropolitan Borough  
Council



**Philip Spurr**  
Service Director  
Barnsley Metropolitan Borough  
Council

### Shareholder Committee

The Board meets every quarter to review the activities of Barnsley Norse and to advise on the future strategy of the company. Whilst we operate a single business to the client, the Joint Venture involves Barnsley Metropolitan Borough Council, Norse Commercial Services and NPS Property Consultants.

### Other governance

We will report monthly to the individual divisions of the Norse Group, using the respective Business Review Reports which includes the Balanced Scorecard (see appendix 2) and our Risk Register (see appendix 3) which is reviewed on a 6 monthly basis.

We also engage in monthly Partnership Meetings with the client team to review Key Performance Indicators and discuss and agree strategic direction and implementation.

External financial audits are undertaken by Price Waterhouse Cooper.

# Stakeholders' ambitions

Barnsley Norse are helping to contribute to the three priorities outlined in Barnsley Councils Corporate Plan 2017 - 2020.

## THRIVING & VIBRANT ECONOMY

- We support employment for over 600 staff
- 14 unemployed people have been supported in to employment
- £1.47M efficiency savings and profit share with BMBC over the life of the Joint Venture
- Continued support for local apprenticeships
- Over £150k spend with local suppliers
- Increased investment in staff training with the aim of raising the skill levels of our staff
- Over £2.8M in salaries paid locally
- We are working on reducing our single use plastics in all of our catering establishments

## PEOPLE ACHIEVING THEIR POTENTIAL

- Continue to support the supported internship programme
- Corporate wellbeing policy and benefits scheme for our workforce
- Accredited with the National Workplace Wellbeing Charter
- Working with Public Health to produce calorie posters to inform customers of calorific content in all items within the coffee shops
- Taken on a University placement within our business
- Introduction of healthier choices in coffee shops

## STRONG & RESILIENT COMMUNITIES

- Supporting Wilthorpe Park as a Park Partner
- Various sponsorships for local schools
- Volunteering days to local community groups
- Supporting Barnsley Hospice through the Accumulator Challenge
- Working with BMBC to deliver their recycling aims
- Supporting a chosen local charity annually
- Reducing our carbon footprint through procurement of more efficient vehicles
- Dementia Champion and 50+ staff trained as Dementia Friends
- Our fleet have maintained 4\* status

Our corporate values are aligned to those of Barnsley Council giving us a clear and parallel focus of working towards the same goal.



# Barnsley Norse Ltd

8A Redbrook Business Park  
Wilthorpe Road  
Barnsley  
S75 1JN

01226 776060

[info@barnsleynorse.co.uk](mailto:info@barnsleynorse.co.uk)

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**Barnsley Metropolitan Borough Council**

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

**STAINBOROUGH ROAD, DODWORTH – PROPOSED WAITING RESTRICTIONS**

**Objection Report**

**1. Purpose of Report**

- 1.1** The purpose of this report is to consider the objections which have been received in respect of previously published proposals to implement a Traffic Regulation Order (TRO) to introduce new restrictions on parts of Stainborough Road and Keresforth Road, Dodworth.
- 1.2** To seek approval to overrule the objections and implement the restrictions as originally advertised.

**2. Recommendation**

**It is recommended that:**

- 2.1** **The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2** **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

**3. Introduction/Background**

- 3.1** In December 2018 approval was given to publish traffic restrictions on parts of Stainborough Road and Keresforth Road, Dodworth. See officer delegated report attached at Appendix 1 and associated plan attached at Appendix 2.
- 3.2** The proposals were published in January 2019 and 2 objections were received. Neither of the objections has been withdrawn.
- 3.3** The objectors oppose the proposed TRO as they argue that it will prevent them from parking outside their property and one of the objectors also alleges that consultation was not carried out correctly.,

**4. Consideration of Objections**

As a result of advertising the proposals there are 2 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- (Location of objector: Stainborough Road) The restrictions affect their property on both sides. Alleges that the Council have failed to properly consult those affected; lack of notices in the press and on the Council's own website and failure to notify affected properties by letter. Also alleges that there is not sufficient evidence and the Council has failed to meet the legal requirements to proceed with making the TRO.

**Response: Explained the Council's minimum standards for statutory consultation on TROs and attached evidence that notices had been published in the local press and on the Council's own website. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility, nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The proposed restrictions are for clear road safety reasons to prevent inconsiderate parking around the junction which obstructs visibility for drivers exiting and turning into Stainborough Road, to provide sufficient space for buses to pull completely into Stainborough Road, wait and check for oncoming traffic and to protect the western side from parked vehicles ensuring it remains clear at all times to maintain the free flow of traffic.**

- (Location of objector: Holdroyd's Yard) The objector agrees with the restrictions on the junction and the western side of Stainborough Road but is worried they will be extended further along the road than shown on the plan. The objector states that they are disabled, have no access to off-road parking in Holdroyd's Yard so require parking space on the highway as close as possible to their home.

**Response: The objector has been advised that there is no proposal to extend the restrictions further on the eastern side of Stainborough Road than is shown on the plan. The proposals are to protect visibility requirements at the junction and to provide an area where buses can fully pull into Stainborough Road and wait at the top of the hill until oncoming traffic has passed. The objector should still be able to park their vehicle(s) on the carriageway**

## 5. Proposal and Justification

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 2, comprising:-

- Introducing 'No Waiting At Any Time' restrictions on the eastern and western sides of Stainborough Road and on the south western side of Keresforth Road. This will ensure the area is kept free from parked vehicles, to protect sightlines for drivers exiting Stainborough Road, to maintain the free flow of traffic along Keresforth Road and Stainborough Road and to provide an area near the junction where buses can pull in completely from High Street / Keresforth Road and wait safely for oncoming traffic to pass. Loading and unloading is permitted at any time;



**6. Consideration of Alternative Proposals**

**6.1** Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 2. **This is the preferred option.**

**6.2** Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:

- It will not prevent indiscriminate parking from occurring, which will continue to obstruct sightlines, affect road safety at the junction and may affect the free flow of traffic along Stainborough Road and Keresforth Road.

**7. Impact on Local People**

**7.1** The proposals may affect a small number of residents on Stainborough Road, who do not have off-street parking. Parking space is available further along Stainborough Road on the eastern side and further along the south western side of Keresforth Road where the highway remains unrestricted.

**8. Financial Implications**

**8.1** The financial implications remain the same as previously reported (identified in Appendix 1).

**9. Legal Implications**

**9.1** The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.

**9.2** In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

**10. Consultations**

**10.1** No additional consultations are required, these having already been carried out at the publication stage.

**11. Risk Management Issues**

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low

<p><b>2. Legal challenge to the decision to make the TRO.</b></p>	<p>The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.</p>	<p>Low</p>
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**12. Compatibility with European Convention on Human Rights**

12. It is not considered the proposals have any potential interference with convention rights.

**13. List of Appendices**

- Appendix 1 – Officer Delegated report dated 20 December 2019
- Appendix 2 - Plan showing proposals for report dated 20 December 2019

**14. Background Papers**

14.1 Highway Design file

**Officer Contact:** Liz Campbell

**Telephone No:** 772091

**Date:** 12th March 2019

**Record of Decision of the Head of Highways and Engineering for:**

**STAINBOROUGH ROAD / KERESFORTH ROAD – PROPOSED TRAFFIC REGULATION ORDER**

**Subject**

It is proposed to introduce a prohibition of waiting at the junction of Stainborough Road with Keresforth Road and on the western side of Stainborough Road, for the purposes of preventing indiscriminate parking, to improve the free flow of traffic and to protect visibility requirements at junctions.

**Authority**

*Part 3 Paragraph 21(b) Delegations to Officers: After consultation with Local Members, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

**Decision Taken**

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Order.

**Financial Consultation/Consideration:**

On behalf of the Service Director (S151) Officer  
Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date of Decision:**

Signature (Group Manager – Highways & Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date Approved:**

Signature (Head of Highways & Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

## **Barnsley Metropolitan Borough Council**

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

### **STAINBOROUGH ROAD / KERESFORTH ROAD - PROPOSED WAITING RESTRICTIONS**

#### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval to introduce a new Traffic Regulation Order (TRO) necessary to implement waiting restrictions at the junction of Stainborough Road and Keresforth Road and on the western side of Stainborough Road, Dodworth.

#### **2. Recommendation**

**It is recommended that:**

- 2.1 **The Executive Director of Core Services and Solicitor to the Council be authorised to publish the proposed waiting restrictions on Stainborough Road and Keresforth Road, Dodworth as described in this report and shown on the plan at Appendix 1;**
- 2.2 **Any objections be the subject of a further report to Cabinet;**
- 2.3 **If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

#### **3. Introduction/Background**

- 3.1 Stainborough Road is an unclassified road off the B6099 High Street/Keresforth Road, Dodworth and forms part of a bus route through the residential areas of Dodworth and Gilroyd for the Stagecoach 22 service.
- 3.2 Stainborough Road is approximately 6 metres wide up to its junction with South Street and, near No.1 Holdroyd's Yard, narrows for a short distance to approximately 5 metres wide. Residents/visitors usually park on the eastern side, often less than 10 metres from the Keresforth Road junction which means that a vehicle may have to travel up to 100 metres distance on the wrong side of the road. In addition, if a bus has already turned into the junction and encounters oncoming traffic, it has to wait at the top of the street with the rear end still protruding into Keresforth Road which obstructs the passage of northbound traffic and is a clear road safety hazard.
- 3.3 The possibility was considered of parking being transferred from the eastern side, where waiting restrictions are proposed, to the western side creating further problems for northbound traffic.

- 3.4 Keresforth Road curves to the east at almost 90 degrees immediately after the junction with Stainborough Road which reduces visibility to the right for traffic exiting the junction into Keresforth Road/High Street and also reduces forward visibility for vehicles travelling north on Keresforth Road
- 3.4 The proposed waiting restrictions have been designed to prevent indiscriminate parking from occurring within 20 metres of the junction on Stainborough Road and within 15 metres of the junction on Keresforth Road. This will allow vehicles, particularly buses, to pull fully into Stainborough Road and wait at the top of the street as necessary, for oncoming traffic to pass, thus preventing obstruction to the passage of traffic on Keresforth Road and will protect visibility requirements for traffic exiting the junction into Keresforth Road, thereby improving road safety. Proposed waiting restrictions have also been extended to the western side of Stainborough Road, from its junction with High Street to approximately 20 metres past the junction with the access to Nos. 14-24 Stainborough Road. This will keep the western half of the carriageway clear of parking and protect visibility requirements at the junction .

#### **4. Proposal and Justification**

- 4.1 The proposal is to introduce waiting restrictions on the eastern and western sides of Stainborough Road and the south western side of Keresforth Road. The proposals are shown on the plan at Appendix 1.
- 4.2 The aim of the proposals is to prevent indiscriminate parking, maintain the free flow of traffic and protect visibility requirements at junctions. The proposals are considered necessary for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising and facilitating the passage of traffic on the roads.

#### **5. Consideration of Alternative Proposals**

- 5.1 Traffic restrictions are considered to be the most effective way of controlling parking. There are no other practical means of achieving the desired outcome.

#### **6. Impact on Local People**

- 6.1 There are a number of drivers who currently park on Stainborough Road and Keresforth Road who may be affected by the proposed “No Waiting At Any Time” restriction. However, on-street parking is available further along both roads and the majority of affected properties have access to off-street parking.

#### **7. Financial Implications**

- 7.1 The Service Director Finance (S151 Officer) has been consulted on this proposal.

