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| <b>MEETING:</b> | Full Council                        |
| <b>DATE:</b>    | Thursday, 23 May 2019               |
| <b>TIME:</b>    | 10.30 am                            |
| <b>VENUE:</b>   | Council Chamber, Barnsley Town Hall |

## AGENDA

1. Declarations of Interests

To receive any declarations of interest of a pecuniary or non-pecuniary nature from Members in respect of the items on this agenda.

2. Minutes (*Pages 9 - 24*)

To approve as a correct record the minutes of the meeting of the Council held on 4<sup>th</sup> April, 2019.

3. Communications

To consider any communications to be submitted by the Mayor or the Chief Executive.

4. Questions by Elected Members

To consider any questions which may have been received from Elected Members and which are asked pursuant to Standing Order No. 11.

5. Questions relating to Joint Authority, Police and Crime Panel and Combined Authority Business

**Minutes of the South Yorkshire Pensions Authority, South Yorkshire Fire and Rescue Authority, Sheffield City Region Combined Authority, and Police and Crime Panel**

*Any Member of the Council shall have the opportunity to comment on any matters referred to in the following minutes.*

*The relevant representatives shall then be given the opportunity to respond to any comments made by Members on those minutes.*

6. South Yorkshire Pensions Authority (Draft) - 14th March, 2019 (*Pages 25 - 34*)

7. Sheffield City Region Combined Authority (Draft) - 25th March, 2019 (*Pages 35 - 42*)

8. Police and Crime Panel - 1st April, 2019 (*Pages 43 - 52*)

9. South Yorkshire Fire and Rescue Authority (Draft) - 8th April, 2019 (*Pages 53 - 68*)

**Minutes of the Regulatory Boards**

10. Planning Regulatory Board - 16th April, 2019 (*Pages 69 - 72*)

11. Audit Committee - 17th April, 2019 (*Pages 73 - 80*)
12. General Licensing Regulatory Board - 24th April, 2019 (*Pages 81 - 84*)
13. Statutory Licensing Regulatory Board - 24th April, 2019 (*Pages 85 - 86*)
14. General Licensing Panel - Various (*Pages 87 - 90*)
15. Appeals, Awards and Standards - Various (*Pages 91 - 92*)

#### **Minutes of the Health and Wellbeing Board**

16. Health and Wellbeing Board - 9th April, 2019 (*Pages 93 - 98*)

#### **Minutes of the Scrutiny Committees**

17. Overview and Scrutiny Committee - 26th March, 2019 (*Pages 99 - 102*)
18. Overview and Scrutiny Committee - 30th April, 2019 (*Pages 103 - 106*)

#### **Minutes of the Area Councils**

19. Central Area Council - 11th March, 2019 (*Pages 107 - 110*)
20. Dearne Area Council - 25th March, 2019 (*Pages 111 - 114*)
21. North Area Council - 25th March, 2019 (*Pages 115 - 120*)
22. North East Area Council - 4th April, 2019 (*Pages 121 - 124*)
23. Penistone Area Council - 11th April, 2019 (*Pages 125 - 128*)
24. South Area Council - 12th April, 2019 (*Pages 129 - 132*)

#### **Item for discussion**

25. Community Governance Review Billingley, Cawthorne and Wortley - Final Proposals (*Pages 133 - 136*)

To consider a report of the Executive Director Core Services on the final proposals arising from the emergency Community governance Review undertaken during 2019 in relation to Billingley, Cawthorne and Wortley.

#### **Recommendations to Council**

*The report detailed below is subject to Cabinet recommendation and is available to download from the Council's website. The Cabinet Spokesperson for the Service in question will respond to any comments or amendments concerning this minute.*

26. Adoption of New and Updated Supplementary Planning Documents (SPDs) and Planning Advice Notes (PANs) (Cab.15.5.2019/9) (Pages 137 - 608)

**RECOMMENDED TO COUNCIL** that the adoption of the Supplementary Planning Documents (SPDs) and Planning Advice Notices (PAN), as set out in the appendices to the report, be approved.

### **Minutes of the Cabinet Meetings**

27. Cabinet Meeting - 20th March, 2019 (Pages 609 - 616)
28. Cabinet Meeting - 1st April, 2019 (Pages 617 - 618)
29. Cabinet Meeting - 17th April, 2019 (Pages 619 - 622)

**(NB. No Cabinet decisions have been called in from these meetings)**

### **Motions**

30. Notice of Motion - Standing Orders of the Council - amendments

#### **Notice of Motion submitted in accordance with Standing Order No 6**

***Note: In accordance with Standing Order No. 41 this item will only be considered if deferred from the Annual Council meeting held on the 17<sup>th</sup> May, 2019.***

Proposer – Councillor Sir Steve Houghton CBE

Seconder – Councillor Andrews BEM

That the Standing Orders of the Council be amended to read as follows:

1. Standing Order 11.

### **11. QUESTIONS**

(1) A Member may:

- (a) In relation to the business of the Council ask the Mayor or the appropriate Cabinet Spokesperson or Chairperson of any Regulatory Board, any question that has been delivered in writing or alternatively by e mail to the Director of Core Services in the Council Governance Unit in the Town Hall not later than six clear working days before the date of the meeting of the Council, where it will be dated, numbered in the order in which it was received, and entered in a book which will be open to the inspection of every Member
- (b) The Chief Executive will set out in the Summons for every meeting of the Council all questions received under paragraph (a) and not withdrawn in writing.

- (c) With the permission of the Mayor, ask the Mayor or the appropriate Cabinet Spokesperson or the Chairperson of any Regulatory Board any question relating to urgent business as approved by the Mayor under Standing Order 5, of which a copy has been delivered to the Executive Director Core Services
- (2) (a) Every question will be read by the Chief Executive in the order in which they have been received in accordance with paragraph a) above and answered without discussion provided that no reply shall exceed five minutes in length
- b) The person to whom a question has been put may decline to answer or may ask another appropriate Chairperson or Spokesperson as he/she specifies to reply to such question.
  - c) When a convenient reply cannot be given orally, a written answer may be circulated to all Members of the Council.
  - d) If following the expiry of a period of thirty minutes there remain any questions which have not been replied to orally such question shall be dealt with by way of a written answer circulated to all members of the Council
  - e) In the event that a question has been received from more than one political group represented on the Council or from any member of the Council who is not a member of a political group then the order in which such questions will be read out by the Chief Executive under paragraph a) shall be altered and shall be read out by way of rotation beginning with the relevant question first received

## 2. Standing Order 12

### **12. QUESTIONS RELATING TO JOINT AUTHORITIES OR THE POLICE AND CRIME PANEL**

(3) The question must be delivered in writing to the Executive Director Core Services in the Council Governance Unit in the Town Hall not later than six clear working day before the date of the Council Meeting

## 3. Standing Order 8

### **8. MOTIONS WHICH REQUIRE NOTICE TO BE GIVEN**

- (1) The following motions may be moved on notice given in writing to the Chief Executive not later than one clear working day before the date of the meeting at which it is to be moved, and the Chief Executive or his/her representative will read the motion aloud prior to it being spoken to:
  - (a) the withdrawal of recommendations or resolutions of Regulatory Boards, Scrutiny Committees or Area Councils as set out in the Council Summons, and adoption of recommendations or resolutions substituted therefore;



- (b) amendments to motions set out in the Council Summons unless the withdrawal or amendment is of a motion of which a copy has not been circulated with the Council Summons

**Notice of amendment to motion – “Standing Orders of the Council – amendments”**

Proposer – Councillor Kitching

Seconder – Councillor Greenhough

This Council notes the amendments to the standing orders of the Council submitted by Cllr Sir Steve Houghton CBE.

It proposes further amendments to standing order 11, numbered i to iii, as are highlighted in bold in the text below.

11. QUESTIONS

(1) A Member may:

(a) In relation to the business of the Council ask the Mayor or the appropriate Cabinet Spokesperson or Chairperson of any Regulatory Board, any question that has been delivered in writing or alternatively by e mail to the Director of Core Services in the Council Governance Unit in the Town Hall not later than six clear working days before the date of the meeting of the Council, where it will be dated, numbered in the order in which it was received, and entered in a book which will be open to the inspection of every Member

(b) The Chief Executive will set out in the Summons for every meeting of the Council all questions received under paragraph (a) and not withdrawn in writing.

(c) With the permission of the Mayor, ask the Mayor or the appropriate Cabinet Spokesperson or the Chairperson of any Regulatory Board any question relating to urgent business as approved by the Mayor under Standing Order 5, of which a copy has been delivered to the Executive Director Core Services.

**Amendment (i)**

**(d) In relation to the business of the Council, a Member be permitted to ask the Mayor, or the appropriate Cabinet Spokesperson, or Chairperson of any Regulatory Board an urgent written question if the matter the subject of that question could not have been foreseen at the time of the deadline for the submission of questions. In these circumstances, such questions should be delivered in writing or alternatively by email to the Executive Director Core Services in the Council Governance Unit in the Town Hall not later than 5.00pm one clear working day before the date of the Council meeting**

(2) (a) Every question will be read by the Chief Executive in the order in which they have been received in accordance with paragraph a) above and answered without discussion provided that no reply shall exceed five minutes in length.

b) The person to whom a question has been put may decline to answer or may ask another appropriate Chairperson or Spokesperson as he/she specifies to reply to such question.

c) When a convenient reply cannot be given orally, a written answer may be circulated to all Members of the Council.

**Amendment (ii) in relation to supplementary questions:**

**(d) When an oral reply to a question asked under paragraph (1)(a) above has been given, the Member asking the question may, with the permission of the Mayor, ask one supplementary question of the same person. The answer to such a question will be dealt with as provided in paragraph (a) above.**

**Amendment (iii) Removal of paragraphs below:**

**(d) If following the expiry of a period of thirty minutes there remain any questions which have not been replied to orally such question shall be dealt with by way of a written answer circulated to all members of the Council**

**(e) In the event that a question has been received from more than one political group represented on the Council or from any member of the Council who is not a member of a political group then the order in which such questions will be read out by the Chief Executive under paragraph a) shall be altered and shall be read out by way of rotation beginning with the relevant question first received**

No further amendments are proposed to standing orders 12 and 8.

**31. Notice of Motion - Standing Orders of the Council - Public Questions**

**Notice of Motion submitted in accordance with Standing Order No 6**

Proposer – Councillor Kitching

Seconder – Councillor Hunt

**Public questions at Full Council Meetings**

This Council believes that:

- (1) Its primary role is to both serve and empower local residents and to work with them to help Barnsley achieve its full potential.
- (2) In order to do this effectively it is imperative that it is a Council that actively engages with and listens to its residents and acts on local people's issues.
- (3) Accepting Public Questions delivered by residents at Full Council meetings is an excellent and widely adopted way of starting to ensure that culture of

engagement, openness and listening.

Therefore, this Council calls for:

- (4) A portion of every Full Council meeting to be reserved for questions and relevant supplementary questions asked by Members of the Public to Cabinet Members.
- (5) That appropriate amendments be made to Standing Orders.

*Note: if the Motion is moved and seconded it will stand deferred without discussion until the next meeting to be held on the 25<sup>th</sup> July, 2019 in accordance with Standing Order No 41.*

### **32. Exclusion of the Public and Press**

To consider if the public and press should be excluded from this meeting during the consideration of the following item because of the likely disclosure of exempt information.

#### **Recommendations to Council**

*The report detailed below is subject to Cabinet recommendation and is available to download from the Council's website. The Cabinet Spokesperson for the Service in question will respond to any comments or amendments concerning this minute.*

### **33. Community Asset Transfer - Land at Dearne Welfare Park, Bolton-upon-Dearne (Cab.15.5.2019/21) (Pages 623 - 632)**

#### **RECOMMENDED TO COUNCIL:-**

- (i) that, subject to terms being agreed and statutory procedures under the Charities Act 2011 being complied with, the Council in its capacity of Trustee of the Miners Recreation or Pleasure Ground at Goldthorpe approves the grant of a 25 year lease of an area of Dearne Welfare Park to Dearne and District Junior Football Club (D&DJFC);
- (ii) that the Corporate Asset Manager be authorised to finalise Heads of Terms for the proposed 25 year lease, in accordance with charity legislation, and make any necessary amendments to the property's title documents that may be required in order for the proposed tenants to secure finance for the new pavilion project; and
- (iii) that the Executive Director Core Services be authorised to complete the lease to Dearne and District Junior Football Club (D&DJFC).

Reason restricted:

Paragraph (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information)

*Diana Terris*

Diana Terris  
Chief Executive

Wednesday, 15 May 2019

|                 |                                     |
|-----------------|-------------------------------------|
| <b>MEETING:</b> | Full Council                        |
| <b>DATE:</b>    | Thursday, 4 April 2019              |
| <b>TIME:</b>    | 10.30 am                            |
| <b>VENUE:</b>   | Council Chamber, Barnsley Town Hall |

## MINUTES

### Present

- |                     |   |
|---------------------|---|
|                     | The Mayor (Councillor S. Green)                   |
| Central Ward        | - Councillors D. Birkinshaw, Bruff and M. Dyson   |
| Cudworth Ward       | - Councillors Hayward and C. Wraith MBE           |
| Darfield Ward       | - Councillors Coates, Markham and Saunders        |
| Darton East Ward    | - Councillors Miller and Spence                   |
| Darton West Ward    | - Councillors Burgess and Howard                  |
| Dearne North Ward   | - Councillors Gardiner and Gollick                |
| Dearne South Ward   | - Councillors C. Johnson and Noble                |
| Dodworth Ward       | - Councillors P. Birkinshaw, Riggs and Wright     |
| Hoyland Milton Ward | - Councillors Franklin, Shepherd and Stowe        |
| Kingstone Ward      | - Councillors Mitchell and Williams               |
| Monk Bretton Ward   | - Councillors Richardson and Sheard               |
| North East Ward     | - Councillors Ennis OBE, Hampson and Higginbottom |
| Old Town Ward       | - Councillors Lofts, Newing and Pickering         |
| Penistone East Ward | - Councillors Barnard, Hand-Davis and Wilson      |
| Penistone West Ward | - Councillors Kitching and Millner                |
| Rockingham Ward     | - Councillors Andrews BEM, Lamb and Sumner        |
| Royston Ward        | - Councillors Cheetham, Clements and Makinson     |
| St. Helen's Ward    | - Councillors Leech, Platts and Tattersall        |
| Stairfoot Ward      | - Councillors Bowler, K. Dyson and W. Johnson     |
| Wombwell Ward       | - Councillors Frost and Daniel Griffin            |
| Worsbrough Ward     | - Councillors G. Carr, Clarke and Pourali         |

### 204. Retiring Members

It was noted that this would be the last meeting of the Council before the Municipal Election to be held on Thursday 2<sup>nd</sup> May, 2019. It would, therefore, be the final meeting to be attended by several Members prior to their retirement from the Council.

The Deputy Leader of the Council, Councillor Andrews BEM paid tribute to the following Members for their hard work to the Council and the local community they represented:-

- Councillor Clements
- Councillor Hampson
- Councillor Burgess
- Councillor Miller

The Mayor presented Councillors Clements, Hampson, Burgess and Miller, the only retiring Members present at the meeting, with a glass bowl.

Tributes were also given to

- Councillor Sixsmith MBE and
- Councillor R Wraith

who were also retiring but who were not in attendance. Councillors Sixsmith MBE and R Wraith would be presented with a glass bowl at a later date.

The Mayor and Deputy Leader of the Council wished the Members well for the future.

Several other Members of the Council added their own thanks and best wishes to the retiring Members.

Councillors Burgess, Clements and Miller responded and thanked both Members and Officers for their help and support they received whilst being Members of the Council.

## **205. Declarations of Interests**

Councillors C Johnson, Tattersall and Wilson declared a non-pecuniary interest in Minute No 232 'Appointment of Director of Adult Social Services' in view of their membership of the Corporate Parenting Panel.

Councillor Carr declared a non-pecuniary interest in Minute 232 'Appointment of Director of Social Services' in view of her Membership of the Corporate Parenting Panel and as a Trustee of DIAL.

## **206. Minutes**

The minutes of the meetings held on the 7<sup>th</sup> and 28<sup>th</sup> February, 2019 were taken as read and signed by the Chair as a correct record.

## **207. Communications**

#### (a) National Local Government Chronicle Awards

The Chief Executive reminded Members that these Awards celebrated all the very best in Local Government Achievement and it was something in which Barnsley had been very successful in the past. They were hugely competitive and she was very proud to announce that yet again Barnsley had been successful in winning an Award in the Future Places Category which was the 'Tech Town' project. This project brought together local people to drive forward the ambitious plans to develop more digital jobs and businesses and to develop a digital first culture and the infrastructure that supported that culture. There was no doubt, as the Members knew, that digital was the future for all of the Council in order to achieve a successful future and this Award was, therefore, a tremendous success and a fantastic result. Thanks were expressed to the whole team involved in this project at this wonderful achievement.

The Chief Executive was also pleased to say that not only had the Council won that Award but it had also been shortlisted for two other Awards.

Ian Faulkner (ICT Manager) with Digital First had been shortlisted in the Rising Star Category and the Smoke Free Schools Campaign had also been shortlisted in the Public Health Category.

She was delighted to say that Martin Beasley (Enterprising Barnsley Group Leader) and Paul Tinsley (Business Start Up Manager), Claire Hinchliff (Project Officer), Ben Hawley (Business Start Up Adviser), Ian Faulkner (ICT Manager) and Kaye Mann (Public Health Senior Practitioner) were present in the Chamber this morning and she expressed her congratulations to them all. She commented that due to the extremely high standard across the country, even being shortlisted was a fantastic achievement. It was also the second time that the Public Health Team had been shortlisted.

The Mayor and Members of the Council expressed their congratulations to all concerned in the usual manner.

#### (b) Charter Plus for Member Development

The Chief Executive reported that the Council had successfully achieved the highly acclaimed Member Development Charter Plus Award in recognition of its work to support and develop Elected Members.

The Member Development Charter was a good practice framework which required Councils to demonstrate their commitment and strategic approach to Member Development. Although Barnsley had obtained the Member Development Charter in 2007, this was the first time that the Council had achieved the higher level of Charter Plus in recognition of the level of improvement that had been made. This was an outstanding achievement for Barnsley as there were only a small percentage of Councils across the country that held this prestigious award.

The Team undertaking that assessment had identified that the Council had established a culture of continuous learning and improvement between both officers and Members. They had also noted the positive impact the Member

Development Working Party had on Member development since it had been established over 14 years ago and the assessors wanted to thank all Members and officers who took part in the assessment process.

Special thanks were extended to Lesley Glanville (Organisation and Workforce Improvement Strategy Officer) for the work she had done in supporting and developing an excellent portfolio of evidence and the Award was then presented by the Mayor to Councillor Howard (Cabinet Member without Portfolio).

The Mayor and Members of the Council expressed their thanks to all involved in the usual manner.

(c) Mr Ian Turner (Service Director Governance and Member Support

The Chief Executive informed Members that Mr Ian Turner (Service Director Governance and Member Support) had retired from the Council on the 31<sup>st</sup> March, 2019.

Ian had been one of the Council's Senior Officers who was responsible for working closely with Members, Senior Management Team and many other officers. He started work for Barnsley on the 6<sup>th</sup> June, 1988 and she was sure that Members would want to express their appreciation of his services to the Council and to give their best wishes for a long and happy retirement. The Chief Executive also asked to place on record her own thanks together with the thanks of the Senior Management Team for his outstanding service to the Council.

The Mayor and Members of the Council expressed their thanks in the usual manner.

The following Members then responded to the communications received.

Councillor Frost (Cabinet Support Member for Place) thanked all those who had been shortlisted for the LGC Awards and particularly those who had been involved in the Future Places Category, which the Council had won. The Group formed part of the URBACT funded Tech Town Action Planning Network led by the Council via the Digital Media Centre and the Enterprising Barnsley Team for the last three years. The Network comprised 11 small and medium sized towns and cities across the EU the aim of which was to explore how to grow digital jobs and businesses. The judges had said 'it is a great story that shows what can be done to transform a post manufacturing landscape by bringing together the local people, European learning and technology partners. The journey from coal to code is in great shape. We liked the clarity of getting on with it rather than spending a huge amount of time creating strategy, nevertheless, the actions are very strategic. This great start should now become the foundation stone for a broader plan. We appreciated the learning from European Partners. This learning from doing approach should be embedded for it to be built on success. It is great that businesses are growing and great that young people are involved in getting hands on with technology'.

Whilst Councillor Frost was in London he was able to see what from other facilities what the Digital Media Centre 1 & 2 could look like and it gave him a better insight into the hard work that was undertaken in helping digital



businesses to grow and thrive. He thanked the Team who were in the Council Chamber this morning for all their hard work and dedication.

Councillor Platts (Cabinet Spokesperson for Communities) asked to place on record her thanks to all the Teams who were nominated, shortlisted and won at the LGC Awards for all that they had done for the Council and the Town.

Councillor Andrews BEM (Deputy Leader) also added his own personal thanks for all those who had been nominated, shortlisted and won at the LGC Awards. He expressed particular thanks to Kaye Mann (Public Health Senior Practitioner) and Diane Lee (Head of Public Health) for their work in relation to the Smoke Free School Campaign and he commented that despite being nominated on two years in succession they had not received an award which was very disappointing given that the Authority had been inundated by other Councils for information about the Smoke Free Schools initiative.

Councillor Andrews also asked to express his personal thanks to Mr Ian Turner (Service Director Governance and Member Support). It had been a great pleasure to work with Ian and behalf of all Members he placed on record huge appreciation for his hard work and dedication and for the service he had given to the Council. He had started work for Barnsley in May 1988 having previously worked in Rochdale. As all Members knew, the Authority could only function successfully with good support and the role that Ian had undertaken in ensuring that Members received good advice and assistance was outstanding and such support had been invaluable. Ian had adapted the service to reflect the changing circumstances and in recent years he had been at the forefront of the move towards Members using digital devices and, thereby, the reduced use of traditional paper minutes and agenda. Just as Members required good support services (as did officers), they also required clear guidance, rules and procedures and this had been a key area of focus of Ian's work in ensuring that these were lawful and effective. He had been the custodian of the Council's Constitution and had been a sound source of knowledge, expertise and advice. He had also been the Deputy Monitoring Officer as well as the Service Director. He had performed the role of operating different systems, the former Committee system and then at the forefront of establishing the processes and procedures for the new the Cabinet system which had been introduced in 1999 in advance of the statutory deadlines and for some months he had supported this new system virtually single handed until new staff had been appointed.

Ian had a key role in supporting members across the political spectrum. In the last phase of his career he had been the focal point for all matters relating to governance and had been instrumental in the Council being able to demonstrate sound and effective governance and decision making. He had also been responsible for the Mayoral Support Service as well as supporting the Lord Lieutenant and had also worked with clerks to Parish Councils to foster good relationships and appropriate dialogue between themselves and the Council itself. He had also become an expert in the sensitive area of School Admission Appeals and had supported One Barnsley and the Health and Wellbeing Board as well as discharging his role as the Secretary to the South Yorkshire Leaders Meeting.

In his private life Ian was a supporter of Chesterfield Football Club and this would not doubt continue into his retirement. He was easy going, a pleasure to

work with and highly respected across the whole organisation. Councillor Andrews was sad to lose such a well-liked and highly performing colleague and friend. He wished Ian and his wife all the very best for a long, happy and healthy retirement.

Councillor Howard (Cabinet Member without Portfolio) added her own personal thanks to Ian Turner for all he had done for Members and for the Authority. He would be sadly missed and a 'hard act' to follow.

Councillor Howard then referred to the Member Development Charter and expressed how proud she was at the Authority being granted Charter Plus Status. She thanked the Members of the Member Development Working Party for their contribution to the success of the Authority in gaining this Award. She also thanked all Members of the Council for the way in which they had embraced Member Development. As a Council, Members had a 'top class' offer. The way Members and Officers worked and learned together on a day to day basis was fantastic. Not many Councils had achieved the Charter Plus so to do so was a tremendous achievement and the biggest thanks of all had to go to Lesley Glanville (Organisation and Workforce Improvement Strategy Officer). Without her tireless support, knowledge and experience the Council would not have achieved the success it had. Lesley was the backbone of the Member Development Working Party and was well respected by every Member. Member Development was now well embedded within every strand of the Council and she was sure that the Authority would continue to go from strength to strength.

Councillor Gardiner (Cabinet Spokesperson for Core Services) concurred with the comments made by Councillor Howard in relation to the Member Development Charter. He also concurred with the sentiments expressed by Councillor Andrews in relation to Ian Turner who had been a most dedicated servant of the Authority and he gave him and his wife best wishes for his retirement.

Councillors Wilson (Leader of the Conservative Group) and Councillor P Birkinshaw (Leader of the Barnsley Independent Group) both reiterated the comments made by other members in relation to Ian Turner and both wished him all the best for his retirement.

The Mayor expressed his thanks to all officers for the amazing work they did on behalf of the Council and he wished Ian Turner all the best in his retirement.

## **208. Questions by Elected Members**

The Chief Executive reported that she had received the following questions from Councillor Kitching in accordance with Standing Order No. 11.

- 1 *'In the light of the new letter to the Government agreeing to Barnsley now joining the Sheffield City Region (SRC) devolution deal, what legal changes would be needed to make a 2022 break possible?'*

Councillor Andrews BEM (Deputy Leader) reported that any changes to the configuration of the Sheffield City Region would require an Order to be made by the Secretary of State under the Local Democracy, Economic Development Construction

Act 2009. That Order could allow for changes to the boundary of the Sheffield City Region Combined Authority to allow Barnsley to join a new Combined Authority for a wider Yorkshire geographical area. The Council would be required to give its formal consent to the Order.

Councillor Kitching asked a supplementary question: *'Does the Deputy Leader have any evidence based criteria which they are going to use to evaluate whether it is in Barnsley's best interest to stay or leave the Sheffield City Region Deal in 2022 or is this just a gamble on Barnsley's future?'*

Councillor Andrews stated that he was unable to comment for the Secretary of State.

2 *'How much did the Community poll on SCR deal vs One Yorkshire cost?'*

Councillor Andrews BEM (Deputy Leader) commented that the cost of the poll was £107,184.

Councillor Kitching asked a supplementary question: *'Given the continued strain on Barnsley's finances and the fact that the Leader has stated repeatedly in this chamber and in the press that he would honour the results of the poll, and has now done the opposite, does the Deputy Leader feel that this money could possibly have been better spent?'*

Councillor Andrews responded by stating that he did not think that this money could have been better spent.

3 *'What arrangements are in place if central government rejects the proposed deal sent to the Secretary of State for Communities and Local Government on March 25<sup>th</sup> 2019?'*

Councillor Andrews BEM (Deputy Leader) stated that it was now for the Secretary of State to respond to the letter which had been sent by the four South Yorkshire Local Authority Leaders. The Council would consider the response once this was received. It was very much hoped that there would be a positive response to help the Council in its ambition to move towards a wider Yorkshire devolution deal.

Councillor Kitching did not ask a supplementary question.

4 *'Is the development of site MU1 as proposed by the Local Plan and the further development of Capitol Park dependent on the scheme to build a gyratory road junction on Penny Pie Park going ahead and what effect would the failure to build the gyratory have on the future development of these 2 sites?'*

Councillor Miller (Cabinet Spokesperson for Place) responded by thanking Councillor Kitching for the question. He stated that this question and response was very similar to one given at the last full Council meeting and he referred Councillor Kitching to the answer given at that meeting.

Councillor Kitching commented that if the Cabinet Member recalled he was unable to answer the question at the last Council meeting given that the case was still with the Secretary of State/Planning Inspectorate which was why she was asking the question again. The Secretary of State had now made a decision and she felt that he was now

in a position to answer this question. She, therefore, asked as her supplementary question: *'Could Councillor Miller now answer that question.'*

Councillor Miller stated that each new development proposal including any at Capitol Park including any site MU1 had to be consistent with existing and predicted highways conditions as well as any committed highway schemes and the phasing of their delivery. This was in order to inform what, if any, other interventions were required by and when. Given that the Local Plan had only just recently been adopted this work was not sufficiently advanced to provide such an answer.

5 *'How many objections to the appropriation of land at Penny Pie Park have been received to date?'*

Councillor Miller (Cabinet Spokesperson for Place) responded by thanking Councillor Kitching for the question. The Authority had received 238 complaints/questions and 17 in respect of the amended plan.

Councillor Kitching asked a supplementary question: *'Understanding that the decision whether to appropriate the land at Penny Pie Park for highways use lies within the remit of the Council, what criteria will be applied to test the validity of these objections?'*

Councillor Miller responded by commenting that he did not feel that this was a supplementary question but was a different one altogether. He felt that he had fully answered the original question. The Council did not receive a petition as this had been put on a website for crowd funding and this only received 2,637 signatures. Bearing in mind the thousands of people who went down this road the gyratory system was something that needed to be undertaken.

6 *'Now that the development of site MU1 is imminent, what will be the arrangements for consulting with residents to produce the Masterplan framework for the site?'*

Councillor Miller (Cabinet Spokesperson for Place) responded by stating it was anticipated that there would be a four week consultation including a 'drop in' session.

Councillor Kitching asked a supplementary question: *'What consultation on the Masterplan framework has already taken place and will take place with developers?'*

Councillor Miller stated that the Authority consulted more than any other council surrounding Barnsley when any proposals were brought forward and although there was a statutory minimum the Council exceeded this every time. One of the things he was struggling with, however, was that due to the ever increasing financial restrictions on the Authority imposed by the former coalition government, the Council had lost over 3,000 staff and £107m out of the budget and this meant that the responses to queries and consultation could not be obtained as quickly as before. Officers worked extremely hard but a great deal of experience had been lost with the reduction in staffing and information could not now be obtained as quickly as it had in the past.

- 7 *'Residents of Gypsy Lane and Lundhill Road area in Wombwell are incredibly concerned about the loss of their local playing fields as a result of the proposed housing development there. Sports England, a statutory consultee on the Local Plan, have also expressed their dismay about the loss of these, and other, sports and leisure facilities. How exactly does the Council plan to mitigate the loss of the playing fields in Wombwell, ensuring that all residents there have continued access to outdoor green space for sports and exercise?'*

Councillor Miller (Cabinet Spokesperson for Place) stated that this land had been allocated for some time under the Local Plan as a mixed use development. This was informed by the Playing Fields Strategy for the Borough which recognised the Wombwell High School playing pitches would be replaced at the Netherwood Advanced Learning Centre. This included full sized 3G flood lit astro turf football pitch, 3 grass football pitches, 2 full size rugby pitches and 5 multi use tennis/netball courts all of which were available for hire by the community. The Local Plan also included green space policy requirement compensation for the loss of functioning green space. Interestingly, however, he noted that Councillor Kitching had voted for the loss of green space within the Penistone area for the use of a car park.

Councillor Kitching asked a supplementary question: *'Is the Council willing to engage with Sports England on this matter because my understanding is that up till now they are not doing so? If Sports England submit a legal appeal, would the Council fight it?'*

Councillor Miller stated that, as always, the officers of the Authority would comply with all legal requirements and would respond accordingly to any contact made from anyone. He was sure, however, that the Wombwell Members who had lobbied him directly would continue to make him aware of all the concerns of residents and in particular the residents of that area.

- 8 *'Can the Council guarantee that the promised new school will be built on this site, and if so, when?'*

Councillor Miller (Cabinet Spokesperson for Place) stated that the site was allocated within the Local Plan as a mixed use site including the provision of a Primary School. Funding and appropriate planning permission would, however, have to be sought before there was any certainty on delivery and timescales. Also, as a result of decisions of the former coalition government the ability of the Council to build new schools had been taken away from the authority and this was now put in the hands of the voluntary sector. Residents of the area were, however, well aware that this land was to be used for this purpose.

Councillor Kitching asked a supplementary question: *'What parking provisions are the Council putting in place around the school to mitigate the impact on residents throughout the school day but also at school run times as it would be a shame to concrete over anything else later?'*

Councillor Miller stated that officers would look at all impacts on that area whether it be highways or planning and the education service would be looking at the potential impact as the Council normally did.

- 9 *'These same residents have also raised concerns about the proposed Highways access plans to this site, citing concerns about the potential impact'*

*of hundreds of vehicles accessing Lundhill road and using Park Street Junction. What are your plans to hear and act on their concerns?’*

Councillor Miller (Cabinet Spokesperson for Place) stated that the authority would be looking at this area once the site was progressing in terms of highways and traffic movements and what restrictions required to be put in place. He reported that the Local Members in the area had spoken to him about their concerns on behalf of the residents and all issues identified would be addressed.

Councillor Kitching asked a supplementary question: *‘Residents in Penistone West, Dodworth and Wombwell have expressed to me their concerns that the Council appears to have a policy of build houses first and deal with the infrastructure later. These were the concerns I raised myself in response to the Local Plan. Could the Cabinet Member explain why that is please?’*

Councillor Miller stated that the authority would work to address all issues raised.

10 *‘Last week marked the 5 years since same sex marriage became legal in the UK, an achievement of the Liberal Democrats in coalition government. In light of this, can the Cabinet Member, on behalf of the Council, give assurances that it fully supports the implementation of LGBT+ sex and relationship education within the borough’s schools?’*

Councillor Cheetham (Cabinet Spokesperson for People Achieving Potential) responded by thanking Councillor Kitching for the question. The Council would, of course be supporting this approach and it was quite right that it did so. It was quite an anniversary that was being celebrated. However, as a result of decisions of the coalition government, the forced academisation programme, the pre-schools programme the decisions regarding Local Authorities and the obliteration of LEA’s the Council had little power and influence over curriculum or other matters within schools but the Authority would do its best.

Councillor Kitching did not ask a supplementary question.

## **209. Questions relating to Joint Authority, Police and Crime Panel and Combined Authority Business**

The Chief Executive reported that she had received the following question from Councillor Kitching in accordance with Standing Order No. 12.

*‘Does Councillor Lamb have an update yet on the total amount of the legal costs incurred by South Yorkshire Fire and Rescue as a result of implementing the unlawful system of Close Proximity Crewing?’*

Councillor Lamb, Section 41 representative stated that he was unable to give a full answer as a full update was not yet available. He was not prepared to offer this chamber or indeed the residents of Barnsley an incomplete picture. When he had all the information to present he would do, as he had previously promised on a number of occasions. The reason for that was that the outcome of discussions was awaited with the Solicitors acting on behalf of the Fire Brigades Union (FBU) relating to the costs of the Judicial Review and information relating to detriment payments arising from this. As soon as this information was received he would make this available to this chamber.

There were a couple of issues he would like to pick out of this question. There was reference to the unlawful system of Close Proximity Crewing. The Judge ruled, however, that it was only unlawful in the absence of a collective agreement. He had had a meeting with the FBU local officials and tried to secure a local agreement but unfortunately they refused. This was despite the fact that their members who worked on that system volunteered to do so and also did not want to see an end to it. He felt that it was important to remember why this system had to be adopted in the first place as it saved £1.4m a year. The cumulative figure saved so far was £6m per year across South Yorkshire. This amount had to be saved as a result of the austerity following decisions of the previous government. Close Proximity Crewing protected the immediate response that South Yorkshire Fires and Rescue Service could make in emergency situations and such actions saved lives. He did not feel he had to apologise for or justify those actions that had been taken in order to save lives of the people of Barnsley and South Yorkshire. He did, however, caution any Member in the chamber against grandstanding or trying to score political points on a matter as serious as this.

Councillor Kitching asked a supplementary question: *‘Could Councillor Lamb explain the likely impact on public services of these legal costs incurred as a result of the Authority implementing what ultimately proved to be an unlawful system of crewing?’*

Councillor Lamb stated that it was difficult to prove a negative because what had been done was that the Authority had saved £6m. There hadn't been a cost, but a saving of £6m. What the Authority now had to do, because it had been deemed to be unlawful because of the absence of a collective agreement (the only circumstance in which it had been deemed to be unlawful) was to look at different ways of providing that service, of providing an immediate response to emergency situations. A new Integrated Risk Management Plan was to be submitted to the Fire Authority on Monday and there would be a consultation process across South Yorkshire with all of the Local Authorities, MP's, communities and all of the stakeholders in order to try and find a way round this whole issue. He reiterated, however, that he was not prepared to apologise in any way for actions that had taken place to save the lives of people in South Yorkshire.

**210. South Yorkshire Fire and Rescue Authority - 14th January, 2019**

**RESOLVED** that the minutes be noted.

**211. South Yorkshire Fire & Rescue Authority (Draft) - 11th February, 2019**

**RESOLVED** that the minutes be noted.

**212. South Yorkshire Pensions Authority - 17th January, 2019**

**RESOLVED** that the minutes be noted.

**213. Sheffield City Region Combined Authority (Draft) - 28th January, 2019**

**RESOLVED** that the minutes be noted.

**214. Police and Crime Panel (Draft) - 4th February, 2019**

**RESOLVED** that the minutes be noted.

**215. Audit Committee - 23rd January, 2019**

Moved by Councillor Richardson - Seconded by Councillor Barnard; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Audit Committee held on the 23<sup>rd</sup> January, 2019 be received.

**216. Planning Regulatory Board - 19th February, 2019**

Moved by Councillor D. Birkinshaw - Seconded by Councillor Richardson; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Planning Regulatory Board held on the 19<sup>th</sup> February, 2019 be received.

**217. General Licensing Regulatory Board - 20th February, 2019**

Moved by Councillor Tattersall – Seconded by Councillor Daniel Griffin; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the General Licensing Regulatory Board held on the 20<sup>th</sup> February, 2019 be received.

**218. Statutory Licensing Regulatory Board - 20th February, 2019**

Moved by Councillor Tattersall – Seconded by Councillor Daniel Griffin; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Statutory Licensing Regulatory Board held on the 20<sup>th</sup> February, 2019 be received.

**219. Audit Committee - 20th March, 2019**

Moved by Councillor Richardson - Seconded by Councillor Barnard; and

**RESOLVED** that the minutes now submitted of the proceedings of the Audit Committee held on the 20<sup>th</sup> March, 2019 be received.

**220. General Licensing Panel - Various**

Moved by Councillor Tattersall – Seconded by Councillor Daniel Griffin; and

**RESOLVED** that the details of the various General Licensing Regulatory Board Panels held in the last cycle of meetings together with their decisions be received.

**221. Appeals, Awards and Standards - Various**

Moved by Councillor Shepherd – Seconded by Councillor Makinson; and

**RESOLVED** that the details of the various Appeals, Awards and Standards Regulatory Board Panels held in the last cycle of meetings together with their decisions be received.

**222. Overview and Scrutiny Committee - 29th January, 2019**



Moved by Councillor Ennis – Seconded by Councillor W Johnson; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on the 29<sup>th</sup> January, 2019 be received.

**223. Overview & Scrutiny Committee - 26th February, 2019**

Moved by Councillor Ennis – Seconded by Councillor W Johnson; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Overview and Scrutiny Committee held on the 26<sup>th</sup> February, 2019 be received.

**224. Central Area Council - 14th January, 2019**

Moved by Councillor Riggs - Seconded by Councillor Pourali; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Central Area Council held on the 14<sup>th</sup> January, 2019 be received.

**225. North Area Council - 21st January, 2019**

Moved by Councillor Leech – Seconded by Councillor Lofts; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the North Area Council held on the 21<sup>st</sup> January, 2019 be received.

**226. Dearne Area Council - 21st January, 2019**

Moved by Councillor Noble – Seconded by Councillor Gardiner; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Dearne Area Council held on the 21<sup>st</sup> January, 2019 be received.

**227. North East Area Council - 7th February, 2019**

Moved by Councillor Hayward – Seconded by Councillor Hampson; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the North East Area Council held on the 7<sup>th</sup> February, 2019 be received.

**228. Penistone Area Council - 14th February, 2019**

Moved by Councillor Barnard – Seconded by Councillor Kitching; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Penistone Area Council held on the 14<sup>th</sup> February, 2019 be received.

**229. South Area Council - 28th February, 2019**

Moved by Councillor Frost - Seconded by Councillor Stowe; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the South Area Council held on the 28<sup>th</sup> February, 2019 be received.

**230. Appointment Panel (Chief Executive) - 14th & 28th February & 15th March, 2019**

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

**RESOLVED** that the minutes as printed and now submitted of the proceedings of the Appointment Panel (Chief Executive) held on the 14<sup>th</sup> and 28<sup>th</sup> February and 15<sup>th</sup> March, 2019 be received.

**231. Confirmation of Appointment of Chief Executive**

The report of the Executive Director Core Services confirming the appointment of the Chief Executive was:

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

**RESOLVED** that Ms Sarah Norman be appointed:

- (i) as Chief Executive and Head of Paid Service subject to the terms and conditions contained within paragraph 4 of the report; and
- (ii) as Proper Officer and Electoral Registration and Returning Officer for the purposes of all relevant functions for in respect of which the post of Chief Executive is the Proper Officer with effect from the date of the commencement of their substantive employment as Chief Executive.

**232. Appointment of Director of Adult Social Services**

The report of the Chief Executive allocating responsibility for the statutory role of Director of Adult Social Services for the financial year 2019/20 to reflect the alignment of Business Unit 2, Adults Social Care and Health to the Communities Directorate for the reasons now detailed was;

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

**RESOLVED** that Wendy Lowder the Executive Director Communities discharge the statutory role of Director of Adult Social Services for the financial year 2019/20.

**233. Revision of Contract Procedural Rules 2019 (Aud.20/3/2019/7)**

Moved by Councillor Richardson – Seconded by Councillor Barnard; and

**RESOLVED** that the revisions to the Contract Procedural Rules as detailed within Section 3 of the report now submitted be approved and adopted.

**234. Member Representation on the Virtual School Governance Group (Cab.20.3.2019/7)**

Moved by Councillor Howard – Seconded by Councillor Cheetham; and

**RESOLVED** that the People (Achieving Potential) and People (Safeguarding) Cabinet Spokespersons and the respective Cabinet Support Members be appointed to serve on the Virtual School Governance Group, together with Councillors Carr, Makinson, Coates and Wilson with two vacancies.

**235. Implementation of the 2019/20 Pay Policy Statement (Cab.20.3.2019/11)**

Moved by Councillor Gardiner – Seconded by Councillor Franklin; and

**RESOLVED** that approval be given to implement the 2019/20 Pay Policy Statement, contained at Appendix 1 of the report now submitted, with effect from 1<sup>st</sup> April, 2019.

**236. Cabinet Meeting - 6th February, 2019**

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meeting held on the 6<sup>th</sup> February, 2019 be received.

**237. Cabinet Meeting - 20th February, 2019**

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meeting held on the 20<sup>th</sup> February, 2019 be received.

**238. Cabinet Meeting - 6th March, 2019**

Moved by Councillor Andrews BEM – Seconded by Councillor Gardiner; and

**RESOLVED** that the minutes as printed and now submitted of the Cabinet Meeting held on the 6<sup>th</sup> March, 2019 be received.

In closing the meeting the Mayor stated what an honour, privilege and humbling experience it had been to be the Mayor of Barnsley. It had been a fantastic year and he thanked everyone for their help and support during that period. He also thanked Members for having the faith in him by appointing him as Mayor.

He also thanked the Chief Executive and Executive Director Core Services for the help and advice they had given him during the year.

.....  
Chair

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# Item 6

## SOUTH YORKSHIRE PENSIONS AUTHORITY

14 MARCH 2019

PRESENT: Councillor S Ellis (Chair)  
Councillor M Stowe (Vice-Chair)  
Councillors: S Cox, S Durant, A Hurst, J Mounsey, A Sangar,  
A Teal, R Wraith and K Wyatt

Trade Unions: D Patterson (UNITE)

Officers: J Bailey (Head of Pensions Administration),  
A Frosdick (Monitoring Officer), G Graham (Fund Director),  
M McCarthy (Deputy Clerk) and G Richards (Senior  
Democratic Services Officer)

Apologies for absence were received from Councillor  
I Saunders, N Doolan-Hamer and G Warwick

### 1 APOLOGIES

The Chair welcomed everyone to the meeting.

Members were reminded that the meeting would be webcast; the meeting would be streamed live for the first time since the move to the Town Hall.

Apologies were noted as above.

### 2 ANNOUNCEMENTS

The Chair announced that this would be Cllr Wraith's last Authority meeting.

Cllr Wraith had been a member of the Authority for 13 years, he attended his first meeting on 7<sup>th</sup> December 1986, as did Cllr Andrew Sangar.

Cllr Ellis thanked him for his support as her Vice-Chair; his knowledge of the history of the Authority had been very helpful. Cllr Ellis thanked Cllr Wraith all his work for the Authority over the years.

Cllr Stowe seconded the Chair's words adding that Cllr Wraith had been very supportive to him as a Trades Union representative on the Authority and also a Member. He also praised Cllr Wraith's work and commitment to BMBC.

Cllr Sangar remarked that after only 18 months on the Authority, due to the political process, he and Cllr Wraith had been appointed as Chair and Vice-Chair respectively. This was at the time of the financial market crash and the collapse of the Icelandic banks; Cllr Wraith had been very supportive.

Cllr Mounsey wished Cllr Wraith a long and happy retirement.

Cllr Stowe announced that due to the Leaders' decision to rotate the Chair of the Joint Authorities every two years, this would be Cllr Ellis's last meeting as Chair of the Authority.

He thanked her for all her hard work for the Authority especially in relation to the pooling process which led the Authority to joining the Border to Coast Pensions Partnership. She had played a full part in the pooling process and was at the forefront of the development of the pool; her advice to the Authority had been invaluable.

He also thanked her for her support to him as Vice-Chair and hoped that she would be around for some time to come.

3 URGENT ITEMS

The Chair announced there was an urgent item regarding the charring arrangements of the Local Pension Board which would be taken at the end of the open agenda.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS.

RESOLVED: That item 15 'Debt Write-Offs' and item 16 'Fund Director Appraisal' be considered in the absence of the public and the press.

5 DECLARATIONS OF INTEREST.

Cllr Ellis commented that as a Non-Executive Director of BCPP Ltd she would be mindful of any potential conflicts.

6 FEEDBACK FROM THE BORDER TO COAST JOINT COMMITTEE

The Chair welcomed Cllr Doug McMurdo, Chair of Bedfordshire Pensions Authority and the Border to Coast Pensions Partnership's (BCPP) Joint Committee.

Cllr McMurdo gave the Authority a brief account of his life in politics and pensions.

He informed Members that Bedfordshire had been heavily involved in the pooling process from the outset and had already seen significant benefits although he recognised that this was not the case in South Yorkshire.

Geographically, the logical pool for Bedfordshire to join was ACCESS but they had no appetite for internally managed funds while Bedfordshire wanted access to these funds and had therefore seen Border to Coast as the best fit for their requirements.

Cllr Stowe informed the Authority that the Border to Coast Joint Committee had met on Monday 11<sup>th</sup> March 2019 and had welcomed the Scheme Member observer. Nicholas Wirz was a Local Pension Board member from Tyne and Wear and also a member of Unison. Cllr Stowe commented that it was disappointing that the decision had been made by the Committee to appoint just one Scheme Member representative.