7.2 The costs of works, advertising and legal fees associated with the TRO are **estimated** to be £7810. This comprises of the following:

Works	£2210
Professional legal fees	£300
Legal advertising	£400
Professional fees	£3490

7.3 The above costs are estimated and that the professional fees include an allowance to deal with objections as part of the process, although it is not possible to determine the actual number of objections. These estimated costs are fully funded by the South Yorkshire Passenger Transport Executive (SYPTEx) from their allocation of LTP funding or charged to the requestors budget accordingly (e.g Area Council's).

**8 Legal Implications**

8.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed Traffic Regulation Order.

8.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Act so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (Section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

**9 Consultations**

9.3 Consultations have taken place with Dodworth ward members and no objections or adverse comments have been received. The emergency services have been consulted and no objections or adverse comments have been received

**10 Risk Management Issues**

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered that the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
<b>2. Legal challenge to the decision to make the TRO</b>	The procedure to be followed in the making of TROs is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an	

	<p>opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal</p>	<p>Low</p>
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**11 Compatibility with European Convention on Human Rights**

11.1 It is not considered that the proposals have any potential interference with convention rights.

**12 List of Appendices**

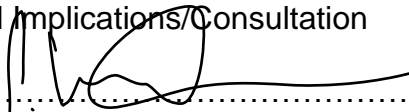
- Appendix 1 – Plan showing the proposals.

**13 Background Papers**

13.1 Project file.

**Officer Contact:** Liz Campbell **Date:** 21<sup>st</sup> November., 2018

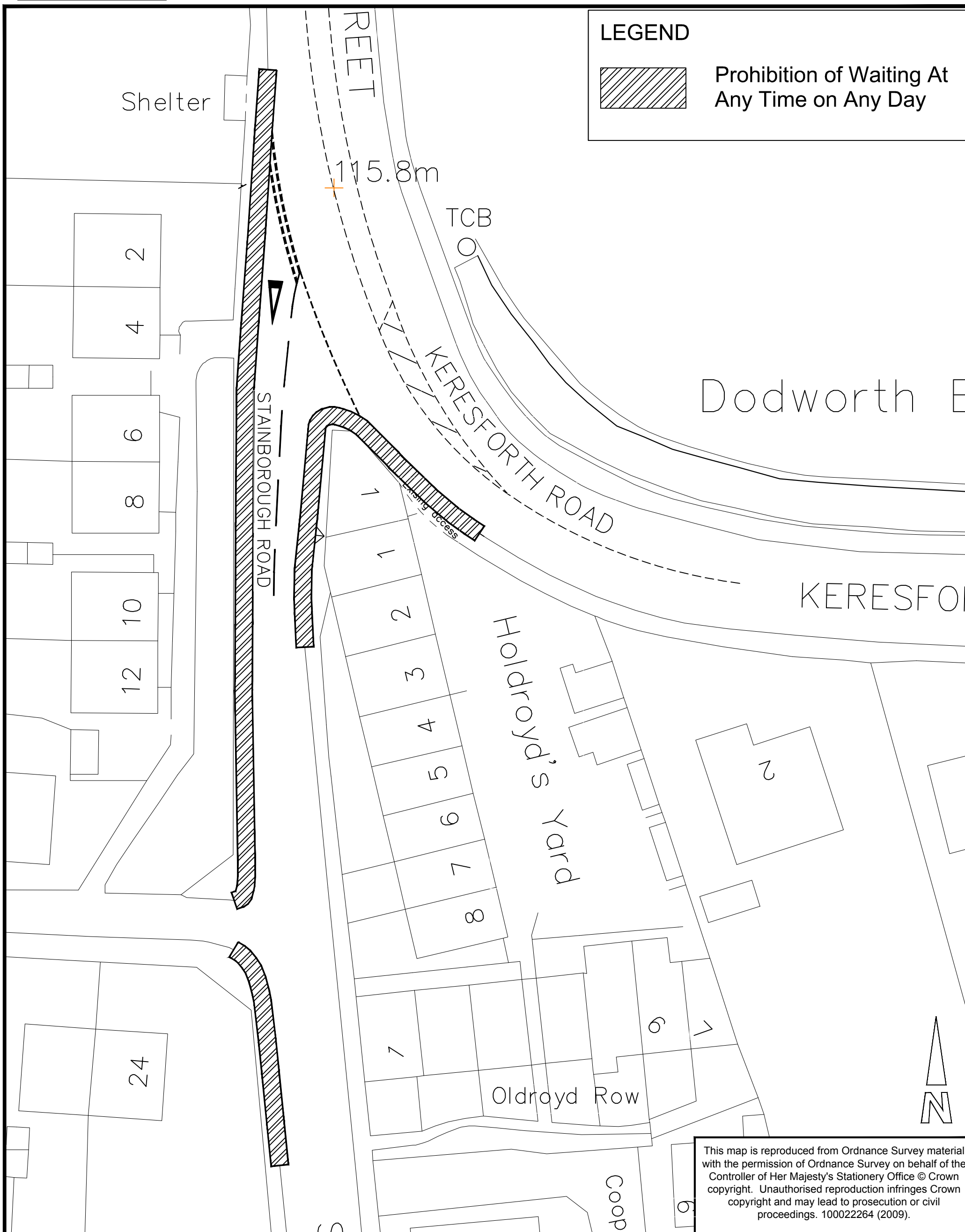
Financial Implications/Consultation



.....  
 (To be signed by senior Financial Services officer where no financial implications)

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**BARNLSLEY**  
Metropolitan Borough Council

Scale  
**1/300**

Drawn  
E.D.C.

Date  
OCT.2018

Checked

File  
BBHS

Paul Castle Service Director, Place Directorate  
Environment & Transportation (Business Unit 6)  
P.O. Box 601, Westgate Plaza One, Westgate  
Barnsley. S70 9FA  
Tel. (01226) 770770 Fax. (01226) 772222

Project  
**Stainborough Road, Dodworth  
Proposed Waiting Restrictions**

Drawing No.

**APPENDIX 1**

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## Barnsley Metropolitan Borough Council

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

### PARK ROAD, BARNSELEY – PROPOSED WAITING AND LOADING RESTRICTIONS

#### Objection Report

##### 1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections which have been received in respect of previously published proposals to implement a Traffic Regulation Order (TRO) to introduce new restrictions on parts of Park Road, Tower Street, Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road, Barnsley.
- 1.2 To seek approval to overrule the objections and implement the restrictions as originally advertised.

##### 2. Recommendation

**It is recommended that:**

- 2.1 **The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2 **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

##### 3. Introduction/Background

- 3.1 In December 2018 approval was given to publish traffic restrictions on parts of Park Road, Tower Street, Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road. See officer delegated report attached at Appendix 1 and associated plan attached at Appendix 2.
- 3.2 The proposals were published in January 2019. 10 objections were received and 1 e-mail supporting the proposals. None of the objections have been withdrawn.
- 3.3 The objectors oppose the proposed TROs as they argue that it will prevent them from parking outside their property and one of the objectors also alleges that consultation was not carried out correctly

##### 4. Consideration of Objections

As a result of advertising the proposals there are 10 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- (Location of objector: Park Road) The objector initially supported the proposal but stated it was very difficult finding parking space near their home, allegedly due to visitor parking for Locke Park café and play area and a nearby restaurant and tea room premises. Proposed that the park access gate opposite should be permanently locked to encourage use of the car park off Keresforth Hall Road, that a residents' parking scheme should be implemented or that the Council should fund the conversion of residents' front gardens to driveways combined with vehicle crossings on the highway.

**Response: No individual has a legal right to park on the public highway outside their property and it cannot be considered as a facility; nor is there any onus on the Council to provide parking space where none existed previously. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The Council currently has no funding for new residents' parking schemes, nor to assist individuals with the costs of constructing drives / vehicle crossings. Waiting and loading restrictions are proposed as a solution to extraneous parking along the southern side of Park Road and at junctions, which obstructs visibility for drivers attempting to exit those junctions and impedes the operation of bus stops and the free flow of traffic along Park Road.**

- (Location of objector: Park Road) The objector agrees that some form of parking restriction is needed on Park Road. Alleges that the majority of problems are caused by visitors to Locke Park, who park outside residents' homes or outside the park near the children's play area, rather than use the car park off Keresforth Hall Road, which makes it difficult for residents to park outside their homes or to receive deliveries. Requests a residents' parking scheme.

**Response: The Council currently has no funding for new residents' parking schemes. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility, nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. Waiting and loading restrictions are proposed as a solution to extraneous parking along the southern side of Park Road and at junctions, which obstructs visibility for drivers attempting to exit those junctions and impedes the operation of bus stops and the free flow of traffic along Park Road.**

- (Location of objector: Park Road) The objector required clarification of the proposals rather than making a formal objection, but this has been considered as an objection for the purposes of this report. Asked whether residents would still be able to park outside their homes and if a residents' permit scheme would be introduced or would parking be completely prohibited on Park Road.

**Response: Explained to the resident that waiting and loading restrictions were proposed for the southern side of Park Road and waiting restrictions on the junctions off the northern side; Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road , to protect visibility requirements at those junctions. Residents will still be able to park on the unrestricted lengths of highway between the**

junction markings, The Council currently has no funding for new residents' parking schemes.

- (Location of objector: Park Road): Objecting on behalf of relatives who have health problems and rely on their car for hospital appointments, etc. Considers the method of consultation inadequate – letters should have been posted to residents or meetings held. In addition, other relatives would not be able to visit as they would not be able to park outside the property and residents would not be able to maintain their properties as workmen would not be able to park outside either. Parking restrictions would also reduce the value of the properties.

**Response: The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press and erected on site. The property in question is not affected by the proposals and the highway in front of it remains unrestricted. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.**

- (Location of objector: Park Road): The objector considers the method of consultation inadequate. They object on behalf of relatives who have health problems as they will not be able to park outside the property to pick them up to take them for treatment. The proposals will be isolating elderly people and law-abiding residents will be penalised. Also carers will not be able to park, it will prevent deliveries being made and will bring down the value of the property.

**Response: The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press and erected on site. The property in question is not affected by the proposals and the highway in front of it remains unrestricted. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.**

- (Location of objector: Park Road) The objector required clarification of the proposals rather than making a formal objection, but this has been considered as an objection for the purposes of this report. Asked whether they would still be able to park outside their home.

**Response: The objector has been advised that their property is unaffected by the proposals and the highway to the front of it remains unrestricted. Waiting and loading restrictions are proposed as a solution to extraneous parking on the southern side of Park Road and at junctions with side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along Park Road.**

- (Location of objector: St. John's Road) The proposals will have a detrimental effect on residents of St. John's Road, where parking is already a problem, due to displaced vehicles from Park Road parking on St. John's Road. Takes issue with what they consider the lack of proper consultation with residents i.e. why was a letter not sent to all affected residents?

**Response: The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press and erected on site. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.**

- (Location of objector: Park Road) The objector states that the proposals will greatly disrupt their life, as well as those of other residents, as they commute almost every day and have to carry everything they need out to the car. They also have an elderly relative, who struggles to walk and who visits regularly. Suggests a residents' permit scheme for properties on that particular section of Park Road.

**Response: Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with side streets which obstructs visibility for drivers attempting to exit those side roads and impedes the operation of bus stops and the free flow of traffic along Park Road. The Council currently has no funding for residents' parking schemes. No individual has any legal right to park on the highway outside their property and it cannot be considered as a facility, nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.**

- (Location of objector: Park Road) The objector cites an inception-stage consultation in 2017 during which he made objections to the proposals, takes issue with the method of consultation on this occasion and does not deem it acceptable. The proposals will completely restrict parking to the front of their and their neighbours' properties, even to unload shopping and will severely affect their day-to-day life. In addition they have a relative who struggles to walk distances and regular visitors who will be inconvenienced. They agree that something should be done regarding parking in front of the park and suggest making Park Road a permit zone.

- **Response: The objector has been advised that the initial consultation in 2017 was issued at inception stage to all potentially affected residents to gauge feasibility of the proposals. The Council received 4 objections at that time. The objector has been informed of the Council's minimum standards for statutory consultation on TROs i.e. notices are published in the local press, erected on site, can be viewed are available to view on the Council's website and at Central Library. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The Council currently has no funding for residents' parking schemes.**

- (Location of objector: Park Road) The objector states that the proposals will have a massive impact on their family as they will be unable to park outside their property to load / unload the car, including their children. It will devalue their property, making it less desirable to potential buyers in the future. They allege that the parking issues are largely due to visitors to Locke Park therefore, imposing restrictions on the residents seems unfair and unjust. Suggest alternative proposals to alleviate parking issues e.g. expand the existing car park off Keresforth Hall Road, moving the start of the Park Runs closer to the car park to encourage participants to park there instead of on Park Road.

- **Response: The objector has been advised that the initial consultation in 2017 was issued at inception stage to all potentially affected residents to gauge feasibility of the proposals. The Council received 4 objections at that time. The current phase is the legal statutory consultation on TROs and any unresolved objections will be reported to Cabinet for assessment and a final decision on implementation. Waiting and loading restrictions are proposed as a solution to the extraneous parking on the southern side of Park Road and at junctions with the side streets which obstructs visibility for drivers attempting to exit those side streets and impedes the operation of bus stops and the free flow of traffic along the road. Waiting and/or loading restrictions have been found to be the only effective solution to parking issues as enforcement can be carried out should the issues recur. There is no intention to prohibit parking along the northern side of Park Road, except at the junctions to protect sightlines. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property.**

## 5. Proposal and Justification

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 3, comprising:-

- Introducing new waiting and loading restrictions on the southern/south western side of Park Road to prevent indiscriminate parking and protect visibility requirements at the junctions and improve the free flow of traffic along the road.
- Introducing 'No Waiting At Any Time' on the junctions of Park Road with Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road. This will ensure the junctions are kept free from parked vehicles, protecting sightlines for drivers exiting those roads. Loading and unloading is permitted at any time;

## 6. Consideration of Alternative Proposals

- 6.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 2. **This is the preferred option.**
- 6.2 Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:
- It will not prevent indiscriminate parking from occurring, which will obstruct visibility for drivers at the junctions and may affect the free flow of traffic;

## 7. Impact on Local People

- 7.1 The proposals may affect a small number of residents, mainly on Park Road, who do not have off-street parking. However, they can park further along Park Road or on side streets where there are no restrictions.

## 8. Financial Implications

- 8.1 The financial implications remain the same as previously reported (identified in Appendix 1).

## 9. Legal Implications

- 9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.
- 9.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

## 10. Consultations

- 10.1 No additional consultations are required, these having already been carried out at the publication stage.



**11. Risk Management Issues**

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
<b>2. Legal challenge to the decision to make the TRO.</b>	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low

**12. Compatibility with European Convention on Human Rights**

12. It is not considered the proposals have any potential interference with convention rights.

**13. List of Appendices**

- Appendix 1 – Officer Delegated report dated 20th December 2018
- Appendix 2 - Plan showing proposals for report dated 20<sup>th</sup> December 2018

**14. Background Papers**

14.1 Highway Design file

**Officer Contact:** Liz Campbell

**Telephone No:** 772091

**Date:** 12th March, 2019

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**Record of Decision of the Head of Highways and Engineering for:**

**A6133 PARK ROAD, BARNSELY – PROPOSED TRAFFIC REGULATION ORDERS**

**Subject**

It is proposed to introduce a prohibition of waiting and loading / unloading on the south / south eastern side of Park Road, between Highstone Avenue and Keresforth Hall Road, and waiting restrictions on the north / north western side at the junctions of Park Road with Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road for the purposes of preventing indiscriminate parking to improve the free flow of traffic and to protect visibility requirements at these junctions.

**Authority**

*Part 3 Paragraph 21(b) Delegations to Officers: After consultation with Local Members, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

**Decision Taken**

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Orders.

**Financial Consultation/Consideration:**

On behalf of the Service Director (S151) Officer  
Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date of Decision:**

Signature (Group Manager – Highways &  
Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date Approved:**

Signature (Head of Highways & Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

## **Barnsley Metropolitan Borough Council**

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

### **PARK ROAD, BARNSELEY - PROPOSED WAITING /LOADING RESTRICTIONS**

#### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval to introduce new Traffic Regulation Orders (TROs) necessary to implement waiting and loading restrictions on Park Road, Barnsley.

#### **2. Recommendation**

**It is recommended that:**

- 2.1 **The Executive Director of Core Services and Solicitor to the Council be authorised to publish the proposed waiting and loading restrictions on Park Road, Barnsley as described in this report and shown on the plan at Appendix 1;**
- 2.2 **Any objections be the subject of a further report to Cabinet;**
- 2.3 **If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

#### **3. Introduction/Background**

- 3.1 The A6133 forms part of a main east-west route through Barnsley between the A635 and the A628, connecting with the M1 at Junction 37, via the A628. It forms part of a circular route for bus services running through Worsbrough Common, Kingstone and Pogmoor to and from Barnsley District General Hospital (BDGH).
- 3.2 Park Road is bounded to the north by residential streets, allotments and a church and, to the south, by a small number of residential streets and Locke Park. Residential properties comprise of mainly terraced housing interspersed with a number of Victorian / Edwardian villas, 30s semi-detached properties and a few commercial premises. Residents / occupiers and visitors tend to park vehicles in front of premises, often partially or almost wholly on the footway, although many also have garages / parking space to the rear, accessible via service roads. This leads to a significant length of Park Road being narrowed due to parked vehicles, which obstructs the free flow of traffic, prevents buses from pulling up at stops, compromises visibility at junctions, and obstructs significant lengths of footway for pedestrians / disabled persons, etc.

- 3.3** Locke Park is held in trust by the Council which carries out maintenance and is also looked after by the Friends of Locke Park (FOLP), a registered charity, which works to preserve the park's heritage and also organises events and activities, fundraises and carries out voluntary work within the park.
- 3.4** Since FOLP was founded (early 2000s) the number of events held at the park has gradually increased. As well as the summer gala and bonfire events there are fairs and seasonal events at Easter / Christmas, Classic Car Show, regular car boot sales, fundraising events for other charities and Parkrun events most weekends. These events generate large amounts of traffic with attendant parking problems and the existing car park, off Keresforth Hall Road, can only accommodate around 60 cars. As a consequence, indiscriminate parking on both sides of Park Road obstructs the free flow of traffic and impairs visibility at junctions.
- 3.5** Complaints have been raised at the Council's regular meetings with SYPTE and bus operators regarding indiscriminate parking along this road causing problems with bus services.
- 3.6** Of greater concern is that Park Road is one of the main routes used by emergency vehicles for South Yorkshire Fire & Rescue (SYFR) and for ambulances travelling to BDGH. Although not designated, it is also often used as an emergency diversion route when major incidents occur on the nearby M1.

#### **4. Proposal and Justification**

- 4.1** The proposal is to introduce waiting and loading restrictions on the south/south eastern side of Park Road and waiting restrictions on the north/north western side at junctions with Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road. The proposals are shown on the plan at Appendix 1.
- 4.2** The aim of the proposals is to prevent indiscriminate parking, maintain the free flow of traffic and protect visibility requirements at the junctions. The proposals are considered necessary for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising and facilitating the passage of traffic on the roads.

#### **5. Consideration of Alternative Proposals**

- 5.1** Traffic restrictions are considered to be the most effective way of controlling parking. There are no other practical means of achieving the desired outcome.

#### **6. Impact on Local People**

- 6.1** There are a number of drivers who currently park on Park Road and affected side streets who may be affected by the proposed waiting and loading restrictions. However, on-street parking is available on other sections of Park Road and further along nearby side streets.

#### **7. Financial Implications**

7.1 The Service Director Finance (S151 Officer) has been consulted on this proposal.

7.2 The costs of works, advertising and legal fees associated with the TRO are **estimated** to be £11850. This comprises of the following:

Works	£5250
Professional legal fees	£300
Legal advertising	£400
Professional fees	£4900

7.3 The above costs are estimated and that the professional fees include an allowance to deal with objections as part of the process, although it is not possible to determine the actual number of objections. These estimated costs are fully funded by the South Yorkshire Passenger Transport Executive (SYPTPE) from their allocation of LTP funding or charged to the requestors budget accordingly (e.g Area Council's).

**8. Legal Implications**

8.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed Traffic Regulation Order.

8.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Act so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (Section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

**9. Consultations**

9.1 Consultations have taken place with Central ward members and no objections or adverse comments have been received. The emergency services have been consulted and no objections or adverse comments have been received

**10. Risk Management Issues**

Risk	Mitigation/Outcome	Assessment
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered that the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to	Low

	consider the effects of the Human Rights Act which are followed.	
<b>2. Legal challenge to the decision to make the TRO</b>	The procedure to be followed in the making of TROs is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal	Low

**11. Compatibility with European Convention on Human Rights**

**11.1** There is a potential interference with the Convention on Human Rights in that it is proposed to implement measures, which may be perceived to be detrimental to the interests of private individuals, for the benefit of the public in general. Possible interference might arise under Article 8 – Right to respect for private and family life, or Article 1 of the First Protocol – Protection of Property.

**12 List of Appendices**

- Appendix 1 – Plan showing the proposals.

**13 Background Papers**

**13.1** Project file.

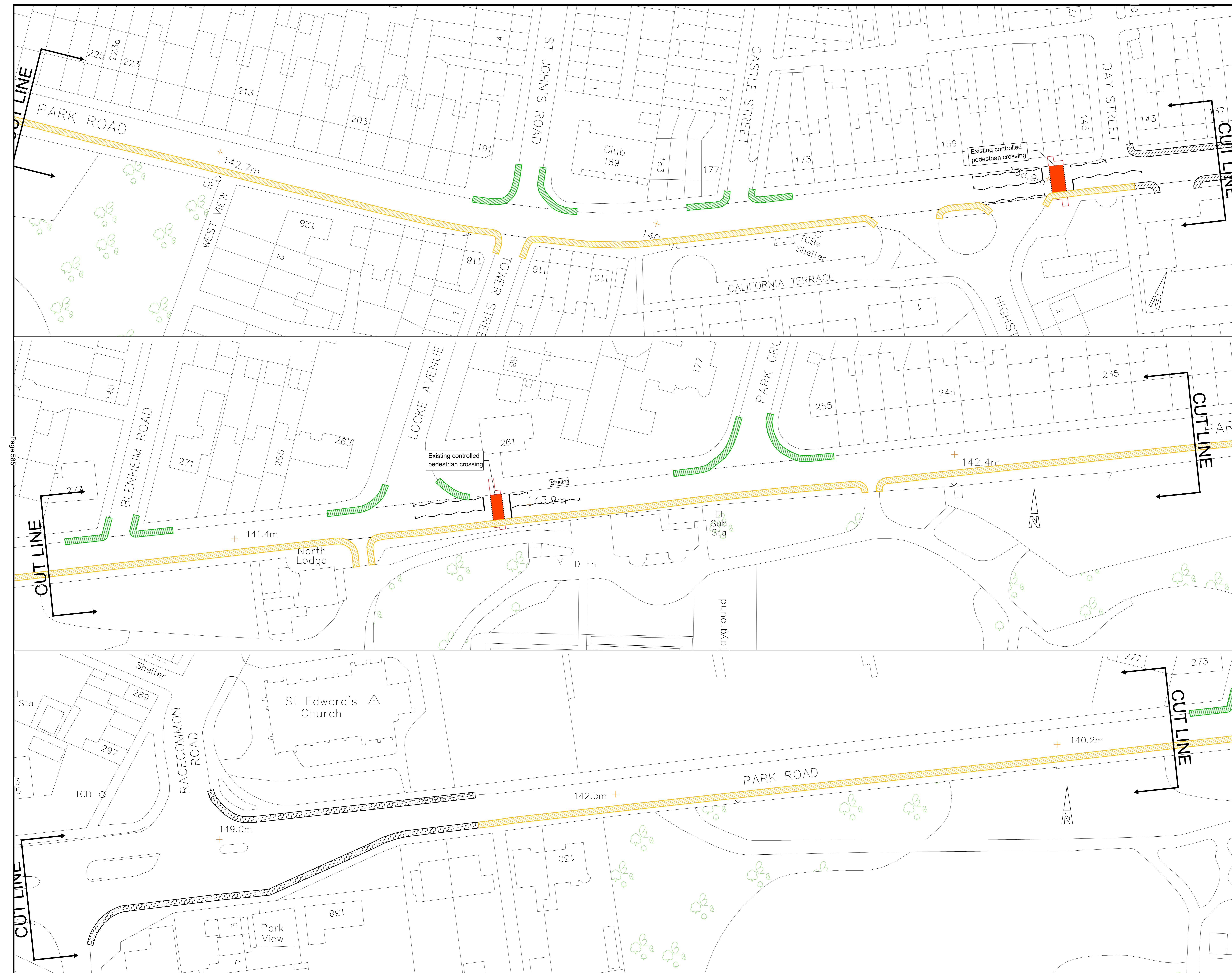
**Officer Contact:** Liz Campbell      **Date:** 21<sup>st</sup> November, 2018