The creation of the Border to Coast sub-funds was progressing although Cumbria had challenged the speed of progression as too quick; South Yorkshire and others had disagreed with this.

There had been a discussion on responsible and ethical investment; Jane Firth was leading on this and very strong policies were being produced.

Doug Patterson, Unite's representative on the Authority, commented that he was pleased that a Scheme Member observer had been elected and appointed to the Joint Committee but it was a poor decision to limit the number to just one. The unions would continue to push to have this number increased.

Cllr McMurdo commented that it had been a difficult decision; Bedfordshire had not been supportive of more than one representative and had no Scheme Member representatives on their Pension Committee. The decision had not been unanimous.

Cllr Sangar expressed concern that another Fund wanted to slow down the process. South Yorkshire had already transferred investment staff and half their assets to Border to Coast. It was a complex operation and the greatest risk was in transition.

Cllr Stowe replied that Cumbria had a problem with capacity; Border to Coast had offered to work more closely with Cumbria to alleviate this.

The Chair thanked Cllr McMurdo for attending the meeting.

7 MINUTES OF THE AUTHORITY MEETING HELD ON 17 JANUARY 2019

RESOLVED: That the minutes of the Authority meeting held on 17 January 2019 be agreed and signed by the Chair as a true record.

8 SECTION 41 FEEDBACK FROM DISTRICT COUNCILS

The Authority discussed a letter which had been received from Dr Robert Suckling of Doncaster MBC regarding the Authority's investments in tobacco.

The Chair informed the Authority that a draft response was being prepared which would be circulated to members and would be in line with both the Authority's and Border to Coast's Responsible Investment policies whose approach was engagement rather than divestment.

Border to Coast's Responsible Investment policy was in the process of being revised, it was intended to review the policy annually.

Cllr McMurdo could possibly comment as he was involved with LAPFF.

Cllr McMurdo confirmed that LAPFF encouraged engagement rather than divestment.

Barnsley had nothing to report under Section 41.

Cllr Sangar commented that concerns had been raised in Sheffield regarding the changes to the District Offices.

J Bailey commented that over the years the District Offices had evolved into working on behalf of the employers but accountable to the administering authority. These

responsibilities had now been passed back to the four councils and there was now clear dividing lines.

There would continue to be an on-site presence for part of the week for individual appointments and any other assistance the councils may require.

The Chair commented that in Rotherham concerns had been raised about investments in and selling arms to Saudi Arabia, especially since SYPA had been named in the Guardian. She and the Fund Director had responded. The matter had also been discussed at last week's meeting of the Investment Board and a letter was to be sent to Government expressing concerns.

9 PERFORMANCE SNAPSHOT REPORT 2018/19: Q3

The Authority noted that this would be the last Performance report in the current format.

It was noted that the Fund value was down in the quarter but had since improved; the equity protection strategy had added to returns in the quarter.

Performance was moving in the right direction, and overall administration performance for the year to date was considerably improved on the previous year.

RESOLVED: That the report be noted.

10 CORPORATE PLANNING FRAMEWORK

A report was submitted to secure approval of the various documents which made up the Authority's Corporate Planning Framework. These were:

- The Corporate Strategy which set out the Authority's overall objectives and the actions that would be taken over the coming three years to achieve these.
- The Medium Term Financial Strategy which set out a range of financial forecasts and a framework of rules within which the Authority would determine the resources it had available to fulfil its functions.
- The Human Resources Strategy which set out the steps to develop, recruit, retain and develop a workforce to deliver the organisation's overall objectives.
- The ICT Strategy which set out how the Authority would improve the way it utilises technology.
- The Equality and Diversity Scheme which set out the steps that the organisation would take in order to ensure that it meets its responsibilities under equality legislation.

The Fund Director informed Members that going forward an integrated report would be provided which would cover performance, the budget, targets, key objectives and the Risk Register; this would supersede the Performance Snapshot report.



A Member questioned whether there were any particular concerns with the 'red' areas within the Risk Register.

The Fund Director replied that with regards to the oversight of BCPP it was envisaged that this would reduce to amber after the first quarterly review.

With regard to the GMP reconciliation, this was out of the Authority's hands as a response was awaited from HMRC. There was potentially a significant financial impact.

With regard to the workforce, the Human Resources Strategy would address these issues. By this time in the next municipal year the workforce age profile should have reduced.

J Bailey informed Members that two apprentices had recently been recruited to bring the total to three. It was hoped that these apprenticeships would lead to jobs in the existing career grade scheme.

The Monitoring Officer reminded the Members that the Clerk to the Authority, and Chief Executive of BMBC, would be retiring at the end of May. It was hoped that a successor would be appointed by the end of the week. The new Chief Executive would need inducting into his/her responsibilities as Clerk to the Pensions Authority.

The Authority expressed thanks to Diana Terris and wished her all the best for the future.

The Chair expressed personal thanks to the Clerk for her pro-active approach to helping to solve problems over the years. She suggested that the new Chief Executive be invited to an Authority meeting as soon as was practicable.

With regard to the ICT Strategy, Cllr Cox welcomed the plans to improve functionality and for the system to be more user-friendly and accessible but stressed the need for ways for members without internet access to be able to make contact.

The Head of Pensions Administration reassured Members that face-to-face appointments would continue to be available and an enhanced customer service telephone system would be implemented.

RESOLVED: That:

- i) The following documents be approved as constituting the Authority's Corporate Planning Framework:
  - The Corporate Strategy
  - The Medium Term Financial Strategy
  - The Human Resources Strategy
  - The ICT Strategy
  - The Equality and Diversity Scheme (subject to the correction of the typo on the cover page).

- ii) The Authority note that future reporting of corporate performance would reflect progress against the action plans within each of the above documents as well as performance against specific measures and changes in identified risks.

## 11 KEY SERVICE STANDARDS

A report was considered which updated Members on the results of research conducted with customers, CIFA and other LGPS funds and to propose revisions to certain administration service standards from 1 April 2019 to improve transparency of performance and allow improved focus on priority case work.

Members were informed that SYPA had a set of customer standards that had been in place for many years without review. These targets were set before changes to the Scheme in 2008 and 2014 and before the significant increases in scheme membership and the number of employers in the Fund. There was currently no national case work targets for LGPS funds.

CIPFA had recognised that there was no consistency of reporting on administration performance and this made it difficult to make direct “quality” benchmarking between LGPS funds.

In an attempt to provide greater transparency and to address the lack of comparative data, CIPFA had published draft guidance on a range of administration case work data which it recommended should be included in the Annual Report published by LGPS funds.

To complement the work that CIPFA had carried out, SYPA consulted with scheme members who had recently retired or transferred out their pension rights to another arrangement. Scheme members were asked for their views on appropriate timescales for processing case work around the transfers and retirement process.

The results were included in Appendix A to the report along with CIPFA suggested KPI, legal requirements, current SYPA KPI, proposed SYPA /KPI and other BCPP funds averages.

Given the retirement process is a key part of the administration function it was intended to survey all retiring members on a quarterly basis and to report the outcome as part of the quarterly administration report.

**RESOLVED:** That the Authority approve the adoption of a revised set of administration standards from 1 April 2019 as detailed in Appendix A to the report.

## 12 CONSULTATION ON THE FRAMEWORK FOR VALUATION 2019

A report was submitted to provide Members with details of the responses to the consultation with employers on the framework for valuation 2019.

In November 2018 members approved consultation with employers on a number of issues as part of the framework for the 2019 valuation. The document issued to employers was attached as an appendix to the report.

This was the first time the Authority had undertaken such an exercise and the response was low with only four out of nearly 500 employers responding, although other feedback had been received through the regular interaction between officers and the Directors of Finance of the district councils.

Undertaking the exercise in this way was an important part of the Authority's future approach to engaging with employers in terms of being as open as possible with employers at as early a stage as possible. Despite the low response, the approach would continue to be adopted with all employers through the remainder of the valuation process.

The report detailed the issues consulted on in turn, the comments received and any further actions to be taken.

RESOLVED: That the Authority:

- i) Note the responses to the consultation exercise undertaken with employers.
- ii) Approve the specific changes to the proposals set out in the report, and note the areas where further discussion would be undertaken by the Actuary.
- iii) Approve the immediate change to the Funding Strategy Statement in relation to Exit Credits which was consulted on.

13 PAY POLICY STATEMENT 2019/20

A report was considered which requested approval of the Authority's Pay Policy Statement for 2019/20.

Members were informed that the Statement included a new single pay spine incorporating all the Authority's staff and reflecting the new national pay spine agreed by the NJC.

It was noted that the new salary scale allowed the Authority to end the practice of a Living Wage Supplement for the lowest paid as the lowest point of the new national scale was set above the level of the Foundation Living Wage.

RESOLVED: That The Authority approve the Pay Policy Statement for 2019/20 as set out in Appendix A to the report.

14 TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20

A report was submitted to seek Members' approval of the Treasury Management Procedures and Strategy followed by the Authority.

Appendices to the report were the Annual Investment Strategy, the determination of an affordable borrowing limit for 2019/20, the Minimum Revenue Provision Policy Statement 2019/20 and the list of borrowers from April 2018 to February 2019.

RESOLVED: That the Authority:

- i) Adopts the Annual Investment Strategy and recommendations as set out in Appendix A.
- ii) In accordance with Section 3(1) of the Local Government Act 2003, approves the Affordable Borrowing Limit, on a rolling basis for the forthcoming year and two successive years as outlined in Appendix B, of £250,000 being the maximum amount the Authority can afford to borrow.
- iii) In accordance with the Local Authorities (Capital and Finance Accounting) (England) (Amendment) Regulations 2008 approves the Minimum Revenue Provision Policy Statement outlined in Appendix C.
- iv) Notes the list of counterparties used in Appendix D.
- v) Keeps the above under review.

15 URGENT ITEM - LOCAL PENSION BOARD CHAIRING ARRANGEMENTS

A report was submitted to secure approval to the implementation of any changes to the arrangements for chairing the Local Pensions Board agreed by that Board at its forthcoming meeting.

The Authority were informed that the next meeting of the Local Pension Board would be considering a report on future options in relation to its Chair following the resignation of the previous incumbent part way through their term of office.

The options include continuing with a Chair drawn from the Board members or appointing an independent Chair. Constitutionally the latter course of action would be decision for the Authority.

Giving the timing of meetings, should the Board decide it wants to make some form of change to the current arrangements, no change could be put in place prior to the Board's first meeting of the next municipal year.

It was proposed that the Authority authorises the Clerk and Fund Director, in consultation with the Chair and Vice-Chair, to take any action necessary to implement the board's preferred option in relation to its Chairing arrangements.

RESOLVED: That authority is delegated to the Clerk and Fund Director, in consultation with the Chair and Vice-Chair, to make any arrangements necessary to implement the Local Pensions Board's preferred option in terms of a Chair.

Exclusion of the Public and Press

16 DEBT WRITE-OFFS

A report was submitted requesting authorisation to write-off two outstanding rent accounts in relation to the Fund's commercial property portfolio.

RESOLVED: That the Authority authorise the debt write-offs as detailed in the report.

17 FUND DIRECTOR APPRAISAL

A report was submitted to inform Members of the outcome of the Fund Director's Annual Appraisal, reflecting on the year 2018/19 and to establish, if required, revised objectives for 2019/20.

RESOLVED: That the Authority agree the objectives for 2019/20 as set out in Appendix A to the report.

CHAIR

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**SHEFFIELD CITY REGION COMBINED AUTHORITY**

**AMRC KNOWLEDGE TRANSFER CENTRE - ADVANCED MANUFACTURING PARK,  
WAVERLEY, ROTHERHAM, S60 5WG**

**MINUTES OF THE MEETING HELD ON 25 MARCH 2019**

PRESENT:

Mayor Dan Jarvis MBE, Sheffield City Region (Chair)  
Councillor Chris Read, Rotherham MBC (Vice Chair)

Councillor Jim Andrews BEM, Barnsley MBC  
Councillor Graham Baxter MBE, North East Derbyshire DC  
Councillor Julie Dore, Sheffield CC  
Councillor Tricia Gilby, Chesterfield BC  
Mayor Ros Jones CBE, Doncaster MBC  
Councillor Ann Syrett, Bolsover DC  
James Muir, SCR LEP

Councillor Chris Furness, Peak Park NPA (Observer)

Ruth Adams, SCR Exec Team  
Steve Davenport, SYPTE  
Fiona Boden, SCR Exec Team  
Huw Bowen, Chesterfield BC  
Andrew Frosdick, Monitoring Officer  
Sharon Kemp, Rotherham MBC  
Mark Lynam, SCR Exec Team  
John Mothersole, Sheffield CC  
Jo Miller, Doncaster MBC  
Mel Dei Rossi, SCR Exec Team  
Dave Smith, SCR Exec Team  
Daniel Swaine, Bolsover DC / NE Derbyshire DC  
Mike Thomas, SCC / SCR Exec Team  
Diana Terris, Clerk / Barnsley MBC  
Craig Tyler, Joint Authorities Governance Unit  
Eugene Walker, S.73 Officer

Apologies for absence were received from Councillor S Greaves, Councillor S Houghton CBE, Councillor L Rose OBE, N Taylor and P Wilson

## Chair's Announcements

The Chair provided Members with information regarding matters arising since the previous MCA meeting.

Regarding Devolution, it was reported that after negotiation, the Leaders had agreed the wording for a letter to be sent to the Secretary of State expressing how the SCR wishes to move forward with its proposed Devolution Deal. The Chair expressed his thanks to the Leaders and officers from all districts in helping achieve this position and noted a response from the government would now be expected.

Regarding Brexit, the Chair commented on the current phase of parliamentary impasse and the importance of the SCR being readied to act on whatever solution emerges to take Brexit forward. It was noted these plans are being developed in partnership with all appropriate district partner organisations including the Local Resilience Forums.

It was reported significant progress has been made on a number of transport related matters. Members were reminded the Transport for the North (TfN) board recently agreed its Strategic Transport Plan (STP) and informed a launch event for the Plan was recently held in Sheffield at the inaugural TfN Conference. It was noted the STP is significant as it's a clear plan on what we want to achieve for residents and businesses across the North.

It was reported TfN has also submitted the strategic outline business case for Northern Powerhouse Rail to Government for their consideration which, if adopted, will significantly improve connectivity across the North.

The Chair informed Members he had been leveraging his position as both Mayor and a Member of Parliament to keep pressing the Government on transport – and particularly on regional infrastructure investment, citing meetings with Ministers and government officials to advocate the cause for the North and the SCR.

It was reported the appointment of the SCR's first Active Travel Commissioner is due to be announced next Monday.

It was reported the first meeting of the SCR Youth Combined Authority was held in February and noted this had been a worthwhile undertaking and an important means of giving young people a voice on matters of local democracy.

### 1 SCRMCA 19/020 APOLOGIES

Members' apologies were noted as above.

### 2 SCRMCA 19/021 ANNOUNCEMENTS

Members were reminded of the launch of a major independent review of bus services across the region, to be led by the MP for Sheffield South East Clive Betts. The Chair asserted the importance of this work and the need to understand the reasons for declining passenger numbers and the changing patterns of what people want from bus services.



It was noted the Mayor would be provided with recommendations to identify areas where we can act to make the required improvements to provide sustainable services.

Members were reminded the MCA approved the plans and budgets to reconfigure the ground floor of the Sheffield City Region offices on Broad Street West and informed the newly refurbished ground floor would be opened later this week. It was suggested this is a really positive move because it will improve accessibility and enable webcasting in a location with good transport connections.

3 SCRMCA 19/022 URGENT ITEMS

None.

4 SCRMCA 19/023 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 SCRMCA 19/024 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was agreed there were no agenda items for which the non-Constituent district Members should not have full voting rights.

6 SCRMCA 19/025 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

Mayor Jones, Cllr Dore, Cllr Read and Cllr Andrews recorded declarations in respect of the schemes to be considered at items 13 (LGF Capital Programme) and item 17 (Transforming Cities Fund) by virtue of being the Leaders of the sponsoring authorities for the schemes under consideration.

7 SCRMCA 19/026 REPORTS FROM AND QUESTIONS BY MEMBERS

None.

8 SCRMCA 19/027 RECEIPT OF PETITIONS

None received.

9 SCRMCA 19/028 PUBLIC QUESTIONS

A question was received from Mr Nigel Slack who address the Authority as follows:

*“At item 17 on today's agenda is a report on the proposal to accept the Government's offer of a grant of £4.2M from the competition half of the Transforming Cities Fund.*

*Whilst £4.2M is not to be sniffed at, this is less than half of the amount the SCR bid for and compared to Greater Manchester's £243M is a drop in the ocean.*

*The reason for this difference in monetary amounts is, in my opinion, down to the intransigence of local Leaders and their choice to penalise their populations for the sake of political hubris.*

*As we approach the first anniversary of the Mayor's election, is it now time for the Mayor to call a further vote on the SCR deal and to exercise a casting vote to push the deal through and to gain access, for the people of South Yorkshire and beyond to the monies they were promised by these same politicians in 2014 when this whole sorry process began?"*

In response the Chair initially addressed the element of the question relating to the Transforming Cities Fund (TCF). It was noted the £4.2 million that SCR has been awarded is for Tranche 1 only and whilst this is half the amount that the SCR bid for officers are currently undertaking the development work on the wider programme. This will result in a further submission to government for Tranche 2 funding. For clarification, Members were advised the government has allocated a total of £2.45 billion to the Transforming Cities Fund - £600 million in Tranche 1 for small and early-delivery schemes and £1.85 billion in Tranche 2 for longer-term programmes.

Regarding the Devolution-related element of the question, the Chair referred Members to the matters raised in his introduction regarding the submission of a letter to the Secretary of State and reiterated that the SCR's Leaders remain committed to the Devolution Deal.

10 SCRMCA 19/029 MINUTES OF THE MEETING HELD ON 28 JANUARY 2019

At 'Chair's Introduction', it was confirmed the reference to:

*"The Chair noted he had also tabled a debate on the future of the UK Shared Prosperity Fund and had met with", should be suffixed with "...the Chancellor of the Exchequer".*

RESOLVED, that with the above clarification, the minutes of the previous meeting are agreed to be an accurate record.

11 SCRMCA 19/030 MCA LEP REVENUE BUDGET 2019/20

A report was received to set out the indicative proposals for the Sheffield City Region MCA/LEP Revenue Budget for financial year 2019/20.

The Chair issued a commitment to convene Leaders' meetings to further review the 2019/20 budget within the next 4 months, to identify where further savings can be made in-year, and to commence early work on the determination of the 2020/21 budget.

RESOLVED, that the SCR MCA:

1. Approves the proposed MCA/LEP revenue budget and revenue programmes for 2019/20;

2. Approves the proposed MCA Group reserves strategy and associated Section 73 Officer recommendations
3. Approves the proposed business rates rebate policy as set out in Appendix 4 to the report

12 SCRMCA 19/031 TREASURY MANAGEMENT STRATEGY 2019/20

A report was received to provide the proposed Annual Treasury Management Strategy for the financial year 2019/20.

It was noted this is a compliance paper which sets out how the Authority's debt and investment portfolio will be managed over the period

The report advised Members that like other public bodies, the Authority adopts an efficient approach to its affairs which seeks to mitigate risk above all else.

RESOLVED, that the SCR MCA:

1. Approves the annual treasury management strategy and associated prudential indicators
2. Approves the annual investment strategy
3. Approves the minimum revenue provision policy
4. Gives delegated authority to the Finance Director to provide a financial guarantee in favour of a wholly owned subsidiary of the MCA, the SCR Financial Interventions Holding Company

13 SCRMCA 19/032 LGF CAPITAL PROGRAMME 2019/20

A report was received requesting the approval of the Local Growth Fund Capital Programme for financial year 2019/20.

Members were informed the indicative 2019/20 LGF Capital Programme includes £34.5m of committed spend against an indicative LGF grant allocation of £29.9m, supplemented by additional resources of £30.6m, totalling £60.5m of available resources.

RESOLVED, that the SCR MCA:

1. Approves the current committed project profiles for next year as set out in the report
2. Approves the approach to continue to appraise projects from the pipeline seeking approval from the long list (but not to overcommit) throughout the year.

14 SCRMCA 19/033 REVISED ASSURANCE FRAMEWORK

A report was received to remind Members that each year the SCR (LEP and MCA) is required to update its Assurance Framework to ensure that robust, transparent and effective governance arrangements are in place. It was noted the draft Assurance Framework 2019 has been prepared in response to government guidance.

RESOLVED, that the SCR MCA:

1. Approves the updated Assurance Framework
2. Notes the Annual Assurance Statement from the Section 73 Officer

15 SCRMCA 19/034 ESTATES TRANSFORMATION STRATEGY

A report was received to presents the Draft Estates Transformation Strategy for consideration and endorsement.

RESOLVED, that the SCR MCA endorses the Sheffield City Region Estates Transformation Strategy and Delivery Plan.

16 SCRMCA 19/035 PROVIDER CAPACITY FUND

A report was received to seek approval for delegated authority to the S73 officer to approve applications received under the Provider Capacity Development Fund (which forms part of Skills Bank 2).

RESOLVED, that the board approves delegated authority to the S73 officer to approve applications to the Provider Capacity Development Fund.

17 SCRMCA 19/036 GRANT ACCEPTANCE - TRANSFORMING CITIES FUND

A report was received to seek authorisation to accept a £4.2m grant as a result of three successful bids to the Transforming Cities Fund Tranche 1.

RESOLVED, that the MCA accepts the £4.2m grant from Transforming Cities Fund and delegates authority to the SCR Managing Director to enter into agreements with the relevant local authorities who will be delivering the schemes.

18 SCRMCA 19/037 DELEGATED AUTHORITY REPORT

RESOLVED, that the Authority notes the decisions made under delegation in respect of MCA approved recommendations that have been acted upon in the last period.

19 SCRMCA 19/038 RESOLUTION RECORDS

RESOLVED, that the resolution records of the SCR Housing and Infrastructure Executive Board meeting held on 17<sup>th</sup> January and the SCR Skills Executive Board meeting held on 21<sup>st</sup> February are received and the recommendations endorsed.

Chair's Closing Remarks

The Chair noted this would be Diana Terris's last MCA meeting as BMBC Chief Executive and Clerk to the SCR MCA. The Chair led Members and officers in thanking Diana for her service and dedication to the MCA and wished her a long and happy retirement.

CHAIR

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## SOUTH YORKSHIRE POLICE AND CRIME PANEL

IN MEETING ROOM 14, TOWN HALL, CHURCH STREET, BARNSELY, S70 2TA

1 APRIL 2019

PRESENT: Councillor A Khayum (Sheffield City Council) (Chair)  
Councillor S Sansome (Rotherham MBC) (Vice-Chair)  
Councillors: R Frost (Barnsley MBC), D Nevett (Doncaster MBC), P Short (Rotherham MBC) and J Otten (Sheffield City Council)

Independent Co-opted Member: Mr A Carter

Dr A Billings (South Yorkshire Police and Crime Commissioner), M Buttery (Office of the South Yorkshire Police and Crime Commissioner), M Clements (Office of the South Yorkshire Police and Crime Commissioner) and S Mawson (Office of the South Yorkshire Police and Crime Commissioner)

Officers: M McCarthy, L Noble and A Shirt (Barnsley MBC)

Apologies for absence were received from Councillor M Dyson (Barnsley MBC), Councillor B Johnson (Sheffield City Council), Councillor M O'Rourke (Sheffield CC), Councillor S Wilkinson (Doncaster MBC), Mr S Chu (Independent Co-opted Member) and D Cutting (Barnsley MBC)

### 1 APOLOGIES FOR ABSENCE

Apologies for absence were noted as above.

### 2 ANNOUNCEMENTS

None.

### 3 URGENT ITEMS

None.

### 4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 NOTICE OF MOTION

Councillor Sansome provided the Panel with background information in relation to the Motion he had submitted for consideration by the Panel at today's meeting.

The Panel then considered the following Notice of Motion moved by Councillor Sansome:

'The South Yorkshire Police and Crime Panel is calling on the Police and Crime Commissioner to join with his counterparts in collaboration to shut down the menace of County Lines exploitation, modern slavery and exploitation of children'.

The motion was duly seconded by Councillor Nevett.

A recorded vote was taken and recorded as follows:-

For the motion (7) Councillors Khayum, Sansome, Frost, Nevett, Short, Otten and Mr Carter.

Against the motion (0) and abstained (0). The motion was carried.

The Commissioner made an undertaking to present a series of separate reports on the various issues:

County Lines  
Modern Slavery  
Child Criminal Exploitation  
Child Sexual Exploitation  
Collaboration

to provide assurances to the Panel regarding how he was holding the Chief Constable to account in these areas.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Considered and unanimously approved the motion.
- ii) Noted that a series of reports – as detailed above - would be presented to future Panel meetings by the Commissioner.

7 PUBLIC QUESTIONS:-

7A TO THE POLICE AND CRIME COMMISSIONER

There were no public questions to the Police and Crime Commissioner.



7B TO THE POLICE AND CRIME PANEL

There were no public questions to the Police and Crime Panel.

8 MINUTES OF THE MEETING HELD ON 4TH FEBRUARY 2019

Councillor Nevett requested that paragraph 9 of Minute 9 'Proposed Council Tax Precept and Revenue Budget for 2019/20' be amended to read 'The PCC's proposal was to levy an annual increase in the precept of 14%, equivalent to £24 on a Band D property to £194.16'.

Councillor Khayum requested that paragraph 11 of Minute 9 'Proposed Council Tax Precept and Revenue Budget for 2019/20' be amended to remove Councillor Sansome's use of the term "veto". The webcast had been reviewed and Councillor Sansome did not use that terminology.

Councillor Sansome thanked the Commissioner on behalf of the Panel for his final letter in response to the Panel's deliberations on the Budget and Council Tax Precept for 2019/20.

Councillor Khayum referred to resolutions ii) and iii) of minute 9. He asked if the Commissioner could clarify the current position regarding the recruitment of additional officers in South Yorkshire.

The Commissioner reported that he had met with Chief Constable to consider the Panel's request to explore the recruitment of an additional 50 operational staff, in addition to the proposed 55. Following consideration of the Panel's request, it was noted that the Chief Constable and Commissioner did not feel able to increase recruitment further this year for a number of reasons.

It was explained that, in addition to the recruitment of the extra 55 officers as contained in the 2019/20 budget, the Force had also committed to fill 200 existing officer vacancies to replace those leaving or retiring over the next 12 months. New recruits entering the Force would also need to be placed alongside experienced officers for a period of time.

Members noted that the Chief Constable and Commissioner supported the Panel's aspiration to try and increase the number of officers year on year, if finances allow.

On behalf of the Panel, Councillor Khayum thanked the Commissioner and his office for their response.

Councillor Frost commented that, in relation to the Commissioner's Community Grant Scheme 2018/19, he was disappointed to note that only a small number of grants had been applied for from the voluntary groups and organisations in the Barnsley area. He asked the Commissioner what action could be taken to advertise his Grant Scheme more widely.

The Commissioner replied that for organisations to be successful, their project needed to be aligned with the priorities set out in the Police and Crime Plan. Members were informed that the Grant Scheme was being run in partnership with

the Barnsley Chronicle and Rotherham Advertiser, who were working hard to promote the scheme. In addition, the Commissioner asked Panel Members to inform voluntary groups of the Grants Scheme in their areas.

RESOLVED – That the minutes of the Police and Crime Panel held on 4<sup>th</sup> February 2019 be agreed and signed by the Chair as a correct record, subject to the above amendments at paragraphs 9 and 11 of minute 9.

9 SOUTH YORKSHIRE CRIMINAL JUSTICE BOARD

A report of the Police and Crime Commissioner was submitted to provide Members with a brief overview of South Yorkshire's Local Criminal Justice Board (LCJB) and to confirm the role that the Police and Crime Commissioner has taken in relation to the LCJB and its activities.

Members noted that the Commissioner had a statutory responsibility for convening partners to ensure that priorities are aligned between criminal justice agencies with the aim of helping to support an effective and efficient criminal justice system for South Yorkshire's communities.

Councillor Sansome asked if feedback on the 'Your Voice Counts' Survey could be presented at a future Panel meeting.

M Buttery acknowledged the request. She added that the OPCC's Delivery Plan was currently being developed in response of the Commissioner's renewed Police and Crime Plan. It was proposed that the OPCC's Delivery Plan would be presented to a future Panel meeting after it has been presented at the April PAB meeting. A discussion would take place with the Panel Support's Officer regarding the timing of the report to the Panel.

Councillor Sansome asked if Jan Hannant, Director of the South Yorkshire Community Rehabilitation Company (SYCRC) could be invited to a future Panel meeting to provide Members with information on the work of the SYCRC.

The Commissioner acknowledged the request.

M Buttery added that the OPCC's Delivery Plan would reflect the Local Criminal Justice Board's priorities for the coming year. A meeting of LCJB would be held later this month to consider their priorities. The initial draft priorities included: reducing of offending, timing of prosecutions, victim satisfaction rates and positive outcomes of various categories of crime. When the LCJB's priorities had been agreed, a discussion would take place with the Panel's Support Officer to agree the data that would be presented to the Panel.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report.
- ii) Noted that feedback on the 'Your Voice Counts' Survey would be presented at a future Panel meeting.

- iii) Noted that a discussion would take place with the Panel's Support Officer regarding the timing of the OPCC's Delivery Plan being presented to the Panel.
- iv) Noted that Jan Hannant, Director of the South Yorkshire Community Rehabilitation Company (SYCRC) would be invited by the Panel, to a future Panel meeting to provide Members with information on the work of the SYCRC.
- v) Noted that a discussion would take place with the Panel's Support Officer to agree the data that would be presented to the Panel in relation to the LCJB's priorities for the coming year.

10 THE PCC'S GOVERNANCE OF COLLABORATIVE WORKING

A report of the Police and Crime Commissioner was presented to provide Members with assurance that the Police and Crime Commissioner has effective collaboration governance arrangements in place, and keeps collaborative arrangements and agreements under review to offer an efficient and effective way of delivering policing (and fire and rescue) services.

It was noted that SYP had developed a Collaboration Effectiveness Framework (CEF) which was being used to review collaborative activity based on an assessment of risk and the significance of the activity.

Members noted there were a large number of South Yorkshire PCC and SYP collaborations (65+) currently in place.

A Collaboration Review Board (CRB) had been established and was responsible for co-ordinating assurance activity and the delivery of the Collaboration Effectiveness Framework. The CRB had put in place a review plan that runs from June 2018 until January 2020 and detailed when South Yorkshire Police expected to review each piece of collaborative activity.

Councillor Otten asked the Commissioner which specific areas of collaboration the Panel should focus its attention on.

The Commissioner replied that in terms of collaborations and partnerships moving forward, emphasis had been placed in his renewed Police and Crime Plan around local partnerships with local authorities and health. The Commissioner suggested that the Panel may wish to focus its attention on where more could be gained by working in partnership with local authorities and health.

Councillor Nevett asked in relation to the 65+ collaborations emerging, was there anything the Commissioner could do to mitigate new and emerging threats and risks.

The Commissioner replied that there would always be risks arising from collaboration, however this was always being reviewed and monitored. One area where rapid progress had been achieved was the Police and Fire collaboration; the

Commissioner suggested that it may be appropriate a later date to present further information to the Panel.

RESOLVED – That Members of the Police and Crime Panel noted the contents of the report and commented on any matters arising.

11 101 UPDATE

The Commissioner provided Members with details on the latest statistics in relation to South Yorkshire Police's call handling performance. From 25<sup>th</sup> March 2019 to 1<sup>st</sup> April 2019, Atlas Court had received 17,197 calls in total. Of this, 5,495 were emergency 999 calls and 9,960 non-emergency calls.

Between 7am and 7pm the average waiting time for a non-emergency call to be answered was 5 minutes 56 seconds. Between the hours of 7pm to 7am this increased to 11 minutes 1 second.

On Saturday 30<sup>th</sup> March 2019, the average waiting time for a non-emergency call to be answered was 4 minutes 47 seconds; within this one caller had to wait for 47 minutes. On the same day, the longest one person had to remain on hold, before they chose to terminate the call was 16 minutes 47 seconds. The average time people were waiting for their call to be answered was 3 minutes 16 seconds before hanging-up.

Councillor Frost asked if the volume of calls and number of inappropriate calls had reduced following the Chief Constable's message around 101. Additionally, he asked if the call-back system was now operational and if members of the public were contacting the Police via social media to help reduce demand on the 101 system.

The Commissioner replied that he was not aware of call volumes reducing. He confirmed that they continued to rise, which was a concern to him.

The Commissioner added that there was a responsibility for Councillors to highlight that the 101 non-emergency number was not a national system for reporting every issue, it was for reporting crime and anti-social behaviour.

The new functionalities of the call handling system were currently being tested.

Councillor Nevett commented that he had been informed by members of the public that they were often waiting over one hour for their call to be answered. He asked if these figures could be verified.

The Commissioner replied that the new call handling system allowed the Force to verify the exact length of time an individual had waited for their call to be answered.

The Commissioner suggested that it may be of interest to the Panel to receive call handling performance on a monthly basis or with updates at future Panel meetings.

On a separate issue, Councillor Sansome asked if the Commissioner was confident that the review of PCSOs would conclude on 30<sup>th</sup> April 2019.

The Commissioner confirmed that the PCSOs review had been commissioned by the Chief Constable; he anticipated a number of options would be presented within the review and thus, there would be a period of negotiation undertaken in a sensitive way.

RESOLVED – That Members noted the update.

12 REVISION OF THE PCP'S COMPLAINTS PROCEDURE

A report of the Panel's Legal Adviser was submitted to draw to the Panel's attention to amendments made to the Panel's Complaints Procedure which incorporates and reflects the Independent Office of Police Conduct's (IOPC's) guidance regarding how PCP's should handle complaints.

Members noted that the revised Procedure had been considered and approved by the Complaints Panel on 20<sup>th</sup> March 2019 and was now submitted to the full Panel for final approval and adoption.

A Carter wished to thank officers for the comprehensive report presented at today's Panel meeting.

RESOLVED – That Members of the Police and Crime Panel noted, considered and approved adoption of the amended Complaints Procedure.

13 2019/20 POLICE & CRIME PANEL MEETING DATES

A report was submitted to set out a schedule of meeting dates for the Police and Crime Panel in 2019/20.

RESOLVED – That Members of the Police and Crime Panel:-

i) Considered and approved the 2019/20 meeting dates set out below:-

Monday 3 June 2019 – Annual Meeting  
Monday 1 July 2019  
Monday 2 September 2019  
Monday 2 December 2019  
Monday 3 February 2020  
Monday 6 April 2020

All meetings will commence at 1:00 pm with a pre-meeting for Members at 12:30 pm and be held at the Town Hall, Church Street, Barnsley, S70 2TA, unless stated otherwise.

ii) Agreed to hold additional / extraordinary meetings / training events as and when appropriate / necessary.

14 PCC DECISIONS

A report of the Police and Crime Commissioner was presented to provide Members of the Panel with information on the decisions taken by the Commissioner since the last meeting.

Councillor Sansome commented that Rotherham MBC's Scrutiny Panel, operated a pre-decision scrutiny model which allowed Members to identify issues which required scrutinising alongside the annual plan. He asked if it would be appropriate for the Panel to adopt a similar model.

M Buttery explained that a number of decisions the Commissioner was asked to approve were in relation to a certain level of spend. Work was taking place with the Force to understand when capital programme spend or contracts would need to be approved by the Commissioner ahead, in order that these could be logged on the OPCC's Work Programme.

M Buttery added that it may be appropriate at a future date for the programme of forthcoming decision making to be presented at the Budget Working Group around financial spend, rather than the decisions requiring scrutiny, unless Panel Members felt otherwise. It was suggested that a discussion take place with the Chair, Vice-Chair and Panel's Support Officer to understand the requirements of the Panel around the pre-scrutiny of decisions.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the contents of the report and commented on any matters arising.
- ii) Noted that a discussion would take place with the OPCC, Chair, Vice-Chair and the Panel's Support Officer to understand the requirements of the Panel around the pre-scrutiny of decisions.

## 15 LEARNING & DEVELOPMENT UPDATE - REVIEW & YEAR AHEAD

A report was submitted to update Members on current events – national, regional and local, together with future plans in respect of learning and development for the Panel.

Members were reminded that a session with Frontline Consulting would be held on Monday 29<sup>th</sup> April, 2:30 pm – 4:30 pm at Barnsley Town Hall to focus on how the Panel could work together with the OPCC in the coming year to improve the Panel's scrutiny role and the Work Programme.

L Noble informed Members that following a review of the learning and development programme it was proposed that Members consider the cessation of the Development Discussion approach. This was a model used for the Fire and Rescue Authority, but had not proved as successful. Members of the Panel have the opportunity to attend various conferences to improve their knowledge around the role and responsibilities of Police and Crime Panels, as well as obtaining operational knowledge via attendance (observer) at Public Accountability Board meetings.

Members were advised that if they did wish to take advantage of any specific learning, or attendance at an event, this could be looked at on an individual basis utilising the Grant funding.

RESOLVED – That Members of the Police and Crime Panel:-

- i) Noted the update.
- ii) Considered and agreed the cessation of annual Development Discussions.
- iii) Provide suggestions for future learning and development.

16 WORK PROGRAMME

Members considered the 2019 Work Programme and were reminded that they could submit issues for the Work Programme that fall within the Panel's statutory role in supporting and / or holding the Commissioner to account.

All issues would be given full consideration by the Chair, Vice-Chair and Commissioner at the pre-agenda planning meetings.

RESOLVED – That Members of the Police and Crime Panel noted the contents of the 2019 Work Programme.

17 DATE AND TIME OF THE NEXT MEETING

RESOLVED – That the Annual Meeting of the Panel be held on Monday 3<sup>rd</sup> June 2019, 1:00 pm in Meeting Room 14, Town Hall, Church Street, Barnsley.

Councillor Sansome informed Members that the four South Yorkshire District Council Leaders had made a decision in 2018 to rotate the Chairs of the Joint Authorities and Police and Crime Panel every two years. Sadly, today's meeting would be Councillor Khayum's last meeting as Chair of the Panel.

On behalf of the Panel and Commissioner, Councillor Sansome thanked Councillor Khayum for his leadership as Chair over the last two years and wished him well for the future.

Councillors Sansome and Khayum thanked L Noble for the support she had provided to them.

Councillor Khayum thanked the Panel for all their support.

CHAIR

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# Item 9

## SOUTH YORKSHIRE FIRE AND RESCUE AUTHORITY

8 APRIL 2019

PRESENT: Councillor C Lamb (Chair)  
Councillor A Atkin (Vice-Chair)  
Councillors: R Taylor, C Ross, T Hussain, S Ayris,  
M Clements, T Damms, P Haith, C Hogarth, C Ransome,  
J Satur and Dr A Billings

CFO J Courtney, QFSM, DCFO A Johnson, T/ACO T Carlin,  
S Booth and D Nichols  
(South Yorkshire Fire & Rescue Service)

D Terris, A Frosdick, N Copley, M McCarthy, L Noble and  
M McCoole  
(Barnsley MBC)

M Buttery  
(Office of the South Yorkshire Police and Crime Commissioner)

Apologies for absence were received from A Brown and  
M Potter

1 APOLOGIES

Apologies for absence were noted as above.

2 ANNOUNCEMENTS

On behalf of the Authority, Councillor Lamb offered his thanks and best wishes to Councillor Clements, who had made the decision not to stand at the next local Government elections. During his period of appointment, Councillor Clements had made a significant contribution to the work of the Authority which without doubt had made a difference to the safety of the people in Barnsley and South Yorkshire. He wished Councillor Clements a long and happy retirement.

Councillor Lamb congratulated Diana Terris, Clerk to the Authority and Chief Executive to BMBC, who had made the decision to retire at the end of May 2019. She had provided the Authority with sound advice over a number of years into how the Authority conducted its business. He thanked Diana and wished her well in her retirement.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

Councillor Ross expressed concern that the report at Item 20 entitled 'Financial Costs of the Close Proximity Crewing Legal Cases' would be taken within the restricted section of the meeting. He sought justification as to why the report would not be taken as part of the open section of the meeting, as it referred to where the public money would be spent.

A Frosdick stated that it was a matter for the Authority to determine whether the report would be taken in the absence of the public and press. The law requires that the author must anticipate whether the report contained information that Members may wish to exclude from the public and press. Given that this was a live and ongoing matter with the courts in relation to the quantum of the costs from the judicial review, he considered it a prudent precaution to start on the presumption that Members may wish to take the item within the private section of the meeting.

Councillor Lamb agreed that due to unresolved matters which were subject to further negotiations, it would be prejudicial to those discussions if the matter was discussed before the public and press. He gave clear reassurance to Authority Members and members of the public, that as soon as the figures were known, they would be made public through the reports submitted to the Authority.

RESOLVED – That agenda Item 20 'Financial Costs of the Close Proximity Crewing Legal Cases' to be considered in the absence of the public and press.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 REPORTS BY MEMBERS

Councillor Taylor referred to the LGA Annual Fire Conference and Exhibition 2019 which he had attended with Councillors Haith, Damms, CFO Courtney, T/ACO Carlin and L Noble at the Hilton Brighton Metropole Hotel on 12 – 13 March 2019. He considered that the conference had contained little governance, but that it had painted an accurate reflection of the current position of the fire and rescue services nationally. He referred to a recent fire fatality that had occurred within his Ward area, and he offered his deepest condolences to the individual and his family. He highlighted the great debt that was owed to all of the emergency services for the work undertaken in protecting members of the public, and added how skilful, professional and dedicated the SYFR firefighters are.

Councillor Atkin urged Members to attend the joint RMBC and SCC Prince's Trust Graduation Ceremony at the Magna Science Adventure Centre, Rotherham on Thursday 11 April 2019 at 1.45pm. A tour of the Magna exhibition would commence prior to the graduation ceremony at 1.00 pm.

Councillor Atkin had recently attended a number of station visits with CFO Courtney and DCFO Johnson. He expressed his thanks to the firefighters that had greeted him and had been interested in listening to their comments during those visits.

Councillor Lamb echoed Councillor Atkin's sentiments following the fire station visits, where Members had been warmly welcomed by all SYFR staff. He commended the staff for the open and helpful conversations on a whole range of issues that had ensued during financially difficult times.

7 RECEIPT OF PETITIONS

None.

8 TO RECEIVE ANY QUESTIONS OR COMMUNICATIONS FROM THE PUBLIC, OR COMMUNICATIONS SUBMITTED BY THE CHAIR OR THE CLERK AND TO PASS SUCH RESOLUTIONS THEREON AS THE STANDING ORDERS PERMIT AND AS MAY BE DEEMED EXPEDIENT

None.

9 MINUTES OF THE AUTHORITY MEETING HELD ON 11 FEBRUARY 2019

Councillor Ayris was pleased to observe that the minutes were more comprehensive than on previous occasions.

Councillor Taylor referred to his question raised at the last meeting regarding the temporary facilities at Barnsley whilst the fire station was being demolished and rebuilt. He sought clarification, as he had been informed at the last meeting that the cost would be outside of the budgeted amount for the project, although the minutes stated that the additional cost for the temporary facility had been incorporated within the overall budget of the project.

S Booth reported that the Barnsley Fire Station project was currently at stage 2 of the design process, which was an estimated cost within the £4m cost envelope that had been approved by Members. Once the plans for the training facilities had been finalised, it would be fully determined whether it would fit within that cost envelope.

RESOLVED – That the minutes of the meeting held on 11 February 2019 be signed by the Chair as a correct record.

10 CLOSURE OF TRADING COMPANY

A report of the Chief Executive and Clerk and Treasurer was submitted confirming that SYFR Safety Solutions UK Ltd had been successfully struck off of the Companies House Register, together with a statement regarding the closing finances for the sake of transparency.

Members noted that notice had been given to the Companies House in February 2019 of the intention to strike off the company. No objections had been received, and the matter was going through the necessary administrative strike off process.

Councillor Ayris queried whether Members could be provided with a list of the individual fees and charges that related to the closure of the trading company. A Frosdick commented that the details would be provided to Members outside of the meeting.

Councillor Ransome queried whether the Authority or trading company had dealt with any severance payments. A Frosdick commented that this would have been the responsibility of the trading company as part of the overall closure costs. Officers would ascertain whether the severance payments had formed part of the closure costs, and would inform Members of the position.

RESOLVED – That Members noted the report.

11 THE PROCUREMENT SERVICE - A SIX MONTHLY UPDATE

A report of the Chief Fire Officer and Chief Executive was submitted as the first report in a series of reports, to update Members on the procurement activity within SYFR since the Procurement Service had received a positive value for money conclusion from SYFR's external auditors, and Members had released it from bi-monthly reporting into them.

D Nichols provided Members with a presentation which provided a six monthly update of the work undertaken within the SYFR's Procurement Service.

Councillor Clements gave thanks for the extremely comprehensive report. He queried within the Contract Standing Orders at paragraphs 9.2 and 14.1, the reason as to why the wording had been amended from 'must' to 'should'.

Members noted that the wording had been amended because the work had been undertaken with colleagues who had vast information and experience of working within their specialist area i.e. ICT, who could make a Director Award from a framework which did not necessarily require a procurement framework.

Councillor Atkin declared a non-pecuniary interest as he was a Director of Yorkshire Purchasing Organisation (YPO) through RMBC, and he attended YPO meetings on behalf of the Authority who was an Associate Member. The YPO dividend for the year was currently awaited. The Authority, as an Associate Member, would receive a small bonus together with RMBC, BMBC and DMBC who were full members. He referred to the Small, Medium Enterprise (SME) which he hoped SYFR would utilise instead of the larger companies to undertake the smaller sized jobs.

Councillor Ross referred to the consolidation of hard facilities management requirements to just one contractor, J Tomlinson Limited. He queried whether this would leave SYFR open if the contractor charged higher prices for many minor jobs, or whether it was on a fixed price contract basis.

D Nichols referred to the two elements of the contract with J Tomlinson Limited. The first element was the pre-planned monthly maintenance which was on a fixed cost basis, to which assessment management had been undertaken. The Property Services Team would monitor the work to ensure that it had been undertaken to the specified requirements. The second element was a schedule of rates, which had been market tested, to which the work would be valued against those schedule of rates.

S Booth added that J Tomlinson Limited were permitted to undertake any responsive repairs to the SYFR estate under the value of £350. They would need to provide the Property Services Team with a quotation, if it was anticipated that the work would be above the value of £350.

Councillor Ross queried whether Members' approval was sought today in relation to the number of purchases highlighted within the technical services procurement. He also queried whether exceptions to the waivers of Contract Standing Orders should be reported back at some point.