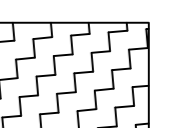
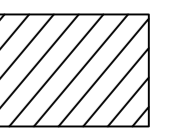


Financial Implications/Consultation

.....  
 (To be signed by senior Financial Services officer where no financial implications)

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- LEGEND**
-  Existing Prohibition of Waiting At Any Time on Any Day
  -  Existing Prohibition of Waiting, Loading and Unloading - 8.00-9.30 am and 4.30-6.00pm Monday to Friday
  -  Proposed Prohibition of Waiting, Loading and Unloading At Any Time on Any Day
  -  Proposed Prohibition of Waiting At Any Time on Any Day

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Rev.	By	Amendments	Date



**Project**  
**BARNSELY BUS HOTSPOTS**  
**A6133 PARK ROAD, BARNSELY**

**Drawing title**  
**PROPOSED WAITING AND LOADING RESTRICTIONS**

Scale	Drawn	Checked	Date
1/300	E.D.C.		JUN.2017
Drawing No.	Revision	File	
APPENDIX 1		BBHS	

Paul Castle Service Director Place Directorate  
 Environment & Transportation (Business Unit 6)  
 P.O. Box 601, Westgate Plaza One, Westgate  
 Barnsley. S70 9FA  
 Tel. (01226) 770770 Fax. (01226) 772222

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Barnsley Metropolitan Borough Council

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

BLOEMFONTEIN STREET / BARNSELEY ROAD, CUDWORTH – PROPOSED WAITING RESTRICTIONS

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections which have been received in respect of previously published proposals to implement a Traffic Regulation Order (TRO) to introduce waiting restrictions on parts of Bloemfontein Street and Barnsley Road, Cudworth.
- 1.2 To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1 **The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2 **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

3. Introduction/Background

- 3.1 In December 2018 approval was given to publish traffic restrictions on parts of Bloemfontein Street and Barnsley Road, Cudworth. See officer delegated report attached at Appendix 1 and associated plan attached at Appendix 2.
- 3.2 The proposals were published in January 2019 and 3 objections were received. No objections have been withdrawn.
- 3.3 The objectors oppose the proposed TRO as they argue it will prevent them parking directly outside their property and one of the objectors also alleges that consultation was not carried correctly.

4. Consideration of Objections

As a result of advertising the proposals there are 3 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- (Location of Objector: Barnsley Road) The restrictions will prevent them and their partner from parking their vehicles outside their own property. The objector is disabled, has a blue badge and requires access to a vehicle as close as possible to their home and also cites security reasons due to anti-social behaviour. Asks for a residents' parking permit scheme and a reduction of the proposed lengths of restrictions. Also argues that the consultation process was not carried out as fully as it should have been i.e. letters should have been posted to each individual property affected.

**Response: Explained the Council's minimum standard with regard to statutory consultation for TROs, i.e. posting notices on site and in the local press. No individual has any legal right to park on the highway outside their property and it cannot be considered as a facility. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. There is no onus on the Council to provide parking space on the highway. The proposed restrictions are for clear road safety reasons to prevent inconsiderate parking on the junction which obstructs visibility for drivers exiting Bloemfontein Street. There is provision under the blue badge scheme for the objector to park on the restrictions for up to 3 hours. There is also provision under the waiting restrictions for other vehicles to stop, load and unload passengers and luggage on condition that they move away as soon as these operations are completed. The Council currently has no funding for residents-only parking schemes. Advised to contact the Police Safer Neighbourhood Team (SNT) concerning anti-social behaviour in the area.**

- (Location of Objector: Barnsley Road) The restrictions will prevent the objector and her partner from parking their vehicles outside their home, which is required as access to space at the rear of their home is limited. Asks for a residents' parking permit scheme.

**Response: The proposals for Bloemfontein Street / Barnsley Road are to protect the junction from parked cars which obstruct visibility for drivers exiting Bloemfontein Street. On-street parking will still be possible on unrestricted carriageway between the waiting restrictions. No individual has any legal right to park on the highway outside their property and it cannot be considered as a facility. The only way any individual can guarantee a parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The Council currently has no funding for residents-only parking schemes.**

- (Location of Objector: Barnsley Road) The objection has been received from the owner and lessor of the affected property and their tenant, who occupies the flat upstairs. Staff and customers will not be able to park outside the property. Requests a resident's parking permit scheme or parking meters.

**Response: The proposals for Bloemfontein Street / Barnsley Road are to protect the junction from parked cars which obstruct visibility for drivers exiting Bloemfontein Street and impede the free flow of traffic along Barnsley Road. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The Council currently has no funding for residents-only**

**parking schemes. Installation costs and the risk of vandalism are the main barriers to the installation of new parking meters in isolated locations. The highway further along both Bloemfontein Street and Barnsley Road remains unrestricted.**

## **5. Proposal and Justification**

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 2, comprising:-

- Introducing 'No Waiting At Any Time' restrictions on the junction of Bloemfontein Street with Barnsley Road. This will ensure the area is kept free from parked vehicles to protect sightlines for drivers exiting Bloemfontein Street and maintain the free flow of traffic along Barnsley Road. Loading and unloading are permitted at any time.

## **6. Consideration of Alternative Proposals**

**6.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 2. This is the preferred option.**

**6.2 Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:**

- It will not prevent indiscriminate parking from occurring, which will continue to obstruct sightlines and affect road safety at the junction and may affect the free flow of traffic along Barnsley Road.

## **7. Impact on Local People**

**7.1** The proposals may affect a number of residents on Barnsley Road, who do not have off-street parking and 1 business whose customers may have to park a short distance away, rather than directly outside the premises. Parking space is available further along both roads where the highway remains unrestricted. Loading and unloading is still permitted at any time.

## **8. Financial Implications**

**8.1** The financial implications remain the same as previously reported (identified in Appendix 1).

## **9. Legal Implications**

**9.1** The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.

**9.2** In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

**10. Consultations**

**10.1** No additional consultations are required, these having already been carried out at the publication stage.

**11. Risk Management Issues**

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
<b>2. Legal challenge to the decision to make the TRO.</b>	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low

**12. Compatibility with European Convention on Human Rights**

**12.** It is not considered the proposals have any potential interference with convention rights.

**13. List of Appendices**

- Appendix 1 – Officer Delegated report dated 20<sup>th</sup> December 2018
- Appendix 2 – Plan showing proposals for report dated 20<sup>th</sup> December, 2018

**14. Background Papers**

**14.1** Highway Design file

**Officer Contact:** Liz Campbell

**Telephone No:** 772091

**Date:** 12<sup>th</sup> March, 2019

**Record of Decision of the Head of Highways and Engineering for:**

**BLOEMFONTEIN STREET/BARNSLEY ROAD, CUDWORTH – PROPOSED TRAFFIC REGULATION ORDER**

**Subject**

It is proposed to introduce a prohibition of waiting on the south west and north east sides of Bloemfontein Street and the north west side of Barnsley Road at the junction with Bloemfontein Street, for the purposes of preventing indiscriminate parking to improve the free flow of traffic and to protect visibility requirements at the junction

**Authority**

*Part 3 Paragraph 21(b) Delegations to Officers: After consultation with Local Members, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

**Decision Taken**

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Order.

**Financial Consultation/Consideration:**

On behalf of the Service Director (S151) Officer  
Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date of Decision:**

Signature (Group Manager – Highways & Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date Approved:**

Signature (Head of Highways & Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

**Barnsley Metropolitan Borough Council**

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

## **BLOEMFONTEIN STREET/BARNSLEY ROAD, CUDWORTH - PROPOSED WAITING RESTRICTIONS**

### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval to introduce a new Traffic Regulation Order (TRO) necessary to implement waiting restrictions on Bloemfontein Street and Barnsley Road, Cudworth

### **2. Recommendation**

**It is recommended that:**

- 2.1 **The Executive Director of Core Services and Solicitor to the Council be authorised to publish the proposed waiting restrictions on Bloemfontein Street and Barnsley Road, Cudworth as described in this report and shown on the plan at Appendix 1;**
- 2.2 **Any objections be the subject of a further report to Cabinet;**
- 2.3 **If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

### **3. Introduction/Background**

- 3.1 Barnsley Road forms part of the former A628 route through the centre of Cudworth. The area comprises of residential properties interspersed with commercial premises and a small, more densely concentrated shopping area lying between Bank Street to the south west and Bow Street to the north east. Bloemfontein Street is a residential side street joining from the west of Barnsley Road approximately 100 metres south west of Bank Street.
- 3.2 There is a commercial premises at the south west side of the junction which has no off-street parking for customers. Bloemfontein Street has access, via service roads to a scrap business, garage site, allotments and a car park to the north of Nos. 3-71, ostensibly used by shoppers / visitors. A small number of the street's residents have garages on the garage site.
- 3.3 The majority of properties on Bloemfontein Street and Barnsley Road comprise of terraced housing with no off-street parking to the front of premises, although many have garages / parking space available to the rear, accessible via service roads. Occupants and visitors tend to park on the carriageway in front of premises, on both sides of the roads, which narrows the carriageway and



obstructs the free flow of traffic. On Barnsley Road this can lead to long queues of traffic, in both directions, being forced to give way to oncoming traffic, which causes delays to bus services. In addition, numerous vehicles are parked either partially or almost wholly on the footways on both sides and on, or very close to, junctions, obstructing footways for pedestrians and visibility for vehicles exiting onto Barnsley Road.

- 3.4** Parking issues were brought more sharply into focus during 2017. The Council received complaints, via meetings between BMBC Highways, the South Yorkshire Passenger Transport Executive (SYPTTE) and bus operators, about parking on Barnsley Road causing delays to services. Problems with fly-tipping on the Bloemfontein Street garage site had been raised by Local Members and it was proposed to close a length of the rear service road with a view to deterring this anti-social crime. A residents' consultation, carried out in November 2017, indicated a clear road safety problem at the junction of Bloemfontein Street / Barnsley Road caused by indiscriminate parking as described in paragraph 3.3. The majority of respondents objected to the proposed closure as they considered the only safe way of exiting Bloemfontein Street was via the rear service road, car park and Roberts Street, citing "near miss" incidents when attempting to pull out of the junction.
- 3.5** At a meeting with Local Members at the end of January 2018, to discuss the results of the consultation, it was agreed that the proposed closure could not go ahead and that the funding would be better spent improving visibility for drivers at the Bloemfontein Street / Barnsley Road junction via the implementation of waiting restrictions.
- 3.6** The proposed waiting restrictions have been designed to prevent indiscriminate parking occurring on and around the junction of Bloemfontein Street protecting visibility requirements for traffic exiting onto Barnsley Road. They will also shorten the length of carriageway available for parking creating a "passing place" adjacent the junction which will improve traffic flows.