Members were referred to the Fire Authority meeting held on 11 February 2019, where they had approved the purchase of specific items of operational equipment as part of the budget setting process of the Capital Investment Programme. Since that meeting, the Operational Team had identified the potential need for the replacement of additional equipment which was being discussed further at the Equipment Working Groups, to identify the business need, with a scope of works to be brought forward to determine whether this could be afforded through the revenue budget or through the Capital Investment, which would be a Member approval decision. Waivers of the Contract Standing Orders were not reported to the Authority, although this could be undertaken if requested. BMBC's Internal Audit reviewed the waivers issued together with the justification. S Booth commented that an appendix of the waivers issued during the next 6 month period would be included within the next six monthly update report to the Authority.

Councillor Lamb suggested that the replacement of equipment and notification of the waivers issued would be best placed to be reported to the Audit and Governance Committee.

Councillor Ayris referred to the last Audit and Governance Committee meeting where it had been identified that BMBC's Internal Audit Team no longer provided services to the Combined Authority or the South Yorkshire Passenger Transport Executive. He queried why BMBC's Support Services Contract Standing Orders did not apply to this Authority.

A Frosdick commented that this referred to BMBC's contract with the Authority to deliver services that were operating as a public body. BMBC would follow its own procedures rather than the Authority's procedures. It was a matter for the Authority to determine which strategy it wished to follow in relation to that contract.

The services provided to the Authority from BMBC were subject to robust procedures and processes, to guarantee that best value for money was achieved.

Councillor Ayris suggested that the Executive Summary, within the Procurement Strategy and Policy 2018 – 2021, should state that the Corporate Advisory Group did not have any decision making powers in relation to the document. He also suggested that the Authority should be presented with the details of the savings realised from the smarter working under the new Procurement Strategy.

Councillor Lamb added that the Corporate Advisory Group provided Members with an opportunity to deep dive into the detail of the Procurement Strategy and Policy, to enable Members to offer reassurance to the people of South Yorkshire that the money had been properly and wisely spent.

S Booth referred Members to Appendix C of the report which identified the procurement activity and savings for 2018/19; this would continue to be included within future reports to the Authority.

Councillor Satur queried the work to be undertaken and the costings in relation to the Close Proximity Crewing Stations.

Members noted the former Close Proximity Crewing sites being Tankersley, Askern, Edlington and Low Edges Fire Stations; the work largely related to refurbishing works. Condition surveys had been undertaken previously across the SYFR estate, which had projected the business needs over the next 10 – 15 years on each of those stations. The plan of work was largely standardised across Edlington, Askern and Tankersley Fire Stations to include the replacement of windows, boilers, kitchen facilities and soft furnishings etc. at an estimated cost of £800k - £900k per station. At Low Edges Fire Station, works would be undertaken around health and safety and welfare, at an approximate estimated cost of £250k.

Councillor Ransome gave thanks for the comprehensive report. She suggested that the Authority should go out to tender in relation to the BMBC Service Level Agreement (SLA).

A Frosdick stated that a report would shortly be presented to the Authority on the whole SLA. The Authority had entered into a contract with BMBC, which was legally compliant, and would continue until a decision was made otherwise.

Councillor Hussain referred to the disposal of assets that realised a value of £100k or more that must be reported to the Authority. He queried why this did not apply to the disposal of assets of less than £100k.

S Booth commented that this rule had always been applied within the financial regulations. The disposal of assets of less than £100k would be reported to the Treasurer of the Authority to obtain his counter signature.

Councillor Hogarth queried what assets SYFR had other than land and buildings which had a value of over £100k. It was noted that SYFR's fire appliances were valued between £250k - £500k. The fire appliances were kept in excess of 10 years, which could suggest a resale value of less than £100k.

Councillor Haith thanked D Nichols for the report presented and the hard work that had been undertaken to reach this stage, which she hoped would continue.

Dr Billings queried the consequences around the procurement issues if the UK left the European Union.

D Nichols stated that South Yorkshire Police was a member of the Regional Procurement Group; a number of former ex-YPO colleagues now worked for South Yorkshire Police. He added that if the UK did leave the European Union, that the Public Contract Regulations 2015 would still need to be followed, as within UK law. There would be a new advertising portal for the Contracts Finder, which would replace the Official Journal of the European Union; all other regulations would apply.

Councillor Lamb thanked everyone for their contributions and answers provided, together with D Nichols for the report presented.

RESOLVED – That Members:-

- i) Noted the contents of the report and endorsed the positive work of the Procurement Services team.
- ii) Approved the amended Contract Standing Orders.
- iii) Approved the revised Procurement Strategy document.

12 DRAFT PERFORMANCE MANAGEMENT FRAMEWORK AND TARGETS FOR 2019/20

A report of the Chief Fire Officer and Chief Executive/Clerk to the Fire and Rescue Authority was submitted to present the draft performance management framework and targets for 2019/20.

Members noted that this was the first time that the procedure had been streamlined into a combined report. The report had set the targets earlier than in previous years, and any revisions to the targets would be highlighted within the Quarter 1 Performance Report. The targets had been set using statistical data, which had been supplemented by the consideration of a number of other factors i.e. current economic climate, reductions in available resources, internal/external factors e.g. seasonal variances, opinions, experience and judgement of Senior Officers, objectives set out within the departmental business plans and the HMICFRS inspection.

DCFO Johnson stated that LPI 2.8 'Percentage of time that there were five firefighters available on station to ride the first available pump (Wholetime only)' would be deleted, depending on the outcome of the IRMP report.

Councillor Hogarth queried when the information would be available in relation to LPI 2.8.

DCFO Johnson commented that the new RMS system was now operational. The IT department was currently working on the report process which would enable information to be extracted easier, quicker and more accurately in comparison to the SYSTEL system. It was envisaged that the information would be available in June/July 2019.

Councillor Haith queried the reason why a number of new performance measures had been included in the draft Corporate Performance Framework 2019/20.

Members were referred to the new systems which had been introduced following the appointment of the new Head of HR and Occupational Health Manager. The new systems included monitoring the level of sickness absence, and the number of firefighters in date for medical checks, which would push the ownership down to the lowest level to enable each department to have responsibility for what they were supposed to be delivering.

Councillor Ransome queried the new measures in place to monitor sickness absence.

DCFO Johnson stated that shifts lost to sickness absence had been broken down into all causes i.e. short term sickness absence up to 28 days, long term sickness absence over 28 days, muscular skeletal, mental health and caused by injury on duty. These measures enabled the Head of HR to ensure that Occupational Health were dealing with individuals in an appropriate way, to provide them with the best care, to enable them to return to work.

Councillor Ayris considered that this report and the Draft Integrated Risk Management Plan report were linked. He queried whether there would be an opportunity for the Authority to come back to this report, once clarity had been ascertained on the Draft Integrated Risk Management Plan report.

DCFO Johnson stated that any feedback would be received and any changes to the indicators would be made, if required.

RESOLVED – That Members:-

- i) Endorsed the contents of the report.
- ii) Scrutinised and commented on the information presented in the report.
- iii) Noted that some of the lower level performance measures had been taken off the dashboard and would be monitored at a lower level.
- iv) Noted the change in procedure for reporting on the targets.

13 DRAFT INTEGRATED RISK MANAGEMENT PLAN

A report of the Chief Fire Officer and Chief Executive was submitted which presented Members with the draft Integrated Risk Management Plan (IRMP), which sought to explain how SYFR intended to provide the service to local people within the resources available to us.



CFO Courtney referred to the request made by Members in summer 2018, for SYFR to develop a new IRMP as a direct consequence of the South Yorkshire Fire Brigades Union's (FBU) successful challenge of the entirely voluntary Close Proximity Crewing system (CPC).

The CPC system which had protected an immediate response to the public from four fire stations in South Yorkshire, whilst generating savings to date of circa £5.5m, did not conform with working time directive requirements without a local collective agreement.

The CPC system continued to be successfully employed at numerous other fire and rescue services, without local trade union challenge. Cashable efficiency savings of approximately £1.4m per annum were generated from CPC.

This IRMP sought to identify how SYFR could continue to provide a credible service to South Yorkshire, within a reducing budget, without the opportunity for those savings. The Government's announcement had significantly increased the financial challenge that SYFR would have to bear the burden of an identified 15% deficit in public sector pension schemes from April 2020. SYFR considered that the proposal for four person crewing in South Yorkshire to be the only option now available, in order to protect a 24 hour 7 day immediate response from all of those fire stations where it had traditionally been provided. The only viable alternative that SYFR was aware of, would be to reduce the availability at a number of fire stations to day staffing, night time retained, which would delay the night time response. Given that SYFR was already very lean in terms of the extent of its operational assets, it was not considered to be a credible alternative. There was not an opportunity for no changes to be made, and that it would be irresponsible for SYFR not to develop plans that would enable spend to be kept within available funding whilst continuing to express concerns about the considerable impact of cuts imposed by the Government upon SYFR.

CFO Courtney reassured Members that four person crewing was a well established approach, which had been introduced at 17 other fire and rescue services as the norm. All fire and rescue services would ride with four person crewing when circumstances dictated. National and local operational guidance related to deployment at an incident with smaller crews, and breathing apparatus (BA) guidance which set out the procedures for committing BA wearers with limited resources. During the busier holiday periods, SYFR would inevitably ride with four person crewing, and almost exclusively during August. During the last 2 years, SYFR had ridden with four person crews on approximately 34% of occasions. In addition, although SYFR did not necessarily agree that it required more than 8 personnel to deal with the more frequent types of incidents, a third appliance would be mobilised to supplement the numbers available, and would consider the additional technology available to facilitate the various activities undertaken at operational incidents.

CFO Courtney reiterated that SYFR would prefer not to have to develop these proposals, but the removal of CPC and the Home Office position on the pensions deficit dictated that the savings be found. SYFR sought Member approval to commence consultation with stakeholders on this IRMP and the proposals therein.

Councillor Satur proposed a slight amendment to Recommendation A of the report to state that Members 'noted' rather than approved the contents of the draft Integrated Risk Management Plan.

Councillor Ross queried how the procedures could be modified to enable members of the public to receive a response that they expected from SYFR when the first fire pump appliance arrived at an incident, and that the procedures were in place to enable a four person crew to operate in a safe manner. He had liaised with a number of firefighters individually, who had expressed their concern at moving from a five crew to a four crew. He sought reassurance that the first fire pump appliance to arrive at an incident would not have to wait for the second fire pump appliance arrive, in the event of an incident where an immediate response was required. He also queried whether the first fire pump appliance could engage safely at an incident without putting the crew in danger.

CFO Courtney stated that during his 29 years' service within the fire and rescue services, he had obviously ridden fire appliances as a BA wearer and as a crew of four. He had been the driver of a fire appliance of a crew of four and he had been the officer in charge of a crew of four on a fire appliance. He did not consider that there was anything wrong with the existing procedures. Technology had greatly improved since that time. A crew of four would have to undertake the same amount of work as a crew of five, but each would have to contribute a little bit more, with some of the onus being on the OIC and the fire appliance driver, as the BA wearers would potentially be committed to the incident. SYFR was considering what could be provided to those individuals to enable the roles undertaken as a crew of four to be made easier, and to enable them to multitask more effectively. SYFR would always seek to improve procedures wherever possible.

Councillor Ross suggested that the draft IRMP be revised before going out for public consultation, to state how the new technology could enable the deployment at incidents to be made more efficiently and safely in the future for a crew of four.

CFO Courtney stated that the draft IRMP would be revised before going out for public consultation.

Councillor Haith suggested that health and safety implications should also be included within the draft IRMP, to ensure that the public were made aware of what had been considered by Members.

Councillor Ayris considered it important that proper consultation was undertaken with the staff representative bodies. He agreed with Councillor Satur's recommendation that the Authority should note the draft IRMP, and that it should go out for public consultation, but at the same time to highlight within the document that SYFR continued to lobby Government over the national pension issue, and to look at alternative savings that would mitigate any impact on the safety of the public. He wished to observe the details of the other alternatives being considered. He added that Members had not observed SYFR as a whole and the senior management tier, and he queried why consideration was being given to filling the vacant Assistant Chief Fire Officer post, whilst reducing the number of firefighters on fire appliances.

Councillor Lamb reiterated CFO Courtney's comments throughout the process to be informed of any alternative cost saving suggestions, to save £1.4m per year. He stated that since the period of austerity in 2011, the back office function had encountered a high level of reduction, with the SYFR senior manager structure having been amended with the removal of one of the Assistant Chief Fire Officer post.

CFO Courtney highlighted that pre-austerity, SYFR's Corporate Management Board consisted of 15 individuals, and that this currently stood at 8 individuals.

Dr Billings seconded Councillor Satur's amendment at Recommendation A to the report. He suggested that when consulting with members of the public on the draft IRMP, that there was a need to make them aware of the possibility for change and flexibility. In relation to Recommendation B, he suggested that it should indicate a period of consultation with the staff, public, district council leaders and local MP's, as they were elected to represent the public. He added that the public sought a great deal of reassurance in reducing from a crew of five down to a crew of four. He considered that it would be useful to ascertain whether the fire and rescue authorities nationally were making representation to the Department for Communities and Local Government (DCLG).

Councillor Lamb stated that it had always been the intention to consult with the Leaders at the four district councils. A copy of the draft IRMP had been provided to all South Yorkshire MP's; it was the intention to hold meetings and discussions with the Leaders and South Yorkshire MP's during the consultation period. The Authority was guided by CIPFA guidance in relation to the use of reserves, which for transitional arrangements was totally appropriate. He considered that the Authority would not seek to prop up the revenue budget with reserves, but that this should be explained within the documentation and at the meetings with the Leaders of the district councils and the South Yorkshire MP's.

Councillor Damms referred to the local area panels, local housing forums and a network of the Tenants and Residents Associations in Sheffield which all met regularly. He suggested that contact be made with the Tenant Engagement Unit at SCC, to ensure that any consultation documentation was provided, and to offer speakers to attend at the various meetings. He suggested that a Member from the political opposition group should second Councillor's Satur suggestion to amend Recommendation A to the report.

Councillor Ayris seconded Councillor Satur's suggestion to amend Recommendation A to the report.

Councillor Haith queried whether any of the 17 fire and rescue services which currently undertook four person crewing were metropolitan fire and rescue services.

Members noted that Tyne and Wear Fire and Rescue Service was the only metropolitan fire and rescue service that had introduced four person crewing to some extent in 2011 and across the board in 2013. The remaining 16 fire and rescue services were both combined authorities and county council run fire authorities.

Councillor Satur queried who would receive the questions on the consultation, and whether Members would be able to have sight of the results before any decision is taken from the consultation.

CFO Courtney commented that A Mills, Corporate Communications Manager, would oversee the consultation process. Historically it had been difficult to gain access to members of the public. It was intended to utilise an external agency to facilitate focus groups on the behalf of SYFR, to bring together groups of local individuals across South Yorkshire. SYFR had an open invitation for all local authorities to invite them to their meetings, to discuss the proposals and options considered. It was the intention to engage with the public via SYFR's website which had approximately 12k plus monthly views, Facebook pages which had 28k followers, Twitter which had 35k followers, and the e-newsletter which 7k individuals subscribed to. Posters and other printed information would be displayed in key locations, libraries and public buildings. The local media were participating in the process, together with all SYFR internal staff communication channels. He welcomed the involvement of Members in terms of the proposal and viable alternatives.

Councillor Satur queried whether Members would have sight of the questions before they went out for consultation.

CFO Courtney stated that the suggested information would be included within the draft IRMP, to establish the context, which would be shared widely and to invite people to consider the implications. He did not envisage that SYFR would devise a number of questions for the public to answer. The outcome from the consultation would initially be presented to a Corporate Advisory Group and shared with Members, with a view for Members' consideration to either approve this version of the IRMP, a variation of it, or to task SYFR with producing something different.

Councillor Lamb suggested that it would be helpful for Members to have sight of the consultation plan.

CFO Courtney stated that the draft consultation plan would be amended to reflect the observations made at the meeting, and be shared with Members.

Councillor Clements expressed concern that Members should see the commercial organisation before going out for public consultation, to enable a democratic input to be made. It was necessary to achieve a balanced budget from the resources made available from the Government.

Councillor Taylor queried whether the three fire pump appliances were able to attend all incident types within a timely manner to give an appropriately weighted response, and whether incident commanders and crews would be able to innovate and adapt to any such change. He suggested that performance indicators be utilised to review the attendance time statistics for the first, second and third fire pump appliances, to ensure a weighted response was provided within an appropriate time.

Members were referred to the Government statistics that were produced annually on the national response times. SYFR had responded to the published response standards, relating to the 2018/19 financial year that had recently been published, to indicate that the standards had focused upon the first response appliance standards, which they considered had not suffered significantly over the period.

Councillor Hogarth queried whether it would be possible for Members to visit another fire and rescue service which operated four person crewing, to observe how it operated in practice. Councillor Lamb agreed with the suggestion for Members to visit another fire and rescue service which operated four person crewing.

Councillor Atkin considered the option to be a very flexible option, which would involve replacing the CPC stations, and would require approximately 60 additional firefighters to be obtained either through recruitment at a cost of £2m or by moving around the existing firefighters. He considered that if there was a change of Government or lobbying was successful in 2020/2021, then only a small number of stations could move to four person crewing and the others could remain at five person crewing. He had attended fire station visits with Councillor Lamb, CFO Courtney and DCFO Johnson, and had received good responses from the liaison made with crews. The crews did express some concerns in a move to four person crewing, in relation to annual leave and a lack of drivers that were qualified to drive the fire pump appliances.

Councillor Hussain welcomed the consultation which would be made available in other languages, to be very inclusive and accessible to the local communities.

Councillor Lamb commented that SYFR was in this situation due to Government cuts and austerity, and that the funding formula did not work for SYFR in comparison to Greater London Fire and Rescue Service, West Midlands Fire and Rescue Service and some of the fire and rescue services in the Shire areas of the country. He had recently discussed the position with his constituency MP, who had indicated that she would raise the matter in Parliament. C Betts MP had expressed an interest to meet with the Authority along with J Healey MP; he anticipated additional conversations with other MP's and the Leaders at the district councils.

Councillor Damms requested that Recommendation B be amended to indicate that Members instructed the Service to begin a period of extensive consultation with public and staff on its draft plans.

Councillors Ross and Ayris, and Dr Billings supported the amendments to the recommendations to the report.

**RESOLVED – That Members:-**

- i) Noted the contents of the draft Integrated Risk Management Plan.
- ii) Instructed the Service to begin a period of extensive consultation with public and staff on its draft plans.

- 14 KEY ISSUES PAPER AND DRAFT MINUTES OF THE LOCAL PENSION BOARD HELD ON 26 FEBRUARY 2019
- RESOLVED – That Members noted the key issues paper and draft minutes of the Local Pension Board held on 26 February 2019.
- 15 KEY ISSUES ARISING FROM THE PERFORMANCE AND SCRUTINY BOARD HELD ON 14 MARCH 2019
- RESOLVED – That Members noted the key issues arising from the Performance and Scrutiny Board held on 14 March 2019.
- 16 POLICE AND FIRE COLLABORATION BOARD MINUTES OF 14 FEBRUARY 2019
- Councillor Lamb referred to the high proportion of good work on the horizon, which made him feel optimistic for the future. He gave thanks to everyone engaged in the work, which had brought various projects to fruition.
- Dr Billings had provided Members and officers with the Police and Crime Plan for South Yorkshire 2017-2021, which referenced the partnership between South Yorkshire Police and South Yorkshire Fire and Rescue Service.
- RESOLVED – That Members noted the minutes of the Police and Fire Collaboration Board held on 14 February 2019.
- 17 DRAFT MINUTES OF THE APPEALS AND STANDARDS COMMITTEE HELD ON 18 FEBRUARY 2019
- RESOLVED – That Members noted the draft minutes of the Appeals and Standards Committee held on 18 February 2019.
- 18 DRAFT MINUTES OF THE APPOINTMENTS COMMITTEE HELD ON 7 MARCH 2019
- Councillor Lamb congratulated DCFO Johnson on her recent appointment to the position of Deputy Chief Fire Officer.
- RESOLVED – That Members noted the draft minutes of the Appointments Committee held on 7 March 2019.
- 19 DRAFT MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE HELD ON 18 MARCH 2019
- RESOLVED – That Members noted the draft minutes of the Audit and Governance Committee held on 18 March 2019.

20 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and the public interest not to disclose information outweighs the public interest in disclosing it.

21 FINANCIAL COSTS OF THE CLOSE PROXIMITY CREWING LEGAL CASES

A report of the Chief Fire Officer and Chief Executive was submitted at the request of Members to inform them of the known and estimated costs of the recent legal proceedings relating to the Close Proximity Crewing (CPC) duty system.

RESOLVED – That Members:-

- i) Noted the financial costs of the CPC legal cases.
- ii) Noted the financial impact of the withdrawal of the CPC system.

CHAIR

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| <b>MEETING:</b> | Planning Regulatory Board            |
| <b>DATE:</b>    | Tuesday, 16 April 2019               |
| <b>TIME:</b>    | 2.00 pm                              |
| <b>VENUE:</b>   | Council Chamber, Town Hall, Barnsley |

## MINUTES

### Present

Councillors D. Birkinshaw (Chair), Coates, M. Dyson, Franklin, Gollick, Hampson, Hand-Davis, Hayward, Higginbottom, Lamb, Leech, Makinson, Markham, Noble, Pickering, Richardson, Riggs, Spence, Stowe, Tattersall, Wilson and R. Wraith

Councillors D. Birkinshaw (Chair), Coates, Higginbottom and Tattersall were in attendance at the site visit.

### 102. Chair's Remarks

The Chair expressed thanks to retiring Members and those seeking re-election for their hard work and dedication to the work of the Planning Regulatory Board over the past year.

Thanks were also expressed to Barbara Wilson, Highway Development Control Manager, who is leaving the Authority shortly for her hard work, dedication and support to the work of the Planning Regulatory Board. The Chair and Members of the Committee expressed their thanks in the usual way and wished her well for the future.

### 103. Declarations of Interest

Councillors Makinson and Coates declared a Non-Pecuniary interest in **Planning Application 2019/0271** [Erection of single storey extension to rear/side of dwelling and provision of associated disabled access ramps at 19 Buxton Road, Athersley South, Barnsley S71 3SR] as they are Berneslai Homes' Board Members.

Councillor Higginbottom declared a Non-Pecuniary interest in **Planning Application 2018/1437** [Variation of conditions (4, 17, 18, 19 and 20) of application 2015/0137: Erection of a Renewable Energy Park to allow for Refuse Derived Fuel (RDF) and waste wood to be used for energy recovery, to increase the capacity limit and daily traffic movements along with amended routing of delivery vehicles and to extend construction hours at land off Houghton Main Colliery Roundabout, Park Spring Road, Barnsley] as she is the Chair of Great Houghton Parish Council. Councillor Coates also declared a Non-Pecuniary interest in the same application as she is a Member of Great Houghton Parish Council.

### 104. Minutes

The minutes of the meeting held on 19<sup>th</sup> March 2019 were taken as read and signed by the Chair as a correct record.

**105. Former Foulstone School Site, Nanny Marr Road, Darfield, Barnsley S73 9AB - 2018/1564 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1564** [Demolition of existing building and erection of 41 dwellings with associated landscape works at former Foulstone School Site, Nanny Marr Road, Darfield, Barnsley S73 9AB]

Messrs Robert Brown and Chris Needham addressed the Board and spoke against the Officer recommendation to approve the application

Ms Jen Patterson addressed the Board and spoke in favour of the Officer recommendation to approve the application

**RESOLVED** that the application be granted in accordance with the Officer recommendation, subject to the completion of a S106 Agreement to secure the amount of affordable housing proposed within the application and £72,539.35 towards public open space enhancements off site; changes to conditions 13 and 17 with regard to trees and road safety respectively and in addition Asset Management are to be informed of the collective will of the Board that the retained part of the site comes forward for retail development at a later date.

**106. Land off Houghton Main Colliery Roundabout, Park Spring Road, Barnsley - 2018/1437 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1437** [Variation of conditions (4, 17, 18, 19 and 20) of application 2015/0137 – erection of a Renewable Energy Park to allow for Refuse Derived Fuel (RDF) and waste wood to be used for energy recovery, to increase the capacity limit and daily traffic movements along with amended routing of delivery vehicles and to extend construction hours at land off Houghton Main Colliery Roundabout, Park Spring Road, Barnsley]

Mr Kevin Osborne addressed the Board and spoke against the Officer recommendation to approve the application

Mr Lee Searles addressed the Board and spoke in favour of the Officer recommendation to approve the application

**RESOLVED** that the application be approved in accordance with the Officer recommendation and subject to the decision type changing to approval of planning permission subject to conditions only (not a S106 Agreement as stated in the report) on the basis that the £50,000 commuted sum for off-site ecological enhancements has already been paid to the Council.

**107. Land at Everill Gate Lane, Wombwell, Barnsley - 2018/1353 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1353** [development of the site for employment uses within use classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) and associated access, parking and circulation areas and infrastructure at land at Everill Gate Lane, Wombwell, Barnsley]

Garry Fox addressed the Board and spoke against the Officer recommendation to approve the application

**RESOLVED** that the application be approved in accordance with the Officer recommendation subject to the imposition of an additional condition requiring details of the external facing materials to be submitted to and approved by the Local Planning Authority (LPA).

**108. Land adjacent 7 Kenworthy Road, Worsbrough Common, Barnsley S70 4LW - 2019/0209 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0209** [Erection of 3 no. two storey dwellings and associated works (2 no. 2 bed semi detached and 1 no. 3 bed detached) at land adjacent 7 Kenworthy Road, Worsborough Common, Barnsley S70 4LW]

**RESOLVED** that the application be approved in accordance with Officer recommendation

**109. Darfield Family Centre, School Street, Darfield, Barnsley, S73 9EU - 2018/1442 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1442** [Single storey extension to building at Darfield Family Centre, School Street, Darfield]

**RESOLVED** that the application be approved in accordance with Officer recommendation

**110. 19 Buxton Road, Athersley South, Barnsley S71 3SR - 2019/0271 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0271** [Erection of single storey extension to rear/side of dwelling and provision of associated disabled access ramps at 19 Buxton Road, Athersley South, Barnsley S71 3SR]

**RESOLVED** that the application be approved in accordance with Officer recommendation

**111. Planning Appeals - 1st to 31st March 2019**

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2018/19.

The report indicated that 3 appeals were received in March 2019, 7 appeals were decided and no appeals were withdrawn.

It was reported that 26 appeals have been decided since 1<sup>st</sup> April 2018, 19 of which (73%) have been dismissed and 7 of which (27%) have been allowed.

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Chair

|                 |                                    |
|-----------------|------------------------------------|
| <b>MEETING:</b> | Audit Committee                    |
| <b>DATE:</b>    | Wednesday, 17 April 2019           |
| <b>TIME:</b>    | 4.00 pm                            |
| <b>VENUE:</b>   | Reception Room, Barnsley Town Hall |

## MINUTES

**Present** Councillors Richardson (Chair), Barnard and Clements together with Independent Members - Ms K Armitage, Ms D Brown, Mr S Gill, Mr P Johnson and Mr M Marks

### 71. COUNCILLOR CLEMENTS

The Chair and Members of the Committee noted that this would be the last meeting to be attended by Councillor Clements before retiring as a Councillor at the forthcoming municipal elections.

The asked to place of record their thanks and appreciation for his hard work and dedication to the Council and particularly to this Committee and also of his stewardship whilst Chair.

Councillor Clements responded by stating that this would be his last official function as a Councillor. He had been a Member of the Authority for four years and he thanked the Chair and Members of the Committee for those kind thoughts.

### 72. DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTEREST

There were no declarations of interest from Members in respect of items on the agenda.

### 73. MINUTES

The minutes of the meeting held on the 20<sup>th</sup> March, 2019 were taken as read and signed by the Chair as a correct record.

### 74. EXTERNAL AUDIT - AUDIT FEE LETTER

The Council's External Auditor (Grant Thornton) submitted their Audit Fee Letter detailing the planned audit fees (including the way these had been calculated) for the work to be undertaken during 2019/20. It was noted that this fee was £104,718 and that there was no increase from the fees charged in 2018/19.

The report also outlined the scope of the audit, the billing schedule and audit timetable together with information about the arrangements for undertaking additional work for which separate fees would be agreed.

In the ensuing discussion particular reference was made to the following:

- Thilina De Zoysa (Grant Thornton) briefly explained the arrangements for the external audit of the Housing Benefits Certification which fell outside the PSAA contract. It was noted that such assurance engagements would be subject to

separate engagements between the Council and Grant Thornton. The Service Director Finance confirmed that this was undertaken via a tendering process

- There was a discussion of the recent change in management arrangements at Grant Thornton, however, it was not anticipated that this would have any impact on the service provided to clients. Arising out of this discussion, Thininal De Zoyza explained the assurance arrangements in place which would ensure quality and consistent provision in audits undertaken.

**RESOLVED** that the audit fee letter be received.

## **75. CYBER SECURITY**

Ms S Hydon (Head of ICT Service Management) and Mr S Marshall (ICT Technical Security Lead) made a presentation updating the Committee on Cyber Security with specific reference to the recent success of the service in achieving Cyber Essentials Plus Certification.

The presentation gave details of the following:

- The Cyber Essentials Background – it was a cyber security standard operated by the national Cyber Security Centre (NCSC) which had been launched in 2014 and developed in collaboration with industry partners being a key requirement for suppliers to Central Government
- Cyber Essentials addressed the following via five mandatory controls:
  - Secure configuration – but choosing the best defences available
  - Boundary Firewalls and internet gateways
  - Access control and administrative privilege management
  - Patch management – keeping devices and software up to date
  - Malware Controls – to protect against virus and malicious software
- Cyber Essentials Certification had two levels – Cyber essentials and Cyber Essentials Plus. Plus provided a more thorough test of the Council's systems and work stations. This had been undertaken during February, 2019 and a copy of the Certificate dated February 7<sup>th</sup> 2019 which demonstrated that the Authority had been successfully assessed against the Cyber Essentials Scheme Test Specification was provided. This indicated that the level of certification was 'Essentials Plus' and that the recommended re-assessment date was February 6<sup>th</sup> 2020
- The key benefits of Essential Plus were:
  - It supported the NHS DSP toolkit submission – this was an online security protection toolkit that allowed organisations to measure performance against national security standards and all organisations with access to NHS data had to use this to provide assurance in relation to data security and handling
  - It provided assurance to customers and partners
  - It offered an opportunity to audit the Authority's internal security – whilst no one could guarantee to prevent a cyber-attack being successful, such audits showed the mitigations in place to minimise potential attacks that exploited potential weaknesses in current software and devices
  - It reduced cyber insurance premiums

In the ensuing discussion, the following matters were highlighted:

- There was a discussion of the DDoS attack of the Authority's systems on Monday 15<sup>th</sup> April, 2019. It was noted that there had been no impact on the IT infrastructure but the website had been 'taken down' as a precaution. Following appropriate action, the website had been reinstated within three hours
- Arising out of the above, there was a discussion of the difficulties of preventing DDoS attacks and of ways in which they could be mitigated against. It was noted that whilst appropriate controls were being introduced, this should not affect end users
- The Head of Internal Audit and Corporate Anti-Fraud in his capacity as Data Protection Officer commented that the certification contributed towards his assurance that the Council's had sufficient and robust systems and procedures in place to protect its IT systems and infrastructure
- There was a discussion of the robustness of the certification process and of how, and by whom, the whole process was accredited. Arising out of this, Ms Hydon indicated that the process was overseen by the NTA Monitor the Council's testing partner and independent company used for cyber testing/auditing and by CREST an international accreditation and certification body and she briefly touched upon organisations with whom they worked
- The certification process would be undertaken again next year but would be 'updated' to address new and emerging threats
- In response to detailed questioning and within the context of the need to protect residents personal information, the Committee was informed of those bodies and agencies who could request to view data held by the Authority. It was noted that such data releases would not normally be allowed unless it was in the public interest or in the interests of national security. An assurance was given, however, that all requests would be dealt with in accordance with the previously approved procedures and protocols and decisions about the release of data would not be taken lightly.

**RESOLVED** that Ms Hydon and Mr Marshall be thanked for a most informative presentation.

## **76. STRATEGIC RISK REGISTER - FULL REVIEW - MARCH 2019**

The Executive Director Core Services submitted a covering report presenting a report to be submitted to Cabinet on the 15<sup>th</sup> May, 2019 on the latest review of the Strategic Risk Register.

The report, which was presented by Mr A Hunt, Risk and Governance Manager, formed part of the Committees assurance process where it was agreed that following the completion of the review of the Strategic Risk Register, the Committee consider the latest version and provide comments thereon.

The Register contained these high level risks that were considered significant potential obstacles to the achievement of the Authority's Corporate Objectives. It was important that the Register remain up to date and be reviewed regularly in order to accurately reflect the most significant risks to the achievement of objectives and facilitate timely and effective mitigations to those risks.

Following a review of the Strategic Risk Register in October 2018, a further review had been undertaken in March 2019 the outcomes of which were detailed within the report.

Mr Hunt then went on to outline the way in which the current register had been reviewed and he commented on the main components of the review and the items included.

The report outlined the following:

- Risk 3026 'Failure to achieve a reduction in health inequalities within the Borough' remained red as it was still relevant to the Council's objectives and a further analysis indicated that this risk was not currently improving
- Risk 3033 'Failure to adapt the authority into a sustainable organisation – Failure to maintain current services' had been removed and replaced by 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 'Failure to ensure the Digital First Programme objectives are met....' Was a newly added risk
- Risk 3543 'Failure to ensure the adequate supply of land for housing and commercial property growth' had improved from an amber '4' to a green '5' following the approval of the Local Development Framework
- Risk 3022 'Inability to direct corporate strategy' had been reassessed from a green '5' to an amber 4' to reflect proposed changes to the Scrutiny Committee Structures and allow time for these to 'bed in'
- The above changes attributed to a slight improvement in the average concern rating from October 2018
- Other material changes including a direction of travel indicator was provided as an appendix to the report
- A further appendix provided the Risk Profile for the Register within a 'highlight' report. This had been developed with the assistance of an external communications and market company. This presented the key information in a simple, visual easy to understand format
- The report and Register which was appended to the submitted report provided assurances that all significant risks were being managed appropriately

The recent Corporate Peer Review highlighted as one of its key findings that the Register needed some refinement to enable the Senior Management Team to focus its attention on the current key risks. In the light of this, a further review was to be undertaken and the outcome of this would be reported into Cabinet in the near future.

In the ensuing discussion, particular reference was made to the following mitigations:

- The Risk Profile summary was generally welcomed. It was felt that this would assist in engaging employees at all levels and would assist in adopting a risk management culture across the whole organisation. In addition, it was envisaged that this would be published on the Council's intranet so that stakeholders and other interested parties could better understand risk management arrangements and increase the overall transparency of strategic risk. The wording in the document would be amended to reflect the most up to



date position prior to distribution and an updated version would be provided for members of the Committee

- Arising out of the above, reference was made to the use of consultants to prepare the Risk Profile Document and the costs involved which were considered to be reasonable
- In response to specific questioning an explanation was provided as to why it had been decided that Risk 4154 'Failure of the Future Council Change Programme' should be logged as amber '4' given the importance of this issue as well as the financial restrictions facing the authority which could have a significant impact on the ability of the Council to address issues identified. It was noted that the 'risk holders' were the Chief Executive and the Executive Director Core Services. Whilst there were significant challenges, there was a high level of awareness of the risk and it was felt that the savings previously achieved demonstrated that such risks were well managed. The score merely reflected how the risk was being managed
- Reference was made to Risk 3022 'Inability to direct corporate strategy' particularly as this related to plans to further develop of the Scrutiny Function. If approved, these arrangements would give a better level of coverage of strategic matters and provide improved member satisfaction. It was proposed that the risk rating be amended given that no problems were anticipated. The new arrangements would become effective following the Annual Council on the 17<sup>th</sup> May, 2019
- Information was provided in relation to the timescale for the servicing of debts in relation to Risk 4170 'Failure to ensure the Glassworks Programme delivers the appropriate levels of retail....' It was noted that information detailed within the Register would be amended to reflect the current position. Members also noted the current challenging retail environment and the work that was ongoing to ensure that the appropriate levels of retail, market and leisure space were achieved. A further update on the Glassworks project would be submitted following consideration by the Scrutiny Committee
- There was a discussion of Risk 3026 'Failure to achieve a reduction in health inequalities within the Borough' and it was noted that this issue had also been picked up following the Corporate Peer Review. It was suggested that further analysis was required particularly in relation to age profiling and life outcomes. The Executive Director Core services reported that discussions had taken place and were progressing with the Director of Public Health to identify issues underpinning this risk so that the Council could ensure that it was taking appropriate action to address and influence health outcomes. It was suggested that if this remained at its current level, the Director of Public Health could be called to address this Committee on the action proposed to address issues identified

## **RESOLVED**

- (i) that the report on the outcome of the recent review of the Strategic risk Register in relation to the management, challenge and development of the Register be noted and the Committee continue to receive periodic updates as to the progress of the actions taken and their impact on the Strategic Risk Register; and
- (ii) That the report be referred to Cabinet on the 15<sup>th</sup> May, 2019 for consideration.

## 77. INTERNAL AUDIT PROGRESS REPORT 2018/19

The Head of Internal Audit and Corporate Anti-Fraud submitted a report providing a summary of the Internal Audit activity completed and key issues arising from it for the period 1<sup>st</sup> January to 31<sup>st</sup> March, 2019 and providing information regarding the performance of the Internal Audit function during that period.

The report, which was presented by Mrs L Booth, Audit Manager, outlined:

- The progress of the internal audit plan up to the end of March analysed by the number of plan assignments producing a report and audit days delivered by the Directorate/Service.
- There was a variance of six assignments completed against those planned but five were in draft report stage and meetings were scheduled with officers to discuss outcomes. Since writing the report one response had been received and a revised date had been agreed in respect of another
- There had been one addition to the plan over the period which related to the Glassworks Phase II Governance Review
- Four audits had been finalised since the last meeting and copies of all final reports were available upon request. A summary of assurances and the number and categorisation of recommendations included in the report was outlined and an Appendix to the report included the definitions of the grading for the assurance opinion together with the recommendations
- A summary of the key issues included in audit reports finalised during the period providing a Limited or No Assurance was provided
- Details were provided of the outcome of other Internal Audit activities concluded not producing a specific assurance opinion
- Information was provided on the following up of Internal Audit Report management actions together with a summary of work in progress
- Information on the status of internal audit management actions by directorate/maintained schools due for completion was provided. It was pleasing to note that officers were actively engaging with the service and this was demonstrated by improving statistics. Reference was also made to the delay in receiving appropriate and timely responses in relation to maintained schools and discussions were ongoing to address this matter
- Details of Internal Audit performance against Performance Indicators indicated that performance was exceeding target
- Based on the audits reported during the period an overall adequate assurance was considered to be appropriate and this had remained the same in the three previous quarters

In the ensuing discussion particular reference was made to the following:

- There was a discussion of the issues identified following the audit commissioned in relation to exclusion activities undertaken on behalf of the Authority by Springwell Learning Community and particularly as this related to decisions about the outsourcing of provision, the quality of that provision and whether or not contractual responsibilities were being fulfilled. Work was ongoing to address issues identified. The Executive Director Core Services stated that he would ask the Executive Director (People) to provide an update

report detailing whether or not the issues identified as well as the management arrangements was impacting on the service provision

- Arising out of the above, reference was made to the fact that Springwell was an Academy within the Springwell Academy Trust and reference was also made to the financial value of the contract the Local Authority had with that Academy
- It was noted that the follow up visit to four sites within the Place Directorate in relation to cash collection arrangements had not revealed any significant issues. It was anticipated that as the Authority moved increasingly to a cashless system the problems associated with cash collection would reduce
- The Head of Internal Audit and Corporate Anti-Fraud commended that whilst the formal feedback report from the Corporate Peer Review had not been received, the early draft had recognised that the Authority had astute and sound financial management as well as a long track record of excellent financial management. The Service Director Finance had also been praised for the way in which the service was managed. In addition, Governance , including the support for the Audit Committee arrangements, had been recognised as being good and overall, the Council had been seen as well performing. Once received, the full report would be circulated to all Members of the Council and to Independent Members on the Audit Committee

**RESOLVED:**

- (i) that the issues arising from the completed internal audit work for the period along with the responses received from management be noted;
- (ii) that the assurance opinion on the adequacy and effectiveness of the Authority's Internal Control Framework based on the work of Internal Audit in the period to the end of March, 2019 be noted;
- (iii) that the progress against the Internal Audit Plan for 2018/19 for the period to the end of March, 2019 be noted; and
- (iv) that the performance of the Internal Audit Division for the fourth quarter be noted.

**78. AUDIT COMMITTEE WORK PLAN 2018/19 AND 2019/20**

The Committee received a report providing the indicative work plan for the Committee for its proposed scheduled meetings for the 2019/20 municipal year.

**RESOLVED** that the core work plan for 2019/20 meetings of the Audit Committee be approved and reviewed on a regular basis.

**79. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that the public and press be excluded from this meeting during the discussion of the following item because of the likely disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

## 80. INTERNAL AUDIT PLAN 2019/20

Further to Minute 69 of the meeting held on the 20<sup>th</sup> March, 2019, the Head of Internal Audit and Corporate Anti-Fraud submitted a report on the finalised indicative Internal Audit Plan for 2019/20.

The report outlined the background to the preparation of the Plan and its key aspects , the type of work to be undertaken and the allocation of available resources together with the chargeable dates with comparisons to previous years.

Following approval, the Plan would be subject to ongoing review in order to address new and emerging risks. The progress of the Plan would also be regularly monitored as part of the Internal Audit's Performance Management arrangements and any amendments in terms of unplanned, deleted or deferred work would be reported to this Committee.

In the ensuing discussion particular reference was made to the following:

- Recent staffing changes and the impact this would have on the implementation of various elements of the Plan
- The allocation of, and rationale for, additional resources/days allocated for audit work for the Council
- The current situation with regard to the broader client base/external organisations
- The arrangements for the audit of the Glassworks Phase II Governance Review
- Reference was also made to the support given by Ms J Race (Principal Auditor) for her work in support of the Fire Authority

### **RESOLVED:-**

- (i) That the finalised indicative Internal Audit Work Plan 2019/20 be approved acknowledging the need for the Head of Internal Audit and Corporate Anti-Fraud to exercise his professional judgement during the year to apply the Plan flexibly according to priority, risk and resources available; and
- (ii) That the Committee receive quarterly monitoring reports from the Head of Internal Audit and Corporate Anti-Fraud to demonstrate progress against the Plan including information where the Plan has materially varied from the original Plan.

.....  
Chair

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|-----------------|------------------------------------|
| <b>MEETING:</b> | General Licensing Regulatory Board |
| <b>DATE:</b>    | Wednesday, 24 April 2019           |
| <b>TIME:</b>    | 2.00 pm                            |
| <b>VENUE:</b>   | Reception Room, Barnsley Town Hall |

## MINUTES

### Present

Councillors C. Wraith MBE (Chair), P. Birkinshaw, Clarke, C. Johnson, W. Johnson, Lamb, Lofts, Markham, Millner, Newing, Saunders, Shepherd, Tattersall and Wilson

### 46 Declaration of Interests

There were no declarations of pecuniary and non-pecuniary interest from Members in respect of items on the agenda.

### 47 Minutes

The minutes of the meeting held on 20<sup>th</sup> February, 2019 were taken as read and signed by the Chair as a correct record.

### 48 DoT Consultation response

The Service Director Legal Services submitted a report providing an update on the response submitted by the Authority following the Taxi and Private Hire DoT consultation.

The Chair expressed his disappointment at the lack of responses from Members on the Licensing Committee and that out of 26 members only 1 had responded which was the Chair himself. It was also noted that one Member had responded direct to the DoT. Members stated that some had struggled to respond due to IT difficulties. Overall it was noted that it was a positive consultation and responses given reflected that Barnsley already complied with many of the suggestions and were doing over and above what was being asked and many of the issues highlighted were already enshrined in Barnsley's Policies.

**RESOLVED** that the consultation be noted.

### 49 Enforcement Update

The Service Director Legal Services submitted a report providing an overview of the work of Licensing Enforcement Officers undertaken recently.

Licensing Enforcement Officers had proactively embarked on a number of taxi licensing enforcement operations as follows:

(a) 28<sup>th</sup> February, 2019 – a day time operation involving Licensing Enforcement alongside Vehicle Examiners from the Smithies Lane Depot. The Chair, Councillor C

Wraith MBE, was also in attendance. The operation focused on Springwell School and the drivers and vehicles that were contracted to transport children to and from the school on a daily basis.

Of the 29 vehicles inspected, 26 were found to be compliant. 3 vehicles were issued with immediate suspension notices for defects including inoperative brake lights, faulty lights and a flat tyre.

(b) 11<sup>th</sup> April, 2019 – a day time operation involving Licensing Enforcement Officers alongside Vehicle Examiners from the Smithies Lane Depot. The operation focused on the Town Centre Hackney Carriage Ranks and various Private Hire Operators throughout the Borough.

- Of the 20 vehicles stopped 14 vehicles were found to be compliant.
- 6 vehicles were issued with immediate suspension notices for defects including tyres below the legal limit, off side headlight inoperative, rear number plate light inoperative, reversing light broken and both front side lights inoperative and windscreen washers inoperative.
- In addition 4 written warnings were issued to drivers for falsifying daily check sheets, for not carrying a daily check book and for failing to complete the daily check book.

Vehicle compliance continued to be an issue at the forefront of every enforcement operation and with every Vehicle Examiner whilst undertaking vehicle inspections. Defective vehicles were not acceptable and could not be excused and this, coupled with failing to complete basic vehicle inspection sheets was a continuing concern as not only had the Trade requested this, but it was a valuable tool that ensured the safety of the licensed vehicle.

Further proactive enforcement operations would continue to be undertaken to ensure that drivers, operators and vehicle proprietors took responsibility for their failures and made appropriate changes as this was key to ensuring the safety of the travelling public.

In the ensuing discussion and in response to questioning, particular reference was made to the following:

- There was a discussion as to how much responsibility should fall onto the Taxi operators as well as the drivers for the types of issues identified. Amendments to Licensing conditions could be considered, however the Licensing Officer reported that maintaining vehicles in a roadworthy condition was the responsibility of the driver. It was also noted that there were 2 large operators in Barnsley who had a good working relationship with Licensing Officers. If their drivers were suspended by Officers the companies usually suspended the drivers for at least 24hours to support this enforcement action. It was felt that the relationship between the two was working well.
- In relation to the warnings for failing to complete daily inspection books, the question was asked as to whether the operators could be required to take action against their drivers for failure to fill these in. In response the Licensing Officer reiterated that any action to be taken against drivers was for the Authority to enforce by bringing drivers to Licensing Board Panels.

- Reference was made to the drivers who had been given warnings for tyres being below their legal limit. The question was asked as to whether it was known if those particular drivers had previously received warnings for the same offence. The Licensing Officer reported that this would have to be checked and if there was a pattern of suspensions and if a driver received 3 written warnings in a 12 month period they would then be brought to Panel.
- Concern was expressed at the prospect of micro managing taxi drivers. There was a further discussion regarding CCTV and such issues would be investigated in light of the outcome of the DoT consultation.

**RESOLVED** that the report be noted and the Board place on record their thanks and appreciation to the staff within the Licensing Service and Smithies Lane Depot for all their hard work in undertaking enforcement activities and ensuring the continued safety of the travelling public and for the outstanding results currently being achieved.

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Chair

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| <b>MEETING:</b> | Statutory Licensing Regulatory Board |
| <b>DATE:</b>    | Wednesday, 24 April 2019             |
| <b>TIME:</b>    | 2.30 pm                              |
| <b>VENUE:</b>   | Reception Room - Barnsley Town Hall  |

## MINUTES

### Present

Councillors C. Wraith MBE (Chair), P. Birkinshaw, Clarke, W. Johnson, Lamb, Lofts, Newing, Saunders, Shepherd, Tattersall and Wilson

### 12 Declaration of Interests

There were no declarations of pecuniary and non-pecuniary interests from Members in respect of items on the agenda.

### 13 Minutes

The minutes of the meeting held on the 20<sup>th</sup> February, 2019 were taken as read and signed by the Chair as a correct record.

### 14 Enforcement Update

The Service Director Legal Services provided an overview of the work of Licensing Enforcement Officers undertaken recently in relation to the Licensing Act 2003.

#### (a) Premises Licence Inspection

Since January 2019 Licensing Officers have inspected 30 licensed premises throughout the Borough to ensure that there was appropriate compliance with the Licensing Act 2003 in respect of their premises licence and any conditions attached to the licence.

Of the 30 premises inspected, 4 were found to have insufficient documentation including refusals logs and designated premises licence holder authorisations. Officers are continually working with them to ensure compliance going forward and it was noted that all the documentation was now complete and the 4 premises are compliant.

#### (b) Scrap Metal

Licensing Officers had received notification relating to 2 unlicensed scrap metal collectors in the Borough. Officers have made contact with the collectors and work was currently ongoing to obtain licences to carry out their work legitimately.

Members were informed of a joint venture between Licensing Officers, Safer Neighbourhoods Team and South Yorkshire Police for a future enforcement operation to target vehicles and scrap metal sites. The joint operation would

bring Services together with all their differing powers and enable Officers to stop collectors on the road and check for compliance under the relevant legislation. Members were to be informed of the date of this operation in the future.

There was a discussion regarding scrap metal vehicles around the Borough that looked unsafe or showing no markings indicating that they were legitimate carriers. The Licensing Officer informed members that if they could report as much information as possible such as registration numbers, and if the vehicle was seen in the same area and at the same time on a regular basis etc in order to target resources and carry out investigations accordingly. Members were also informed that whilst it was a legal requirement for the permit to be contained within the vehicle, it is not mandatory for it to be displayed anywhere on the outside of the vehicle. The Board noted, and discussed in detail, the difficulties associated with enforcement in relation to unlicensed illegal scrap metal merchants. As soon as word gets out that an enforcement operation was in progress illegal operators disappear from the roads, Officers are hoping to have a 'mobile check' for the next enforcement operation with SY Police and Safer Neighbourhoods Team. All members were invited to attend the visits once the dates have been confirmed.

**RESOLVED :**

(ii) that the Board place on record their thanks and appreciation to the staff within the Licensing Service for all their hard work in undertaking enforcement activities and ensuring the continued safety of the public and for the outstanding results achieved.

(ii) that update reports on all enforcement activity continue to be submitted to the Regulatory Board on a regular basis.

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Chair

# Item 14

## NOTES OF GENERAL LICENSING REGULATORY BOARD PANEL

2<sup>nd</sup> April, 2019

**Present:** Councillors C Wraith MBE (Chair), Clarke and W Johnson together with Councillor Tattersall (Reserve Member).

Members of the Public and Press were excluded from all meetings.

### **1 Declarations of Interests**

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of items on the agenda.

### **2 Hackney Carriage and Private Hire Driver's Licence – Application – Mr G G**

The Panel considered a report of the Service Director Legal Services on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr G G.

Mr G G was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided that in view of the evidence submitted there was sufficient justification to warrant a deviation from the Council's Guideline Policy for Criminal Convictions the application be approved on the following grounds:

- The manner in which he presented himself
- The genuine remorse shown at the offences committed
- The time that has elapsed since the offences were committed and the fact that most were committed whilst he was young
- The assurances given that he had changed his ways and was not the same person who committed those offences
- The fact that he had provided sufficient extenuating evidence to convince the Panel that he was a fit and proper person to hold a licence

The decision of the Panel was unanimous.

### **3 Hackney Carriage and Private Hire Driver's Licence – Application – Mr G H**

The Panel considered a report of the Service Director Legal Services on an application for the grant of a Hackney Carriage and Private Hire Driver's Licence by Mr G H.

Mr G H was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided that the application be refused on the following grounds:

- The number, type and frequency of the offences committed including violent, drug, and dishonesty offences
- The six convictions recorded on his DBS which included 2 violent offences
- The conviction and confiscation of money which indicated that, contrary to the applicants claims, the money related to the proceeds of crime
- His unacceptable treatment of Council employees both in person and by telephone which raised concerns about his temperament and attitude
- His failure to appreciate that due process had to be followed and the fact that his DBS Certificate had not been returned until January 2019
- In September 2018 (at the time of the original application), had the applicant read the documentation supplied, he should have known that because of his convictions he would be required to appear before a Panel of the General Licensing Regulatory Board
- The primary consideration for the Panel was the safety of the travelling public. The Panel deemed that he fell short of the Council's Guideline Policy and he provided no extenuating circumstances to warrant a deviation from the same and was not, therefore, deemed to be 'fit and proper'.

The decision of the Panel was unanimous.

**30<sup>th</sup> April, 2019**

**Present:** Councillors C Wraith MBE (Chair), Lamb and Tattersall together with Councillor Shepherd (Reserve Member).

#### **4 Hackney Carriage and Private Hire Driver's Licence - Determination – Mr P W**

The Panel considered a report of the Service Director Legal Services requesting the determination of the Hackney Carriage and Private Hire Driver's Licence held by Mr P W.

Mr P W was in attendance and gave evidence in support of his case.

After considering all the information and representations made the Panel decided that the Hackney Carriage and Private Hire Driver's Licence held by Mr P W be revoked on the following grounds:

- Parking and leaving a Private Hire Vehicle on a Hackney Carriage Rank for a considerable time (to go for a meal) and for failing to display his Private Hire Vehicle Plate on two separate occasions all of which cumulatively resulted in the issuing of three Written Warnings
- His failure to produce his daily check sheet book, following an adjournment to allow him to retrieve this from his vehicle, which would have revealed, if completed correctly, how long the plates had not been fixed in the correct manner. The Panel noted that the failure to keep his daily check sheet book in the vehicle was a further contravention of Licensing Conditions for which the Licensing Service confirmed that he would be subject to a further Written Warning, his fourth in a short period of time

- His failure to accept the gravity of the offences committed
- The use of his vehicle without the correct display of Licence Plate for a considerably longer period than he admitted given that he had changed his vehicle in July 2018
- He was evasive in some of the answers given to questions posed at the meeting
- He had only held a Hackney Carriage and Private Hire Driver's Licence for just over 2 years. Despite having a lengthy DBS record, by granting the licence on the 7<sup>th</sup> March, 2017, the Panel at the time had given him a 'second chance'. To be back before a Panel within a period of two years showed a clear lack of responsibility in abiding by Licence Conditions
- His breach of licensing conditions and the breach of legislation by parking on a Hackney Carriage Rank together with his previous history including his DBS record meant that he was not considered to be a fit and proper person to hold such a licence
- He fell short of the Council's Guideline Policy for Criminal Convictions and the Licensing Service had produced sufficient evidence to show that he was not deemed to be a 'fit and proper person' to hold a Licence

The decision of the Panel was unanimous.

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# Item 15

## APPEALS, AWARDS AND STANDARDS REGULATORY BOARD

### (a) Standards Board Pre-assessment Panel – 26<sup>th</sup> February, 2019

A complaint against Councillor 'X' investigated by a Pre-Assessment Panel comprising Councillors Makinson (Chair), P Birkinshaw and Noble.

The Panel found:

- Whilst there had been a technical breach of the Code of Practice, the reasons behind this were understandable. The Panel was satisfied that Councillor 'X' had not been trying to conceal anything and the breach had been unintentional
- Given these circumstances and the nature and subject of the complaint it would not be proportionate or appropriate for the complaint to be the subject of a formal investigation
- The Executive Director Core Services be requested to ensure that all Members of the Council are reminded of their responsibilities in relation to the Planning Code of Conduct
- That the complainants be informed accordingly

### (b) School Admission Appeals Panel – 27<sup>th</sup> March, 2019

Penistone Grammar School 1 Refused

### (b) School Admission Appeals Panel – 9<sup>th</sup> April, 2019

Wombwell Park Street Primary 1 Allowed

High View Primary 1 Refused

### (c) School Admission Appeal Panels – 10<sup>th</sup> April, 2019

Outwood Academy Shafton 1 Allowed

Barnsley Academy 1 Refused

Ward Green Primary 3 Allowed

### (d) School Admission Appeals Panel – 12<sup>th</sup> April, 2019

Holy Trinity 1 Refused

### (e) School Admission Appeals Panel – 29<sup>th</sup> April, 2019

Horizon Community College 1 Refused

Oakwell Rise Primary 1 Allowed

|  |   |                         |
|--|---|-------------------------|
|  | The Dearne Goldthorpe Primary   | 4 Refused               |
| <b>(g)</b>   | <b>School Admission Appeals Panel – 7<sup>th</sup> &amp; 8<sup>th</sup> May, 2019</b> |                         |
|  | Outwood Academy Carlton   | 3 Allowed<br>10 Refused |
| <b>(h)</b>   | <b>School Admission Appeals Panel – 10<sup>th</sup> May, 2019</b>                     |                         |
|  | Dearne ALC  | 3 Allowed<br>2 Refused  |
| <b>Appeals withdrawn prior to the allocation of a date</b> |   |                         |
|  | Summer Lane Primary   | 3 Withdrawn             |
|  | Penistone Grammar   | 2 Withdrawn             |
|  | Brierley C of E Primary   | 1 Withdrawn             |



|                 |                                    |
|-----------------|------------------------------------|
| <b>MEETING:</b> | Health and Wellbeing Board         |
| <b>DATE:</b>    | Tuesday, 9 April 2019              |
| <b>TIME:</b>    | 4.00 pm                            |
| <b>VENUE:</b>   | Reception Room, Barnsley Town Hall |

## MINUTES

### Present

Councillor Sir Stephen Houghton CBE, Leader of the Council (Chair)  
 Councillor Margaret Bruff, Cabinet Spokesperson - People (Safeguarding)  
 Councillor Jenny Platts, Cabinet Spokesperson - Communities  
 Rachel Dickinson, Executive Director People  
 Wendy Lowder, Executive Director Communities  
 Julia Burrows, Director Public Health  
 Dr Nick Balac, Vice Chair, NHS Barnsley Clinical Commissioning Group  
 Adrian England, HealthWatch Barnsley  
 Salma Yasmeen, Director of Strategy, South West Yorkshire Partnership NHS Foundation Trust  
 James Barker, Barnsley Healthcare Federation  
 Bob Dyson, Chair of Barnsley Safeguarding Children Partnership

### 33 Declarations of Pecuniary and Non-Pecuniary Interests

There were no declarations of pecuniary or non-pecuniary interest.

### 34 Minutes of the Board Meeting held on 4th December, 2018 (HWB.09.04.2019/2)

The meeting considered the minutes of the previous meeting held on 4<sup>th</sup> December, 2018.

**RESOLVED** that the minutes be approved as a true and correct record.

### 35 Children and Young People's Trust held on 14th September, 2018 (HWB.09.04.2019/3)

The meeting considered the minutes from the Children and Young People's Trust held on 14<sup>th</sup> September, 2018.

**RESOLVED** that the minutes be received.

### 36 Safer Barnsley Partnership held on 12th November, 2018 and 11th February, 2019 (HWB.09.04.2019/4)

The meeting considered the minutes from the Safer Barnsley Partnership held on 12<sup>th</sup> November, 2018 and 11<sup>th</sup> February, 2019.

**RESOLVED** that the minutes be received.

**37 Provider Forum held on 12th December, 2018 and 13th March, 2019 (HWB.09.04.2019/5)**

The meeting considered the minutes from the Provider Forum meetings held on 12<sup>th</sup> December, 2018 and 13<sup>th</sup> March, 2019.

**RESOLVED** that the minutes be received.

**38 Stronger Communities Partnership held on 26th November, 2018 and 28th February, 2019 (HWB.09.04.2019/6)**

The meeting considered the minutes from the Stronger Communities Partnership meetings held on 26<sup>th</sup> November, 2018 and 28<sup>th</sup> February, 2019.

**RESOLVED** that the minutes be received.

**39 South Yorkshire and Bassetlaw Shadow ICS Collaborative Partnership Board held on 19th October, 2018 (HWB.09.04.2019/7)**

The meeting considered the minutes from the South Yorkshire and Bassetlaw Shadow ICS Collaborative Partnership Board held on 19<sup>th</sup> October, 2018.

**RESOLVED** that the minutes be received.

**40 Public Questions (HWB.09.04.2019/8)**

The meeting noted that no public questions had been received for consideration at today's meeting.

**41 Draft Terms of Reference (HWB.09.04.2019/9)**

The meeting considered a report of the SSDG which after extensive consultation with partners and stakeholders had been revised acknowledging the Board's evolution.

It was noted that in particular the Board would continue to set the direction and strategic outcomes for a healthier future for the citizens of Barnsley. It was emphasised that the role was not one of governance or scrutiny, but more about inspiring, influencing and collaborating with and across organisations as well as with communities and residents.

To emphasise the collaborative approach a proposal had been incorporated which suggested that the Board be co-Chaired by the Executive Leader of BMBC and the Chair of the BCCG. This collaborative approach would be strengthened further through the Board continuing to provide the opportunity for public questions to be raised. In order to deliver the strategic objectives it was agreed that the impact of the Board's deliberations be evidenced at neighbourhood, Borough and regional level.

It was recommended that a review of the relationship with wider providers was undertaken, particularly from the private sector such as care homes and primary care practices. It was proposed that a review of this nature was undertaken in conjunction with a review of the terms of reference for the Provider Forum and would be brought

back to the Health and Wellbeing Board for consideration. On this basis, it was suggested that the Chair of the Provider Forum be temporarily removed from the Health and Wellbeing Board's membership or alternatively that the Board consider that greater flexibility be provided for this matter in approving these terms of reference.

Once finalised the terms of reference would be put to Cabinet for consideration.

**RESOLVED** that the draft terms of reference for the Health and Wellbeing Board were considered and agreed, noting the further work that was required in respect of the Provider review.

#### **42 Integrated Care Outcome Framework (HWB.09.04.2019/10)**

A report of the Director of Public Health in conjunction with the Barnsley CCG set out the degree of engagement that had taken place over the last 12 months in establishing an Outcomes Framework.

The Board welcomed the proposals and supported the principles that were used in developing the Framework. It was noted in particular the requirement to have good quality data but equally that this could be evidenced through practical examples that would assist the Board in its deliberations. Equally there was a requirement to identify related action plans and to determine where any gaps might exist. The Executive Director People, Barnsley MBC, welcomed the Framework which in part affirmed the positive outcome of the recent Ofsted inspection. She asked that reference to Early Years work be better referenced. The ICOF would be a data product contained in the Joint Strategic Needs Assessment (JSNA) and would help inform the next Health and Wellbeing Board Strategy, which was anticipated in early 2020.

#### **RESOLVED:-**

- (i) that the development of the Outcomes Framework be noted;
- (ii) that, subject to the points highlighted, the Health and Wellbeing Board agree to adopt the Outcomes Framework; and
- (iii) that the proposed next steps to further develop the Outcomes Framework and its use across the Barnsley system be noted.

#### **43 Alcohol Plan (HWB.09.04.2019/11)**

The Board considered a report of the Director of Public Health which confirmed alcohol has being one of three priorities set out in the refreshed Public Health Strategy along with food and emotional resilience.

The Plan sought to improve the health and wellbeing of Barnsley residents and address the health inequalities associated with alcohol use. The Board in particular noted the high prevalence of liver disease within the town. The Plan sought to address the impact alcohol had on the night time economy, its availability, its affordability and its general acceptance as a social pastime. It emphasised the

requirement to work with the alcohol industry to put in place measures that would encourage people to drink responsibly.

The Board noted in particular the work that was required in engaging young people and educating at an early age as to the impact of alcohol.

**RESOLVED** that the Health and Wellbeing Board support the strategic direction of the Alcohol Plan including the vision, priorities, outcomes and targets.

#### **44 Director of Public Health Annual Report (HWB.09.04.2019/12)**

The Health and Wellbeing Board welcomed the 2018 Annual Report which highlighted in particular the work taking place to improve the health and wellbeing of Barnsley's residents and address the health inequalities associated with loneliness. The report's recommendations aligned with the Board's strategic priorities of:-

- People live happy, healthier, longer lives;
- People have improved mental health and wellbeing;
- People live in strong and resilient families and communities.

The Board noted the good work that was taking place in Barnsley and agreed that where practicable this be aligned to the TownSpirit initiative.

**RESOLVED** that the Health and Wellbeing Board noted the contents and recommendations set out in the Annual Report and supported their implementation during 2019.

#### **45 Barnsley Safeguarding Children Partnership Arrangements: Working Together 2018 Implementation (HWB.09.04.2019/13)**

The Chair of the Barnsley Safeguarding Children Partnership highlighted the work which had taken place in responding to the Working Together 2018 report which sought to change the arrangements that were required locally to ensure that agencies worked together in partnership to keep children and young people safe. It was noted in particular how the Barnsley Local Safeguarding Children Board would transition to become the Barnsley Safeguarding Children Partnership (BSCP) with effect from 1<sup>st</sup> April 2019.

The Board acknowledged the background to the transition and welcomed the proposals set out in the Plan. Whilst no longer a statutory duty, the Board acknowledged that national guidance remained in place.

**RESOLVED** that the Health and Wellbeing Board welcome the Plan and looked forward to maintaining its close working relationship with the newly created Barnsley Safeguarding Children Partnership.

#### **46 Joint Strategic Needs Assessment update (HWB.09.04.2019/14)**

The Board considered a report of the Director of Public Health which sought to provide an overview to the Barnsley Joint Strategic Needs Assessment (JSNA).

The Local Government and Public Involvement in Health Act (2007) required upper tier local authorities and PCTs to produce a JSNA of the health and wellbeing of their local community. The Health and Social Care Act 2012 gave this duty to Health and Wellbeing Boards with additional statutory duty to prepare a Joint Health and Wellbeing Strategy to meet the needs identified in the JSNA.

The Board welcomed the work which had taken place to develop and update the JSNA and in particular the significant engagements with stakeholders which had taken place. The Board supported the development of the JSNA as a web-based reference resource so as to improve engagement with people wanting to know about health and wellbeing in their area. Close monitoring would take place to determine the extent to which the JSNA would be used and become embedded in local structures and partnerships, local commissioning strategies, in order to improve outcomes for local people.

**RESOLVED** that the Health and Wellbeing Board note in particular:-

- (i) the streamlined approach to developing the JSNA;
- (ii) the stocktake of intelligence, products and outputs across all partners;
- (iii) the approach in developing “one-stop” website for Barnsley information and intelligence (including the JSNA); and
- (iv) the process for the identification of topic areas for “deep-dives” using an agreed prioritisation tool.

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Chair

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# Item 17



|                 |                                     |
|-----------------|-------------------------------------|
| <b>MEETING:</b> | Overview and Scrutiny Committee     |
| <b>DATE:</b>    | Tuesday, 26 March 2019              |
| <b>TIME:</b>    | 2.00 pm                             |
| <b>VENUE:</b>   | Council Chamber, Barnsley Town Hall |

## MINUTES

### Present

Councillors Ennis OBE (Chair), G. Carr, Clarke, Clements, Frost, Gollick, Hand-Davis, Hayward, W. Johnson, Makinson, Phillips, Pickering, Sheard, Tattersall and Williams.

### 57 Apologies for Absence - Parent Governor Representatives

Apologies for absence were received in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001 from Ms Kate Morritt.

### 58 Declarations of Pecuniary and Non-Pecuniary Interest

There were no declarations of pecuniary or non-pecuniary interest.

### 59 Minutes of the Previous Meeting

The minutes of the meeting held on 26<sup>th</sup> February 2019 were approved as a true and accurate record.

### 60 Adult Skills and Community Learning (ASCL) Service Ofsted Inspection

The following witnesses were welcomed to the meeting:

David Shepherd, Service Director for Regeneration & Property, Place Directorate  
Anne-Marie Holdsworth, Adult Skills, Employability & Community Learning Manager, Place Directorate  
Councillor Chris Lamb, Member of the ASCL Service Improvement & Governing Board

David Shepherd introduced this item, informing the Overview and Scrutiny Committee of the findings of the recent Ofsted inspection of the Local Authority's Adult Skills and Community Learning (ASCL) Service. The report sets out the Service's journey from initial inspection in 2016 (judged 'requires improvement') through to the most recent inspection, judged 'good'. It was highlighted that the report is a good news report, with the service showing significant improvement and better outcomes for all. The inspection found the Service to be 'good' across the following judgement areas:

- Overall effectiveness
- Effectiveness of leadership and management
- Quality of teaching, learning and assessment
- Outcomes for learners

- Adult learning programmes

The inspection recommended that the quality of English for Speakers of Other Languages (ESOL) and English provision should be improved to enable a higher proportion of students to achieve their qualifications. It was reported that the next inspection would now be a 'lighter touch' due to the favourable judgement received this time.

In the ensuing discussion, and in response to detailed questioning and challenge, the following matters were highlighted:

An effective marketing and publicity strategy is in place to promote the services offered by Adult Skills & Community Learning. This includes connecting with organisations targeted to engage with non-traditional media advertising and those who work with migrant workers, shift workers etc. A lot of work has been done to ensure ongoing attendance.

Effective use is made of volunteers where appropriate, particularly in ESOL, where stand-alone classes are being developed to enable students to practice English through conversation with volunteers. The Service is always looking for volunteers to support students in this way.

Investment has been made in a data system which allows the tracking of learner progress through robust assessment. This has been a focus of the improvement board for the last couple of years as the previous IT system was not effective enough to do this. However, it is not just about data collection but also to improve the learner experience and the service is now in a much better place.

Staff and service users have been involved every step of the way in the improvement journey. The process started by looking at strengths and weaknesses of the service and asking staff how this could be improved. Some difficult conversations took place where staff performance required improvement but on the whole staff felt that the inspection and subsequent improvement experience was positive. Staff turnover was historically low but 25% of staff left as a result of the inspection. Posts have been recruited to, with some specialist posts still to be filled. Learners have been involved and their views and experiences captured through learner feedback and Learner Forums.

Declining learner numbers have impacted on the service's ability to generate income in line with the contract. This also reflects the national picture. Learner numbers, particularly on leisure based courses, have declined as people are unwilling to pay a fee. There are two strands to delivery against the contract – grant funding and earned income linked to qualifications. Work in communities is grant funded, such as the Integrated Pilot project in the Dearne for people with mental health problems. Some work is done centrally, such as enabling volunteers to get a food safety qualification. Courses are designed to meet specific needs, such as positive thinking for parents of young children. A number of courses have been developed at Smithies, such as English and Maths skills to help with career progression and getting people back in to work. There is a need to improve the business and increase opportunities. A number of avenues are being explored in conjunction with partners and the Service is confident that improvement will be sustained. There are



also opportunities for Members to be involved and take ownership to drive forward improvement.

**RESOLVED** that:

- (i) Witnesses be thanked for their attendance and contribution, and
- (ii) Members note the report.

## **61 Overview and Scrutiny Committee (OSC) Task and Finish Group (TFG) Reports 2018/19**

The Chair introduced this item, explaining that the reports presented to the Committee summarise the investigations undertaken into:

- Social Housing - led by Cllr Gail Charlesworth;
- Substance Misuse - led by Cllr Gill Carr; and
- Adult Mental Health Crisis Care - led by Cllr Paul Hand-Davis.

It was highlighted that the reports are a culmination of good work undertaken by Members, scrutiny co-optees, officers, service users and partnership agencies which have resulted in each group being able to make recommendations to improve services for communities, and have been brought to the Committee to promote the work of the TFGs and increase Members' awareness of different services in the Borough. Once approved by the committee, the reports will be submitted to Cabinet.

### *Social Housing TFG*

The Chair highlighted that this TFG had reviewed Social Housing provision in Barnsley, including how challenges of supply and demand are being met; how tenancies and estates are managed by local social housing providers; as well as how the needs of our most vulnerable residents are being met. The TFG also considered current work, future plans and made a number of recommendations in support of further improvement.

### *Substance Misuse TFG*

Councillor Carr, as Lead TFG Member, introduced this report, highlighting that the TFG had undertaken a review of Substance Misuse in Barnsley, with consideration for both adults and young people in relation to support services, prevention work, community safety and enforcement, highlighting the valuable multi-agency partnership work which takes place to support our most vulnerable citizens.

### *Adult Mental Health Crisis Care TFG*

Councillor Hand-Davis, as Lead TFG Member, introduced this report, drawing Members' attention to the key findings and recommendations resulting from the investigation, including understanding the broad spectrum of mental health illness and related services, which led to a specific focus on crisis care. The group met with a variety of local service providers and commissioners to challenge service provision

as well as gain a greater understanding of the complexities involved, not least that incidents often occur out of office hours with the busiest time for mental health calls being in the evening and at weekends.

**RESOLVED** that:

- (i) Members, co-optees and all those involved in the TFG investigations be thanked for their hard work and contributions;
- (ii) The Committee approves the TFG reports (and recommendations therein) with regard to Social Housing, Substance Misuse and Adult Mental Health Crisis Care, and
- (iii) The individual reports now be submitted to Cabinet.

|                 |                                     |
|-----------------|-------------------------------------|
| <b>MEETING:</b> | Overview and Scrutiny Committee     |
| <b>DATE:</b>    | Tuesday, 30 April 2019              |
| <b>TIME:</b>    | 2.00 pm                             |
| <b>VENUE:</b>   | Council Chamber, Barnsley Town Hall |

## MINUTES

### Present

Councillors Ennis OBE (Chair), Bowler, G. Carr, Charlesworth, Clarke, Frost, Hayward, W. Johnson, Makinson, Tattersall, Wilson and Wright together with co-opted members Ms P. Gould

### 62 Apologies for Absence - Parent Governor Representatives

Apologies for absence were received from Ms Kate Morrith in accordance with Regulation 7(6) of the Parent Governor Representatives (England) Regulations 2001.

### 63 Declarations of Pecuniary and Non-Pecuniary Interest

Councillors Carr, Tattersall and Wilson declared non-pecuniary interests in Minute No. 67 due to their membership of the Corporate Parenting Board.

### 64 Minutes of the Previous Meeting

The minutes of the meeting held on 26<sup>th</sup> March 2019 were approved as a true and accurate record.

### 65 Adult Social Care Local Account 2017/18

The following witnesses were welcomed to the meeting:

Lennie Sahota, Service Director - Adult Social Care & Health  
 Kwai Mo, Head of Service - Mental Health & Disability  
 Margaret Young, Interim Head of Service - Older People Physical Disabilities  
 Julie Moore, Service Manager - Quality Assurance and Service Improvement, Adults & Communities  
 Councillor Margaret Bruff, Cabinet Spokesperson for People - Safeguarding

The Service Director introduced this item, presenting the 7<sup>th</sup> Barnsley Adult Social Care Local Account to the Committee. The report considers performance in 2017/18, identifying key strengths, areas for improvement and future plans and challenges. It was highlighted that Barnsley is one of the best performing authorities in terms of delayed transfers of care from hospital and direct payments. Overall satisfaction continues to be higher than the national average, whilst work is needed on some areas, including the proportion of adults with a learning disability or who are in contact with secondary mental health services in paid employment.

In the ensuing discussion, and in response to detailed questioning and challenge, the following matters were highlighted:

The Council has a responsibility to address and improve quality in care homes, which it does by working closely with providers. It was reported that health colleagues have launched a care home initiative to help care homes to manage health needs better and avoid unnecessary hospital attendances and admissions. Consideration is being given to the development of a 'Quality Board' for all contracted provision, not just care homes, working with providers as partners to collectively come together to improve.

When contracts expire at the end of March 2020 new contracts will present an opportunity to be clear about specification and requirements in cases of concern. Care homes are largely cooperative. Sometimes investment is required to improve quality but there may be no incentive to do this as payments will continue despite the need to improve. High quality care home provision can attract new people but local people may prioritise local provision over quality. Cross authority provision can create additional challenge such as fee rates but the service now has greater internal capacity to visit properties.

Sanctions can be used in cases of high levels of concern, whereby admissions are prevented or residents moved, but this is very much a last resort. A monthly contract monitoring report is produced, which has greatly increased understanding and ensures that conversations take place with providers before a crisis situation can develop.

It was reported that care homes are registered with the CQC, not the Local Authority, who have to satisfy themselves as to the appropriateness of the Manager and staff. If a Care Home is sold and ownership transferred, the provider will inform the Local Authority if they have a contract with the Local Authority in question.

The minimum level of qualification for residential care home staff is NVQ level 2 Health and Social Care. Staff who provide care in the community are also required to be registered with the CQC with the additional requirement that where care workers are employed by a provider who has a contract with the Local Authority they are required to work to a specification which is monitored by the contract monitoring team, who now have increased capacity to monitor this, which is important as people living in their own homes may be more vulnerable.

Healthwatch Barnsley is commissioned to monitor service quality and is very active in Barnsley – the Chair of Healthwatch will be a member of the proposed Quality Board.

It was felt that the telephone number for information and advice was not prominent and could be easily missed. Most information for the service is web based but there are leaflets for those who require them and workers visiting people can print off copies and take them out with them. It was acknowledged that not everybody is connected to the internet and the issue of paper copies is currently being looked at by the management team as there will always be a need for them.

Some of the performance information has changed since the report was published. The proportion of adults with a learning disability in paid employment has increased from 2% to 3.2%. The number of younger adults (aged 18-64) whose long term support needs are met by admission to residential and nursing care homes has fallen from 17.7 per 100,000 to 15.7 per 100,000 (23 placements in a whole year). With regards to performance in relation to adults known to secondary mental health who

were in paid employment, with this information provided through SWYPFT, however the latest position is not currently known. A new data system is being implemented which should go some way to alleviating the problem, enabling Barnsley based information to be more readily available.

It was noted that despite increasing demands the service was required to save a further £1.2 m in 2018/19. This was achieved through targeted reviews (to include continuing health care), maximising income and review of social care contracts. The service has met and delivered against targets whilst continuing to ensure people get the care and support they need. The risk is not in continuing to meet assessed need but rather reliance on making strategic investments to improve the local offer without knowing what funding will be received.

**RESOLVED** that:

- (i) Witnesses be thanked for their attendance and contribution, and
- (ii) Members note the report.

## **66 Exclusion of the Public and Press**

**RESOLVED** that the public and press be excluded from the meeting during the consideration of the following item because of the likely disclosure of exempt information as defined by Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended).

## **67 Children's Social Care Performance**

The following witnesses were welcomed to the meeting:

Mel John-Ross, Service Director – Children’s Social Care & Safeguarding  
Councillor Margaret Bruff, Cabinet Spokesperson for People - Safeguarding

The Service Director introduced this item and gave an overview of key performance issues highlighted in the report as at 31<sup>st</sup> March 2019, including Barnsley’s historical performance and comparisons with other local authorities.

In the ensuing discussion, and in response to detailed questioning and challenge, the following matters were highlighted:

The number of Looked After Children is still relatively low but does exceed the current target, with more children coming into care than leaving. School attendance has improved but there is always more to do.

There has been a slight increase to caseloads for the Assessment/Joint Investigation and Safeguarding team but these are monitored closely by Managers and arrangements are in place to help mitigate particularly high caseloads if necessary.

The number of re-referrals tends to fluctuate and is higher than envisaged in line with child protection rates. Every re-referral is scrutinised carefully.

Work is ongoing with Berneslai Homes to ensure care leavers aged 18 are in suitable accommodation where appropriate and 4 'training flats' are provided to help the transition. Semi-independent accommodation is an option for those who are not quite ready to live independently. The preferred solution is a 'Stay Put' arrangement whereby the young person remains with foster carers, but this can be a challenge. Care leavers in residential accommodation have to leave at age 18, by which time some are ready and some are not.

Witnesses were thanked for their attendance and contribution.

|                 |                                    |
|-----------------|------------------------------------|
| <b>MEETING:</b> | Central Area Council               |
| <b>DATE:</b>    | Monday, 11 March 2019              |
| <b>TIME:</b>    | 2.00 pm                            |
| <b>VENUE:</b>   | Reception Room, Barnsley Town Hall |

## MINUTES

### Present

Councillors Riggs (Chair), D. Birkinshaw, P. Birkinshaw, Bruff, G. Carr, Clarke, W. Johnson, Pourali, Williams and Wright

### 31. Declaration of Pecuniary and Non-Pecuniary Interests

There were no declarations of pecuniary or non-pecuniary interests.

### 32. Minutes of the Previous Meeting of Central Area Council held on 14th January, 2019 (Cen.11.03.2019/2)

The meeting received the minutes from the previous meeting of Central Area Council held on 14<sup>th</sup> January, 2019.

**RESOLVED** that the minutes of the Central Area Council held on 14<sup>th</sup> January, 2019 be approved as a true and correct record.

### 33. RVS Presentation (Cen.11.03.2019/3)

This item was withdrawn due to the presenter being unable to attend due to illness.

### 34. Performance Report Q3 (Cen.11.03.2019/4)

The Area Council Manager introduced the item, which referred to quarter 3 performance in 2018/19.

Members noted part A of the report, which provided a cumulative update of performance from 1<sup>st</sup> April, 2017 to 31<sup>st</sup> December, 2018.

The main body of the report provided an update on performance of the four major contracts held by the Area Council.

The performance against the contract with RVS was positive with all areas rated as 'Green'. Within the quarter there had been 134 new users of the service, with 24 of these being referred from the My Best Life social prescribing service.

Members noted that the number of individuals in the 50-60 year group accessing the service continued to rise as organisations began to become aware of the increased age range.

13 new volunteers had been recruited and deployed, and Members noted the number of successful events held to celebrate Christmas.

It was noted that the steering group had not recently met and assurances were given that this would be remedied. Members requested to be provided with details of which wards users lived in, and also the retention rate of volunteers. A request was also made that venues in the Central Council Area be used for events wherever possible in future.

The performance of YMCA in delivering their contract was positive in all areas. Within the quarter 33 additional young people had taken part., with a total of attendances during the quarter. Members noted that the evaluation showed a 28% increase in general wellbeing following engagement with the service, with the figure being higher in youth provision than when compared to after school clubs.

Members discussed the age group accessing the service, and the rationale behind this focus. Also noted was the more intense nature of the project, working with young people to build resilience over a longer period. It was noted that whether the focus was still appropriate would be discussed as part of the review of Area Council priorities.

The contract with Kingdom was discussed, with performance considered positive in all areas. Within the quarter 156 fixed penalty notices had been issued, with 20 of these being for dog fouling. Members noted the targeted work around Birk Avenue in Kendray and in the Dodworth Area to address the issue of dog fouling.

Those present discussed the impact of the contract, with high levels of litter and dog fouling still evident in many areas. It was acknowledged that catching owners who did not pick up their dog fouling was difficult with many owners exercising their dogs in the early morning or late evening. Members discussed the relatively small cost to the Area Council of the commission, and its deterrent effect. The need for intelligence to inform patrols was noted, and Members felt that information on how to do so should be more readily available. However also noted was the reticence of some residents to provide detailed information.

Members acknowledged that the new provider would start on 1<sup>st</sup> April, 2019 with a focus on litter other than cigarette ends.

With regards to the contract with Twiggs Grounds Maintenance, it was noted that performance was positive in all areas. Within the quarter 110 pieces of additional work had been undertaken, and 10 social action projects had been led by the team. 13 new adult and young volunteers had also been engaged.

Members praised the work of the team and the impact this had made within the area, working alongside volunteers.

With regards to the Service Level Agreements to provide a Targeted Household Flytipping Service, and a service to Support New Tenants in Private Rented Housing, provision had only recently commenced and therefore reports on performance would commence at the next Area Council meeting.

With reference to the contract with Family Lives, members noted that there had been delays in establishing the provision and therefore this would not report performance until July, 2019 following the first quarter of delivery.



**RESOLVED** that the report be noted.

**35. Priorities, Procurement and Financial Update (Cen.11.03.2019/5)**

The Area Council Manager introduced the item referring to the previous item and the discussion about the performance of Royal Voluntary Service. Members noted that the contract was due to come to an end on 30<sup>th</sup> June, 2019 and approval was required in order to extend this for a final 9 month period.

A further update was provided on the contract with Family Lives. The recent recruitment exercise had been unsuccessful, so therefore the post had been re-advertised together with a more targeted recruitment campaign. Discussions were currently taking place to move the contract start date to 1<sup>st</sup> April, 2019.

Discussions had recently taken place with Twiggs Grounds Maintenance regarding the targets associated with their next contract, and the need for these to be more challenging.

The Area Council Manager updated Members on the issues associated with the new Environmental Enforcement contract which would be delivered by District Enforcement from 1<sup>st</sup> April, 2019. The contract was supported by a Service Level Agreement with the Council's Safer Neighbourhood Service which provided the relevant infrastructure for processing fixed penalty notices (FPNs), uniforms and transport. Members were made aware that, given the reduced numbers of Area Councils procuring an enforcement service, and the desire to move to an integrated electronic system, a further £3,000 was required.

Members noted the number of variables associated with the contract, including the increase of FPNs to £100 and the focus on litter other than cigarette ends. It was acknowledged that the contract would be carefully monitored and decisions would be made in due course whether to continue with this contract in the longer term.

An update was provided on the arrangements made in relation to the Central Area Council Wellbeing Fund. The fund was launched at the end of January, and a workshop was subsequently held with 32 people attending, representing 24 organisations. Feedback from the event had been positive and it was noted that the closing date for applications was the 22<sup>nd</sup> March, 2019. A report on the successful applications would be provided to the Area Council at its meeting on 29<sup>th</sup> April, 2019.

An overview of the current financial position was provided, and Members heard that approximately £25,000 remained for 2019/20. This would be reduced with the increased cost of the SLA for the Environmental Enforcement Contract, but may also increase from income from Fixed Penalty Notices.

Feedback was provided from the recently held workshop where the priorities for the Area Council had been discussed. The workshop attendees considered where finance had been invested and what this had achieved. Members had discussed the strengths of the Area Council and areas for improvement. In addition consideration had been given to the changing demographic and future demand predicted in the area.

The workshop had felt that the existing priorities were still largely appropriate, but that further exploration was required on the area of employability and skills.

Members discussed how to take this work forward and it was suggested that workshops be convened to discuss each priority in more detail with a detailed report to be considered by the Area Council in due course.

**RESOLVED:-**

- (i) that the overview of the current Central Area Council priorities be noted;
- (ii) that the overview of all Central Area Council contracts and Service Level Agreements be noted;
- (iii) that the contract with RVS to address loneliness and isolation in adults and older people be extended for a further 9 month period (1<sup>st</sup> July, 2019 – 31<sup>st</sup> March, 2020) at a cost of £100,000;
- (iv) that an additional £3,000 be approved for the Service Level Agreement with the Safer Neighbourhood Service to provide relevant support for the Environmental Enforcement Contract during April 2019 – March 2020;
- (v) that the update about the development, launch and implementation of the Central Area Well-being Fund be noted;
- (vi) that the financial position for 2018/19 and the projected expenditure for 2020/21-2022/23 be noted; and
- (vii) that the update from the workshop to review priorities be supported and the proposed way forward be supported.

**36. Notes of the Ward Alliances (Cen.11.03.2019/6)**

The meeting received the notes of following Ward Alliances within the Central Area:-  
Central Ward Alliance held on 23<sup>rd</sup> January, 2019;  
Dodworth Ward Alliance held on 18<sup>th</sup> December, 2018 and 22<sup>nd</sup> January, 2019;  
Kingstone Ward Alliance held on 23<sup>rd</sup> January, 2019;  
Stairfoot Ward Alliance held on 14<sup>th</sup> January, 2019;  
Worsbrough Ward Alliance held on 10<sup>th</sup> January, and 7<sup>th</sup> February, 2019.

**RESOLVED** that the notes of the Ward Alliances be received.

**37. Report on the Use of Ward Alliance Funds (Cen.11.03.2019/7)**

Members received the report, noting the remaining finance for each of the Ward Alliance Funds.

**RESOLVED** that the report be noted.

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Chair

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| <b>MEETING:</b> | Dearne Area Council              |
| <b>DATE:</b>    | Monday, 25 March 2019            |
| <b>TIME:</b>    | 10.00 am                         |
| <b>VENUE:</b>   | Meeting Room, Goldthorpe Library |

## MINUTES

**Present** Councillors Noble (Chair), Gardiner, Gollick, C. Johnson and Phillips.

### 37 **Declarations of Pecuniary and Non-Pecuniary Interests**

There were no declarations of pecuniary or non-pecuniary interests.

### 38 **Minutes of the Previous Meeting of Dearne Area Council held on 21st January, 2019 (Dac.25.03.2019/2)**

The meeting received the minutes from the previous meeting of Dearne Area Council.

**RESOLVED** that the minutes of the Dearne Area Council meeting held on 21<sup>st</sup> January, 2019 be approved as a true and correct record.

### 39 **B:friend performance update (Dac.25.03.2019/3)**

Mark was welcomed from b:friend to provide an update. Members were reminded that the commission involved one-to-one befriending and also organising social clubs. All activities were focused on the five ways to wellbeing.

Befrienders visit those unable to leave the house for a drink and a chat. This was said to often improve the mood and wellbeing of those being visited, with them having someone who cared. Eight befrienders had been engaged, with a further six pending.

Two social clubs had been established, one in Thurnscoe and one in Bolton On Dearne. The former had taken longer to become established, but was now well attended. A further social club for the Goldthorpe area was in the process of being established and Members were asked to put forward any suggestions for a suitable venue.

Members heard of the relatively low numbers of referrals, even though those involved in social prescribing, GPs and community nurses had been engaged. Members agreed to assist where possible.

The meeting heard of the intergenerational work being undertaken with nursery settings, and Members suggested that the positive work between Dearne ALC and Goldthorpe Development Group could be built upon.

Those present heard of the donation provided by Keepmoat to provide a social club in Thurnscoe, which was thought positive by all.

**RESOLVED** that the update be received.

#### **40 Humankind (Dac.25.03.2019/4)**

As a representative of Humankind was unable to attend, this item was deferred to a future meeting.

#### **41 Active Dearne (Dac.25.03.2019/5)**

Stuart Rogers, from BMBC, and Paul Cummins from Yorkshire Sport Foundation were welcomed to the meeting.

Active Dearne had been over two years in the planning but had resulted in Barnsley, Doncaster and Rotherham local authorities working together across the Dearne. An application to Sport England had been successful and provided funding to target adults on low incomes, or unemployed, who were not active. In year one, the project would be operational in four areas of the Dearne, which included Goldthorpe and Thurnscoe.

Community Champions were currently being recruited, and it was felt important to engage someone who would know the local area well and had or could develop relationships with local residents. The role would include establishing groups, and reducing any barriers, to encourage local people to get back to physical activity.

Members noted that the project will also commission services, working with such as community groups, sports clubs to target areas of little physical activity.

In addition the project is set to work with businesses and employers in the Dearne area. It was acknowledged that many residents also worked in the area. The focus would be on ages 25-50, but anyone from 16 to over 75 could engage.

Members discussed how Barnsley Premier Leisure could be engaged, and it was noted that meetings had been planned to take place over the next few weeks to consider this.

Members noted that the delivery in years 2 and 3 of the project had yet to be confirmed, but a decision on this was expected in May.

**RESOLVED** that officers be thanked for their attendance and the feedback be noted.

#### **42 Dearne Area Council Update on Finance and Commissions (Dac.25.03.2019/6)**

The Area Council Manager spoke to the report, reminding Members of the decision in January to commission an Employability Service initially for a year with an option to extend this for two further periods of a year. The contract was awarded to Dearne Electronic Community Village.

Members noted that from an opening budget of £208,467.96 for 2018/19, £210,579.76 had been allocated, which had led to a slight overspend. However, this had been offset by income from Fixed Penalty Notices leaving £14,706.20 remaining in the financial year.

This figure would be carried forward to the 2019/20 financial year but taking into account finance already allocated, only £2,108.44 remained for allocation. Members were also reminded that from April, 2019 onwards the Environmental Enforcement contract ceased and therefore there would be no further income from Fixed Penalty Notices.

Six grants had been approved from the Dearne Development Fund and Members noted that £9,572.10 remained to allocate, which would be carried forward and combined with the allocation made for 2019/20.

**RESOLVED** that the report be noted.

**43 Community Magazine (Dac.25.03.2019/7)**

The Area Council Manager reminded Members of previous agreements to produce a Community Magazine twice a year. This had been produced on a cost neutral basis, with advertising space subsidising Area Council content. The only cost was associated with distribution.

The most recently publication had been produced by a new provider, and there had a number of issues with the process. Therefore the issue had been brought to Members for their opinion.

Those present considered the impact of the production of a magazine, and it was felt to be positive, celebrating the involvement of volunteers in the area. However, the work to produce a publication was noted, as was the inappropriate nature of some adverts in the previous edition. It was noted that no formal feedback had been received on the publication, but the volume of calls to the area team had increased significantly following the distribution of each edition of the magazine. It was suggested that social media could be used to gain feedback on the magazine, and statistics on the numbers downloaded from the Council website could also be gained.

After considering a number of options, it was suggested that costs be considered for the production of a magazine by the area team for distribution throughout the Dearne area. A suggestion was made to consider whether a larger business in the area may wish to provide sponsorship.

**RESOLVED** that a future meeting of the Area Council considers costings associated with the production and distribution of its own magazine for the Area.

**44 Notes from the Dearne Approach Steering Group held on 21st January, 2019 (Dac.25.03.2019/8)**

Members considered the notes from the meeting held on 21<sup>st</sup> January, 2019. Members felt the meeting was very well attended and was very well received. The plan to agree four themes for all agencies to focus on was noted.

**RESOLVED** that the notes from the Dearne Approach Steering Group be received.

**45 Notes from the Dearne Ward Alliance held on 24th January, 2019 (Dac.25.03.2019/9)**

The meeting received the notes from the Dearne Ward Alliance held on 24<sup>th</sup> January, 2019.