#### **4. Proposal and Justification**

- 4.1** The proposal is to introduce waiting restrictions on the both sides of Bloemfontein Street and on the north western side of Barnsley Road. The proposals are shown on the plan at Appendix 1.
- 4.2** The aim of the proposals is to prevent indiscriminate parking, maintain the free flow of traffic and protect visibility requirements at the junction. The proposals are considered necessary for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising and facilitating the passage of traffic on the roads.

#### **5. Consideration of Alternative Proposals**

5.1 Traffic restrictions are considered to be the most effective way of controlling parking. There are no other practical means of achieving the desired outcome.

**6. Impact on Local People**

6.1 There are a number of drivers who currently park on Bloemfontein Street and Barnsley Road who may be affected by the proposed “No Waiting At Any Time” restriction. However, on-street parking is available further along both roads and there is free parking available to the rear of Nos 196-242 Barnsley Road, accessible via Bank Street and Roberts Street.

**7. Financial Implications**

7.1 The Service Director Finance (S151 Officer) has been consulted on this proposal.

7.2 The costs of works, advertising and legal fees associated with the TRO are **estimated** to be £4550. This comprises of the following:

Works	£360
Professional legal fees	£300
Legal advertising	£400
Professional fees	£3490

7.3 The above costs are estimated and that the professional fees include an allowance to deal with objections as part of the process, although it is not possible to determine the actual number of objections. These estimated costs are fully funded by the South Yorkshire Passenger Transport Executive (SYPTe) from their allocation of LTP funding or charged to the requestors budget accordingly (e.g Area Council’s).

**8 Legal Implications**

8.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed Traffic Regulation Order.

8.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Act so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (Section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

**9 Consultations**

9.1 Consultations have taken place with Cudworth ward members and all fully support the proposals. The emergency services have been consulted and no objections or adverse comments have been received

## 10 Risk Management Issues

Risk	Mitigation/Outcome	Assessment
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered that the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
<b>2. Legal challenge to the decision to make the TRO</b>	The procedure to be followed in the making of TROs is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal	Low

## 11 Compatibility with European Convention on Human Rights

11.1 It is not considered that the proposals have any potential interference with convention rights.

## 12 List of Appendices

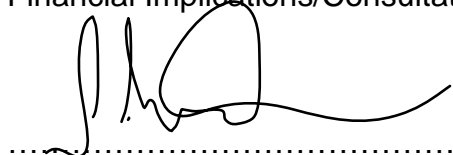
- Appendix 1 – Plan showing the proposals.

## 13 Background Papers

13.1 Project file.

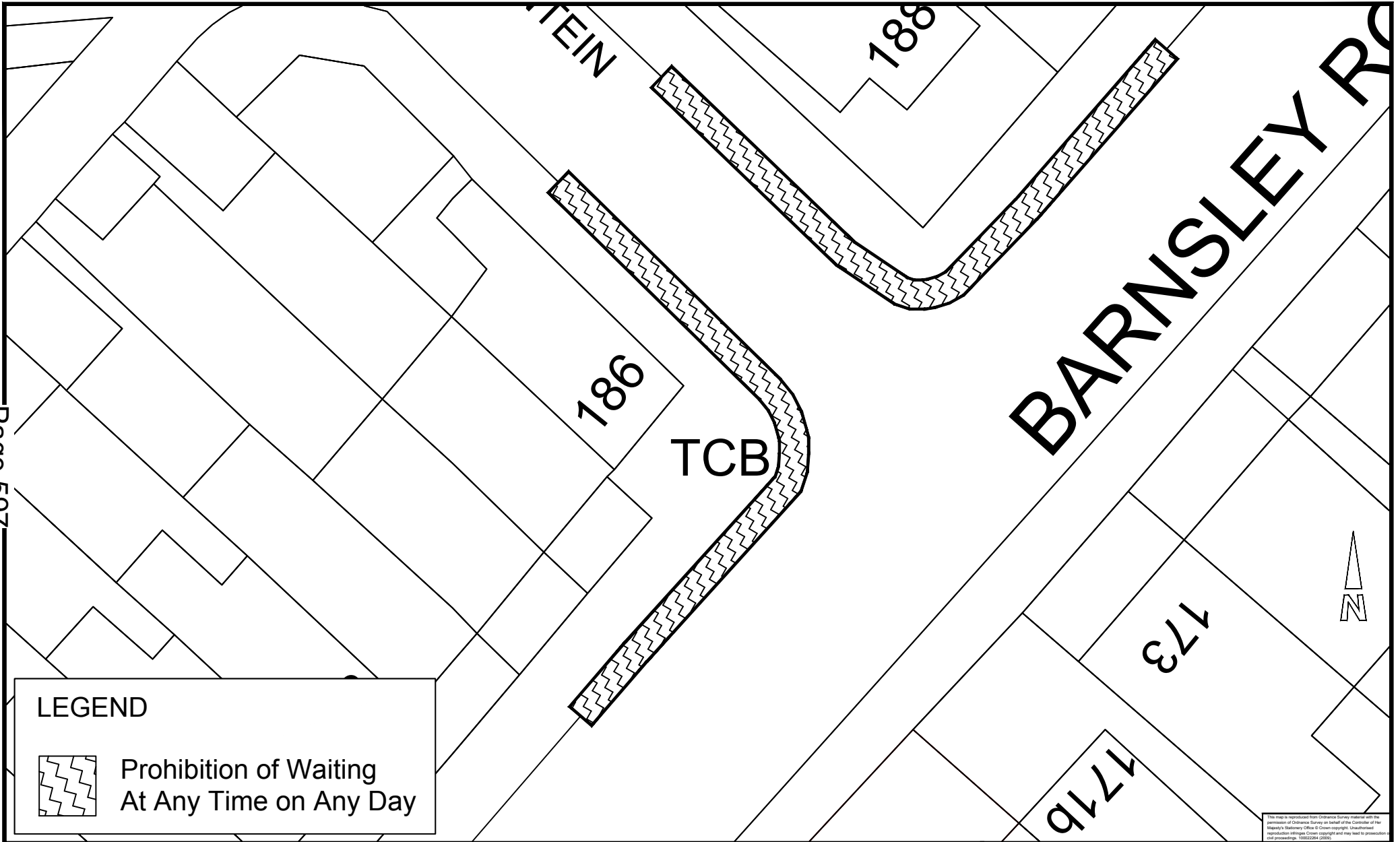
**Officer Contact:** Liz Campbell : **Date:** 21<sup>st</sup> November, 2018

Financial Implications/Consultation




.....  
(To be signed by senior Financial Services officer where no financial implications)

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**LEGEND**

 Prohibition of Waiting At Any Time on Any Day

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**BARN斯LEY**  
Metropolitan Borough Council  
Highways & Engineering

**BLOEMFONTEIN STREET, CUDWORTH  
PROPOSED PROHIBITION OF WAITING**

Scale <b>1/200</b>	
Drawn E.D.C	Date DEC.2017
Checked BBHS	File BBHS

Paul Castle Service Director, Place Directorate  
Environment & Transportation (Business Unit 6)  
P.O. Box 601, Westgate Plaza One, Westgate  
Barnsley. S70 9FA  
Tel. (01226) 770770 Fax. (01226) 772222

Drawing No.  
**APPENDIX 1**

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Barnsley Metropolitan Borough Council

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

JACKSON STREET AND CO-OPERATIVE STREET, CUDWORTH – PROPOSED

WAITING RESTRICTIONS

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections which have been received in respect of previously published proposals to implement a Traffic Regulation Order (TRO) to introduce new restrictions on the junctions of Jackson Street and Co-operative Street with Barnsley Road.
- 1.2 To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1 **The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2 **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

3. Introduction/Background

- 3.1 In December 2018 approval was given to publish traffic restrictions on parts of Jackson Street, Co-operative Street and Barnsley Road, Cudworth. See officer delegated report attached at Appendix 1 and associated plan attached at Appendix 2.
- 3.2 The proposals were published in January 2019 and 2 objections were received. Since then, 1 objection has been withdrawn.
- 3.3 The remaining objector opposes the proposed TRO as they argue it will prevent them from parking directly outside their property.

4. Consideration of Objections

As a result of advertising the proposals there is 1 outstanding objection to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- (Location of objector: Barnsley Road) The restrictions will prevent customers, especially disabled customers, from parking directly outside their business.

**Response: No individual has a legal right to park on the public highway outside their property and it cannot be considered as a facility. There is no onus on the Council to provide parking space where none existed previously. The only way an individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. There is provision under the blue badge scheme allowing disabled persons to park on waiting restrictions for up to 3 hours and should not park within 15 metres of a junction or endanger other road users by doing so. There is also provision under the waiting restrictions for passengers and their luggage to be picked up / dropped off as long as the vehicle moves off once the operation is completed. The proposals are to protect the junction from inconsiderate parking which obstructs visibility for vehicles exiting Jackson Street and Co-operative Street.**

## **5. Proposal and Justification**

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 2, comprising:-

- Introducing 'No Waiting At Any Time' restrictions on the junctions of Jackson Street and Co-operative Street with Barnsley Road. This will ensure the area is kept free from parked vehicles, to protect sightlines for drivers exiting Jackson Street and Co-operative Street and maintain the free flow of traffic along Barnsley Road. Loading and unloading are permitted at any time;

## **6. Consideration of Alternative Proposals**

- 6.1** Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 2. **This is the preferred option.**
- 6.2** Option 2 – Decline to introduce the proposals. This option is not recommended for the following reasons:
- It will not prevent indiscriminate parking from occurring, which will continue to obstruct sightlines, affect road safety at the junctions and may affect the free flow of traffic along Barnsley Road.

## **7. Impact on Local People**

- 7.1** The proposals may affect a number of residents on Barnsley Road who do not have off-street parking and 3 businesses whose customers may have to park a short distance away, rather than directly outside the premises. Parking space is available further along all 3 roads where the highway remains unrestricted. Loading and unloading is still permitted at any time.

## **8. Financial Implications**

- 8.1** The financial implications remain the same as previously reported (identified in Appendix 1).



**9. Legal Implications**

- 9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.
- 9.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 so as to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

**10. Consultations**

- 10.1 No additional consultations are required, these having already been carried out at the publication stage.

**11. Risk Management Issues**

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
<b>2. Legal challenge to the decision to make the TRO.</b>	The procedure to be followed in the making of TRO's is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Low

**12. Compatibility with European Convention on Human Rights**

12. It is not considered the proposals have any potential interference with convention rights.

**13. List of Appendices**

- Appendix 1 – Officer Delegated report dated 20<sup>th</sup> December, 2018
- Appendix 2 – Plan showing proposals for the report dated 20<sup>th</sup> December, 2018.

**14. Background Papers**

**14.1 Highway Design file**

**Officer Contact:** Liz Campbell    **Telephone No:** 772091    **Date:** 12<sup>th</sup> March, 2019

**Record of Decision of the Head of Highways and Engineering for:**

**JACKSON STREET / CO-OPERATIVE STREET / BARNSELY ROAD, CUDWORTH – PROPOSED TRAFFIC REGULATION ORDER**

**Subject**

It is proposed to introduce a prohibition of waiting at the junctions of Jackson Street and Co-operative Street with Barnsley Road, for the purposes of preventing indiscriminate parking to improve the free flow of traffic and to protect visibility requirements at these junctions.