**RESOLVED** that notes from the Ward Alliance be received.

**46 Report on the Use of Ward Alliance Funds (Dac.25.03.2019/10)**

The item was introduced by the Area Council Manager, who drew attention to the finance remaining for each of the Wards in the area.

At the time of writing the report, Dearne North had allocated £6,142.80 of its starting balance of £9,506.69, leaving £3,363.89. Dearne South had allocated £6,414.74 of its allocation of its opening balance of £11,021.36, with £4,606.62 remaining.

Members noted that some applications had been approved since the report had been published, and therefore finance remaining would be correspondingly reduced.

**RESOLVED** that the report be received.

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Chair

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| <b>MEETING:</b> | North Area Council                  |
| <b>DATE:</b>    | Monday, 25 March 2019               |
| <b>TIME:</b>    | 2.00 pm                             |
| <b>VENUE:</b>   | Meeting Room 1 - Barnsley Town Hall |

## MINUTES

**Present** Councillors Leech (Chair), Burgess, Howard, Lofts, Platts, Spence and Tattersall

### 39 Chair's Remarks

The Chair expressed his thanks to retiring Councillors Miller and Burgess for their hard work, dedication and support to the North Area Council.

### 40 Declarations of Pecuniary and Non-Pecuniary Interests

There were no declarations of pecuniary or non-pecuniary interest.

### 41 Minutes of the North Area Council meeting held on 21st January 2019

The Area Council received the minutes of the previous meeting held on 21<sup>st</sup> January 2019.

**RESOLVED** that the minutes of the North Area Council meeting held on the 21<sup>st</sup> January 2019 be approved as a true and correct record.

### 42 Empty Homes - Amy Forster

Amy Forster, BMBC Empty Homes Officer, was welcomed to the meeting and provided Members with an update regarding empty homes across the North Area Council. Currently there are 1659 empty homes across the Borough, 266 of which are in the North Area Council area, representing 16% of the total. Empty properties are categorised according to the length of time they have been empty, with the majority falling within the 6 months to 2 years category, although some have been empty in excess of 10 years. Issues include disrepair and overgrown gardens, which impacts negatively on other properties in the local area. Financial assistance of up to £15,000 is available to bring the properties back to an acceptable standard. Reasons behind the empty homes are numerous, ranging from absent landlords to family disputes, mental health problems and difficulties around probate, which can take many years to resolve.

The service currently works with Humankind Housing who offer quality accommodation with intensive housing management to help vulnerable tenants live independently by way of a 10 year lease. Joint work also takes place with Berneslai Homes on a purchase and repair scheme and use is made of Berneslai Homes' property management service. The service have a range of statutory powers, including enforced sale but prefers to work with owners and landlord on an amicable

basis. A number of Members were aware of concerns in their local areas and were asked to pass information on to Amy for further investigation where appropriate.

**RESOLVED** that:

- (i) Amy be thanked for the work which she had been done to date on behalf of local residents, and
- (ii) The update be noted.

#### **43 Outcome of Health and Wellbeing Workshop**

The Area Council Manager introduced this item, apprising Members of the discussions that took place at a recent workshop regarding the potential for a Health and Wellbeing project to be funded by the North Area Council. Priority areas for a new project were identified as cancer, smoking prevalence and young people. It was felt that the Area Council must use its resources to produce maximum impact for the community and that any long term investment in a project should deliver sustained behaviour change. In terms of project characteristics, the 'coaching' model was well respected. It was felt that 'five ways to wellbeing' should be at the centre of a project (Connect, Be Active, Give, Take Notice and Stay Connected) and that building resilience particularly around emotional wellbeing was very important, especially for young people.

It was felt that some of the research information from the 'Make Your Mark' Survey may not be representative and that any commissioned project should be developed and owned by young people. The possibility of running a pilot project in the summer break was discussed, but it was felt that this could prove difficult in terms of commissioning and tight timescales.

**RESOLVED** that

- (i) The health and wellbeing needs of young people be identified as a priority area for future development;
- (ii) Young people should be consulted with as part of the project identification and development, and
- (iii) The Area Manager be tasked with arranging a further workshop on 17<sup>th</sup> April 2019 to work up a delivery model for the priority, with the support of specialist officers.

#### **44 Outcome of Area Magazine Workshop**

The Area Council manager updated Members with regard to future provision of the Area Magazine. The preferred option for Members would be a totally independent publication but the cost of this, at around £7000 per edition, would be prohibitive. It was reported that the next edition would be the Winter magazine and that summer events will have to be promoted by alternative means such as notice boards, the website, facebook etc rather than through the community magazine.



**RESOLVED** that more information will be provided by the Area Council Manager once this is available

#### **45 Performance Management Report - Commissioned Projects & Grant Summary**

The item was introduced by the Area Council Manager, who provided Members with a comprehensive North Area Council Performance Report for the Period October – December 2018 (Quarter 3).

Contracted Service Providers include CAB and DIAL (Community Outreach Project), Twiggs Grounds Maintenance and DIAL (Social Isolation and Warm Homes). In addition, the North Area Council funds Housing Migration Officer and Youth Participation Worker posts. A number of case studies were provided within the report across all priorities.

It was reported that since the DIAL project started in September 2017 the total benefit gain has now reached £3,046,173 and the debt managed stands at £453,156. This represents value for money, as the North Area receives £25 back from every £1 invested in the project.

#### **RESOLVED:-**

- (i) that Members note the update report

#### **46 Outcome of Stronger Communities Grants Panel**

The Area Council Manager introduced this item and updated Members with regard to the North Area Council Stronger Communities Grant. Recommended projects include: YMCA Youthwork (£19,315); Ad Astra – Taking Young People Seriously (£19,730); Darton Cricket Club cricket practice facility (£19,000); Royal Voluntary Service (RVS) Looking Out for Older People (£19,557); Emmanuel Methodist Church Ignite Barnsley (£13,205.67) and Reds in the Community Healthy Lifestyle Programme (£8,551.38). This bid will also cover some school provision for years 3 – 6.

#### **RESOLVED** that

- (i) Members note the NAC Stronger Communities Grant update;
- (ii) Members note the projects that have been approved for funding and
- (iii) Members agree the performance and monitoring arrangements outlined within the report.

#### **47 Commissioning, Project Development and Finance Update - updated financial profile**

The North Area Council Manager provided the Area Council with a financial position and forecast for expenditure based on the projects that have been proposed.

**RESOLVED** that:

- (i) Members note the current financial and budget position and forecast for funding commitments;
- (ii) The Anti-Poverty Community Outreach Project be extended from September 2019 for a further 12 months;
- (iii) The Clean and Green Service be extended from September 2019 for a further 12 months
- (iv) The Youth Participation posts be extended from August 2019 for a further 12 months

**48 Report of the Ward Alliance Fund**

The North Area Council Manager updated the North Area Council regarding the financial position of the Ward Alliance budget for each ward for the 2018/19 period, providing a full breakdown for each Ward.

**RESOLVED** that:

- (i) The report be noted, and
- (ii) Each Ward in the North Area Council area prioritises the efficient expenditure of the Ward Alliance Funds in line with the guidance on spend.

**49 Notes from the Area's Ward Alliances**

The meeting received the notes from the Darton East Ward Alliance held on 8<sup>th</sup> January and 12<sup>th</sup> February 2019; Darton West Ward Alliance held on 14<sup>th</sup> January and 11<sup>th</sup> February 2019; Old Town Ward Alliance held on 4<sup>th</sup> December 2018 and 5<sup>th</sup> February 2019; and St Helen's Ward Alliance held on 24<sup>th</sup> January 2019.

*Darton East* – Cllr Spence congratulated volunteers on the amount of litter collected and also explained that the Tour de Yorkshire is passing through the area on 3<sup>rd</sup> May and a number of related celebratory projects are underway, such as painting bikes with Greenworks. Local schools are to be involved. Safety rails are to be erected on Shaw Lane. Land art will be on display at Wilthorpe, at Darton and on the golf course.

*Darton West* – It was reported that the hanging basket sponsorship was proving popular. 'Stars of Darton' was held on 15<sup>th</sup> March, was well attended and very enjoyable. Cllr Burgess continues to be involved in local history groups. A third information board detailing the history of local schools is to be erected, then six more to complete the Kexborough and Darton Heritage Trail. A Barugh group will be set up shortly. The 'Visit Darton' project is ongoing. Areas which could benefit from investment for the Darton West in Bloom Project are being identified and planting of trees in Darton park is taking place with primary schools.

*Old Town* – The Bike Store project is currently on hold. Bulb planting for next year is in hand. Attempts are being made to speak to Pogmoor residents regarding planting. Work at Willowbank is out of legal scope. Information boards giving details of wildlife, flora and fauna etc., have been erected at the Fleets. Lots of work is ongoing.

*St Helens* –Planning for the Gala is underway for 23<sup>rd</sup> July. The recent Health and Wellbeing Event in the Community Shop was a great success. A total of 43 pairs of slippers were given out courtesy of the Fire Service. Lots of stalls were there, including Stop Smoking advice and male and female cancer screening. It was pointed out the St Helens Ward has the highest prevalence of all age cancers in Barnsley, therefore screening programmes are to be encouraged. It is likely that the Health and Wellbeing Event will become an Annual Event. Spring bulbs are to be machine planted across the Ward and hanging baskets will be put up.

**RESOLVED** that the notes of the respective Ward Alliances be noted.

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Chair

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| <b>MEETING:</b> | North East Area Council             |
| <b>DATE:</b>    | Thursday, 4 April 2019              |
| <b>TIME:</b>    | 2.00 pm                             |
| <b>VENUE:</b>   | Meeting Room 1 - Barnsley Town Hall |

## MINUTES

**Present** Councillors Hayward (Chair), Ennis OBE, Hampson, Higginbottom, Makinson, Richardson, Sheard and C. Wraith MBE

### 40 Declarations of Pecuniary and Non-Pecuniary Interests

Cllr Joe Hayward declared a non-pecuniary interest in minute No: 42 North East Ward Alliance Minutes in so far as the discussion related to Age UK of which he was a trustee.

### 41 Minutes of the Previous Meeting of North East Area Council held on 7th February 2019

The meeting considered the minutes from the previous meeting of the North East Area Council held on 7<sup>th</sup> February, 2019.

**RESOLVED** that the minutes of the North East Area Council held on 7<sup>th</sup> February, 2019 be approved as a true and correct record.

### 42 Notes of the Following Ward Alliances with Feedback from each Ward Alliance Chair

The meeting received notes from the Cudworth, Monk Bretton, North East and Royston Ward Alliances held throughout January and February 2019. The following updates were noted:-

*Cudworth* – It was reported that the National Clean Up Event which took place on 30<sup>th</sup> March was well attended and thanks be given to the 20 volunteers who turned up to help. The Chair Aerobics event was a success and plans were in place to organise another session at a possible cost of £500. It was noted that funding had been agreed for Knit and natter at a cost of £200 and Story and Rhyme time at a cost of £200.

*Monk Bretton* – It was noted that the School Awards were held at the Town Hall on 4<sup>th</sup> March, 2019 and it was a good celebration event. Members discussed the problem with litter and dog fouling in the area particularly in parks and on football pitches and that it would be a good idea to request cutting schedules for problem areas in order to organise litter picks before the grass cutters shredded the litter in the long grass.

*North East* – Members gave thanks to all the volunteers from the Ward Alliance, local residents, ASOS staff and Environmental Team members for taking part in the Great

Spring Clean event which collected 82 bags of litter. The litter pick held in Brierley had successfully collected 26 bags of rubbish. Children from Shafton Outwood Academy had agreed to take part in some smaller litter picking sessions on 5<sup>th</sup> April, 2019. The Age UK Group event held in Shafton was a success but there were issues of transport in order for people to attend the event. The Ward Alliance has agreed to allocate the remaining £222.08 to the Older People Reading Project in Great Houghton Village Hall Reading Room.

*Royston* – An update was given stating that all Ward Alliance finances had been agreed and spent and members had agreed to finance 296 copies of the Royston What's On Guide to be printed in the new municipal year after the elections so the new Royston Member can be included in the publication. It was reported that an annual review survey had taken place on how well the ward alliance operates, a couple of improvements were identified and being looked into. Royston held 5 litter picks as part of the Great Spring Clean event which included volunteers from Berneslai Homes, Councillors, PCSO's, Healthy Hearts Gym Members and high school children, over 140 bags were collected over the weekend and thanks were given to all who participated. It was also noted that there would be 4 smaller litter picks over the next few weeks with Carlton Primary School, organised by a Ward Alliance Member. Work on the Pavilion is progressing well, and in addition to NPS providing materials and a Clerk of Works for the project, local businesses have donated over 5 skips. Match funding has also been provided by S106 monies. The VIY element of the project has been funded by the Youth Development Fund, and students working on the Pavilion Project had been awarded City and Guilds certificates for participating in the project. The Achievements Awards had taken place in the Town Hall and thanks were given for the schools and Mayor for taking part. Thanks were also given to the teams getting ready for the Tour De Yorkshire and Royston in Bloom.

**RESOLVED** that the notes from the Ward Alliances be received.

#### **43 North East Area Council Project Performance Report - update on the delivery of commissioned projects**

The Area Council Manager introduced this item, drawing attention to the performance of a number of projects, including the Stop Smoking contract which was reported as having a 28% success rate. The 6 week pilot in Shafton School for young people stopping smoking had had been successful and 17 people had already signed up and Teachers were thrilled and hoped to get extra funding from Public Health to extend the project to 6 months at both schools. ASOS were also wishing to sign up to become a clean building and were hoping to train their trainers to deliver this service to Staff. Reference was made to the success of the Milefield Farm Project and that staff from Westgate and Gateway had been out to help paint stables and improve the paddock and that although the farm is difficult to get to schools should be encouraged to visit.

Reference was made to the Proms Project which had received great interest and 16 outfits had been hired out to people who previously wouldn't have been able to go. The Period Poverty Scheme was proving successful, particularly in schools, and funding had been given for advice sessions which would be starting after Easter for young ladies to be able to talk in a quiet and sensitive environment and to receive advice on the importance of hygiene and be given the necessary products they may

need. It was noted that schools were looking at putting packs together for some young ladies to get them through the school holidays.

An update was also given on Quarter 4 of the Environmental Enforcement Contract and the officers concentrating their patrols around intelligence led information from complaints on the street and the community as a whole. There has been an increase in specific witness information of offenders throwing litter from vehicles due to the recent change in law, which result in a FPN before prosecution at court. Dog fouling and litter prosecutions continue resulting in offenders either paying or pleading guilty before court and there has been a 99% success rate of people being found guilty at court. However there is a growing concern around being unable to pursue offenders who fail to pay due to lack of space in court. The revenue to date from FPN's for this quarter is £810.00.

A number of case studies were also highlighted to demonstrate the positive impact of various projects in the community.

**RESOLVED** that the report be noted.

#### **44 NEAC Financial Position and Procurement update**

The Area Council Manager reported on the current position with regard to the commissioning budget financial analysis for the period 2014/15 to 2019/20.

She reported that the carry forward was £16,000 which together with an additional £8,000 from fines gave an overall carry forward figure of £24,000.

**RESOLVED** that £24,000 be carried forward.

#### **45 Report on the Use of Area Council Budgets, Devolved Ward Budgets and Ward Alliance Funds**

The North East Area Council Manager updated members regarding the North East Area Council Budget, Devolved Ward Budgets and Ward Alliance allocation of funds in line with the priorities.

**RESOLVED** that:

- (i) the current position of the Area Council Devolved Ward Budget and Ward Alliance Funds be noted; and
- (ii) each Ward continue to prioritise the efficient expenditure of the Ward Alliance funds in line with the spending guidelines.

#### **46 Environmental Enforcement Service Level Agreement Update**

The Area Council Manager introduced this item providing an update about the Environmental Enforcement Service Level Agreement with the Safer Neighbourhoods Service and to seek approval to implement an electronic approach to the processing of FPN as part of the agreement.

The contract was awarded to District Enforcement at a cost of £65,000 per annum and a meeting was held with them to discuss their tender submission, outcome indicators and targets for the contract. It was also discussed about the potential use of handheld electronic devices and the administration function being fully electronic for the processing of tickets. It was highlighted that to provide this service it was proving difficult to remain in the original contract price for the Service Level Agreement due to a £10 processing charge for every FPN. It was therefore proposed that an additional £14,480 be allocated.

There was a brief discussion of the operations of this SLA, the number of officers employed and the services provided which was considered to be essential.

**RESOLVED** that:

- (i) members approve £14,480 for a Service Level Agreement with the Safer Neighbourhoods Service; and
- (ii) electronic processing of tickets be implemented and delivered with a view to reviewing the process after an initial 6 month period.

#### **47 DIAL**

There was a discussion of the service provided by DIAL and of the reasons for the differentiated service provision in the ward areas.

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Chair



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| <b>MEETING:</b> | Penistone Area Council               |
| <b>DATE:</b>    | Thursday, 11 April 2019              |
| <b>TIME:</b>    | 10.00 am                             |
| <b>VENUE:</b>   | Council Chamber, Penistone Town Hall |

## MINUTES

**Present** Councillors Barnard (Chair), Hand-Davis, Kitching, Millner and Wilson

### 41 Declarations of pecuniary and non-pecuniary interests

No Members declared an interest in any item on the agenda.

### 42 Minutes of the Penistone Area Council meeting held on 14th February, 2019 (Pac.11.04.2019/2)

The Area Council received the minutes of the previous meeting held on 14<sup>th</sup> February, 2019.

Members discussed the recent issues at Sporting Penistone and the successful crowdfunding campaign to contribute to the roof repairs.

Members heard of the discussions taking place between South Pennine Community Bus Service, South Yorkshire Passenger Transport Executive, and other partners. It was noted that the outcome of these discussions would feed into a future meeting of the Area Council.

It was noted that Penistone FM would shortly be celebrating its 10 year anniversary and had received confirmation of a licence to broadcast for a further 5 years. Members expressed their congratulations on this valuable service.

**RESOLVED** that the minutes of the Penistone Area Council meeting held on 14<sup>th</sup> February, 2019 be approved as a true and correct record.

### 43 Notes from the Penistone Ward Alliance Held on 21st February, and 14th March, 2019 (Pac.11.04.2019/3)

The meeting received the notes from the Penistone Ward Alliance meetings held on 21<sup>st</sup> February and 14<sup>th</sup> March, 2019.

**RESOLVED** that the notes from the Penistone Ward Alliance be received.

### 44 Report on the Use of Ward Alliance Funds (Pac.11.04.2019/4)

Members received the report, noting the wide range of projects supported through the fund. Noted was the £6,014 remaining to be carried forward into 2019/20. An allocated of £10,000 per ward would supplement this to enable a starting budget of £26,014 for the 2019/20 financial year.

It was noted that the 1<sup>st</sup> official Park Run in Penistone would be held on Saturday 13<sup>th</sup> April, and it was hoped this would be successful, with many people often travelling long distances for the launch of a new Park Run. Members suggested that this would offer the opportunity to attract visitors to the area.

**RESOLVED** that the report be noted.

#### **45 Interim Performance Report (Pac.11.04.2019/5)**

The Area Council Manager introduced the report, noting that performance information for the end of the quarter would be available at the next meeting of the Area Council.

Members heard how the DIAL advice service was still very heavily used and the volunteer who assisted the delivery had been commended at the Mayor's volunteer celebration event. It was noted that they not only assisted clients, but gained much from volunteering themselves.

With regards to the Clean, Green and Tidy team, Members noted that the commission continued to work alongside more longer established groups such as the Marketeers and Team Green Moor. In addition a relationship had been developed with Tankersley and Pilley Environmental Group, helping to engage businesses in the area. Members also noted the work on Annat Royd Nature Reserve. The Area Council Manager added that work was underway to promote the service with Parish Councils.

Members also noted the work of Twiggs Grounds Maintenance with Incredible Edible outside Penistone Hall and in Watermeadows Park. In addition, the variety of events to coincide with the Great British Spring Clean was noted.

Members heard of the services agreed through the Supporting Isolated and Vulnerable Older People Grant. Age UK would be establishing a volunteer befriending service, developing groups aimed at improving health and wellbeing, and also establishing a health and wellbeing network. Those present heard of the positive feedback from the first network meeting. Noted was the work to try and engage isolated and vulnerable men, with a 'Men in Sheds' project being considered. Also noted was the work with Penistone Grammar School to establish intergenerational projects.

The Penistone Young Voices project was making positive progress, with eight young people engaged. This not only provided them with a qualification which was recognised by universities, but also valuable work experience.

An update on the South Pennine Community Bus Service was provided. This was due to end shortly and a further application to the Working Together Fund had previously been welcomed. Members heard of the discussions with South Yorkshire Passenger Transport Executive and with local sponsors, which had yet to be concluded, the outcome of which would feed into any application for funding.

**RESOLVED** that the report be noted.

## 46 Procurement and Financial Update (Pac.11.04.2019/6)

The item was introduced by the Area Council Manager who drew the attention of Members to the contracts awarded under the Supporting Isolation and Older People Grant Fund. Pre-contract meetings had been held with Age UK and good progress was being made in delivery.

Members considered the projects currently funded through the Working Together Fund, which included the continuation of the service provided through DIAL and the recently established pilot being delivered by Citizen's Advice Bureau. Those present discussed the delays in the Trans-pennine Trail Station project, with formal approval expected from Network Rail shortly.

It was noted that the Clean, Green and Tidy Service was in its second year, and that decisions would need to be taken as to whether to commission a similar service going forward. Twiggs were scheduled to attend the next meeting of the Area Council to present performance and any lessons learned to inform any future service.

Members noted that the Ward Alliance Fund had received its annual allocation from core budgets of £10,000 per ward. It was agreed that this be monitored carefully throughout the year to assess whether any further finance was required to be devolved from the Area Council.

Previous discussions on the Community Magazine were referred to and a suggestion was made to make finance available for space within the Penistone Living magazine.

The Area Council Manager provided an update of the financial position of the Area Council, with any underspend from the 2018/19 to be allocated to the Working Together Fund.

It was noted that for the 2019/20 financial year approximately £140,000 remained for allocation.

### **RESOLVED:-**

- (i) That the updates on procurement activity, the Working Together Fund, the Supporting Isolated and Older People Grant Fund, and the Clean, Green and Green Contract be noted;
- (ii) That approval be given for the inclusion of content detailing the work of the Penistone Area Council and Ward Alliance in the Penistone Living magazine over the next 12 months at a cost of up to £2,664;
- (iii) That the end of year financial statement for 2018/19 and current position for 2019/20 be noted.

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Chair

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| <b>MEETING:</b> | South Area Council                |
| <b>DATE:</b>    | Friday, 12 April 2019             |
| <b>TIME:</b>    | 10.00 am                          |
| <b>VENUE:</b>   | Meeting Room - The Hoyland Centre |

## MINUTES

**Present** Councillors Stowe (Chair), Andrews BEM, Coates, Franklin, Frost, Lamb, Saunders and Shepherd

### 42 Declarations of Pecuniary and Non-Pecuniary Interests

Councillors Franklin, Lamb and Shepherd each declared a non-pecuniary interest in minute 47 due to their positions as directors of Forge Community Partnership.

### 43 Minutes of the Meeting of South Area Council held on 28th February, 2019 (Sac.12.04.2019/2)

The meeting considered the minutes of South Area Council held on 12<sup>th</sup> April, 2019.

**RESOLVED** that the minutes of the South Area Council held on 12<sup>th</sup> April, 2019 be approved as a true and correct record.

### 44 Notes from the Ward Alliances (Sac.12.04.2019/3)

The meeting received the notes from the following Ward Alliances:- Hoyland Milton and Rockingham held on 6<sup>th</sup> March, 2019; Darfield held on 21<sup>st</sup> March, 2019; and Wombwell Ward Alliance held on 11<sup>th</sup> February, and 25<sup>th</sup> March, 2019.

**RESOLVED** that the notes from the Ward Alliances be received.

### 45 Report on the Use of Ward Alliance Funds (Sac.12.04.2019/4)

The item was introduced by the Area Council Manager. Members were made aware of the end of year balances to be carried forward.

Darfield Ward Alliance had £1,377 to carry forward, Hoyland Milton and Rockingham had £131, and Wombwell had £4,650. It was noted that Wombwell Ward Alliance had met since the publication of the report and recommended a number of applications for approval. Therefore this figure would be correspondingly reduced.

**RESOLVED** that the report be noted.

### 46 Advice Services update - CAB (Sac.12.04.2019/5)

David Andy from Citizen's Advice Bureau (CAB) was welcomed to the meeting.

Members were reminded that the Area Council had commissioned an advice service twice, and that the second contract had been delivered by CAB from 1<sup>st</sup> July, 2017 to

date. Weekly drop-in sessions were held at various venues throughout the area, and two sessions per month were also held where appointments could be pre-booked.

Members heard how the commission had assisted 840 clients to date, with 1,110 client contacts. 508 of these clients were considered to be vulnerable. As a result of the commission just under £1.7m of additional benefit had been gained, and £283,000 of debt had been managed.

Members noted that 42% of clients were aged 55+ when compared to 29% seen through CAB centrally in Barnsley. 64% of clients identified as having a long term health condition or disability, which compared with 34% centrally.

A Social Return On Investment calculation suggested that for every £1 spent on the projects, there was £31 of benefit.

Those present praised the service and the impact on the lives of residents was acknowledged.

Members noted that the service was at capacity despite not being widely promoted. Members asked for a copy of the presentation, detailing the wide ranging statistics to show the impact of the project and suggestions were made for future information to include figures on the numbers of homelessness cases prevented and the other services to which clients were referred.

**RESOLVED** that thanks be given for the presentation and the hard work of officers delivering the service.

#### **47 Procurement and Financial Update (Sac.12.04.2019/6)**

The Area Council Manager spoke to the report, referring Members to previous discussions which had taken place at the workshop on 28<sup>th</sup> February, 2019.

Here it had been proposed that a South Health and Wellbeing Fund be established, which would have an allocation of £35,000 comprised of £25,000 from Public Health and £10,000 from the Area Council. A number of appendices had been circulated which provided guidance and application forms for the grant, which would provide from £2,500 to £5,000 to promote health and wellbeing. Reassurance was given that coverage across the South Area would be ensured in the approval of grants. It was suggested that the fund, if approved, be launched in May, with an assessment panel being convened in June, and any further panels only being convened if funds remained unallocated.

Members discussed the proposal, including the composition of the assessment panel. A suggestion was made that the Chair attends on behalf of the Area Council. With reference to the guidance and application form, Members requested that these be kept as simple and as transparent as possible to encourage applications.

The workshop had also considered the issue of holiday hunger and how to address this in the South Area. A suggestion had been made to make £10,000 of funding available (£2,500 per ward) with this being distributed through existing Ward Alliance Fund mechanisms, with any underspend returned to the Area Council. It was noted that this could be utilised in any School Holidays.

Members were reminded of previous discussions related to reducing social isolation and the suggestion of commissioning a service to address this issue. It was noted that discussions were taking place at a strategic level between the Clinical Commissioning Group and the Council regarding this issue, but these were likely to take some time to conclude. Taking account of this, Members were minded to commission a service initially for a year, with the option to extend the service further, or to give notice should there be a similar service commissioned centrally.

Members discussed the use of income from Fixed Penalty Notices. Previously the Area Council had discussed providing finance for a Traffic Regulation Order (TRO) in the Wombwell Ward, but this had been deferred pending further information. Members discussed the provision of TROs, noting the impact of austerity on their provision, with a system of 'worst first'; used to prioritise their provision. Noted were the delays in the implementation of TROs that had previously been funded. It was suggested that further information be sought on the timescales for implementation. Members received confirmation that if finance was allocated, work would only be paid for on their completion.

**RESOLVED:-**

- (i) That approval be given to establish a 'South Health and Wellbeing Fund' using £10,000 from South Area Council Budget and £25,000 from Public Health;
- (ii) That the documentation related to the process, guidance and evaluation criteria associated with the 'South Health and Wellbeing Fund', as appended to the report circulated, be approved, subject to these being simplified wherever possible;
- (iii) That the Chair act as South Area Council representative on the 'South Health and Wellbeing Fund' evaluation panel;
- (iv) That the Executive Director, Communities be authorised to approve South Health and Wellbeing Funds, in line with guidance and following consultation with the evaluation panel, ensuring coverage across the area;
- (v) That £2,500 per ward be devolved to each Ward Alliance Fund for South Healthy Holidays, to be approved through existing mechanisms and in line with guidance appended to the report;
- (vi) That £60,000 per annum be approved to commission a service to reduce Social Isolation in the South Area, for an initial period of one year with the potential to extend for a further year subject to continued need, performance and funding being available;
- (vii) That the Executive Director, Communities be authorised to approve relevant tender documentation for the service to reduce Social Isolation, following consultation with Members of South Area Council;
- (viii) That up to £6,500 of income from the Environmental Enforcement contract be approved to commission work to revise the existing Traffic Regulation Order at Blythe Street, Wombwell, and that discussions take place with relevant officers regarding timescales associated with the delivery of this and other Traffic Regulation Orders within the area.

**48 Appreciation**

The Chair wished to place on record his thanks on the retirement of Councillor R. Wraith. His continued hard work and commitment to the Area Council, and to

Council committees such as Overview and Scrutiny and Planning Regulatory Board, was noted, as was his dedication in representing the Council on outside bodies such as South Yorkshire Pensions Authority. In addition his dedication to the residents of his Ward was recognised and was praised. These sentiments were echoed by all Members of the Area Council.

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Chair



# Item 25

## 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 Core Services

### Community Governance Review Billingley, Cawthorne and Wortley – Final Proposals

#### 1. Purpose of report

- 1.1 To present for consideration the final proposals arising from the emergency Community Governance Review undertaken during 2019.

#### 2. Recommendations

- 2.1 That the outcome of the Community Governance Review set out in Appendix 1 be received and the final proposals as summarised at paragraphs 4.2 and 4.3 be approved for implementation;

#### 3. Introduction

- 3.1 Following the resignations of four of the five parish councillors and the voluntary parish clerk retiring from the role, it is no longer possible for Billingley Parish Council to attract sufficient candidates to achieve a quorum or to appoint a parish clerk. The parish council called a parish meeting that was held on 27<sup>th</sup> March 2019. The meeting resolved to request to Barnsley MBC that the parish council be replaced with a parish meeting.
- 3.2 Following the 2017/18 Community Governance Review the membership of Cawthorne Parish Council was reduced from 9 to 7 and Wortley Parish Council was reduced from 9 to 5. Due to the parish clerk for Wortley PC suffering serious illness during this period, the parish council never received any of the correspondence regarding this review and therefore missed their opportunity to submit their opinions and evidence to the review. Following consultations with the Chairman of the council, we have agreed that 7 would be a more appropriate number of members for the parish council. Cawthorne Parish Council have also made representation that they were unable to respond to the council's consultation on these proposals, therefore we have considered that the council's membership be increased to 9 members.
- 3.3 This report presents final proposals for consideration by full Council following the conclusion of the Community Governance Review.

#### **4. Proposal and justification**

- 4.1 That Billingley Parish Council become a Parish Meeting in line with the request from the request from the parish meeting that was held on ... The formal request to the council is detailed in Appendix 1.
- 4.2 That the membership of Wortley Parish Council be increased from 5 to 7 in line with the request from the parish council to allow for a wider spread of representation from across the parish on the council and a greater mix of skills amongst the members.
- 4.3 That the membership of Cawthorne Parish Council be increased from 7 to 9 in line with the request from the parish council to cover the many meetings, both local and further afield, interests and activities necessary to keep a small rural community running smoothly within National Guidelines.

#### **5. Implications for local people / service users**

- 5.1 There are no direct implications for service users as there are no significant changes to the Community Governance arrangements proposed by the review.

#### **6. Financial implications**

- 6.1 There are no financial implications for the Council arising from this report.

#### **7. Employee implications**

- 7.1 None

#### **8. Communications implications**

- 8.1 None

#### **9. Consultations**

- 9.1 These proposals were displayed on the council's website and subject to a public consultation for 4 weeks from 10/04/19 to 08/05/2019. The only responses received were from the affected parish councils supporting the proposals put forward.

#### **10. Appendices**

None

#### **11. Background papers**

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:** A.C. Frosdick **Date:**

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# Item 26

## 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

#### **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><u>Capital Expenditure</u></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>     |

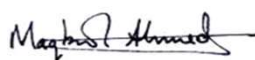
|  |                |                |                |              |
|--|----------------|----------------|----------------|--------------|
| ii) <b><u>Revenue Effects</u></b>          | <u>2019/20</u> | <u>2020/21</u> | <u>2021/22</u> | <u>Later</u> |
|  | £              | £              | £              | <u>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> | <u>2020/21</u> | <u>2021/22</u> | <u>2022/23</u> |
|                                    | £m             | £m             | £m             | £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>   |

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| <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><br/>         This is an update of the 2012 SPD and gives advice on appropriate advertisements and when consent is required.<br/> <b>Key changes from previous version:</b> The policy context has been updated and some amendments have been made in respect of heritage.<br/> <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> |



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| <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><br/>         Remove reference to 'outline planning permission' in paragraph 5.1.<br/>         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> |

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| <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>   |

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| <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><br/> 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.<br/> 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><br/> 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.”*

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'.

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.

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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<br/>         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.<br/>         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="1120 363 1433 466">Area</th> <th data-bbox="1438 363 1751 466">Local Plan Policy Requirement</th> <th data-bbox="1751 363 2054 466">Affordable Housing Tenure Split</th> </tr> </thead> <tbody> <tr> <td data-bbox="1120 466 1433 727" rowspan="2">                     Penistone, Dodworth and Rural West                 </td> <td data-bbox="1438 466 1751 727" rowspan="2">                     30%                 </td> <td data-bbox="1751 466 2054 568">                     20% <del>67%</del> affordable homes for rent                 </td> </tr> <tr> <td data-bbox="1751 568 2054 727">                     40% <del>33%</del> affordable home ownership                 </td> </tr> <tr> <td data-bbox="1120 727 1433 989" rowspan="2">                     Darton and Barugh                 </td> <td data-bbox="1438 727 1751 989" rowspan="2">                     20%                 </td> <td data-bbox="1751 727 2054 829">                     40% <del>50%</del> affordable homes for rent                 </td> </tr> <tr> <td data-bbox="1751 829 2054 989">                     40% <del>50%</del> affordable home ownership                 </td> </tr> <tr> <td data-bbox="1120 989 1433 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 989 1751 1305" rowspan="2">                     10%                 </td> <td data-bbox="1751 989 2054 1091">                     8% <del>80%</del> affordable homes for rent                 </td> </tr> <tr> <td data-bbox="1751 1091 2054 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 |  |  |
| 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>  |

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| <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>   |

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| 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'.<br><br>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.   |

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| <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' |

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| 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:<br><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.<br>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> |

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| <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><br/>         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.<br/> <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>                         |

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| <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:<br/> <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<br/> 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>  |

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| <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>Paragraph 4.2 seeks addition of 'geodiversity' in first sentence regarding nationally agreed system for measurement of losses</p> <p>Paragraph 4.3 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>Paragraph 3.3 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>  |

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| <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:<br/> <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:<br/> 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>   |



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| <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> |

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| <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> |

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| <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>  |

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| <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>                              |

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| <p>right and human survival depends on it.<br/>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.<br/>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:<br/>'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>   |

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| <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:<br/><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>  |

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| <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.



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| <p>either on or off site. [Local Plan 17.27]<br/>         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.<br/>         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.<br/>         We suggest that you include for example:<br/>         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.’<br/>         Suggests inclusion of a statement like:<br/>         ‘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.’<br/>         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:<br/> <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. '

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| <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><br/><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<br/>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>  |

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| <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<br/>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><br/>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> |

- <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>
- [http://www.plantlife.org.uk/roadvergecampaign/why\\_are\\_road\\_verges\\_so\\_important](http://www.plantlife.org.uk/roadvergecampaign/why_are_road_verges_so_important)
- <http://jncc.defra.gov.uk/page-515>
- [http://ukbars.defra.gov.uk/archive/plans/map\\_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&WES](http://ukbars.defra.gov.uk/archive/plans/map_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&WES)
- [www.butterflyconservation.org](http://www.butterflyconservation.org)
- <http://www.buglife.org.uk/Resources/Buglife/Documents/Riverflies%20inners%20lr5.pdf>

- <http://www.barnsleybiodiversity.org.uk/>
- Appendix C, on pg 16 swap <https://www.wildaboutgardens.org> for <https://www.wildaboutgardens.org.uk/>
- P 16 Swap [www.pondconservation.org.uk/](http://www.pondconservation.org.uk/) for <https://freshwaterhabitats.org.uk/news/pond-conservation-now-freshwater-habitats-trust/>
- P16 swap <http://www.defra.gov.uk/environment/quality/water/sewage/sustainable-drainage/> for <https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf>
- p16 swap <http://www.ciria.com/suds/> for [https://www.ciria.org/Resources/Free\\_publications/SuDS\\_manual\\_C753.aspx](https://www.ciria.org/Resources/Free_publications/SuDS_manual_C753.aspx)
- p17 swap <http://www.tcpa.org.uk/pages/biodiversity-by-design.html> for <https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity>
- p17 swap [http://www.plantlife.org.uk/roadvergecampaign/why\\_are\\_road\\_verges\\_so\\_important](http://www.plantlife.org.uk/roadvergecampaign/why_are_road_verges_so_important) for <https://plantlife.love-wildflowers.org.uk/roadvergecampaign>
- p18 swap <http://jncc.defra.gov.uk/page-515> for <http://jncc.defra.gov.uk/page-5706>
- p18 swap [http://ukbars.defra.gov.uk/archive/plans/map\\_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&WES](http://ukbars.defra.gov.uk/archive/plans/map_county.asp?X=%7BE9E341BC-FE96-4CB8-8694-C558AF7FB17B%7D&CTRY=%7B7C884413-1AC7-48B6-ADCD-23CBA1482CD6%7D&WES) for <https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity>
- p18 swap [www.butterflyconservation.org](http://www.butterflyconservation.org) for <https://butterfly-conservation.org/>
- P19 SWAP: Natural England Technical Information Note



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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>   |

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| <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>  |

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| <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> |

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| <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'.<br/> 4.7 suggest change 'geological' to 'geoconservation'.<br/> 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<br/> 4.7 agree change 'geological' to 'geoconservation'<br/> 4.8 suggest add new first line to paragraph4.8 thus:<br/> <i>'Prior to submission of any planning application, all relevant geodiversity datasets should be gained, particularly those held by SAGT.'</i></p>                                   |

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| 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> |

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| <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).<br/>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> |

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| <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> |



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|   | <p><i>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.</i></p> <p><b>7. Protection of existing larger dwellings</b><br/> <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><br/> <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><i>4. External spacing standards, point 2: The minimum back to back dimension between facing habitable rooms, (ie any room used or</i></p>  |

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| <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><br/> <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><br/> <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>  |

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| <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.

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| <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:<br/> <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.”**

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| <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

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| <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> |

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| <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>   |

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| <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> |

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|  | <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:<br/> <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> |

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| <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>  |

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| 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.  |



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| <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.<br/>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> |

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| <p><b>Heritage Impact Statement SPD</b><br/>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.<br/><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>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><b>HOW THE ISSUES HAVE BEEN ADDRESSED</b></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>   |

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| <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>  |

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| <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:-<br/><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:-<br/><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> |

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| <p><b>HOT FOOD TAKEAWAYS PAN</b></p> <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. 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.<br>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.<br/>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)<br/><b>Strategies for Encouraging Healthier 'Out of Home' Food Provision</b><br/>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)

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| <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<br/>Key findings from published evidence<br/>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.

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| <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<br/> <a href="https://www.bhf.org.uk/information-support/support/healthy-living/healthy-eating/sugar">https://www.bhf.org.uk/information-support/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.

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| <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.                         |

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| <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.<br/>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>  |   |

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| <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><br/>         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.<br/> <b>No key changes from previous version</b><br/> <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>                         |

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| <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.<br><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.<br><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.                         |

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| <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.<br><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.<br><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.<br><br>Cross referencing to the Biodiversity SPD is required in the text of this SPD.<br><br>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   |

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| 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 homeowner), 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> |



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| <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> |

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| <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> |

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| <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>   |

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| <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:<br/> <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> |

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|  | <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>   |

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| <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 border="0"> <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  |  |       |  |                               |  |       |                                     |       |  |                    |  |       |              |  |                |
| 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>                                 |       |  |                               |  |       |                                     |       |  |                    |  |       |              |  |                |

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|   | £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

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| <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.                         |

#### 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

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| <b>NUMBER OF COMMENTS: 4</b>   |  |
| <b>MAIN ISSUES RAISED</b>  | <b>HOW THE ISSUES HAVE BEEN ADDRESSED</b>  |
| General support from a neighbouring local authority.   | Support welcomed.  |
| Paragraph 3.1.1 queries if there is a typo in this sentence.   | No typo, unless it is the wording that is being queried. Perhaps it could read 'new housing' or new development'. No change proposed.  |
| Paragraph 3.1.3 <ul style="list-style-type: none"> <li>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</li> </ul> | 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. |

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| <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> |

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| <p><b>SHOPFRONT DESIGN SPD</b> This is an update of the 2012 SPD and gives advice on appropriate shop front design.<br/> <b>Key changes from previous version:</b> The policy context has been updated.<br/> <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>                         |

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| <p><b>SUSTAINABLE TRAVEL SPD</b></p> <p>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.</p> <p>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.</p> |
| <p><b>NUMBER OF COMMENTS: 10</b></p>  |
| <p><b>MAIN ISSUES RAISED</b></p>  |
| <p>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.</p> <p>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.</p>                      |
| <p>General support from a neighbouring local authority.</p>   |
| <p>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.</p>   |
| <p>Viability issues:</p> <ul style="list-style-type: none"> <li>• 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; <ul style="list-style-type: none"> <li>• 25 units</li> <li>• 10x 2 beds, 10 x 3 beds, 5 x 4 beds = 70 bedspaces</li> <li>• 70 x £1500 = £105,000 or £4,200 per dwelling</li> </ul> </li> </ul>   |

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 that 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.

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| <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.  |

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| <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>   |

|   |  |
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| <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:

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- 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:
- a. Off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b. 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:

- a. 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);
- b. The landlord is a registered provider, except where it is included as part of a Build to Rent scheme;
- c. 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

## Supplementary Planning Document: Barn Conversions

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:

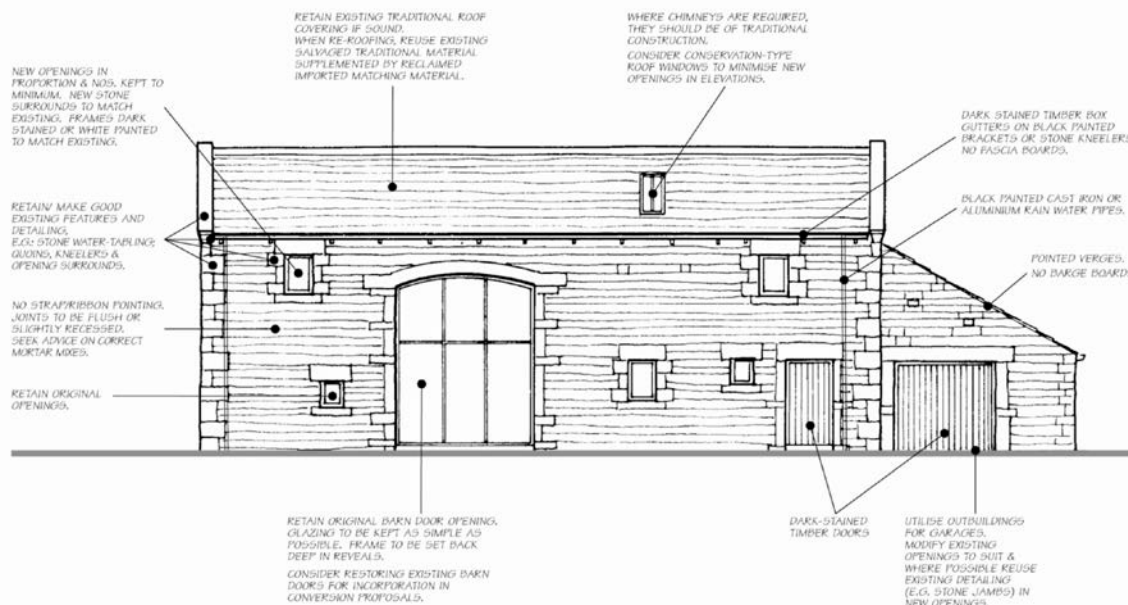
- Respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building. Capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.

**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.

## Supplementary Planning Document: Barn Conversions

### 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.

## Supplementary Planning Document: Barn Conversions

- 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

## Supplementary Planning Document: Barn Conversions

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.



## Supplementary Planning Document: Barn Conversions

### **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:

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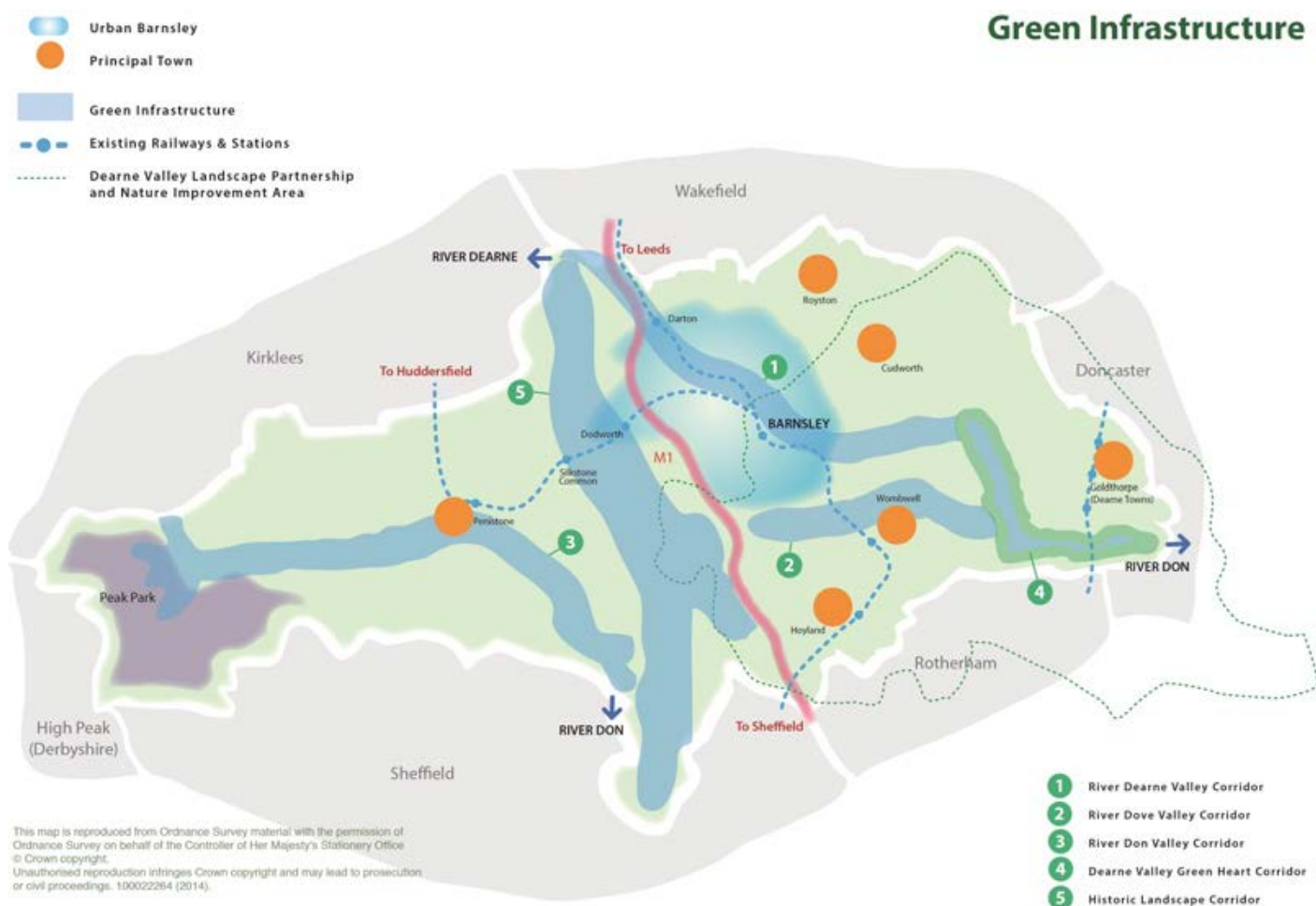
- Maximises potential economic and social benefits;
- Secures and improves linkages between green and blue spaces.

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.





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### 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



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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.*

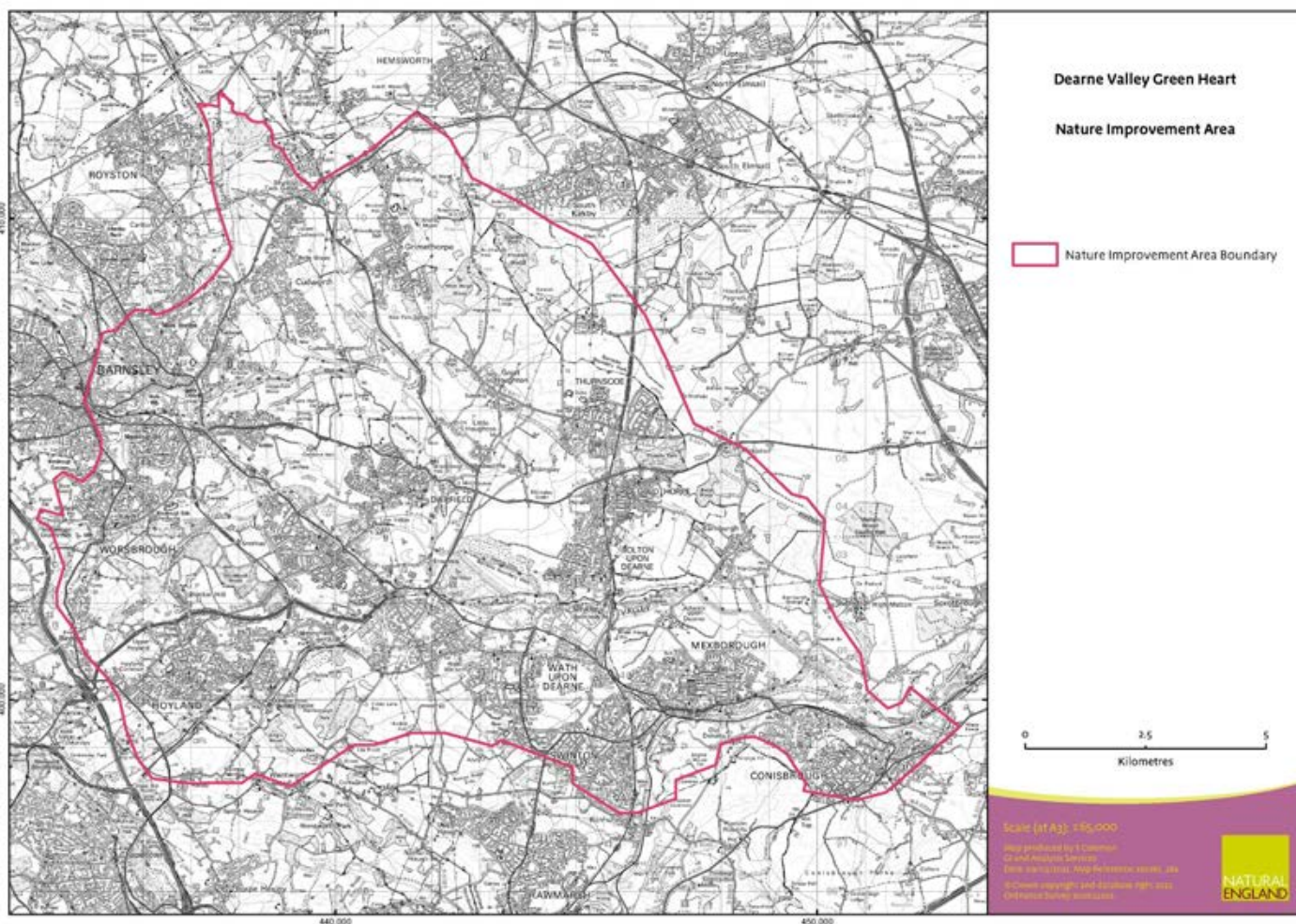
<sup>1</sup> As defined in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and subsequent updates

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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><br><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><br><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><br><br><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><br><br><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><br><br><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.  |

## Supplementary Planning Document: Biodiversity and Geodiversity

|  |   |   |   |
|--|---|---|---|
| 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.<br><br>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><br><br><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.<br><br>This contributes to a developments green space requirements.   | Natural England Technical Information Note TIN099 2011 Protecting water from agricultural run-off: water retention measures<br><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><br><br><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.

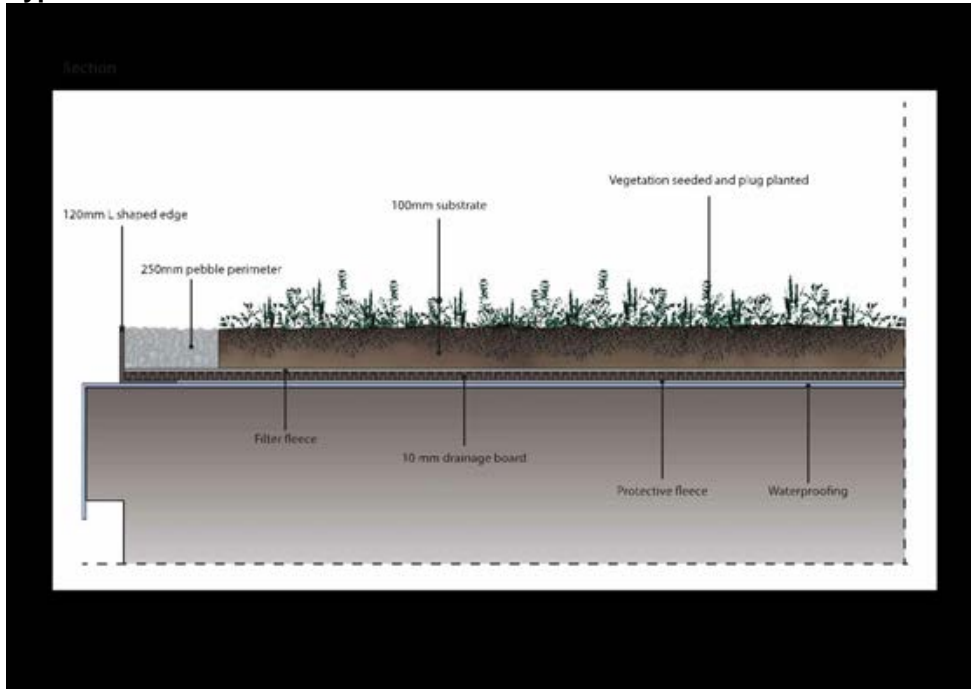
#### Biodiverse Extensive Green Roofs

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

## Supplementary Planning Document: Biodiversity and Geodiversity

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.

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### 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.

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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](#)



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### 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;

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- 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

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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.

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- 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.



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### 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.

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### 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.



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### 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        |

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|   |            |            |
|---|------------|------------|
| 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<br>Oakhill<br>Worsbrough Bank End<br>The Forest<br>The Mill  |
| Darton College                    | Darton<br>Wellgate<br>Wilthorpe<br>Kexborough<br>Mapplewell<br>Barugh Green   |
| Holy Trinity 3-16 Secondary Phase | Holy Trinity Primary Phase Transfers<br>Royston St John's<br>Holyrood<br>Carlton  |
| Horizon Community College         | Joseph Locke<br>Ward Green<br>Summer Lane<br>Shawlands<br>Wilthorpe<br>St Mary's CE<br>Keresforth<br>Burton Road<br>Worsbrough Common<br>Gawber<br>Doncaster Road |

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|                             |  |
|-----------------------------|--|
| Kirk Balk Community college | Hoyland Common<br>Greenfield<br>Birdwell<br>West Meadows<br>Jump<br>Tankersley<br>St Helen's Catholic<br>The Ellis                       |
| Netherwood ALC              | High View<br>Kings Oak<br>Wombwell Park Street<br>Upperwood<br>The Darfield Academy<br>All Saints<br>Sandhill                            |
| Outwood Academy Carlton     | Athersley South<br>Athersley North<br>Carlton<br>Parkside<br>St Helen's Primary Academy<br>Laithes Primary<br>Summer Fields<br>Meadstead |
| Outwood Academy Shafton     | Littleworth Grange PLC<br>Cudworth Churchfield<br>Cherry Dale<br>Milefield<br>Birkwood<br>Shafton<br>Ladywood<br>Brierley CE             |

## Supplementary Planning Document: Financial Contributions To Schools

|                       |   |
|-----------------------|---|
| Penistone Grammar ALC | Penistone St John's<br>Springvale<br>Silkstone<br>Thurgoland CE<br>Silkstone Common<br>Oxspring<br>Cawthorne CE |
| The Dearne ALC        | The Hill<br>Carrfield<br>Highgate<br>Lacewood<br>Gooseacre<br>Heather Garth<br>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.

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**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>

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- 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?



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- 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      |                             |   |   |

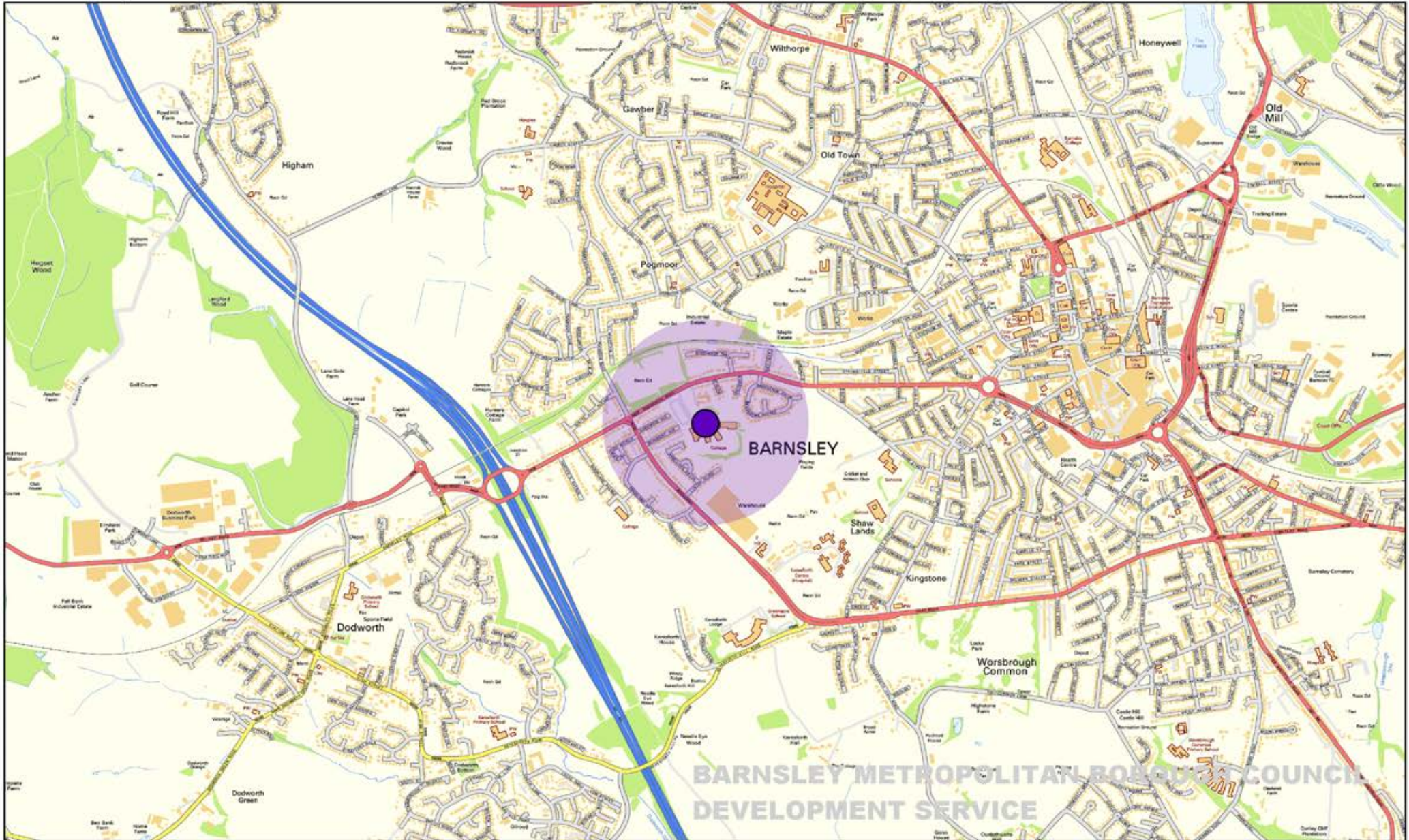
Planning Advice Note: Hot Food Takeaway

|              |  |  |  |
|--------------|--|--|--|
| Other issues |  |  |  |
|--------------|--|--|--|

*This template has been amended from the Gateshead Hot food Takeaway SPD 2015*



# Barnsley Town Centre



BARNSELY METROPOLITAN BOROUGH COUNCIL  
DEVELOPMENT SERVICE

Scale 1:20000

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KEY



Schools



400m Buffer



**BARNSELY**  
Metropolitan Borough Council

**Regeneration & Property**

Service Director: David Shepherd  
PO Box 604, Barnsley, S70 9FE  
Tel: (01226) 772621



# Goldthorpe & Bolton-on-Dearne



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**KEY**  Schools  
 400m Buffer



**BARNLSLEY**  
Metropolitan Borough Council

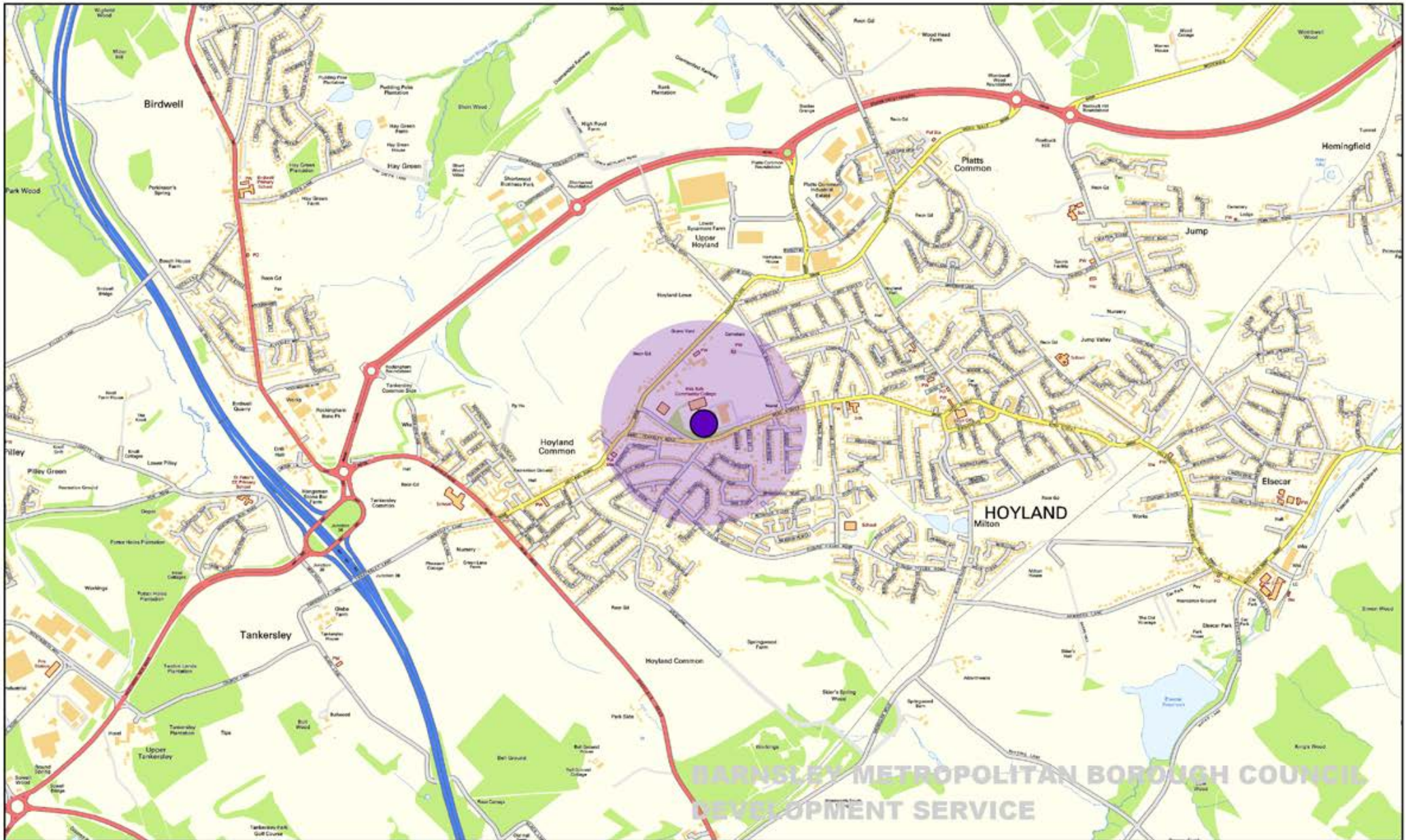
**Regeneration & Property**

Service Director: David Shepherd  
 PO Box 604, Barnsley, S70 9FE  
 Tel: (01226) 772621



# Hoyland

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DEVELOPMENT SERVICE

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Schools



400m Buffer



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Metropolitan Borough Council

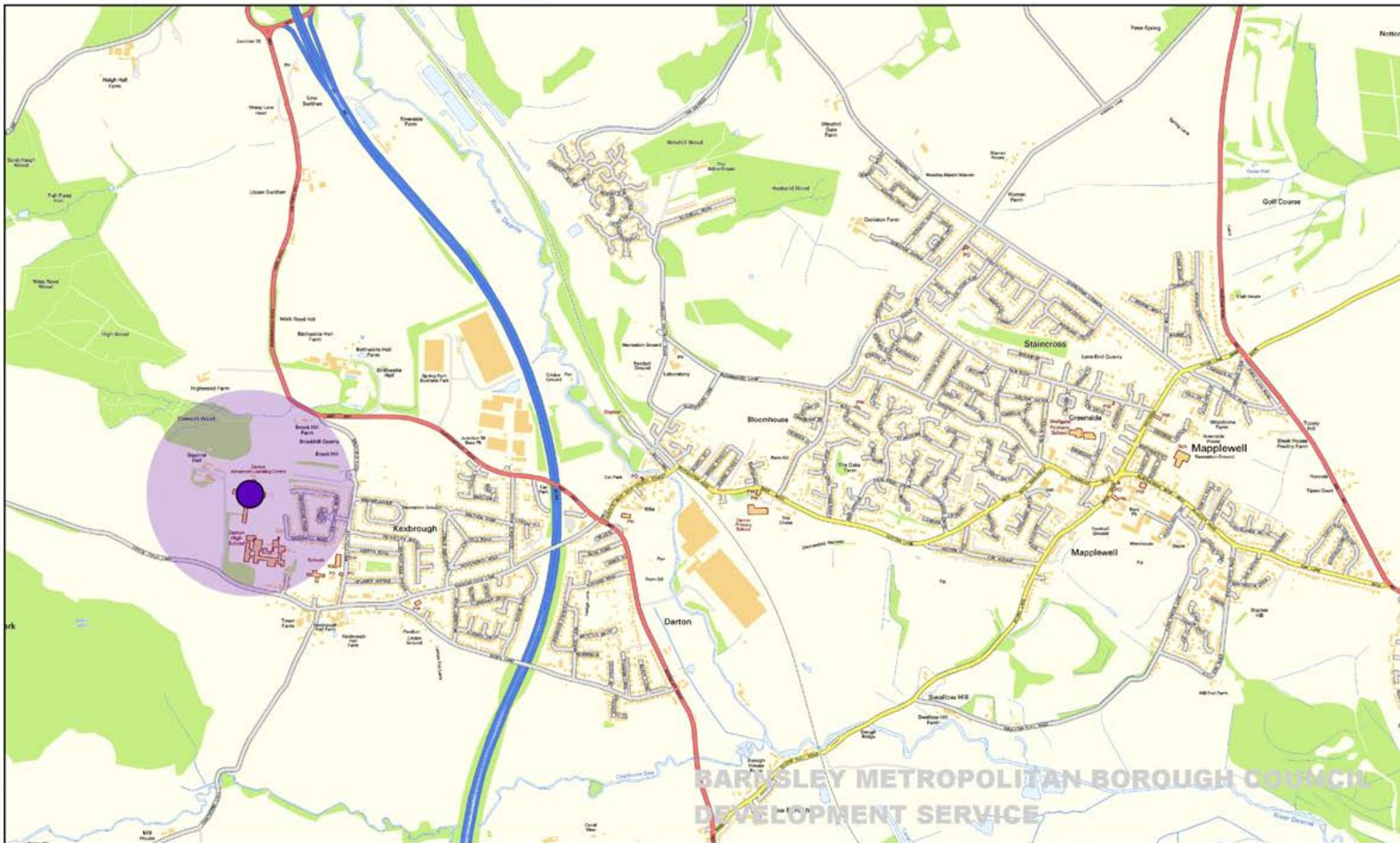
**Regeneration & Property**

Service Director: David Shepherd  
PO Box 604, Barnsley, S70 9FE  
Tel: (01226) 772621



# Kexbrough, Darton, Staincross & Mapplewell

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Schools



400m Buffer



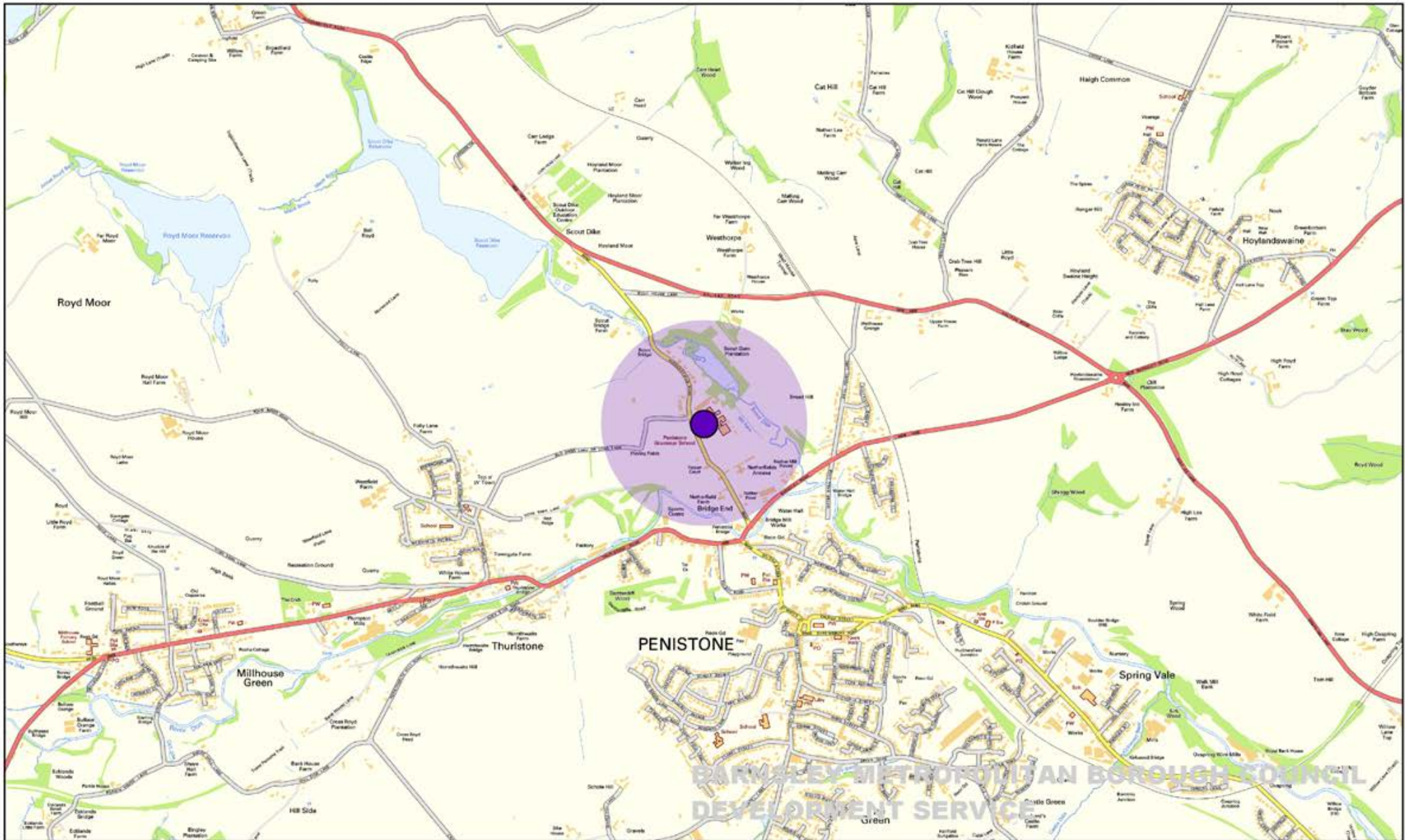
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Metropolitan Borough Council

**Regeneration & Property**

Service Director: David Shepherd  
PO Box 604, Barnsley, S70 9FE  
Tel: (01226) 772621



# Penistone

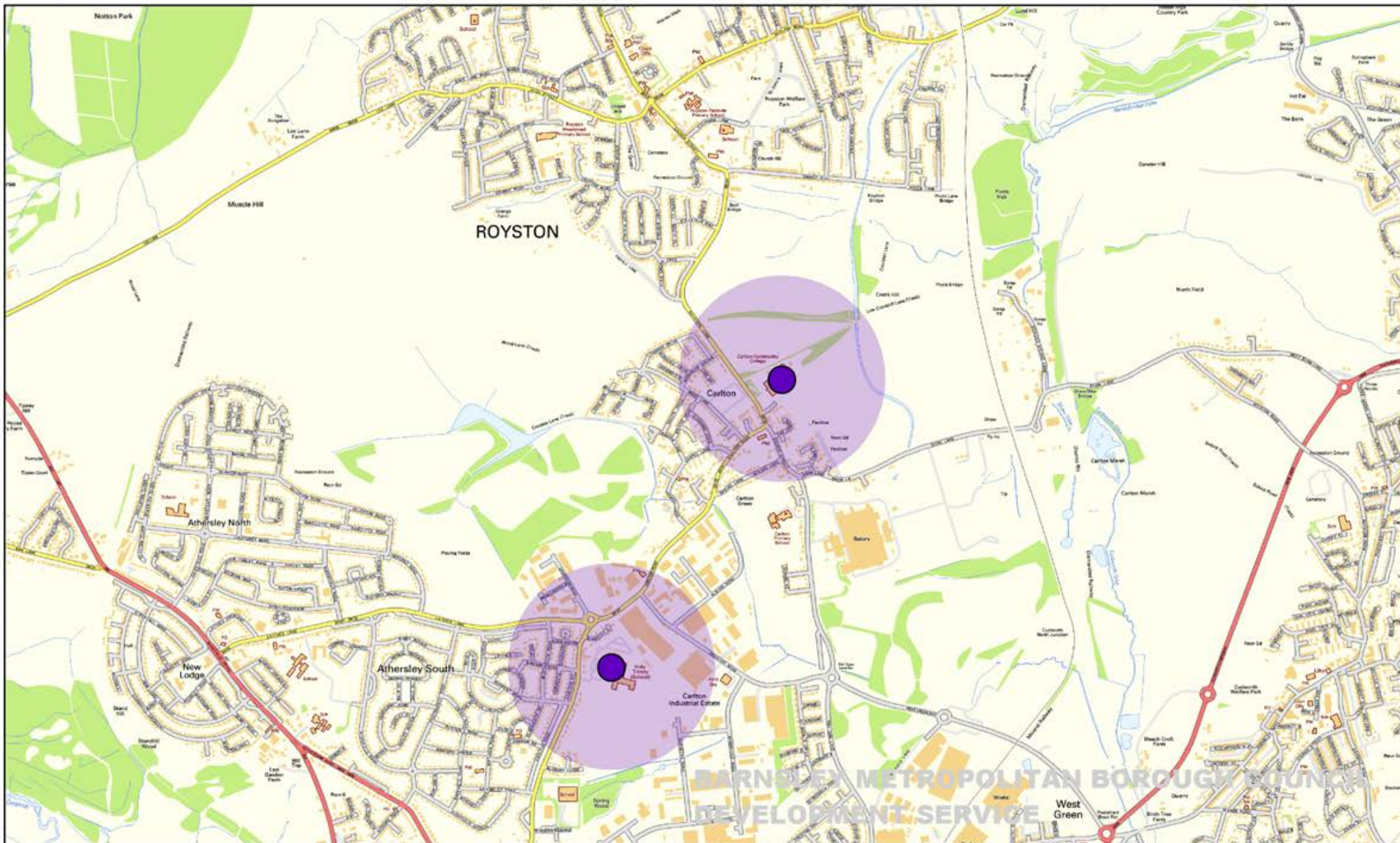


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# Royston, Carlton & Athersley

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Schools



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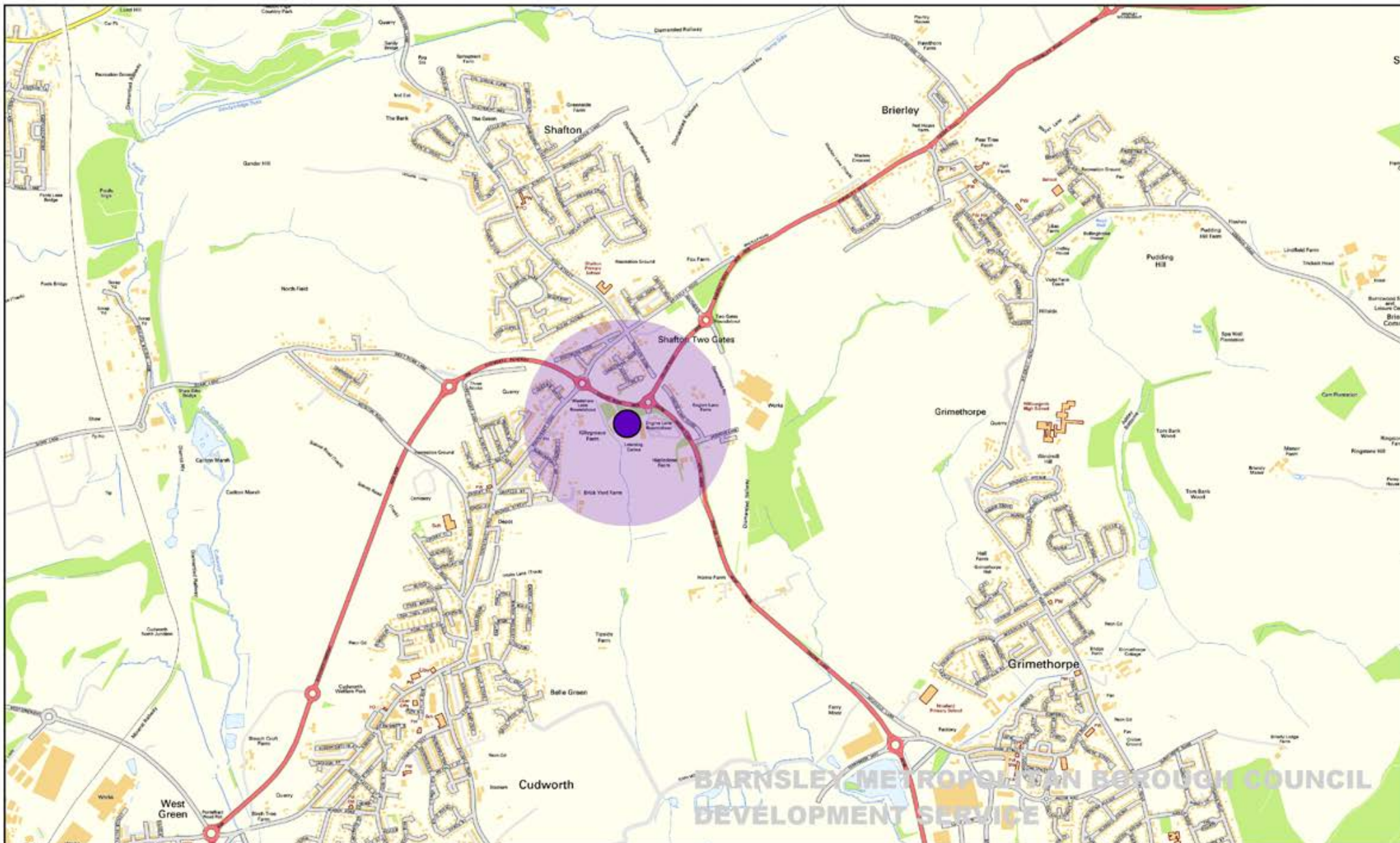
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Metropolitan Borough Council

**Regeneration & Property**

Service Director: David Shepherd  
PO Box 604, Barnsley, S70 9FE  
Tel: (01226) 772621



# Shafton & Grimethorpe



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DEVELOPMENT SERVICE

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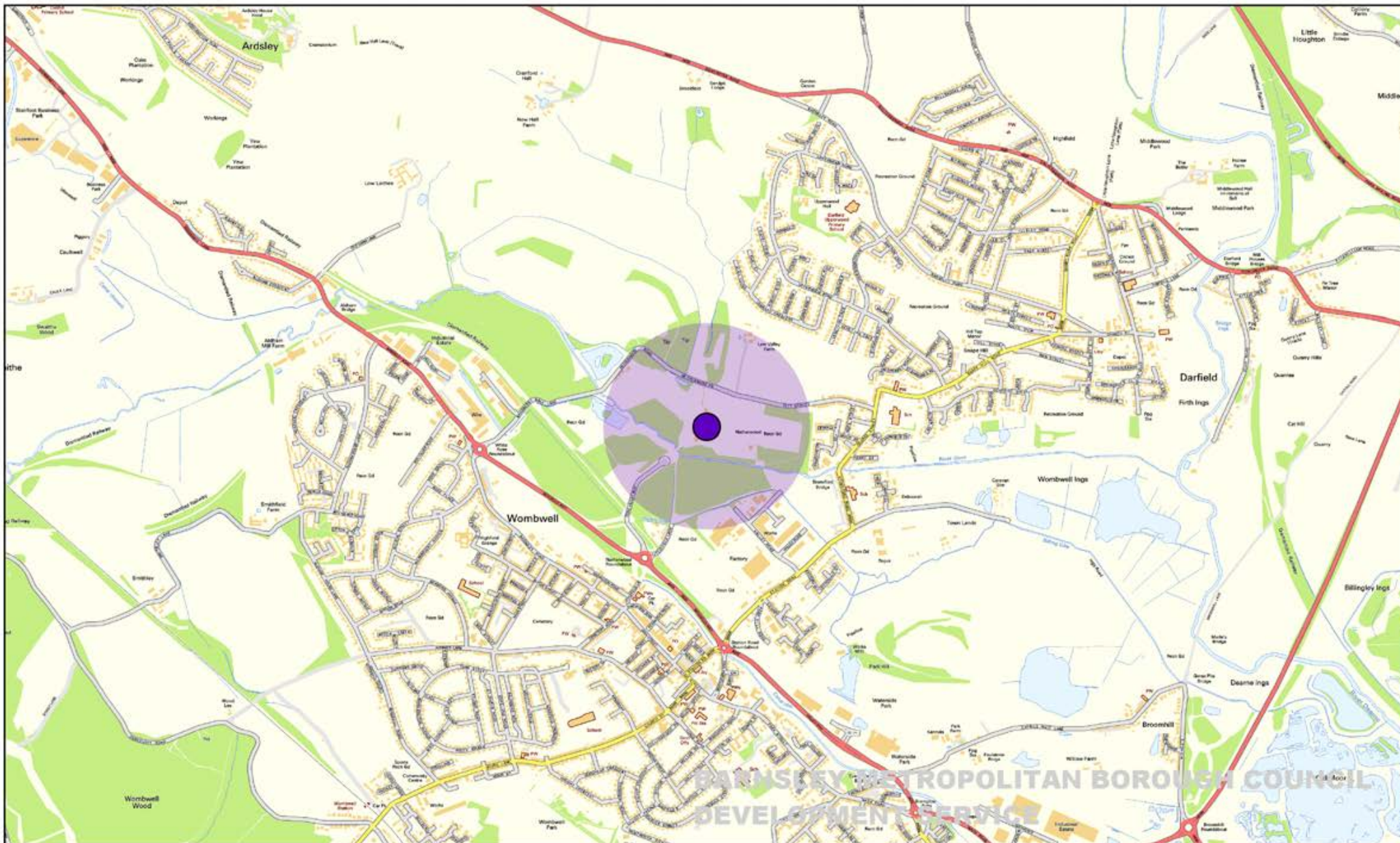
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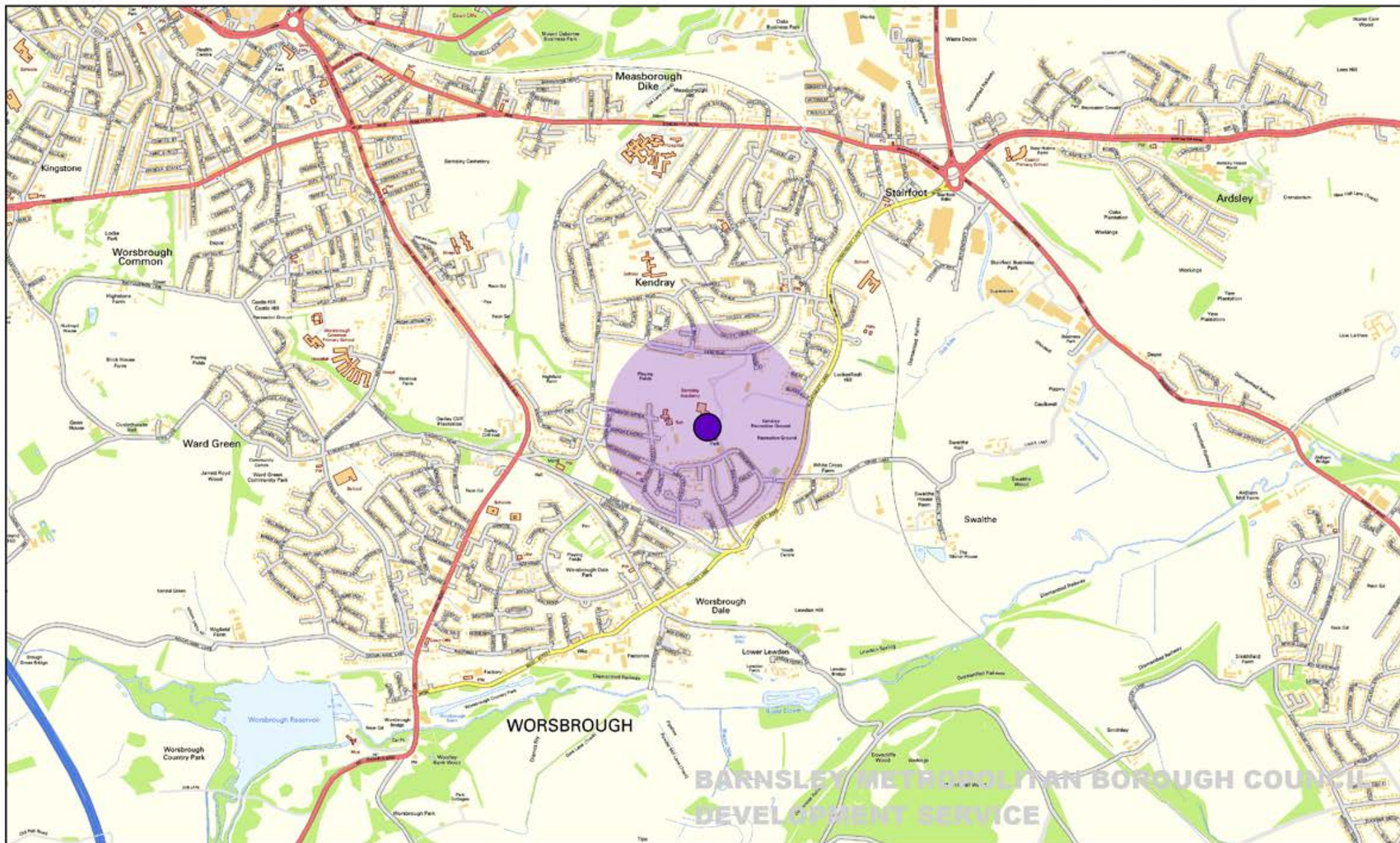
# Wombwell & Darfield




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# Worsbrough & Kendray



BARNLSLEY METROPOLITAN BOROUGH COUNCIL  
DEVELOPMENT SERVICE

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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>BARNLSLEY</b><br/>Metropolitan Borough Council</p> | <p><b>Regeneration &amp; Property</b><br/>Service Director: David Shepherd<br/>PO Box 604, Barnsley, S70 9FE<br/>Tel: (01226) 772621</p> |
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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**



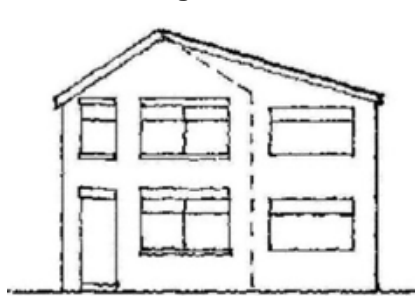
**6.1.2** Wherever possible, extensions should be set back from the front wall of the main house, allowing a corresponding lowering of the roof line and lessening the awkwardness of the junction with the existing. See Figure 6.3

**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

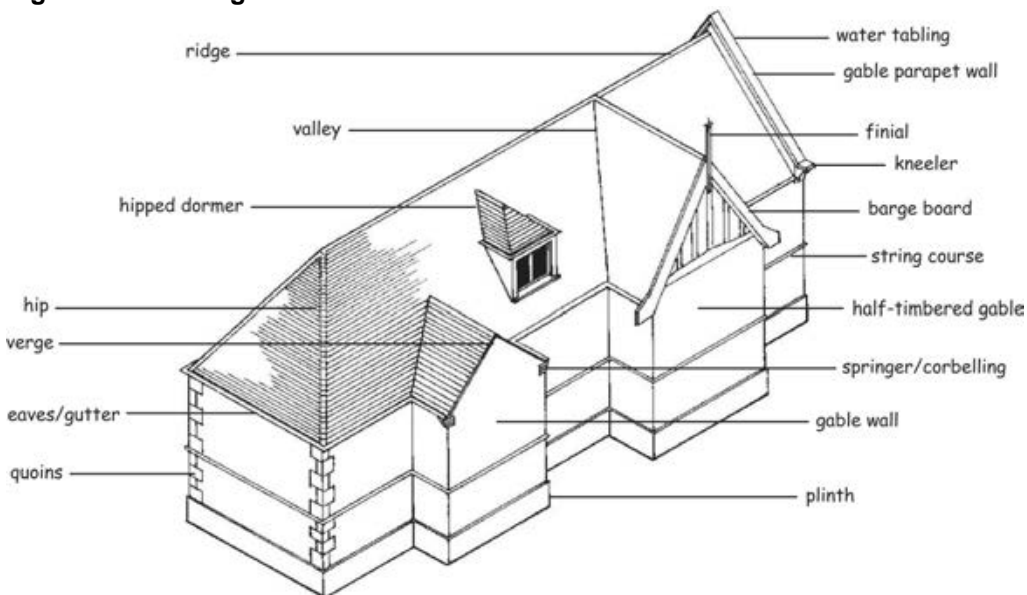
Figure 6.7 A more satisfactory form



## 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

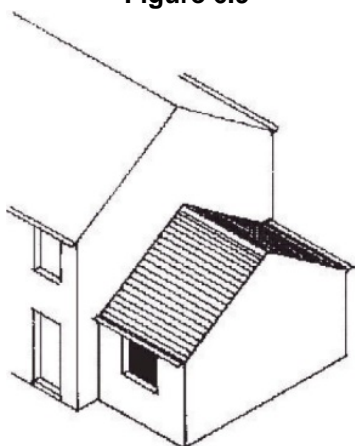


Figure 6.10

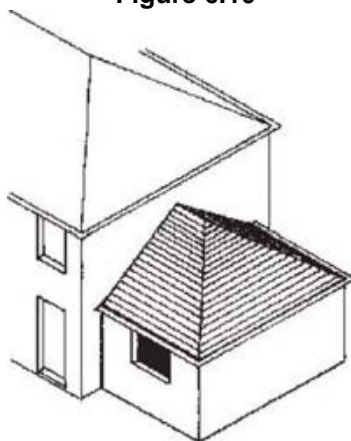
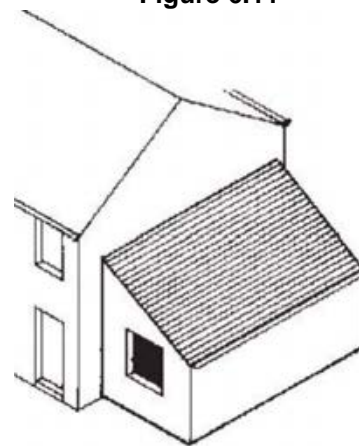