**Authority**

*Part 3 Paragraph 21(b) Delegations to Officers: After consultation with Local Members, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

**Decision Taken**

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Order.

**Financial Consultation/Consideration:**

On behalf of the Service Director (S151) Officer  
Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date of Decision:**

Signature (Group Manager – Highways & Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

**Date Approved:**

Signature (Head of Highways & Engineering):

\_\_\_\_\_

Date:

\_\_\_\_\_

**Barnsley Metropolitan Borough Council**

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

## **JACKSON STREET / CO-OPERATIVE STREET / BARNSELEY ROAD, CUDWORTH - PROPOSED WAITING RESTRICTIONS**

### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval to introduce a new Traffic Regulation Order (TRO) necessary to implement waiting restrictions on the junctions of Jackson Street and Co-operative Street with Barnsley Road, Cudworth

### **2. Recommendation**

**It is recommended that:**

- 2.1 **The Executive Director of Core Services and Solicitor to the Council be authorised to publish the proposed waiting restrictions on Jackson Street, Co-operative Street and Barnsley Road, Cudworth as described in this report and shown on the plan at Appendix 1;**
- 2.2 **Any objections be the subject of a further report to Cabinet;**
- 2.3 **If there are no objections the Head of Highways and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

### **3. Introduction/Background**

- 3.1 Barnsley Road forms part of the former A628 route through the centre of Cudworth. The area comprises of residential properties interspersed with commercial premises and a more densely concentrated shopping area lying between Bank Street to the south west and Bow Street to the north east. Jackson Street and Co-operative Street are residential side streets joining from the west and south east respectively, approximately 175 metres south west of Bank Street.
- 3.2 There are commercial premises on the southern side of the Jackson Street junction and on both sides of the Co-operative Street junction, all with little or no off-street parking for customers. To the south west side is a small supermarket and, to the north east, a motor supplies, service and repair centre. In addition, there is a second motor parts supply and repair workshop approximately 55 metres to the north east, also with little off-street customer parking. Customers park directly outside these premises or outside adjacent residential properties, often partially or almost wholly on the footway, creating an obstruction to pedestrians and severely compromising visibility at these junctions.

- 3.3** The majority of properties on Jackson Street and Barnsley Road comprise of terraced housing with no off-street parking to the front of premises, although many have garages / parking space available to the rear, accessible via service roads. Occupants and visitors tend to park on the carriageway in front of premises, on both sides of the roads, which narrows the carriageway and obstructs the free flow of traffic. On Barnsley Road this can lead to the build-up of long queues of traffic, in both directions, being forced to give way to oncoming traffic, which causes delays to bus services. With regard to Co-operative Street, there is not the same issue with terraced housing but, with businesses located on both sides of the junction and little off-street parking, on-street parking space close to the premises is limited. This leads to drivers double parking too close to the junction, narrowing the carriageway and impairing visibility.
- 3.4** The Council has received complaints, via meetings between BMBC Highways, the South Yorkshire Passenger Transport Executive (SYPTTE) and bus operators, about parking on Barnsley Road causing delays to services. A residents' consultation carried out in November 2017 with regard to the proposed closure of part of Bloemfontein Street rear service road indicated a clear road safety problem at the junction of Bloemfontein Street / Barnsley Road caused by indiscriminate parking as described in paragraph 3.3. The majority of respondents objected to the proposed closure as they considered the only safe way of exiting Bloemfontein Street was via the rear service road, car park and Roberts Street, citing "near miss" incidents when attempting to pull out of the junction. Local members considered the problem at Bloemfontein Street was replicated at Jackson Street and Co-operative Street and also stated they had experienced "near misses" themselves exiting these junctions onto Barnsley Road.
- 3.5** The proposed waiting restrictions have been designed to prevent indiscriminate parking occurring on and around the junctions of Jackson Street and Co-operative Street protecting visibility requirements for traffic exiting onto Barnsley Road. They will also shorten the length of carriageway available for parking creating "passing places" adjacent the junctions which will improve traffic flows.

#### **4. Proposal and Justification**

- 4.1** The proposal is to introduce waiting restrictions on both sides of Jackson Street and Co-operative Street at their junctions with Barnsley Road and on both sides of Barnsley Road adjacent these streets. The proposals are shown on the plan at Appendix 1.
- 4.2** The aim of the proposals is to prevent indiscriminate parking, maintain the free flow of traffic and protect visibility requirements at the junctions. The proposals are considered necessary for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising and facilitating the passage of traffic on the roads.

#### **5. Consideration of Alternative Proposals**

5.1 Traffic restrictions are considered to be the most effective way of controlling parking. There are no other practical means of achieving the desired outcome.

**6. Impact on Local People**

6.1 There are a number of drivers who currently park on Jackson Street, Co-operative Street and Barnsley Road who may be affected by the proposed “No Waiting At Any Time” restriction. However, on-street parking is available further along all three roads and free parking is available to the rear of Nos 196-242 Barnsley Road, accessible via Bank Street and Roberts Street.

**7. Financial Implications**

7.1 The Service Director Finance (S151 Officer) has been consulted on this proposal.

7.2 The costs of works, advertising and legal fees associated with the TRO are **estimated** to be £4550. This comprises of the following:

Works	£360
Professional legal fees	£300
Legal advertising	£400
Professional fees	£3490

7.3 The above costs are estimated and that the professional fees include an allowance to deal with objections as part of the process, although it is not possible to determine the actual number of objections. These estimated costs are fully funded by the South Yorkshire Passenger Transport Executive (SYPTPE) from their allocation of LTP funding or charged to the requestors budget accordingly (e.g Area Council’s).

**8 Legal Implications**

8.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed Traffic Regulation Order.

8.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it to exercise the functions conferred on it by the Act so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway (Section 122 Road Traffic Regulation Act 1984) and is satisfied the traffic restrictions proposed will achieve those objectives.

**9 Consultations**

9.1 Consultations have taken place with Cudworth ward members and although supportive of the proposals, they are aware that there may be objections from adjacent businesses due to the lack of off-street parking space available. However, the restriction is only for the first 15 metres on either side of the junction, to protect visibility requirements, and customers can park further along both Barnsley Road and Co-operative Street. The emergency services have been consulted and no objections or adverse comments have been received

## 10 Risk Management Issues

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered that the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
<b>2. Legal challenge to the decision to make the TRO</b>	The procedure to be followed in the making of TROs is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal	Low

## 11 Compatibility with European Convention on Human Rights

It is not considered that the proposals have any potential interference with convention rights.

## 12 List of Appendices


- Appendix 1 – Plan showing the proposals.

## 13 Background Papers

13.1 Project file.

**Officer Contact:** Liz Campbell **Date:** 21<sup>st</sup> November, 2018

Financial Implications/Consultation

A handwritten signature in black ink, appearing to be 'P. M. Q.', written over a horizontal dotted line.

(To be signed by senior Financial Services officer where no financial implications)



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BARNLSLE

JACKSON STREET

56.4m

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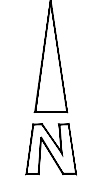
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El Sub Sta

Garage

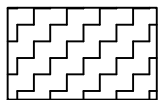
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CO-OP



Page 609

LEGEND



Prohibition of Waiting At Any Time

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**BARNLSLEY**  
Metropolitan Borough Council

Jackson Street & Co-operative Street, Cudworth  
Prohibition of Waiting

Scale

1/200

Drawn

E.D.C.

Checked

Date

FEB.2018

File

??

Paul Castle Service Director, Place Directorate  
Environment & Transportation (Business Unit 6)  
P.O. Box 601, Westgate Plaza One, Westgate  
Barnsley. S70 9FA  
Tel. (01226) 770770 Fax. (01226) 772222

Drawing No.

APPENDIX 1

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## BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive  
Director Place

### URBACT: TechRevolution

#### 1. Purpose of report

- 1.1 To seek approval to enter into a funding agreement with the URBACT Secretariat and to partner with 6 cities across Europe to share Barnsley's recognised and accredited 'Good Practice' of Enterprising Barnsley and the Digital Media Centre and undertake transnational learning and improvement planning to support and grow digital businesses and jobs.

#### 2. Recommendations

It is recommended that:

- 2.1 Cabinet agrees that approval is given for the Executive Director Place to authorise the contracts on behalf of the Council.
- 2.2 Cabinet agrees that approval is given for the Director of Finance, Assets and Information Services to amend revenue budgets in accordance with the financial implications and Appendix A of this report.
- 2.3 Cabinet agrees that approval is given for the Executive Director Place in consultation with the Director of Legal and Governance to contract with the programme partners: Pardubice, Czechia; Vilanova I la Geltru, Spain; Schiedam, Netherlands; Piraeus, Greece; Bacau, Romania; Nyíregyháza, Hungary
- 2.4 Cabinet agrees that approval is given for The Council to act as Accountable body for the TechRevolution programme.

#### 3. Introduction

- 3.1 URBACT is an EU exchange and learning programme that promotes exchange and learning between cities. It uses European Structural Funds to achieve its goals, helping to enable cities to work together and develop integrated solutions to common urban challenges, by networking, learning from one another's experiences, drawing lessons and identifying good practices to improve urban policies.

- 3.2 The main mechanism that URBACT uses to achieve its objectives is through co-financing exchange and learning networks that typically run for 30 months (until December 2020) and involve six to twelve cities, depending on the type of network. Each network focuses on a specific theme or challenge.
- 3.3 Barnsley Metropolitan Borough Council (BMBC), during 2018 made the successful application to URBACT to deliver the TechRevolution Transfer Network project that allows 6 cities (Pardubice, Czechia; Vilanova I la Geltru, Spain; Schiedam, Netherlands; Piraeus, Greece; Bacau, Romania; Nyíregyháza, Hungary) to transfer Barnsley's accredited 'Good Practice' of Enterprising Barnsley and the Digital Media Centre.
- 3.4 TechRevolution will also provide an opportunity for Barnsley to further develop our Enterprising Barnsley and Digital Media Centre work through the production of an Improvement Plan.
- 3.5 The total value of the proposed programme contract is €599,993 (€478,569 grant) and the budget allocated to Barnsley is €235,273. Barnsley claims the whole grant on behalf of the partners and defrays funds to them on receipt of monies. The balance of funding is to be provided in the form of in-kind match funding from the Council and the partners at the relevant intervention level for each city. Barnsley is required to provide match funding of 15% so €35,291 which is a mixture of staff time and cash match and contained within existing Enterprising Barnsley budgets.
- 3.6 This report seeks approval for the Executive Director Place to authorise the funding agreement for the second phase of the programme with URBACT on behalf of the Council and to enter into legal agreements with the six programme partners.

#### **4. Consideration of alternative approaches**

- 4.1 Barnsley MBC have authorised Barnsley's commitment as lead partner for phase 1 of the project and are committed for to continue as lead partner for the second phase of the project. De-commitment now from the project would have reputational damaged and could impact on BMBC's credibility should future European Funding applications be submitted.

#### **5. Proposal and justification**

- 5.1 The proposal is that Barnsley MBC contracts with URBACT to deliver phase 2 of the TechRevolution programme. Committing to the second phase of the programme will showcase and promote Barnsley and its achievements (Enterprising Barnsley support, Digital Media Centre) on a European Scale. The project will also enable Barnsley MBC to continue to learn from other partners in the exploration of how small and medium sized cities across the EU can maximise the job creation potential of the digital economy.