Figure 6.11



- 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

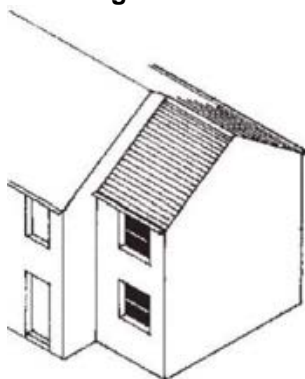
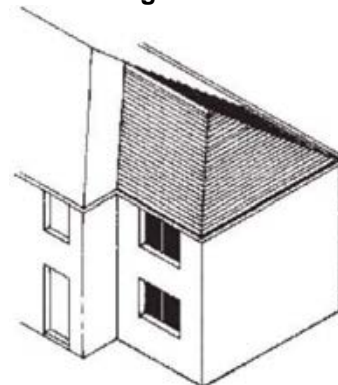


Figure 6.13



### 6.4 Materials

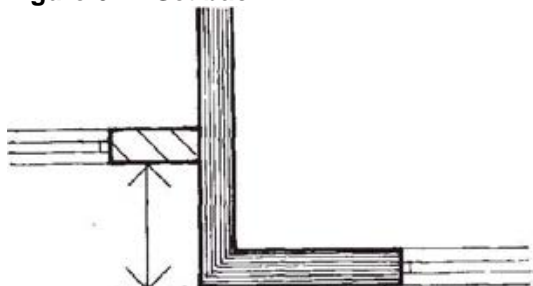
- 6.4.1** Materials should normally be of the same size, colour and texture as to the existing house or as close a match as possible. Often these materials and finishes cannot be exactly matched. This is when the set-back becomes a very important feature, not just as a means of articulating the extension 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

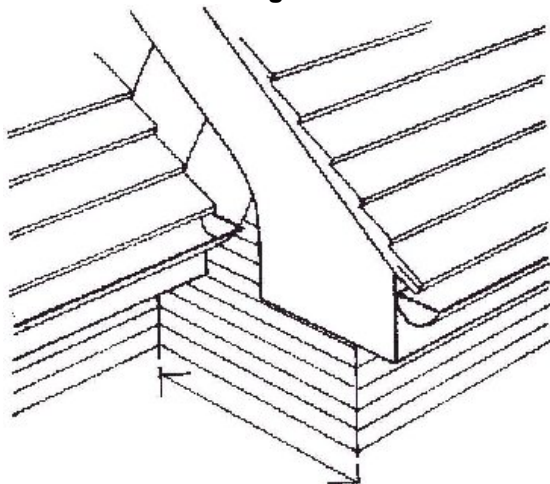
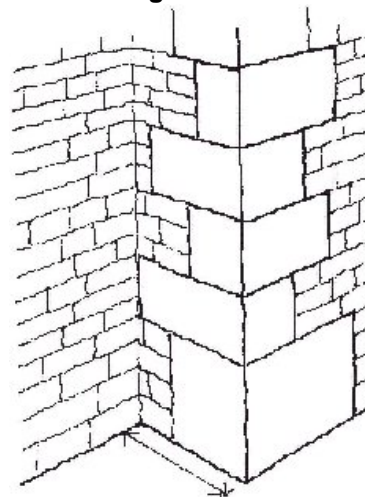


Figure 6.16



- 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

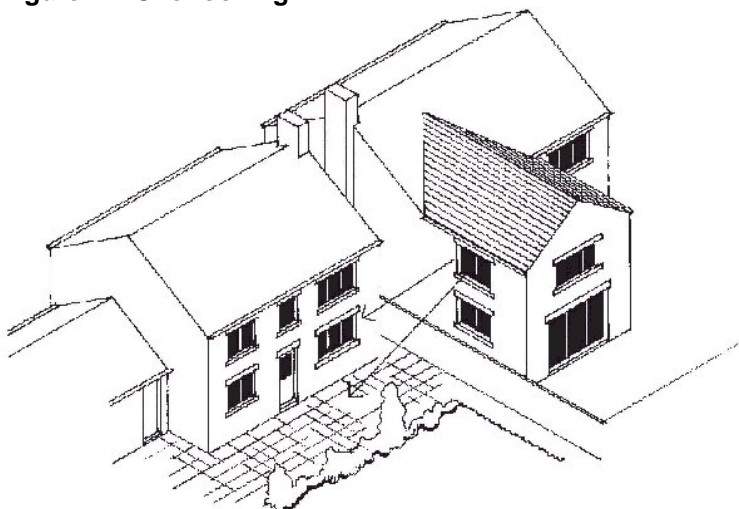
- 7.0.1** As well as seeking an extension designed in keeping with your existing house, you must also ensure your proposals do not harm the character of the area in general or the levels of amenity that your neighbours might reasonably expect to be maintained. An extension will tend to be more acceptable 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

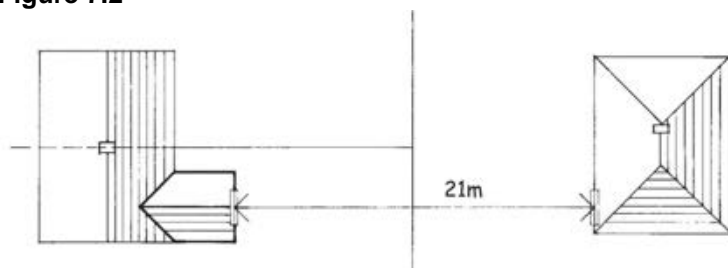
**Figure 7.1 Overlooking**



**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

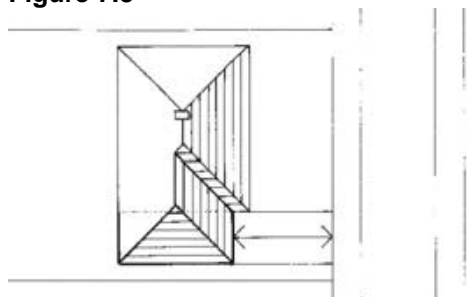
### 7.3 Garden Space

- 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

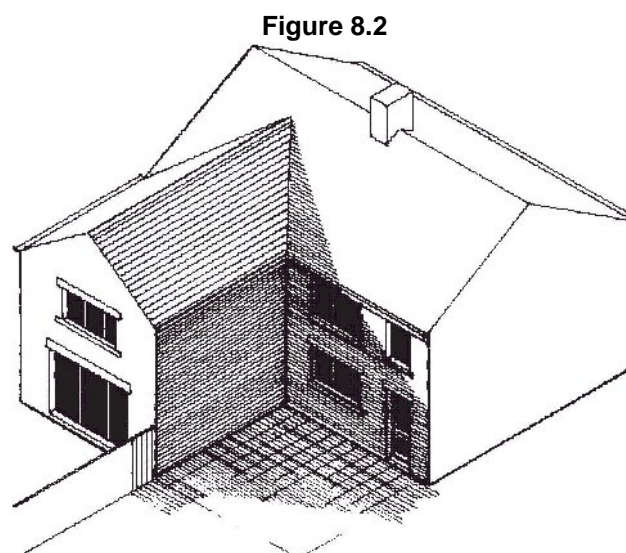
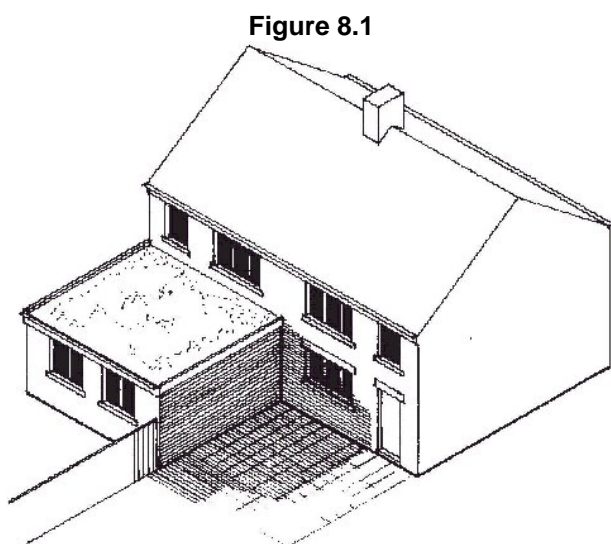
- 7.5.1** Extensions or garages should not be constructed in positions where they interfere with highway sight lines and should ensure that they maintain/provide an access with adequate visibility for drivers entering the highway.

## 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

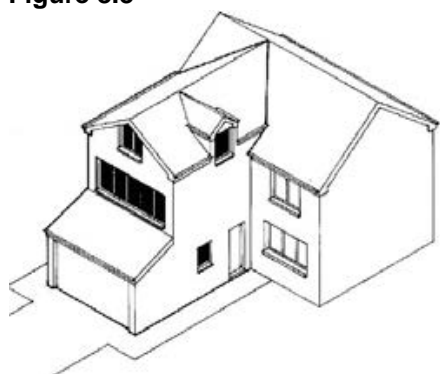
**8.1.5** Extensions to the rear of detached houses will be considered on their design merits where no adjacent properties are affected.

### 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.

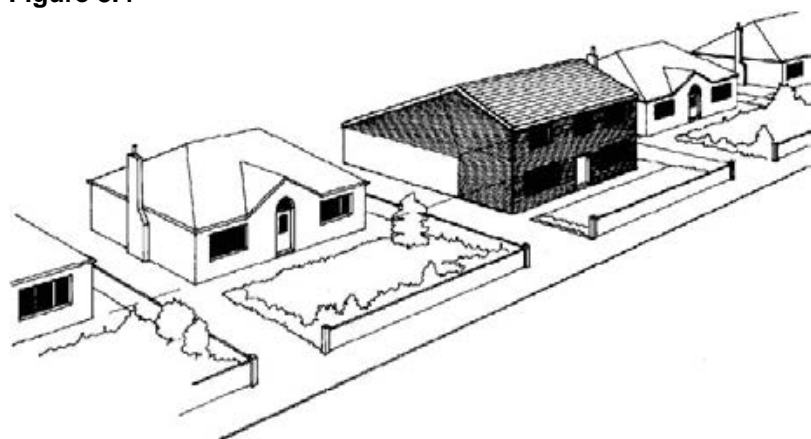
**8.2.2** The front extension in Figure 8.3 would not be acceptable. It alters the character of the original by overwhelming it in an unsympathetic manner. For example, the front door has been removed from the main elevation, and the garage door given excessive prominence.

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.

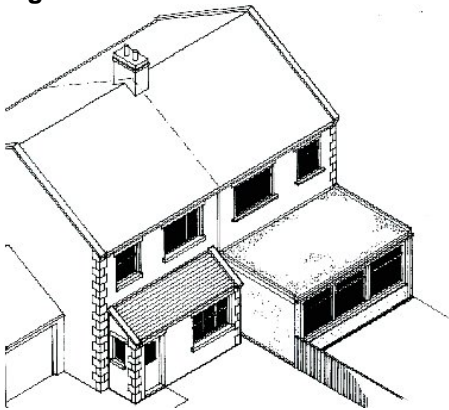
Figure 8.4



## 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.

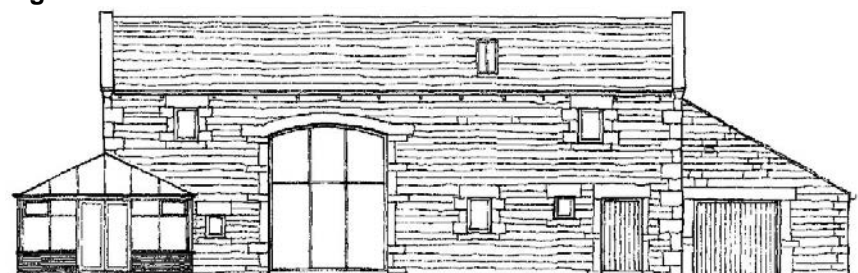
Figure 8.8



### 8.3 Conservatories

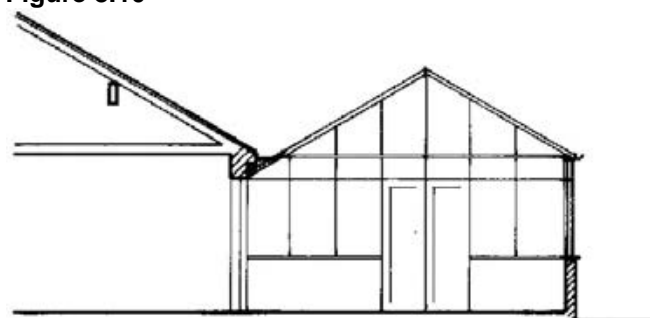
- 8.3.1** Conservatories are likely to appear particularly intrusive on front elevations and will not normally be acceptable. The conservatory shown in Figure 8.9 attached to this converted barn, a building not originally designed as a dwelling, is particularly inappropriate and must be avoided.

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 of 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

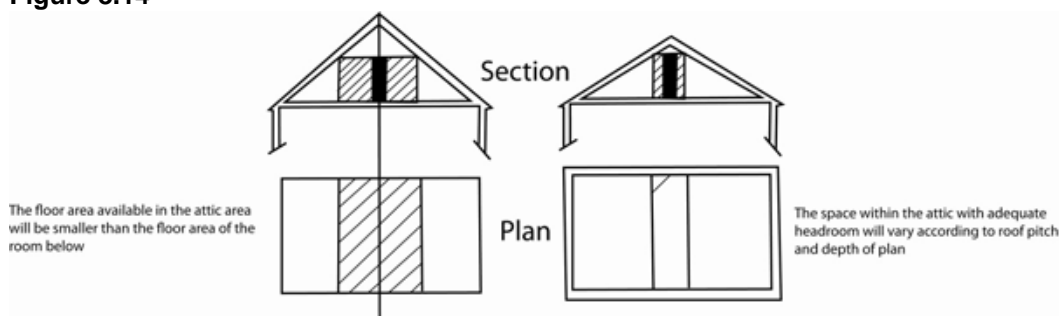
- 8.6.1** Decking and raised platforms are commonly used where the rear garden is below the floor area of the dwelling in order to allow improved access to the rear garden and to provide a convenient outdoor amenity area on the same level as the dwelling. Decking and raised platforms are also used in 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

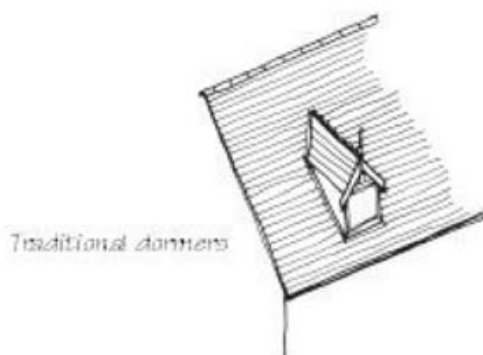
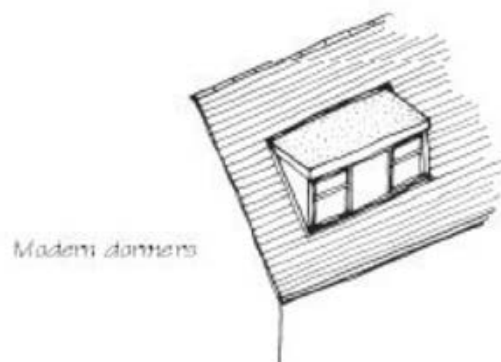


Figure 8.16



- 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.

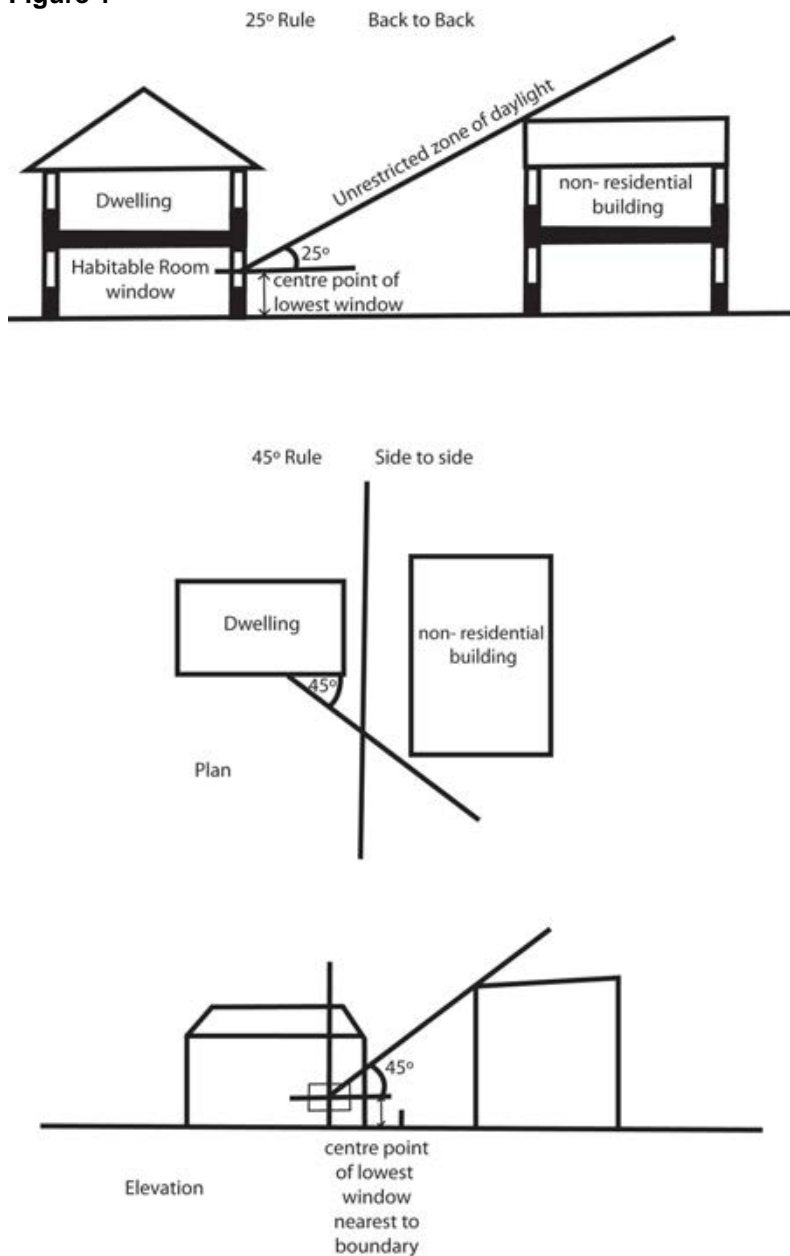
### 25 degree rule (back to back orientations)

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;

## Supplementary Planning Document: Shopfront Design

- 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.

### 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

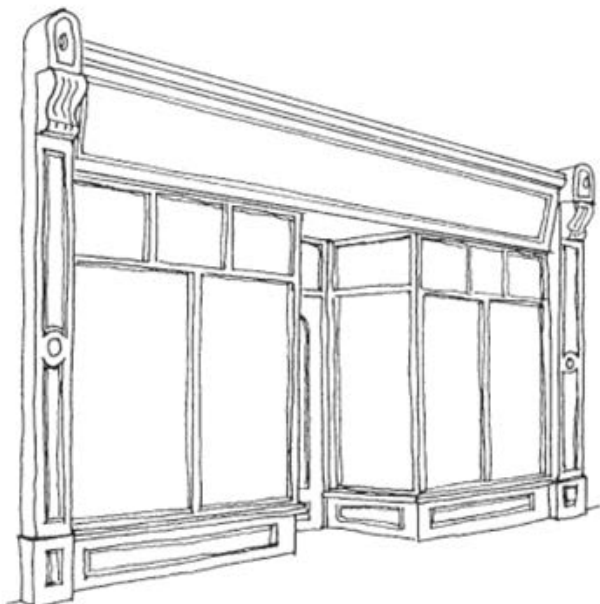
**7.0.1** The security of shops is a serious issue which must be a consideration at the design stage. In this way the overall design of the shop front is enhanced by the unobtrusive inclusion of security elements. By contrast, a well designed shopfront can be let down by ill-conceived or 'add-on' security 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

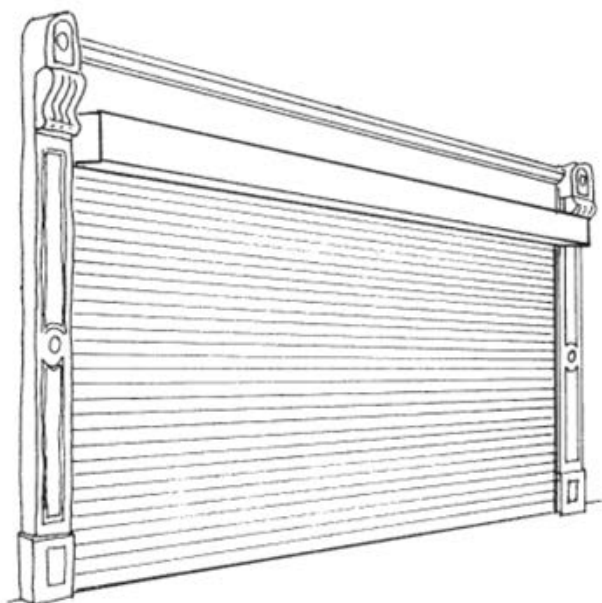
**7.2 Inappropriate design (Figure 7.2)**

**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.



## 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?

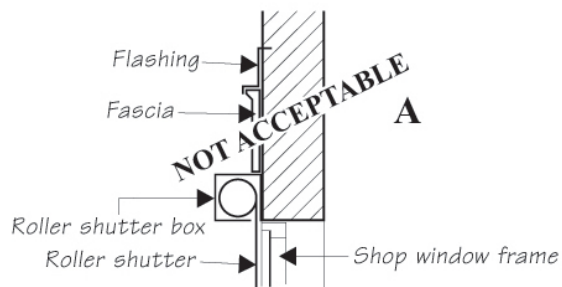
- 13.0.5** If your premises is a Listed Building or is located within a Conservation Area special policies and restrictions apply. To find out whether your premises are affected, please contact the Conservation Officer on 01226 772576.

Supplementary Planning Document: Shopfront Design

**Appendix 1. Roller shutter design**

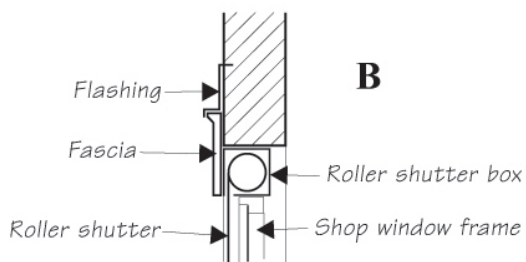
**The Shutter Box**

**Figure A**



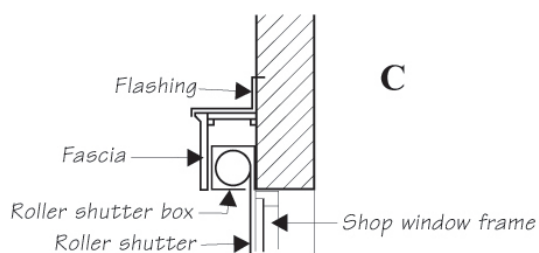
A standard square-sectioned box fixed onto the fascia is **unacceptable. (A)**

**Figure B**



The shutter box should be hidden from view, and ideally, built behind the fascia. **(B)**

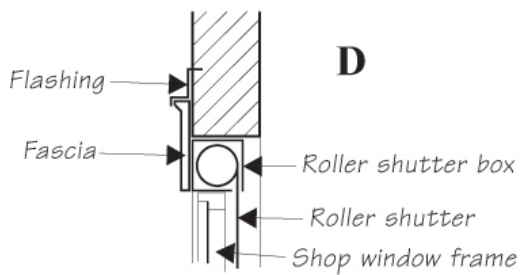
**Figure C**



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



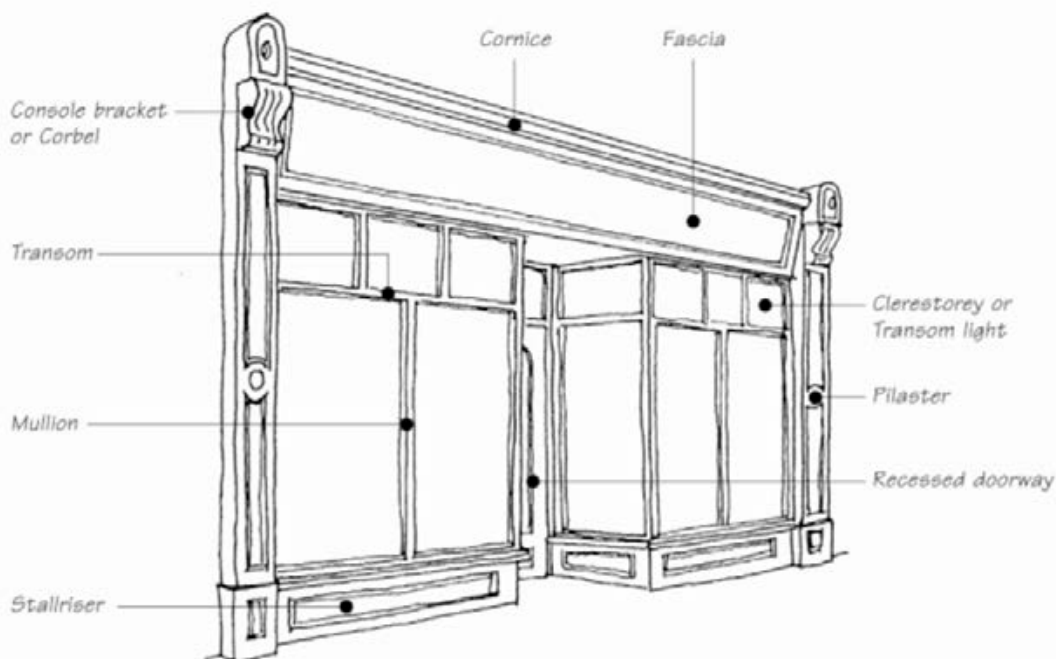
In areas of higher quality design and streetscape, including conservation areas and for listed buildings, a more design-sensitive approach will be required. In these cases, internal security grille-type shutters will be the most appropriate solution. **(D)**

### 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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## Supplementary Planning Document: Trees and Hedgerows

### 1. About this guidance

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### 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.

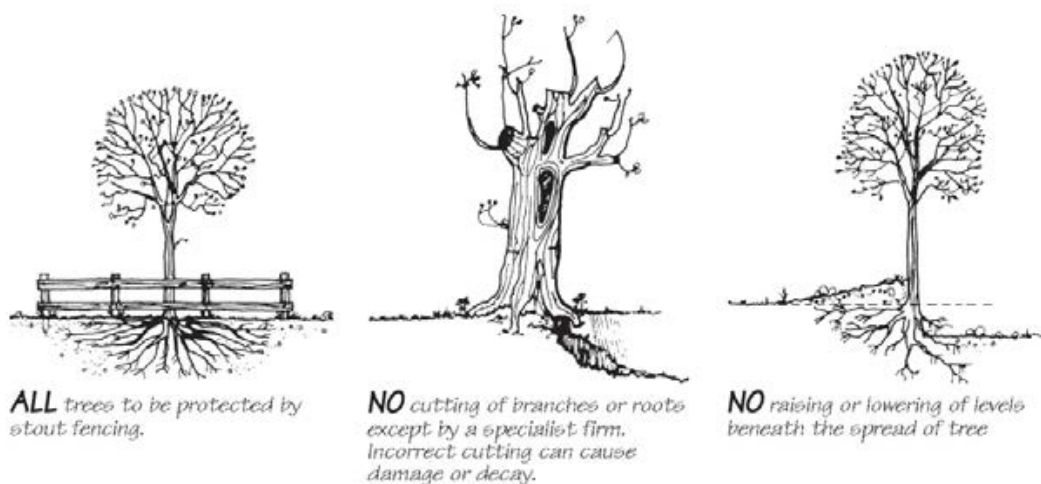
**5.3** Where trees and hedgerows are situated in close proximity to a proposed development a full Tree Survey to British Standard BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations will be required. The Tree Survey should include as a minimum the species, height, 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

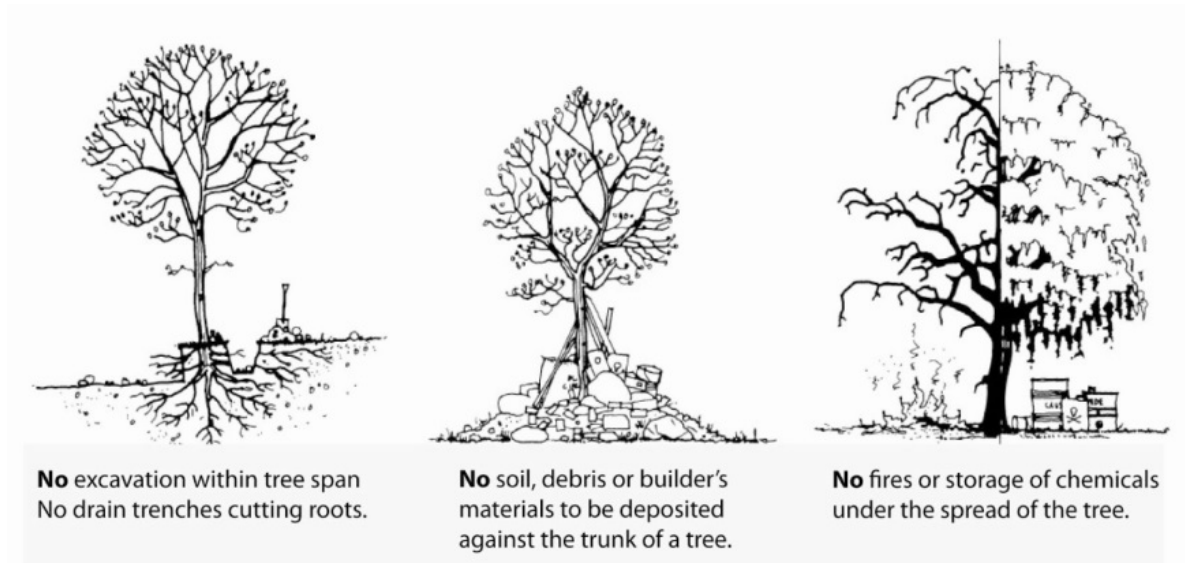
- 5.10** Pockets of woodland may be relict ancient woodland even if no ecological designation is in place. In this case other ecological groups such as birds, invertebrates, fungi, woodland wildflowers and micro-organisms indicative of antiquity may be present. If such habitat appears as if it may exist 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.

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# Local Plan Viability Testing – Update

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Completed on behalf of Barnsley Metropolitan Borough Council



May 2019  
CP Viability Ltd



*Independent Property Experts*



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## EXECUTIVE SUMMARY

- i. As supporting evidence to its Local Plan (which was adopted on 3<sup>rd</sup> January 2019) the Council commissioned a number of viability studies in 2012, 2015 and 2016. These studies tested key emerging policies to ensure they could be viably delivered (and if not what adjustments should be applied). The policies tested included affordable housing, public open space, financial contributions to schools and sustainable travel. Affordable housing was tested as an on-site provision and the subsequent policy introduced provided a range of between 10% and 30% affordable housing (dependent on the location or sub-market area of the site). For the other policy requirements a broad average equivalent to £5,000 per dwelling was applied (although it was accepted that this was likely to vary from site to site).
- ii. Following the adoption of the Local Plan, the Council is currently preparing a number of Supplementary Planning Documents, some of which include requirements for Section 106 contributions. In preparing these Supplementary Planning Documents the Council has identified a potential increase in the overall S106 contributions above the £5,000 per dwelling allowance that had previously been assumed in the viability testing. The rates identified could be in excess of £8,000 per dwelling (and potentially up to £11,000 per dwelling in certain circumstances).
- iii. CP Viability are instructed to undertake updated viability testing, factoring in the identified increases in S106 contributions. This is with a view to determining whether the policy requirements as proposed can be viably delivered or whether adjustments are required.

- iv.** As the approach and findings of the 2016 viability study were accepted through the recent examination process the Council does not require a full review of all of the viability inputs adopted. For consistency, the Council therefore requires some of the core appraisal inputs in the modelling to remain in line with the 2016 study. That said, there are certain appraisal inputs which need updating due to the impact of inflation since 2016 and also the introduction of the amended NPPF (and a subsequent accompanying document the Planning Practice Guidance for viability which has made some amendments to previous guidance which will need to be incorporated into this assessment).
- v.** To test scheme viability we have run residual appraisals. The residual land value is then compared to a separately assessed benchmark land value. If the residual land value is above the benchmark land value the scheme is deemed to be viable. If it falls below this shows the scheme to be unviable. Please note, in accordance with the professional guidance our testing principally considers typologies (i.e. hypothetical schemes) for 20, 50 and 100 dwellings. This, though, is supplemented with some 'live' site testing.
- vi.** For our appraisal assumptions where possible we have looked to follow assumptions adopted in the previous viability testing. This is to ensure consistency. However, certain assumptions (e.g. sales values and build costs) need to be updated to reflect inflation. Likewise, other assumptions (e.g. benchmark land value) have been adjusted to take into account the current guidance.
- vii.** Our initial (or 'base') appraisals adopt a rate of £8,000 per dwellings for S106 contributions, plus the policy requirement for on-site affordable housing. The majority of the typologies show a viable outcome.



**viii.** In addition to the base appraisal testing we have also run sensitivity testing. This is in recognition that appraisal assumptions can be subject to variance, which can have a significant impact on the overall viability outcome. By adjusting key assumptions and re-running the modelling we are able to see the potential for variance across the typologies and how this could impact on the viability outcomes.

**ix.** Our sensitivity testing, together with the results, can be summarised as follows:

**Sensitivity Test 1** – this assumes a reduced density of 35 dwellings per net Ha (rather than 40 dwellings per net Ha as allowed in the base modelling). Our results show that this had a marginally negative impact on viability. However, this was not sufficient to change any of the viability outcomes.

**Sensitivity Test 2** – adoption of the BCIS median build cost (rather than the lower quartile rate used for 50 or more dwellings in the base modelling). The results show that if the BCIS median rate is applied it does not affect the viability outcome for sub market areas 1 and 2. However, it does render sub market area 3 schemes unviable. We question, though, whether the BCIS median rate is appropriate in lower value locations. In these areas a more basic specification is likely to be applied, reducing build costs. This, in our view, points more to a lower quartile rate rather than a median figure.

**Sensitivity Test 3** – 5% reduction in sales values. For the 20 dwelling typology the viability outcomes do not change from the base appraisals. For the 50 and 100 dwelling typologies the viability outcomes are all the same from the base appraisals (i.e. viable), except for brownfield sites in the ‘other locations’ sub market, which changes to unviable.

**Sensitivity Test 4** – 10% increase in the benchmark land values. The viability outcomes remain unchanged from the base appraisals.

**Sensitivity Test 5** – runs tests based on S106 costs totalling £9,000, £10,000 and £11,000 per dwelling (rather than £8,000 per dwelling allowed in the base modelling). The viability outcomes remain unchanged from the base appraisals.

- x. In addition we have also tested ‘live’ sites (either allocated or subject to a current planning application). 3 of the 4 sites tested are deemed to be viable based on the revised SPD policy requirements. The site shown to be unviable could be delivered with the new SPD requirements if the land value is reduced accordingly.
- xi. In summary, the majority of the sites tested, even through sensitivity testing, are shown to be viable with the revised SPD policy requirements (and the subsequent increase in costs).
- xii. Based on the testing undertaken, the results therefore suggest that the proposed SPD policy requirements would not be sufficient alone to undermine viability. Instead, other factors such as density, build costs and sales value are more likely to have a significant bearing on the viability outcomes should there vary significantly from what has been assumed in the testing.
- xiii. In conclusion, 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).

| Appraisal input                  | Assumptions  |            |             |        |
|----------------------------------|--|------------|-------------|--------|
| Typologies                       | <ul style="list-style-type: none"> <li>- 20 dwellings. Gross area 0.55 Ha. Net 0.50 Ha.</li> <li>- 50 dwellings. Gross area 1.56 Ha. Net 1.25 Ha.</li> <li>- 100 dwellings. Gross area 3.12 Ha. Net 2.50 Ha</li> </ul> |            |             |        |
| Density                          | 40 dwellings per net Ha  |            |             |        |
| Dwelling mix                     | 30% terrace, 40% semi-detached, 30% detached   |            |             |        |
| Average house size               | 2 bed terrace 65 sq m<br>3 bed semi 90 sq m<br>4 bed detached 135 sq m   |            |             |        |
| Average sales values (£ psm)     | Sub market area  | 2b terrace | 3b Semi     | 4b det |
|                                  | Rural West / Penistone & Dodworth  | £2,300     | £2,550      | £2,400 |
|                                  | Darton & Barugh  | £2,200     | £2,300      | £2,250 |
|                                  | All other locations  | £1,825     | £1,950      | £1,950 |
| Affordable rent transfer values  | 45% of market value  |            |             |        |
| Shared ownership transfer values | 67.5% of market value  |            |             |        |
| Starter homes discount           | 80% of market value  |            |             |        |
| Average 'basic' build cost       | Over 50 dwellings  | £894 psm   | BCIS LQ     |        |
|                                  | Sub 50 dwellings   | £997 psm   | BCIS Median |        |

| External / site infrastructure costs | 15% of the basic build cost   |                   |                     |                         |          |                 |          |                                   |          |
|--------------------------------------|---|-------------------|---------------------|-------------------------|----------|-----------------|----------|-----------------------------------|----------|
| Contingency                          | 3% of basic build costs and externals   |                   |                     |                         |          |                 |          |                                   |          |
| 'Abnormal' development costs         | £200,000 per net Ha   |                   |                     |                         |          |                 |          |                                   |          |
| Professional fees                    | Sub 20 dwellings – 8% of basic build costs / externals<br>Over 20 dwellings – 6% of basic build costs / externals   |                   |                     |                         |          |                 |          |                                   |          |
| Marketing costs                      | 3% of sales revenue<br><br>Plus additional allowance for legal costs at £500 per dwelling   |                   |                     |                         |          |                 |          |                                   |          |
| Finance Costs                        | Over 10 dwellings – 6% debit  |                   |                     |                         |          |                 |          |                                   |          |
| Developer's return                   | 20% on revenue for market value<br>6% on revenue for affordable   |                   |                     |                         |          |                 |          |                                   |          |
| Benchmark Land Values                | <p><b>Greenfield</b></p> <table> <thead> <tr> <th><i>Value area</i></th> <th><i>BLV (£ / Ha)</i></th> </tr> </thead> <tbody> <tr> <td>All of sub-market areas</td> <td>£200,000</td> </tr> <tr> <td>Darton &amp; Barugh</td> <td>£300,000</td> </tr> <tr> <td>Rural West / Penistone &amp; Dodworth</td> <td>£400,000</td> </tr> </tbody> </table> <p><b>Brownfield</b> - £300,000 per Ha</p> | <i>Value area</i> | <i>BLV (£ / Ha)</i> | All of sub-market areas | £200,000 | Darton & Barugh | £300,000 | Rural West / Penistone & Dodworth | £400,000 |
| <i>Value area</i>                    | <i>BLV (£ / Ha)</i>   |                   |                     |                         |          |                 |          |                                   |          |
| All of sub-market areas              | £200,000  |                   |                     |                         |          |                 |          |                                   |          |
| Darton & Barugh                      | £300,000  |                   |                     |                         |          |                 |          |                                   |          |
| Rural West / Penistone & Dodworth    | £400,000  |                   |                     |                         |          |                 |          |                                   |          |

## 1. INTRODUCTION

### 1.1. Background

**1.1.1.** Barnsley Metropolitan Borough Council (“the Council”) adopted its Local Plan 3<sup>rd</sup> January 2019.

**1.1.2.** By way of supporting evidence with respect to the viability of the Local Plan, at the public examination the Council submitted a viability study, which was completed in 2016 (as well as other studies dating back to 2015 and 2012).

**1.1.3.** Following the adoption of the Local Plan, the Council is currently preparing a number of Supplementary Planning Documents, some of which include requirements for Section 106 contributions. These include:

- (i) Affordable housing
- (ii) Public open space
- (iii) Financial contributions to schools
- (iv) Sustainable travel

**1.1.4.** With regards to affordable housing, in light of the evidence submitted through the 2016 viability, Local Plan Policy H7 requires that for schemes of 15 dwellings or more the following is required:

|  |                         |
|--|-------------------------|
| Sub area Rural West & Penistone / Dodworth | – 30% on-site provision |
| Sub area Darton and Barugh                 | – 20% on-site provision |
| All other locations                        | – 10% on-site provision |

- 1.1.5.** The wording to the policy remains flexible so that there is the ability for a developer to reduce the required provision if demonstrated robustly through a viability assessment.
- 1.1.6.** With regards to other S106 contributions, in the 2016 viability study and general allowance equivalent to £5,000 per dwelling was included in the modelling. This recognised that in reality S106 contributions would fluctuate from site to site dependent on need and the specific circumstances of each development. However, an average allowance of £5,000 per dwelling was deemed reasonable (and covered policy requirements such as education, public open space and sustainable travel).
- 1.1.7.** However, in preparing the Supplementary Planning Documents the Council has identified a potential increase in the overall S106 contributions above the £5,000 per dwelling allowance that had previously been assumed in the viability testing.

## **1.2. Scope of Work**

- 1.2.1.** In order to inform the preparation of the Supplementary Planning Documents, and in light of the potential viability implications of the increased contributions (when compared to the assumptions made in the 2016 viability study), the Council requires a viability review / update.
- 1.2.2.** This study will be used by the Council to determine whether to adopt or amend the 4 Supplementary Planning Documents referenced above.

**1.2.3.** With regards to affordable housing, the Council does not require a review of the policy levels already approved through the examination process. However, the Council recognises that since the previous viability study was undertaken in 2016, central government has published a revised National Planning Policy Framework ('NPPF') and within this document there is an amended definition of affordable housing, as follows:

- (a) **Affordable housing to rent:** *meets all of the following conditions: (a) 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 where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) 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 (and, in this context, is known as Affordable Private Rent).*
  
- (b) **Starter homes:** *is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.*

- (c) **Discounted market sales housing:** *is that 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.*
  
- (d) **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 equivalent to at least 20% below local market value) and 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.*

**1.2.4.** As such, there is now a greater emphasis on affordable ownership products, as opposed to affordable rental products. The 2016 viability study focused mainly on affordable rent and intermediate products. However, as indicated above, there is the potential to provide a wider range of affordable housing products, which could have implications for scheme viability. The Council therefore requires variations of the affordable housing tenures to be tested to determine how this could impact on scheme viability.



- 1.2.5.** For the public open space, education and sustainable travel contributions, as stated above, the Council's review process has identified that these combined policies could result in developer contributions in excess £8,000 per dwelling (and in excess of £10,000 per dwelling for certain locations). As this is a significant increase above the £5,000 per dwelling previously allowed in the 2016 viability study, the Council requires the increased costs to be tested to demonstrate the impact this could have on viability. If this is shown to undermine viability, the Council requires advice as to what levels could be viably provided.
- 1.2.6.** As the approach and findings of the 2016 viability study were accepted through the recent examination process the Council does not require a full review of all of the viability inputs adopted. For consistency, the Council therefore requires some of the core appraisal inputs in the modelling to remain in line with the 2016 study.
- 1.2.7.** That said, there are certain appraisal inputs which need updating due to the impact of inflation since 2016 and also the introduction of the amended NPPF (and a subsequent accompanying document the Planning Practice Guidance for viability which has made some amendments to previous guidance which will need to be incorporated into this assessment).

### **1.3. CP Viability Ltd**

- 1.3.1.** CP Viability specialises in providing advice to local authorities on all matters related to housing and commercial development; including individual site assessments, area wide studies and also providing expert witness advice at planning appeals. The company's Director, David Newham, has extensive experience in undertaking development appraisals and market studies.

## 2. METHODOLOGY

### 2.1. The Residual Method

- 2.1.1.** Central to undertaking viability testing is the residual method of valuation (sometimes referred to as a development appraisal). This is an established valuation approach, which can be illustrated by the following equation:

$$\begin{aligned} & \textbf{Completed Development Value} \\ & \textit{(i.e. Total Revenue)} \\ & \textit{Less} \\ & \textbf{Development Costs} \\ & \textit{(Developer's Profit + Construction + Fees + Finance)} \\ & \textit{Equals} \\ & \textbf{Residue for Land Acquisition} \end{aligned}$$

- 2.1.2.** In other words, to arrive at the land value the assessor assumes the scheme has been completed, and from this income takes away all the costs associated with delivering that scheme. The 'residual' (if any is left), equates to the value that could be paid for the land based on the development being proposed.
- 2.1.3.** Whilst a simple concept, it is stressed that in reality the residual method often becomes a complicated and detailed approach. This is because the methodology inherently requires a wide variety of inputs to be factored into the assessment, all of which are subject to variance (e.g. sales values, build costs, professional fees, abnormal works, Council policies, profit, marketing, finance etc). All of these inputs need to be considered carefully, as potentially

relatively small variances to one or two inputs could have a significant impact on the results of the assessment.

- 2.1.4.** This inherent flaw in the methodology is recognised by the RICS and wider industry, and as a result ‘sensitivity’ testing is recommended to try and minimise the impact of these potential variances. Nevertheless, the industry still considers this to be the most appropriate methodology for assessing development sites and appraising land value.
- 2.1.5.** Furthermore, in undertaking a residual appraisal it is important to factor in the impact that the timings of payments and income can have on funding and cash flow. For this reason, and particularly for more complex developments, it is appropriate to use a discounted cash-flow approach when preparing a residual appraisal.
- 2.1.6.** The residual method can be applied to both residential and commercial development and is therefore applicable to Whole Plan and CIL viability testing. We have subsequently utilised this approach in undertaking our viability testing.
- 2.1.7.** The Harman Review and recent PPG are clear that the appraisal inputs (e.g. revenue, build costs, professional fees, developer’s profit etc) should be evidence based and reflect the dynamics of the market being assessed. Stakeholders should be engaged to ensure the adopted inputs are as robust as possible.
- 2.1.8.** The residual method allows an iterative approach to be undertaken, as certain appraisal inputs (such as planning policies) can be varied and tested to determine their impact on overall viability. The method is therefore consistent with the requirements of the July 2018 (updated Feb 2019) NPPF and PPG.

## 2.2. Benchmark Land Value ('BLV')

**2.2.1.** In short, the BLV represents the minimum land value that a hypothetical landowner would accept to release their land for development, in the context of the prevalent planning policies. A BLV does not therefore attempt to identify the market value, it is a distinct concept.

**2.2.2.** To establish whether a site is deemed to be viable or not, the assessor will run a residual appraisal (as described above) to identify the residual land value for that particular site. This is then compared to the BLV (which is separately assessed, as described below). If the residual land value is above the BLV, the scheme is deemed to be viable. If it is below the BLV it is deemed to be unviable.

**2.2.3.** Establishing the BLV is therefore crucial in determining whether a site is viable or not. However, this remains a controversial area.