- 5.2 Ongoing engagement in the URBACT project will help to ensure the legacy and achievements of phase 1 is continued, including the further development of Barnsley's TechTown stakeholder group which will segue into the TechRevolution stakeholder group. This group have been at the centre of plans for Digital Campus and expanded Digital Media Centre facilities. The stakeholder group is essential for Barnsley to continue to tackle some of the identified barriers to growth in digital jobs and businesses shown in the TechTown Action Plan and contribute to growth as identified in the Barnsley Jobs and Business Plan.
- 5.3 Barnsley MBC's involvement in phase 2 of TechRevolution project will help to cement the development of the Digital Media Centre portfolio as a physical and virtual digital hub at the heart of a new Digital Campus, where tenants, users and stakeholders can come together to share, collaborate and build digital assets, business and knowledge for the benefit of all residents in Barnsley. This integrated approach will harness support for the development of new business starts and digital transformation of traditional industries.
- 5.4 A key aim of the TechTown project is to address what cities can do to support businesses to access the digital skills and innovations they need in order to start, grow and compete. Ongoing engagement through phase 2 of the project will allow the Barnsley stakeholder group to develop strategies to connect digital skills and services across industry sectors. Thereby helping to develop a stronger digital economy with higher skills levels that is essential in helping to find, grow, retain and return talent within the local economy.
- 5.5 Barnsley MBC's engagement within the project will allow for connections and continual learning from previous URBACT/transnational projects to be implemented, that will including working across teams to help enable Barnsley MBC to make progress with growing the local economy and achieve the maximum benefit of service delivery for residents and businesses.
- 5.6 Partnership governance arrangements for this project will include establishment of a programme management board with the monitoring, evaluation and auditing of the programme being led by the Enterprising Barnsley team. Barnsley MBC will contract with each partner detailing what financial and output performance is expected with the requirements from URBACT contained in the main contracts with BMBC will be passed on to each partner.

## **6. Implications for local people / service users**

- 6.1 The programme will encourage and support investment, business growth and skills development through creation of new businesses, additional jobs and supply chain development, all of which will have a positive impact for local people.

## **7. Financial implications**

- 7.1 Consultations have taken place with representatives of the Service Director Finance (S151 Officer).
- 7.2 The financial implications to this report are summarised in the attached Appendix A.
- 7.3 BMBC will be the accountable body for the URBACT TechTown programme. The total cost of the programme will be €599,933. This will be financed by URBACT €478,569 and €121,363 match funding from the 6 partners.
- 7.4 The in-kind match funding required from the Council will be €35k over the contract period, a mixture of cash and staff time. Funds are contained within Enterprising Barnsley's existing budgets.
- 7.5 The programme will be managed by the Enterprising Barnsley Team with support from BMBC Financial Services.
- 7.6 Actual monies received will be subject to the applicable exchange rates between € and £ at the point claims are made.

## **8. Employee implications**

- 8.1 The programme activities will be covered by existing posts and one new temporary post including:

<b>Post</b>	<b>Service</b>
Business Centres Incubation Manager	Economic Regeneration
Business Investment Coordinator	Economic Regeneration
Group Leader - Enterprising Barnsley	Economic Regeneration
Assistant Strategic Finance Manager	Finance
Internal Auditor	Finance
Policy & Programmes Officer	Economic Regeneration
Group Leader – Regeneration	Economic Regeneration
Risk and Governance Manager	Finance
Head of Service – Economic Development	Economic Regeneration
Business Investment Manager	Economic Regeneration
Account Manager	Economic Regeneration
Head of Service - Skills	Economic Regeneration
Communications Officer (temporary FTE post)	Comms/Economic Regen

- 8.2 To ensure business continuity and limit the impact on existing BMBC staffing resources, it is proposed that a Barnsley stakeholder group coordinator role will be procured externally under the project with all costs covered by URBACT.

- 8.3 It is envisaged that the Barnsley coordinator will provide ongoing support and be responsible for the delivery and coordination of the Barnsley URBACT Local Support Group, the development of an Improvement Plan and attendance and representation of Barnsley on transnational visits.
- 8.4 To support Barnsley as Lead Partner a lead expert will also be provided and funded by URBACT provide expertise and support.
- 8.5 The lead expert will assist the partnership with the design and delivery of transnational exchange and learning activities, drawing lessons out of these activities, and supporting partners to deliver activities at a local level.
- 8.6 Phase 2 of the programme will require transnational travel by members of the Barnsley URBACT Local Support Group to engage in transnational learning events and workshops.
- 8.7 All transnational travel will be reviewed, prior to travel, individual travel plans will be produced and reviewed in accordance with BMBC Health and Safety and the UK's Foreign Office advice before travel.
- 8.8 BMBC officer travel will be kept to a minimum level sufficient to successfully meet contractual and operational requirements, with the commissioned Barnsley coordinator and non BMBC members of the Local Support Group undertaking travel and disseminating knowledge to the Local Support Group.
- 8.9 Travel plans will be reviewed, after every visit and a debrief will be held with the TechRevolution Project management team.

## **9. Communications implications**

- 9.1 Marketing and publicity will be undertaken to promote the benefits of the programme. This will included a series of press releases. The proposed temporary Communications post will be part of the core Communications team and so will be able to ensure connection and collaboration with wider agenda.

## **10. Consultations**

- 10.1 Consultation has taken place with representatives from the Director of Finance, Assets and Information Services regarding the financial implications and Risk Management implications.
- 10.2 Consultation has taken place with the Director of Human Resources and the Trade Unions regarding staffing implications.
- 10.3 Consultations have taken place with representatives of the Director of Legal and Governance regarding the legal implications of contracting with funders and partners plus any future procurement process.

## **11. The Corporate Plan and the Council's Performance Management Framework**

- 11.1 The proposals align with the Council's Corporate Plan 2015-18 and contribute towards the aspiration of delivering a thriving and vibrant economy. A specific outcome of this objective is to increase the stock of businesses and jobs.
- 11.2 The corporate performance framework monitors the vibrancy and health of the Barnsley economy. This programme will contribute towards the number of new business starts and the number of new jobs created.

## **12. Risk Management issues**

- 12.1 There is a comprehensive risk registers for this programme which will be reviewed and updated on a regular basis. The risk register is split into two discrete areas:
- Risks relating to BMBC as a project partner; and,
  - Risks relating to BMBC as the lead Authority.
- 12.2 Risk Registers for both elements of the scheme have been developed and are reviewed on a regular basis by the TechRevolution Project management team
- 12.3 The significant risk(s) associated with BMBC acting as a project partner and lead authority are:

Risk	Current Score	Mitigations	Target Score
Failure to communicate effectively with URBACT and BMBC on programme performance	2 (Red)	Develop project communication plan so all partners are aware of URBACT project communication guidelines - in development	4 (Amber)

- 12.4 The risk relates to the need to effectively communicate with the URBACT secretariat, and the mitigation action relates to the development of a communications strategy to control this activity.
- 12.5 The risk registers for the programme are attached at Appendix C

## **13. Promoting equality, diversity, and social inclusion**

- 13.1 There will be direct implications in the Social Inclusion Agenda. The creation of more companies, more jobs and increase skills across a range of activities will assist efforts to reduce social exclusion.

## **14. Reduction of crime and disorder**

- 14.1 The programme aims to encourage and support creation of new businesses and new jobs in Barnsley that may have benefits in terms of reducing levels of crime and disorder.



**15. Glossary**

- 15.1 URBACT –is a European exchange and learning programme promoting sustainable urban development. It enables cities to work together to develop solutions to major urban challenges, reaffirming the key role they play in facing increasingly complex societal changes.

**16. List of appendices**

Appendix A – Financial Implications

Appendix B – Staffing Structure

Appendix C – Risk Registers: Lead Partner & Project Partner

Appendix D – Lead Partner Letter

**17. Background papers**

Files located at Westgate Plaza One.

If you would like to inspect background papers for this report, please email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk) so that appropriate arrangements can be made

Officer Contact: Martin Beasley

Date: 30th January 2019

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## Report of the Executive Director Place

## FINANCIAL IMPLICATIONS

URBACT: Tech Revolution

i) <u>Capital Expenditure</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>Total</u>
	€	€	€	€
Not applicable in this instance				
	0	0	0	0
<b>To be financed from:</b>				
	0	0	0	0
ii) <u>Revenue Effects</u>	<u>Y/E Dec 31st</u>	<u>Y/E Dec 31st</u>	<u>Y/E Dec 31st</u>	<u>Total</u>
	2018	2019	2020	€
	€	€	€	€
<b>Expenditure</b>				
Staff	22,450	103,000	99,000	224,450
Office & Administration	674	3,090	2,970	6,734
Travel & Accommodation	16,900	37,500	37,300	91,700
External Expertise	29,100	123,125	124,825	277,050
Equipment	0	0	0	0
	69,124	266,715	264,095	599,934
<b>Income</b>				
URBACT Grant	58,755	226,708	224,481	509,943
Partner Match Funding	10,369	40,007	39,614	89,990
	69,124	266,715	264,095	599,933
	-1	0	0	0
<b>BMBC element of the partner match funding</b>				
<b>To be financed from:</b>	£	£	£	£
Existing Base Budget for Economic Development	7,311	13,990	13,990	35,291
	7,311	13,990	13,990	35,291

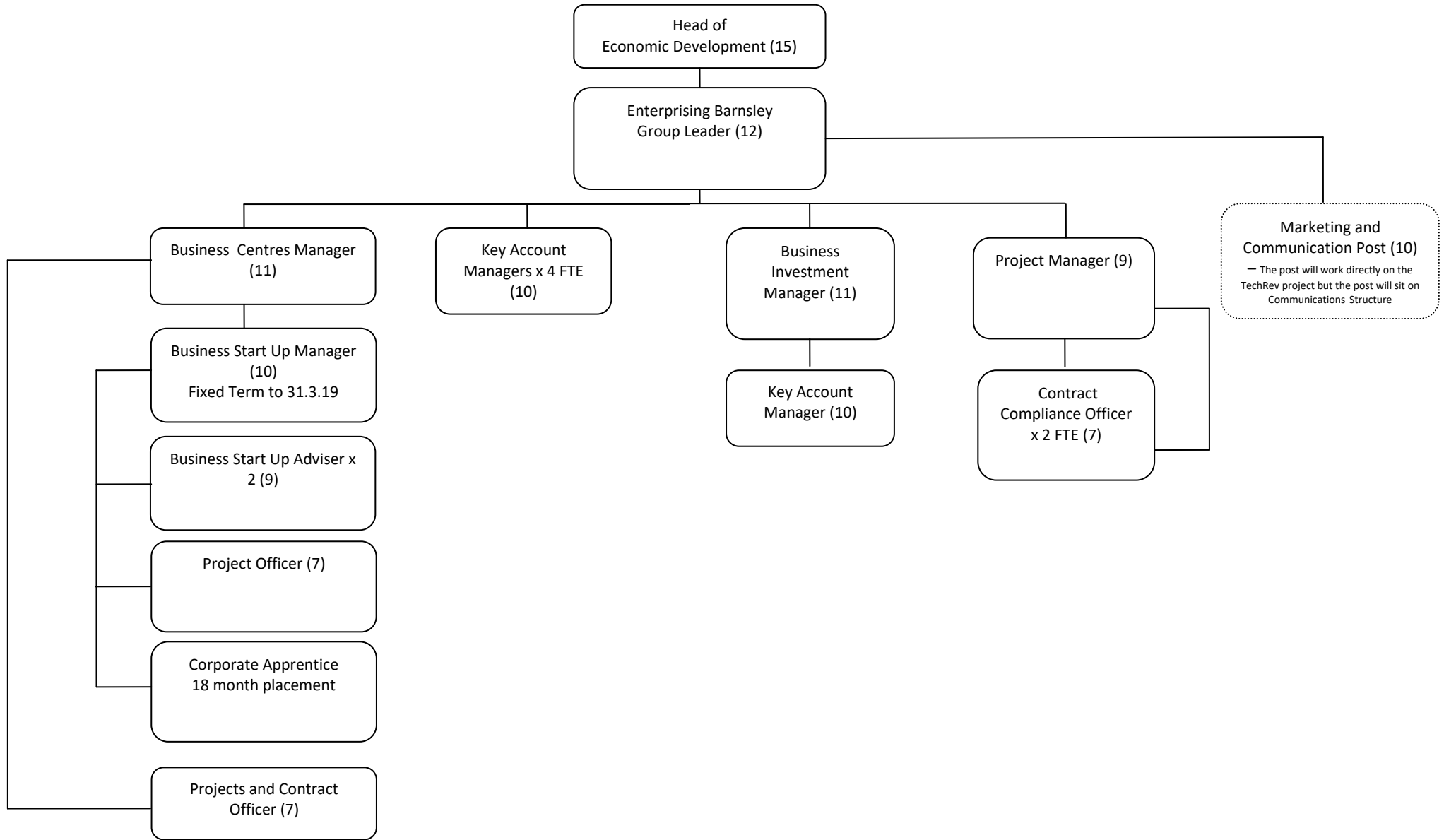
Impact on Medium Term Financial Strategy

Not applicable in this report

Agreed by: .....On behalf of the Director-Finance, Assets &amp; IS

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# Enterprising Barnsley - Current Structure



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Appendix C

**BU 4: URBACT Contract (Project Partner) - TechRevolution**

Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Current Score	Prob. & Impact	Target Score	Prob. & Impact	Risk Mitigation Action	Owner	% comp	Review Date	Recovery Plan
3717	Failure to project management the partnership	Partners not aware of programme guidance; Potential impact on programme leading to slippage and delays;	Tracey Johnson	Monthly progress reports; Quarterly output reports; Monitoring framework;	Category 4	P = M F = M OI = M	Category 5	P = L F = M OI = M	Project staff to be provided with programme manual and required to provide monthly progress submissions 18/19	Tracey Johnson	80	30/06/2019	
									Project staff to be provided with programme manual and required to provide monthly progress submissions 19/20	Tracey Johnson		30/06/2019	
3718	Pressure on URBACT programme corporate resource capacity	Loss of key staff; Impact on project support;	Tracey Johnson	Efficient HR; Leadership and management processes; Financial support secured from BU 13;	Category 4	P = M F = M OI = M	Category 5	P = L F = M OI = M	Ongoing liaison and knowledge sharing with all programme staff	Tracey Johnson		30/06/2019	
3719	Failure to deliver key URBACT contractual documents on time	Delays leading to a loss of account management expertise; Loss of favour with project funders;	Tracey Johnson	Efficient HR; Leadership and management processes;	Category 3	P = L F = L OI = H	Category 5	P = VL F = L OI = M	Project plan has been developed and clear deadlines for work are reviewed on a weekly basis by project leads 18/19	Tracey Johnson	80	30/06/2019	
									Project plan has been developed and clear deadlines for work are reviewed on a weekly basis by project leads 19/20	Tracey Johnson		30/06/2019	
									Development of new project plan for Phase II	Tracey Johnson		30/06/2019	

## BU 4: URBACT Contract (Project Partner) - TechRevolution

Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Current Score	Prob. & Impact	Target Score	Prob. & Impact	Risk Mitigation Action	Owner	% comp	Review Date	Recovery Plan
3720	Failure to ensure there is adequate fallback planning in place for both Phase 1 and Phase 2	BMBC Business Growth team may have restricted capacity to support project due to demands of new digital campus development.	Martin Beasley	Efficient HR; Leadership and Management processes; Provision made for a reduced BMBC presence and more lead expert activity for future areas of the contract; Provision to include wider team in the project.	Category 3	P = L F = L OI = H	Category 5	P = VL F = L OI = M	Monitor and review 16/17	Tracey Johnson		30/06/2019	
3722	Failure to communicate effectively with both URBACT and BMBC on the performance of the programme	Missed promotional opportunities; Lack of overall engagement from target markets;	Tracey Johnson	Efficient HR; Leadership and management processes;	Category 2	P = M F = M OI = H	Category 4	P = M F = L OI = M	Communication plan is to be developed for the project and all partners are aware of URBACT project communication guidelines - in development	Tracey Johnson		30/06/2019	



## BU 4: URBACT Contract (BMBC Lead) - as at 082/2016

Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Current Score	Prob. & Impact	Target Score	Prob. & Impact	Risk Mitigation Action	Owner	% comp	Review Date	Recovery Plan
3723	Pressure on programme corporate capacity to deliver lead partner outcomes	Loss of key staff; Impact on project support;	Tracey Johnson	Efficient HR; Leadership and management processes; Travel within Phase One of the scheme has been shared amongst officers; Business Development Manager now based ant Digital Media Centre to provide support in the absence of the Business Centre Incubation Manager; Financial resource secured from BU 13 to support financial processes;	Category 5	P = L F = M OI = M	Category 6	P = VL F = VL OI = L	Ongoing liaison and knowledge sharing with all programme staff 19/20	Tracey Johnson	80	30/06/2019	
									Seek assurances that each group within the partnership has provided a Local Support Coordinator			Tracey Johnson	
24	Failure to ensure there is adequate fallback planning in place for phase 1 and phase 2	BMBC Business Growth team may have restricted capacity to support project due to demands of new digital campus development. Plan B for TJ if unavailable to undertake partner visits, provision for wider team to participate as good practice is EB wide.	Martin Beasley	Efficient HR; Leadership and management processes;	Category 5	P = L F = L OI = M	Category 6	P = VL F = L OI = L	Make provision for a reduced BMBC presence and more lead expert activity	Martin Beasley		30/06/2019	
									Undertake analysis of transnational activity to identify appropriate officers to undertake further travel			Martin Beasley	
3725	Failure to communicate effectively with both URBACT and BMBC on the performance of the programme	Missed promotional opportunities; Lack of overall engagement from markets; Misinterpretation of scheme by members of the public resulting in reputational damage;	Tracey Johnson	Efficient HR; Leadership and management processes;	Category 2	P = M F = M OI = H	Category 4	P = M F = L OI = M	Communication plan is to be developed for the project and all partners are aware of URBACT project communication guidelines - in development	Tracey Johnson		30/06/2019	

## BU 4: URBACT Contract (BMBC Lead) - as at 082/2016

Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Current Score	Prob. & Impact	Target Score	Prob. & Impact	Risk Mitigation Action	Owner	% comp	Review Date	Recovery Plan
3726	Failure to ensure compliant project processes such as procurement, finance and travel arrangements) are in place	Ineligible activity and clawback resulting in a delay to recoup funds;	Tracey Johnson	Efficient HR; Leadership and management processes; Travel was booked through FM, now using procurement card; Legal documents now signed and sealed; Urbact programme management document circulated to all partners; All associated programme staff to follow guidance notes;	Category 4	P = M F = L OI = M	Category 5	P = L F = L OI = M	Assistant Finance Manager to ensure budget are within tolerance and escalate as appropriate	Avanda Mitchell		30/06/2019	
3727	Failure to ensure buy in from private and public sector partners to help develop a cohesive local action plan	Missed opportunities; Perception of silo working; Poor continuity of scheme;	Tracey Johnson	Efficient HR; Leadership and management processes; Local Support Group meets regularly (private and public sectors); An active ULG is part of the project brief.	Category 3	P = L F = M OI = H	Category 5	P = L F = L OI = M	Ongoing liaison and knowledge sharing with LSG members	Tracey Johnson		30/06/2019	
									Further development of Local Support Group	Tracey Johnson		30/06/2019	
28	Failure to ensure that the programme identifies and maximises opportunities to link and connect with other schemes such as future ESIF programmes	Missed opportunities; Perception of silo working;	Tracey Johnson	Close working relationship with EB and city region colleagues; Liaise with SCR regarding attendance at Local Support Group;	Category 3	P = L F = H OI = M	Category 5	P = L F = M OI = L	Close liaison with colleagues leading and dealing with future ESIF schemes	Tracey Johnson		30/06/2019	
3729	Inability of BMBC to identify associated finance and audit staff due to BMBC end of year processes	Loss of key staff; Impact on project support;	Tracey Johnson	Efficient HR; Leadership and management processes; Financial resources secured from BU 13;	Category 5	P = L F = M OI = M	Category 6	P = VL F = L OI = L	Ongoing liaison with BMBC audit to identify and plan staff resourcing	Tracey Johnson		30/06/2019	
3730	Foreign travel and personal safety in a climate of terrorism attacks on the continent	Personal safety;	Martin Beasley	Efficient HR; Leadership and management processes; H&S travel plan developed;	Category 3	P = L F = M OI = H	Category 5	P = L F = M OI = M	Ongoing liaison with BMBC H&S advisors with regard to travel procedures and regular contact with Foreign Office before travel	Martin Beasley		30/06/2019	

## BU 4: URBACT Contract (BMBC Lead) - as at 082/2016

Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Current Score	Prob. & Impact	Target Score	Prob. & Impact	Risk Mitigation Action	Owner	% comp	Review Date	Recovery Plan
									Review of travel plans prior to travel taking place	Martin Beasley		30/06/2019	
3731	Failure to ensure the lead expert provided by Urbact is able to provide effective advice and work with BMBC	BMBC does not benefit from advice; Expert becomes undirected and advice becomes unfocused;	Tracey Johnson	Urbact provides expert; Contract in place; Reporting requirements defined; BMBC authorising payments based on performance;	Category 5	P = L F = L OI = M	Category 6	P = VL F = L OI = L	Liaise with Urbact expert	Tracey Johnson		30/06/2019	
3732	The situation with Brexit causes URBACT to withdraw the funding, and/or the partners withdraw from the project,	BMBC will no longer be able to deliver the project. The Transfer Network will stop.	Tracey Johnson	BMBC have been given guarantees by URBACT that the funding will not be affected by Brexit, and the project has approval until its completion in 2020.	Category 5	P = L F = L OI = L	Category 5	P = L F = L OI = L	Contracts have been allocated and a written commitment is in place from URBACT of guaranteed funding. URBACT secretariat allocated the project to BMBC in the knowledge of Brexit so they were aware of the political situation.	Tracey Johnson		30/06/2019,	

**BU 4: URBACT Contract (BMBC Lead) - as at 082/2016**

Risk No	Risk Title	Risk Consequences	Risk Owner	Existing Control Measures	Current Score	Prob. & Impact	Target Score	Prob. & Impact	Risk Mitigation Action	Owner	% comp	Review Date	Recovery Plan



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**Place Directorate**  
**Economic Regeneration & Property Business Unit**  
David Shepherd, Service Director

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URBACT III Managing Authority  
20, Avenue de Ségur  
TSA 10717  
75334 Paris Cedex 07  
France.

28th September 2018

Dear Madam, Sir,

The city of Barnsley confirms its commitment to be the Lead Partner in the activities of the URBACT Transfer Network proposal entitled "Tech Revolution", formerly known as "ReBoot".

The Good Practice to be adapted and re-used in this Transfer Network is the Barnsley (UK) successful model of business support and tech hub development via Enterprising Barnsley and the Digital Media Centre.

We are convinced that by working through this URBACT network, we will be able to enhance the Good Practice building on lessons learnt through the re-use. In this context, if the proposal is approved within the framework of the URBACT III Programme, we will ensure the overall coordination of the network, take on roles and implement activities as indicated in the Phase 2 work plan. More especially we commit to organise transnational meetings and to coordinate the production of the Transferability Diaries with our project partners.

To this end we also formally commit to engaging the funds needed to co-finance ERDF. The details of this contribution are outlined within the Phase 2 application.

Yours sincerely,



Name in capital letters: COUNCILLOR ROY MILLER

CABINET SPOKESPERSON, PLACE

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