**2.2.4.** To identify the BLV, the Harman Review and the PPG recommends using a premium over existing use value ("EUV") and credible alternative values as a means of determining the BLV.

**2.2.5.** The PPG goes on to say that the BLV should:

- Fully reflect the total cost of all relevant policy requirements including planning obligations and, where applicable, any Community Infrastructure Levy charge;
- Fully reflect the total cost of abnormal costs; site-specific infrastructure costs; and professional site fees;

- Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types.

**2.2.6.** This follows the principle that if two identical sites are next to one another, and one has significant abnormal costs and the other does not, the site with abnormal costs will naturally have a lower site value than the land unconstrained by abnormal costs.

**2.2.7.** In other words, as abnormal costs increase, site value decreases and vice versa (although it is not necessarily the case that cost equals value). This is because a landowner would be forced to reduce their expectations of value as a developer would have to factor in the cost of the undertaking the abnormal costs, resulting in a lower offer. As long as the landowner still secured a reasonable uplift over the EUV this would represent an acceptable deal and therefore the scheme would be viable. It would become unviable if the offer became too close to the EUV leaving no incentive for the landowner to release the land for development.

**2.2.8.** In terms of assessing the uplift above the EUV, a differential should be made between assessing previously developed land and agricultural (greenfield) land. This is because the underlying EUV of an agricultural field will typically be significantly lower when compared to previously developed land. This means that different premiums will need to be applied to encourage landowners to sell.

**2.2.9.** The Harman Review and PPG are each silent on the precise level of premium. However, based on our experience in the market place a premium in the region of 10% to 30% above the EUV is typically expected for previously developed land (dependent on the nature of the land). For agricultural land, where values will be relatively consistent regardless of locational factors, the level of premium will be significantly higher (and can fluctuate typically from 5 to 25 (or higher) times the EUV).

**2.2.10.** However, the PPG goes on to suggest that one approach to assessing the premium over the EUV is to identify recent, policy compliant, sales of land (to capture the latest market conditions) that have recently secured a planning permission (to capture the most up to date planning policies). This can then be compared to the EUV of that site. The difference between the two figures can be regarded as a guide to premium uplifts in that location. However, there are two key difficulties attached to this approach:

- There are a wide variety of factors which impact on land values, including overall site size, gross to net ratios, density, proposed dwelling types, location, planning policy contributions (which fluctuate from site to site), abnormal costs, infrastructure works, the financial circumstances of the vendor and purchaser, restrictive covenants on the title, easements, whether the sale took place prior to or post achieving planning consent etc. All the factors that impacted on value will not typically be known to an assessor nor available in the public domain. This means analysing land transactions is extremely difficult and not particularly reliable.

- The amount of data available is likely to be limited, reducing the reliability of the evidence.

**2.2.11.** However, the PPG goes on to suggest that one approach to assessing the premium over the EUV is to identify recent, policy compliant, sales of land (to

### 2.3. Site Types

**2.3.1.** The guidance states that the types of sites assessed as part of the viability testing should represent the likely supply of development over the plan period. Once identified, these are then tested using the residual method, with comparisons to the separately identified BLV, as outlined above.

**2.3.2.** The NPPF / PPG indicates that site testing can either be based on real 'live' sites or hypothetical site typologies, drawing upon historic completions and planning permissions.

**2.3.3.** In either case, a reasonably wide variety of sites should be considered. The guidance indicates a number of factors which could be considered when assessing hypothetical site typologies, including

- Varying levels of infrastructure dependent on the size of the scheme.
- The potential for 'abnormal' costs such as remediation and decontamination.
- Different BLV's dependent on the nature of the land (e.g. greenfield versus previously developed land in an urban area).

- Geographical locations impacting on revenue and sales rates.

**2.3.4.** However, the NPPF / PPG recognises that a balance needs to be struck between key viability considerations and ensuring there are a manageable number of site typologies to ensure the testing is as robust as possible. In other words, for the purposes of whole plan and CIL testing, it is acknowledged that all variations will not be able to be fully tested. However, what is important is that key fluctuations are reflected through the viability modelling as much as possible.

**2.3.5.** Please note, in addition to the typology testing we consider it appropriate to also run a number of supplementary 'live' site appraisals.

## **2.4. Iterative Approach**

**2.4.1.** Once it has been determined whether a typology or site specific scheme is viable or not, adjustments can be made to the planning policy contributions to adjust the outcome of the viability. For example, if the full aspirational policy provisions are applied and the scheme is shown to be unviable, this would demonstrate that the policy provisions are unlikely to be deliverable (therefore failing to meet the requirements of the NPPF). In this scenario, the policy provisions can be reduced and the scheme re-tested. This can be done on an iterative basis up to the point where the scheme is deemed to be viable.

**2.4.2.** Alternatively, it may be that the aspirational policy provisions are tested and the scheme is comfortably viable, generating a surplus of income. Under this scenario, the policy provision could be increased and the scheme re-tested



(again on an iterative basis) until there is a pre-set position of viability is reached.

**2.4.3.** In adopting an iterative approach, it is therefore important to identify ‘base’ appraisals, from which adjustments can be made. This can either be on the basis of the full policy aspirations being excluded, and then added back in on an iterative basis up to a pre-determined point of viability. Or alternatively the base appraisals could include the full policy aspirations from the outset, and if the testing shows there is significant viability pressure the policy provisions could be adjusted down again up to a pre-determined point of viability.

## **2.5. Our Approach**

**2.5.1.** On the basis of the above we have adopted the following approach for the purposes of the plan wide viability testing:

- We have identified hypothetical site types (in line with the previous study).
- However, it is considered appropriate to incorporate some limited ‘real’ site appraisals, to ensure the testing is as robust as possible and follow the approach advocated in national guidance.
- For each hypothetical site type or real site we have modelled a base development appraisal, inputting the revenue and costs associated with that scheme. This has been modelled in accordance with the residual method, whereby the outcome is the land value (with all other inputs fixed costs).

- Initially, we look to test base appraisals, building in the emerging policies. Adjustments are then made to policy provisions dependent on the viability outcome of the base test.
- Finally, we also undertake sensitivity testing, where key appraisal inputs are varied to test the impact on viability. This aids the overall analysis and ensures that the conclusions reached are as robust as possible.
- In forming our recommendations, a holistic approach is taken to all testing results.

## 2.6. Evidence

**2.6.1.** Primary data is crucial to ensuring the viability testing is robust. In this case, we are reviewing the sales revenues, build costs and benchmark land values only, therefore the following sources of evidence have been considered:

- Land Registry for residential and land sales.
- Build Cost Information Service (BCIS) part of the RICS for build costs.
- Essential Information Group property auctions, giving details of land transactions.
- An in-house database of historic viability assessments undertaken across the region (including within Barnsley Metropolitan Borough).

### 3. RESIDENTIAL VIABILITY ASSUMPTIONS

#### 3.1. Previous Studies

**3.1.1.** The 2012 and 2016 viability studies tested the following site typologies:

**Table 1 – Past Site Typologies**

| Dwellings | Mix                                   | Site area (Ha) |
|-----------|---------------------------------------|----------------|
| 1         | Det                                   | 0.05           |
| 3         | 2 x semi 1 x det                      | 0.10           |
| 5         | 2 x terr, 2 x semi, 1 x det           | 0.14           |
| 8         | 4 x terr, 2 x semi, 2 x det           | 0.23           |
| 12        | 6 x terr, 4 x semi, 2 x det           | 0.30           |
| 15        | 6 x terr, 4 x semi, 5 x det           | 0.33           |
| 25        | 30% terr, 40% semi, 30% det           | 0.71           |
| 50        | 30% terr, 40% semi, 30% det           | 1.42           |
| 100       | 30% terr, 40% semi, 30% det           | 2.85           |
| 300       | 10% flat, 20% terr, 40% semi, 30% det | 7.50           |
| 1,000     | 10% flat, 20% terr, 40% semi, 30% det | 25.00          |

**3.1.2.** The previous viability testing therefore considered a wide range of site typologies. However, for the purposes of this exercise we do not consider it necessary / appropriate to adopt all of the same typologies, for the following reasons:

- A number of the policies being tested do not apply to the smallest site types (as discussed below in Section 3.12), for example the affordable housing only applies to schemes providing 15 or more dwellings and the open space provision only applies to 15 or more dwellings.

- In reality, a typology of say 20 dwellings would be sufficient to cover schemes providing 15 and 25 dwellings (as this scale of scheme is likely to be brought forward by the same type of developer, which means the costs across these sites will be broadly similar).
- For larger scale multi-outlet schemes (300 dwellings) as well as strategic scale sites (1,000 dwellings) it is more appropriate to undertake site specific testing, rather than looking to a typological approach. This is because, due to scale, the costs associated with this type of development can vary greatly meaning a typological approach is less robust. Furthermore, there are also likely to be fewer schemes of this scale coming forward, which means a more focused, site-specific approach to viability is practical.

**3.1.3.** Having considered all of the above, we consider the following typology tests to be appropriate for the purposes of this exercise:

- 20 dwellings: 30% terr, 40% semi, 30% det
- 50 dwellings: 30% terr, 40% semi, 30% det
- 100 dwellings: 30% terr, 40% semi, 30% det

**3.1.4.** In terms of density, the 2016 study states refers to 40 dwellings per net Ha, although we note that in the 2012 study 35 dwellings per net Ha had been applied to some sites.

**3.1.5.** For the purposes of this exercise we have assumed 40 dwellings per net Ha. We have subsequently adjusted the site sizes to equate to this ratio.

**3.1.6.** The 2016 study adopted the following key appraisal assumptions:

- Market sub-areas for affordable housing provision:
  - (i) Rural West & Penistone / Dodworth
  - (ii) Darton / Barugh
  - (iii) All other locations (South Barnsley / Worsbrough, Rural East, Hoyland / Wombwell / Darfield, North Barnsley / Royston, Bolton / Goldthorpe / Thurnscoe).
  
- Gross to net ratio. Less than 1Ha 90%. 1Ha to 10Ha 80%. Over 10Ha 75%.
- 2 bed terrace average size 65 sq m, 3 bed semi 90 sq m, 4 bed detached 135 sq m.
- Based on the above mix and average dwellings sizes this equates to an overall average dwelling size of 96 sq m.
- Abnormals at £200,000 per Ha.
- Marketing fees 3% of revenue.
- Developer profit 15% on revenue plus 5% to cover internal overheads.

**3.1.7.** We have accepted the above assumptions within our appraisal modelling. Other appraisal assumptions, subject to our own interpretation, are discussed in more detail below.

**3.1.8.** Please note our modelling introduces a distinction between undeveloped greenfield sites and brownfield sites (i.e. previously developed land). The main difference is principally in relation to how the Benchmark Land Value is assessed.

## 3.2. Revenue – Market Value

**3.2.1.** In terms of current market conditions, in January 2019 the RICS released its UK Residential Market Survey results. The main findings of the survey are as follows:

- The results suggest a ‘subdued backdrop’.
- Enquiries, sales and new instructions have fallen over the last 6 months.
- The average time taken to sell a property has increased.
- Brexit is causing hesitancy, together with affordability constraints.
- However, in the medium term (over 12 months) expectations remain positive, with values still expected to grow.
- London and the South East, though, display the weakest values position on values, with 6 years of strong growth stretching affordability. Elsewhere, house price inflation has ‘lost at least some impetus in most English regions’ over the past 6 months or so.

**3.2.2.** More specifically, according to the Zoopla Zed Index (an index which, using sales data from the Land Registry and asking prices, estimates the value of all residential dwellings across England and Wales) the value of residential property across Barnsley has increased by 21.03% during the last 5 years. This compares with an average increase of 26.03% across England during the same period. This suggests house price inflation has been more modest across Barnsley when compared to the national average, although as noted above in recent months London / South East values have cooled at a faster rate than the English regions, suggesting the gap has narrowed.

**3.2.3.** Furthermore, the average increase for the South Yorkshire region during the same period equates to 20.97%. Barnsley has therefore experienced a broadly average growth when compared to the regional average.

**3.2.4.** In terms of evidence, we have identified sales from across Barnsley utilising the Land Registry. Using the online functions we have limited the data collected to different postcode areas within Barnsley, new build dwellings, type of dwelling (i.e. semi, detached, terrace etc) and sales achieved since Jan 2016. By collating the data in this way we are able to undertake a more focused analysis. The approach was to then look to collate values into the 3 market sub-areas, being (as shown above):

- (i) Rural West & Penistone / Dodworth
- (ii) Darton / Barugh
- (iii) All other locations (South Barnsley / Worsbrough, Rural East, Hoyland / Wombwell / Darfield, North Barnsley / Royston, Bolton / Goldthorpe / Thurnscoe).

**3.2.5.** To aid our analysis further, we have also looked to identify the sizes of the comparable data collected. This enables us to establish values on a 'rate per sq m' basis, which ensures that 'like for like' comparisons can be made (if the overall size of a dwelling is not known it could be the case that the comparable evidence is derived from substantially larger dwellings, which could potentially lead to inaccurate analysis).

**3.2.6.** In order to identify the size of each property, we have cross-referenced the Land Registry data with dwelling sizes as shown on the respective EPC Register. The size of each dwelling is given as a single figure (in square metres). We consider the use of the EPC register to be appropriate for the purposes of this study when analysing sales values, for the following reasons:

- (i) This approach has been adopted by other authorities in their own area-wide viability testing and accepted through the examination process.
- (ii) In our experience, it is an approach used on a wide-spread basis in preparation of viability assessments for individual planning applications and area wide studies. The method is used by Local Authorities, surveyors, landowners and house-builders (albeit it is accepted that not all parties consistently use the approach).
- (iii) For the purposes of an area-wide study the assessor is looking to establish appropriate average sales values. It is accepted that the sales data collected through the Land Registry will reflect a variety of different dwelling types, for example some of dwellings that form the date will comprise garages and some of which will not. The rates per sq m data will therefore show a range of figures to reflect these variations. However, we have not looked to adopt values at the top end of the range, but instead looked to arrive at average values, which mitigates these variations in the data.



(iv) Furthermore, there is a lag of around 3 – 6 months in the Land Registry data, due to the time it takes for new transactions to be submitted to the Land Registry following a sale and to be uploaded onto the database. As such, any house price inflation that has taken place in recent months (over a 1 to 2 quarter period) is not reflected in the evidence. Allowances therefore need to be made in the analysis for this inflation.

**3.2.7.** With regards to evidence, we have identified over 30 ‘new build’ residential schemes across the Barnsley Metropolitan Borough since Jan 2016. To aid analysis, we have adopted the following approach:

- Our first step was to allocate each identified scheme into the 3 sub-market areas identified above. For the Rural West / Penistone & Dodworth we identified 7 schemes in total. For Darton & Barugh we identified 4 schemes. For all other locations were identified a total of 21 developments.
  
- We then collated the Land Registry / EPC data for individual developments on the basis of a broad house type and size (for example a semi-detached dwelling with an average size of 70 sq m, a semi-detached with an average size of 80 sq m, a detached dwelling with an average size of 100 sq m and so). If the evidence identified shows a range of semi-detached dwellings from, for example, 78 sq m to 82 sq m, all of this evidence is then categorised as “semi-detached with average size of 80 sq m”. This approach ensures that the differences in values due to size and dwelling type can be accurately assessed.

- Having established the dwelling categories, we have then looked to arrive at an average rate (£ per sq m) for each category in each scheme. This allows us to easily compare specific dwelling categories across different schemes.

**3.2.8.** For the 7 schemes identified in Rural West / Penistone & Dodworth, the most typical dwelling categories across these schemes showed the following average values:

|                   |   |                         |
|-------------------|---|-------------------------|
| Semi 70 sq m      | - | Av rate £2,328 per sq m |
| Semi 80 sq m      | - | Av rate £2,152 per sq m |
| Semi 90 sq m      | - | Av rate £2,090 per sq m |
| Detached 90 sq m  | - | Av rate £2,541 per sq m |
| Detached 100 sq m | - | Av rate £2,605 per sq m |
| Detached 110 sq m | - | Av rate £2,475 per sq m |
| Detached 120 sq m | - | Av rate £2,443 per sq m |
| Detached 130 sq m | - | Av rate £2,372 per sq m |
| Detached 140 sq m | - | Av rate £2,717 per sq m |
| Detached 150 sq m | - | Av rate £2,658 per sq m |
| Detached 170 sq m | - | Av rate £2,593 per sq m |

**3.2.9.** It is stressed that a large proportion of the above data is derived from sales evidence dating back to 2016 and 2017 (only 1 scheme shows figures predominantly from 2018). The Zoopla and Land Registry data shows that there has been sales price inflation since this time, therefore the average rates shown above can be regarded as being low based on the prevalent market conditions. We therefore consider it appropriate to uplift the above average rates to reflect current values.

**3.2.10.**Based on the identified evidence, for a 4 bed detached dwelling with an average size of 135 sq m we consider a rate of £2,400 per sq m to be appropriate. For a 3 bed semi-detached at 90 sq m we have applied £2,550 per sq m. For a 2 bed terrace of 65 sq m we have allowed £2,300 per sq m.

**3.2.11.**For the 4 schemes identified in Darton & Barugh, the most typical dwelling categories across these schemes showed the following average values:

|                   |   |                                    |
|-------------------|---|------------------------------------|
| Terrace 60 sq m   | - | Av rate £2,368 per sq m            |
| Terrace 80 sq m   | - | Av rate £1,903 per sq m            |
| Semi 70 sq m      | - | Av rate £2,229 per sq m            |
| Semi 80 sq m      | - | Av rate £2,024 per sq m            |
| Semi 90 sq m      | - | Av rate £2,004 per sq m            |
| Semi 110 sq m     | - | Av rate £1,877 per sq m (3 storey) |
| Detached 80 sq m  | - | Av rate £2,477 per sq m            |
| Detached 90 sq m  | - | Av rate £2,267 per sq m            |
| Detached 100 sq m | - | Av rate £2,250 per sq m            |
| Detached 110 sq m | - | Av rate £2,204 per sq m            |
| Detached 120 sq m | - | Av rate £2,115 per sq m            |
| Detached 130 sq m | - | Av rate £2,235 per sq m            |

**3.2.12.**Again, it is stressed that a large proportion of the above data is derived from sales evidence dating back to 2017. The Zoopla and Land Registry data shows that there has been sales price inflation since this time, therefore the average rates shown above can be regarded as being low based on the prevalent market conditions. We therefore consider it appropriate to uplift the above average rates to reflect current values.

**3.2.13.**Based on the identified evidence, for a 4 bed detached dwelling with an average size of 135 sq m we consider a rate of £2,250 per sq m to be appropriate. For a 3 bed semi-detached at 90 sq m we have applied £2,300 per sq m. For a 2 bed terrace of 65 sq m we have allowed £2,200 per sq m.

**3.2.14.**For the 21 schemes identified in all other locations across the Metropolitan Borough, the most typical dwelling categories across these schemes showed the following average values:

|                   |   |                         |
|-------------------|---|-------------------------|
| Terrace 60 sq m   | - | Av rate £1,870 per sq m |
| Terrace 70 sq m   | - | Av rate £1,763 per sq m |
| Terrace 80 sq m   | - | Av rate £1,738 per sq m |
| Terrace 90 sq m   | - | Av rate £1,515 per sq m |
| Semi 60 sq m      | - | Av rate £1,793 per sq m |
| Semi 70 sq m      | - | Av rate £1,800 per sq m |
| Semi 80 sq m      | - | Av rate £1,834 per sq m |
| Semi 90 sq m      | - | Av rate £1,708 per sq m |
| Semi 100 sq m     | - | Av rate £1,620 per sq m |
| Detached 70 sq m  | - | Av rate £1,802 per sq m |
| Detached 80 sq m  | - | Av rate £1,997 per sq m |
| Detached 90 sq m  | - | Av rate £1,932 per sq m |
| Detached 100 sq m | - | Av rate £1,894 per sq m |
| Detached 110 sq m | - | Av rate £1,811 per sq m |
| Detached 120 sq m | - | Av rate £1,933 per sq m |
| Detached 130 sq m | - | Av rate £2,016 per sq m |

**3.2.15.** Again, it is stressed that a large proportion of the above data is derived from sales evidence dating back to 2016 and 2017. The Zoopla and Land Registry data shows that there has been sales price inflation since this time, therefore the average rates shown above can be regarded as being low based on the prevalent market conditions. We therefore consider it appropriate to uplift the above average rates to reflect current values.

**3.2.16.** Based on the identified evidence, for a 4 bed detached dwelling with an average size of 135 sq m we consider a rate of £1,950 per sq m to be appropriate. For a 3 bed semi-detached at 90 sq m we have applied £1,950 per sq m. For a 2 bed terrace of 65 sq m we have allowed £1,825 per sq m.

**3.2.17.** In summary, our adopted rates are as follows:

**Table 2 – Market value average sales values (£ per sq m)**

| Value banding                        | 2b terrace<br>65 sq m | 3b semi<br>90 sq m | 4b detached<br>135 sq m |
|--------------------------------------|-----------------------|--------------------|-------------------------|
| Rural West / Penistone<br>& Dodworth | £2,300                | £2,550             | £2,400                  |
| Darton & Barugh                      | £2,200                | £2,300             | £2,250                  |
| All other sub-market<br>locations    | £1,825                | £1,950             | £1,950                  |



**3.3. Revenue – Affordable Housing**

**3.3.1.** There are a number of approaches to identifying transfer values, albeit the most favoured tends to be where a percentage of the equivalent market value is allowed.

**3.3.2.** We consider a ‘percentage of market value’ to be an appropriate approach for the purposes of an area-wide viability study. Furthermore, and based on our experience of undertaking individual viability assessments, we consider the following allowances to be reasonable:

|  |   |                       |
|--|---|-----------------------|
| Affordable Rent                        | - | 45% of market value   |
| Shared ownership                       | - | 67.5% of market value |
| Starter Homes / Discounted Market Sale | - | 80% of market value   |

**3.4. Plot construction costs**

**3.4.1.** For the purposes of this review, plot construction costs mean the cost of building each dwelling, including preliminaries and contractor’s margin, but excluding externals, abnormals and a contingency allowance.

**3.4.2.** With regard to ‘plot construction’ costs (the cost of constructing a house from foundations up, but excluding any external works) we have considered a variety of evidence, including reviewing viability appraisals received by us from across the wider region as well as the Build Cost Information Service (BCIS) of the RICS, which is database regularly referred to by the industry when preparing viability assessments.



**3.4.3.** During 2017 build cost inflation rose sharply, with some commentators seeing this as a consequence of Brexit (due to a reduction in the skilled labour market). This rise has increased pressure on viability in some areas. However, it remains to be seen whether this is a short-term adjustment in the market or a longer term trend.

**3.4.4.** The BCIS published an article in January 2018 which predicted tender prices would fall in the year to Q3 2018. The BCIS All-in Tender Price Index shows the following:

|         |   |     |
|---------|---|-----|
| 1Q 2017 | - | 298 |
| 2Q 2017 | - | 324 |
| 3Q 2017 | - | 306 |
| 4Q 2017 | - | 327 |
| 1Q 2018 | - | 317 |
| 2Q 2018 | - | 320 |
| 3Q 2018 | - | 320 |
| 4Q 2018 | - | 321 |
| 1Q 2019 | - | 322 |

**3.4.5.** This shows there was volatility in build costs between during 2017, with a sharp rise between Q1 and Q4. However, during 2018 and into Q1 2019 there has been some consolidation in the market which has resulted in a general 'levelling' of costs. This is expected to continue, at least in the short term.

- 3.4.6.** The BCIS is a favoured tool in the industry, particularly for the purposes of an area wide study (and was used for the purposes of the 2016 Doncaster viability study). This is because the data, which is based on voluntary tender information submitted to the RICS, gives a rate per sq m to apply to an assessment. Furthermore, it also can be rebased to particular locations, and can also be adjusted dependent on the size of your dwellings (for example a rate is given for 2 storey housing and a separate rate for single storey dwellings), therefore giving greater accuracy.
- 3.4.7.** The BCIS reflects the basic construction cost of a dwelling (from foundations to roof). It also includes a contractor's overhead and all preliminaries associated with a scheme. However, it excludes all external / infrastructure costs, contingency allowance, professional fees and abnormal works.
- 3.4.8.** It is stressed that, like any data source, it does have weaknesses which can often be overlooked. Firstly, the 'rate per sq m' shown in the BCIS includes the plot construction cost, site preliminary costs and the contractor's overhead allowance. However, it excludes external costs, contingency allowance and all abnormal works. If the BCIS is adopted the items excluded therefore need to be added back in. Likewise, it is important that items such as preliminaries are not 'double counted'.
- 3.4.9.** Secondly, it is important to understand the context of the data. From our analysis, between January 2014 and Jan 2019 there were 98 separate housing schemes across the UK which were used for 'elemental' analysis in determining the various BCIS rates. Of this sample, the size of schemes ranged from 2 houses to 109 houses, with an average of 15.54 houses per scheme submitted into the data. 80% of the sample comprised schemes consisting of 20 houses or less and only 6.12% of the sample (6 schemes) comprised 50 or more dwellings.



**3.4.10.** In other words, the vast majority of the data used for analysis when determining the various BCIS rates was derived from small schemes implemented by either local or relatively small contractors. We note that no volume housebuilder contributed to the aforementioned sample.

**3.4.11.** It is generally accepted that volume housebuilders are able to construct houses at a cheaper rate than smaller building firms (owing to their ability to bulk-buy materials and their ability to offer more regular work, therefore negotiate cheaper contracts with sub-contractors etc). The BCIS acknowledges this through a note on “Economies of Scale” it published on 25th Oct 2016, which states the following:

*Pricing levels on building contracts tend to fall as the size of the project increases. The latest BCIS Tender Price Study, based on project tender price indices analysed by contract sum, shows that pricing levels fall by as much as 20% between small contracts and multimillion pound schemes. Compared to the mean value of projects in the study of £1.7million projects, pricing on small projects is 10% higher, while pricing on projects over £40million can be 10% lower.*

**3.4.12.** The sample used in the elemental analysis only includes a small number of larger scale projects, instead it is mostly derived from schemes comprising 20 or less houses. As the cheaper volume house-builder costs are not reflected within this sample, the data can be regarded as being inherently high, at least when trying to determine the construction costs for a large scheme (in excess of say 50 units). For this reason, the BCIS is considered to be less reliable for larger developments (particularly those which would require implementation by a large volume house builder). To account for this, the BCIS lower quartile figure is often deemed a more appropriate benchmark for larger scale projects.

**3.4.13.** Thirdly, the data is partly estimated and is vulnerable to short-term ‘spikes’ in the wider construction market (regardless of whether this has in fact filtered through to specific tender prices for specific products e.g. housing). This can cause sharp short-term ‘jumps’ in the BCIS rates shown, which then typically level off in the future. For undertaking a study at a particular point in time, this can provide an unbalanced view of the market. As indicated above, in 2017 the BCIS rates reflected sharp inflationary pressure, but as shown this levelled off in 2018. Applying BCIS rates, which can incorporate recent spikes in the market place, can provide an unbalanced view of scheme viability.

**3.4.14.** The BCIS is a useful tool and routinely used when undertaking area wide studies. However, there are weaknesses in the sampling, particularly when assessing larger scale projects. As such, the context of the data needs to be understood and adjustments should be applied to certain scheme types.

**3.4.15.** Furthermore, the following appeal decisions (as previously referred to in Section 3) are relevant here:

***Poplar Close, Ruskington (ref 3150756)***

- Greenfield site, 67 dwellings.
- Average sales values £2,100 - £2,300 per sq m.
- Use of lower quartile BCIS agreed and accepted by the Inspector.

***Flaxley Rd, Selby (ref 3149425)***

- Greenfield site, 202 dwellings. Average sales values £2,000 per sq m.
- Inspector ruled that the lower quartile BCIS was not appropriate when a scheme was (i) likely to be delivered by a volume house builder and (ii) other information / data was available. A figure below the lower quartile was accepted.

***Lowfield Road, Bolton upon Dearne, Barnsley (PINS ref 3170851)***

- Greenfield site, Phase3 97 dwellings.
- Low value location.
- Inspector accepted build costs significantly lower than the BCIS lower quartile, on the basis of the scheme was likely to be delivered by a 'low cost' developer.

**3.4.16.** Two of the three appeal decisions therefore advocate the use of a build cost below the BCIS lower quartile in relation to scheme being delivered by volume housebuilders (either regional or national). In the case of a low value location scheme (implemented by a 'low cost' developer), the build costs are somewhat below the BCIS lower quartile rate. This is also reflected in our own experience of undertaking individual viability assessments in low value locations, where we typically see build costs below the BCIS lower quartile rate.

**3.4.17.** In terms of our in-house data, we collate all viability appraisals received by us from applicant's regarding individual planning applications. Since Jan 2017 our database shows over 100 individual cases across the North of England and East Midlands, ranging from 4 to 864 dwellings (sample average 119).

**3.4.18.** With regards to build costs, we have limited the sample to appraisals received during the last 6 months (i.e. since Sep 2018), to ensure the data is more up to date with recent cost inflation. We have identified housing schemes, ranging from 14 up to 215 dwellings. For schemes sub 50 units the average build cost equates to £1,117 per sq m. For schemes over 50 units the average build cost equates to £1,047 per sq m. This suggests there is a saving between schemes more likely to be delivered by volume house builders.

**3.4.19.** The current BCIS rates, rebased to Barnsley, are as follows:

|                         |   |               |
|-------------------------|---|---------------|
| 2 storey lower quartile | - | £894 per sq m |
| 2 storey median         | - | £997 per sq m |

**3.4.20.** For the purposes of the testing we have subsequently applied the BCIS lower quartile to schemes providing 50 or more dwellings (being site types likely to be brought forward by regional and national house builders). However, as discussed above, this is considered to be a cautious approach and in reality schemes are likely to be brought forward with reduced build costs, particularly by low cost developers.

**3.4.21.** For site types below 50 units, we have applied the median rate, on the basis that these would be delivered by local builders, who are less likely to be able to make the quantum savings available to volume house builders.

### **3.5. Externals / infrastructure**

**3.5.1.** As discussed above, the BCIS rates exclude any allowance for external / infrastructure costs. For this reason it is necessary to make additional allowances to cover standard road costs, drainage, services, parking, footpaths, landscaping etc.

**3.5.2.** By way of evidence we have referred to our in-house database of individual viability appraisals submitted to us by applicants. To consider the externals we have restricted the sample to include all housing schemes received since Jan 2017. The sample comprises 68 individual appraisals across the north of England and east Midlands, providing a range from 4 to 650 dwellings, with a sample average of 106 dwellings per site. The overall average across the sample equates to 15.35%.

**3.5.3.** Furthermore, we have been involved with a number of area wide studies during the last couple of years (including on behalf of Doncaster Council, Durham County Council, Northumberland County Council, Newcastle / Gateshead Councils and more recently Barnsley Council). For these studies again an allowance of 15% is typically applied to cover external works.

**3.5.4.** Having considered the above we conclude that a 15% allowance is reasonable for the purposes of the viability testing.

### **3.6. Contingency**

**3.6.1.** As discussed above, the BCIS rates exclude any allowance for contingency. In our experience it is standard practice to include some level of contingency when preparing viability assessments (to cover unknown factors such as delays in construction due to poor weather).

**3.6.2.** That said, the Planning Practice Guidance for viability states the following:

*Explicit reference to project contingency costs should be included in circumstances where scheme specific assessment is deemed necessary, with a justification for contingency relative to project risk and developers return.*

**3.6.3.** This appears to imply that a contingency allowance should only apply to individual cases at the decision-making stage, not at plan-making stage. In this regard, including a contingency allowance can be regarded as being cautious (as it goes against the national policy guidance).

**3.6.4.** Notwithstanding the guidance set out above, we have again referred to our in-house sample of 68 viability appraisals received from applicants. However, to test the adopted levels of contingency we have categorised the sample into brownfield and greenfield (to determine whether there is a significant difference between the different schemes types). The data shows:

|                   |   |                                      |
|-------------------|---|--------------------------------------|
| <b>Brownfield</b> | - | <b>26 sites sample average 3.35%</b> |
| <b>Greenfield</b> | - | <b>42 sites sample average 3.55%</b> |

**3.6.5.** It is stressed that the above sample is derived from appraisals put forward by applicants. It should be noted that it is the interests of the applicant to try to 'down play' the viability of a scheme therefore there is the potential for costs to be pushed towards the upper limit of expectations. For this reason, it is the case that not all of the figures put forward by the applicant in their initial appraisal will have been accepted and in fact often will be reduced through the viability review process. It is therefore the case that if anything the sample of evidence referred to is likely to be slightly above expectations.

**3.6.6.** However, and appreciating this context, the evidence identified suggests there can be little difference in the contingency allowances put forward between greenfield and brownfield sites and that often similar rates are applied.

**3.6.7.** Having considered the above, we maintain that it is appropriate to include some level of allowance for contingency, even though this may now be regarded as a cautious approach given the Planning Practice Guidance on viability. In terms of the rate applied, given that the approach is if anything cautious and also the evidence shown above, we consider a 3% allowance to be reasonable for the purposes of the study.

### 3.7. Professional fees

**3.7.1.** We have again referred to our in-house sample of 68 viability appraisals received from applicants. However, to test the adopted levels of contingency we have categorised the sample into brownfield and greenfield (to determine whether there is a significant difference between the different schemes types). The data shows:

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| <b>Sub 20 dwellings</b>  | - | <b>13 sites sample average 7.81%</b> |
| <b>Over 20 dwellings</b> | - | <b>55 sites sample average 6.57%</b> |

**3.7.2.** It is stressed that the above sample is derived from appraisals put forward by applicants. It should be noted that it is the interests of the applicant to try to 'down play' the viability of a scheme therefore there is the potential for costs to be pushed towards the upper limit of expectations. For this reason, it is the case that not all of the figures put forward by the applicant in their initial appraisal will have been accepted and in fact often will be reduced through the viability review process. It is therefore the case that if anything the sample of evidence referred to is likely to be slightly above expectations.

**3.7.3.** Furthermore, the over 20 dwellings sample is impacted by 2 outliers in the sample over 12% (which were both later challenged and reduced through the viability process). If these outliers are removed, the overall average reduces to 6.33%.

**3.7.4.** Having considered the above, we conclude that units providing sub 20 dwellings are likely to have an increased proportion of professional fees. Further, based on the evidence identified an allowance of 8% is deemed appropriate for sub 20 dwellings and 6% for over 20 dwellings.

### 3.8. Finance

**3.8.1.** The averages for marketing as shown from our in-house viability database are as follows (please note some of the appraisals received excluded any finance costs therefore for the purposes of our analysis we have removed these from the sample):

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| <b>Sub 10 dwellings</b>  | - | <b>3 sites sample average 6.50%</b>  |
| <b>Over 10 dwellings</b> | - | <b>57 sites sample average 5.76%</b> |

**3.8.2.** For the sub 10 dwelling schemes the sample is small therefore it is difficult to draw any firm conclusions.

**3.8.3.** However, for schemes in excess of 10 dwellings the average suggests sub 6% is appropriate.

**3.8.4.** Having considered the above, and taking into account the current uncertainty in the market place surrounding the ongoing Brexit negotiations, we have adopted a cautious approach, retaining 6% for schemes over 10 dwellings.

### 3.9. Developer Profit

**3.9.1.** The PPG refers to a range of developer's profit from 15% to 20% on revenue. It is stressed that profit is a function of risk and therefore it is appropriate to allow some fluctuation from site to site (as different sites carry different risks).

**3.9.2.** The 2016 study, as stated above, allowed 15% net profit on revenue, plus a further 5% on costs to cover in-house overheads. Essentially, the profit was therefore in the region of 20% on revenue.





**3.9.3.** By way of supporting evidence, we have again referred to our in-house database of appraisal received by us from applicants. Please note, not all of the appraisals explicitly stated what was deemed a viable profit level (as some of the appraisals simply showed a residual profit, rather than a residual land value and in these cases the applicant typically stated whether it was deemed viable or not). For this reason we have excluded these cases from the sample.

**Sub 10 dwellings - 3 sites sample average 16.67%**  
**Over 10 dwellings - 68 sites sample average 18.34%**

**3.9.4.** For the sub 10 dwelling schemes the sample is small therefore it is difficult to draw any firm conclusions.

**3.9.5.** However, for schemes in excess of 10 dwellings the average broadly supports the previous assumption of 18.5%.

**3.9.6.** With regards to the affordable units, the rationale is that affordable dwellings can be 'bulk sold' to a single Registered Provider upon practical completion, often with a deal having been agreed before the construction works take place. This significantly reduces the risks associated with constructing these units (compared to market value dwellings that are constructed speculatively and then sold on an individual basis over time).

**3.9.7.** Furthermore, there are examples from appeal decisions where a variety of profit margins have been accepted. For example, at the *Poplar Close, Ruskington (ref 3150756)* appeal decision a 17.5% profit margin was deemed acceptable by the Inspector. In contrast, at the *Flaxley Rd, Selby (ref 3149425)* appeal the Inspector agreed to a 20% rate. This therefore highlights the nature of development and the fact that risk will differ from site to site. For example, it is reasonable to assume that a 50 dwelling scheme in a high value greenfield location would carry a lower risk than a 50 dwelling scheme in a low value brownfield location. The variation of risk and profit therefore reflects the workings of a free market.

**3.9.8.** Having considered all of the above, there is a legitimate argument to support a range of developer profit rates, at least for the market value dwellings (which is an approach supported through the PPG). Furthermore, the evidence identified supports the previous broad assumptions made.

**3.9.9.** Having considered all of the above factors, for this purposes of this exercise we have adopted a cautious approach applying a rate of 20% on revenue to the market value units (and Starter Homes), and a reduced rate of 6% on revenue for the affordable units.

### **3.10. Residential Benchmark Land Value (BLV)**

**3.10.1.** The principles behind this concept are discussed above in section 2. In short, the BLV represents the minimum land value that a hypothetical landowner would accept to release their land for development, in the context of the prevalent planning policies. A BLV does not therefore attempt to identify the market value; it is a distinct concept.

**3.10.2.** To identify the BLV, the PPG recommends using a premium over existing use value (EUUV) and credible alternative values as a means of determining the BLV. This methodology was only introduced in its current form in July 2018.

**3.10.3.** Whilst a similar 'existing use value plus premium' approach had been advocated in previous guidance, there are a number of clarifications in the more recent PPG which has solidified the required approach. We note that the 2016 Doncaster viability study did follow a broad 'existing use value plus premium' methodology, however as this was undertaken prior to the most recent guidance some of the clarifications now in place were not necessarily reflected in the previous study.

**3.10.4.** For clarity, in the wake of the most recent guidance, for the purposes of this review it is necessary to again adopt an 'existing use value' plus premium approach. However, the following key elements must also be reflected:

- The existing use value must disregard any hope value for future development.
- A BLV must reflect the implications of all abnormal costs, site specific infrastructure costs and professional fees. The inference being that the higher these costs are the lower the premium should be above the existing use value.
- Where market evidence is used to inform the benchmark land value this should only be based on schemes which are compliant with the full planning policies (including affordable housing). This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

- In plan making the landowner premium should be tested and balanced against emerging policies.
- For any viability assessment data sources to inform the establishment the landowner premium should include market evidence and can include benchmark land values from other viability assessments.

**3.10.5.** The first step is therefore to identify the existing use value of a site. It is stressed that different site types can have fundamentally different existing use values. For example, an agricultural field is likely to have only a modest existing use value based on agricultural land values. An occupied brownfield site (for example an existing industrial estate) would have a much higher existing use value based on the existing industrial accommodation.

**3.10.6.** The second step is to establish the suitable premium uplift. On this, the PPG guidance is silent. However, in the Former Territorial Army Centre, Parkhurst Rd, Islington High Court decision (2018 EWHC 991 case number CO/3528/2017) a general principle of a percentage uplift was agreed (in keeping with our own experience which considers broadly a 10% to 30% uplift to be a reasonable incentive for a landowner above the existing use value).

**3.10.7.** However, the Parkhurst Rd case specifically related to a brownfield site. If a similar uplift was provided on an agricultural field (say 30%), this is unlikely to be deemed a reasonable incentive if the existing use value is say £20,000 per Ha. For this reason, in our experience a more significant multiple of the existing use value is typically applied in the case of agricultural /undeveloped amenity land.

**3.10.8.** In our experience this tends to range from 5 to 25 times the existing use value. The lower end of the range typically reflects larger scale schemes, with high abnormal / infrastructure costs and / or in weaker market areas. The upper end of the range tends to be small scale schemes, with low abnormalities.

**3.10.9.** Firstly, we have considered the existing use values for greenfield land, identifying the following currently available for sale in South Yorkshire:

**Table 3 – Agricultural land comparables**

| Location                  | Gross area (Ha) | Type              | Asking / sold £ per gross Ha |
|---------------------------|-----------------|-------------------|------------------------------|
| Grindleford, Hope Valley  | 44.65           | Grazing           | £15,675                      |
| Aston, Sheffield          | 19.36           | Arable            | £17,558                      |
| Aston, Sheffield          | 11.30           | Arable / restored | £17,701                      |
| Grindleford, Hope Valley  | 10.79           | Grazing           | £14,830                      |
| Aston, Sheffield          | 6.14            | Arable / woodland | £16,289                      |
| Apy Hill Lane, Tickhill   | 2.77            | Arable            | £18,063                      |
| Morton, Gainsborough      | 2.67            | Grassland         | £18,720                      |
| Ecclesfield, Sheffield    | 2.42            | Grassland         | £26,076                      |
| Thurgoland, Sheffield     | 2.40            | Arable            | £27,040                      |
| Ecclesfield, Sheffield    | 2.37            | Grassland         | £20,275                      |
| Aston, Sheffield          | 1.93            | Arable / pasture  | £20,765                      |
| Bradfield, Sheffield      | 1.60            | Grazing           | £23,146                      |
| Vicarage Lane, Beckingham | 1.35            | Grassland         | £31,166                      |
| Old Trent Rd, Beckingham  | 1.28            | Grazing           | £18,767                      |
| Main St, Great Heck       | 1.14            | Arable            | £21,906                      |
| Hardwick Lane, Pontefract | 0.78            | Amenity           | £24,581                      |
| Fitzwilliam St, Swinton   | 0.16            | Amenity           | £18,533                      |

**3.10.10.** The range shown above is from £14,830 to £31,166 per gross Ha, with fluctuations mainly dependent on the type of land and size. The average across the sample is £20,652 per Ha.

**3.10.11.** Having considered this evidence we conclude that an average exiting use value equivalent to £20,000 per gross Ha is appropriate for agricultural / amenity land.

**3.10.12.** In terms of transactional evidence for greenfield sites we note the following from the wider South Yorkshire region:

**Table 4 – Greenfield land transactions**

| Address                           | Pcode | Planning at sale? | Gross Land area (Ha) | Sale Price | £ per Ha | EUV £ per Ha | Multiple of EUV | Sale Date  |
|-----------------------------------|-------|-------------------|----------------------|------------|----------|--------------|-----------------|------------|
| Fenwick Comon Lane, Moss          | DN6   | No                | 0.69                 | £ 25,000   | £ 36,338 | £ 20,000     | 1.82            | 18/07/2018 |
| White Lane, Thorne                | DN8   | No                | 2.14                 | £150,000   | £ 69,934 | £ 20,000     | 3.50            | 14/11/2017 |
| Spa Terrace, Askern               | DN6   | No                | 5.94                 | £514,000   | £ 86,578 | £ 20,000     | 4.33            | 27/06/2016 |
| Moor Dike Rd, Hatfield            | DN7   | No                | 0.24                 | £ 26,000   | £108,892 | £ 20,000     | 5.44            | 19/04/2018 |
| New Station Rd, Swinton           | S64   | No                | 0.08                 | £ 18,000   | £211,800 | £ 20,000     | 10.59           | 17/07/2018 |
| Nelson St, Doncaster              | DN4   | No                | 0.23                 | £ 62,000   | £273,575 | £ 20,000     | 13.68           | 17/07/2018 |
| Decoy Bank North, Doncaster       | DN4   | No                | 0.11                 | £ 40,000   | £366,074 | £ 20,000     | 18.30           | 17/07/2018 |
| Kestrel Drive, Mexborough         | S64   | No                | 0.04                 | £ 23,000   | £516,664 | £ 20,000     | 25.83           | 21/02/2019 |
| Dockin Hill Rd, Doncaster         | DN1   | No                | 0.10                 | £ 51,000   | £525,088 | £ 20,000     | 26.25           | 21/02/2018 |
| Chase Park, Malton Way, Woodlands | DN6   | Yes               | 1.20                 | £900,000   | £750,000 | £ 20,000     | 37.50           | 18/09/2017 |

**3.10.13.** Assuming an average existing use value of £20,000 per Ha, the above shows a wide range of multiples above the existing use value (1.82 up to 37.50, with an average of 14.72 across the sample).

**3.10.14.** However, and whilst the Planning Practice Guidance does recommend a review of land transactions, we have reservations as to the robustness of this evidence for the following reasons:

- The majority of the sample are from schemes without planning permission at the point of sale. This will alter a landowner's expectation (and the subsequent multiple they would be willing to accept above the existing use value).
- For the one scheme where a planning permission was in place it is unclear as to whether this was fully policy compliant (which is required for the analysis as set out in the Planning Practice Guidance).
- Half of the sample are from schemes sub 0.25Ha (i.e. small projects). Size impacts on the level of premium a landowner would accept.
- Some of the data is from 2016 / 2017 so less weight can be attached.
- All of the sales took place before the new NPPF / PPG were published at the end of July 2018, therefore the rules and guidance set out in these documents is not reflected in the price paid.

**3.10.15.** As a general sense check of landowner expectations from the wider north of England and East Midlands regions, we have again reviewed our in-house viability database, albeit restricting the search from Jan 2018. It is acknowledged that this data is derived from a much broader area, often outside of South Yorkshire. Nonetheless, this is useful for gauging a general 'tone' of BLVs across a broad area. It is also stressed that, bar some inevitable outlying examples, BLVs for the majority of the cases remain within a relatively narrow spectrum across this wide region, as summarised below. Please note the figures are given on a per gross Ha basis, therefore net rates would be higher. Also, the full data remains confidential however we able to provide sample averages and ranges of the opinions of benchmark land values provided to us by applicants / their advisors:

- 23 schemes within the sample ranging from 14 dwelling schemes to 650.
- Assuming an average existing use value of £20,000 per Ha, the required multiple ranges from 1.60 to 37.42 times the existing use value. The average across the sample is 17.20. The median is 16.19.
- Of the sample, 9 of the 23 schemes provide in excess of 50 dwellings. For these schemes the average multiple reduces to 12.99. This suggests, for reasons of quantum, required multiples reduces as the scale of the scheme increases.

**3.10.16.** However, it is stressed that the majority of the data relates to viability assessments undertaken prior to the introduction of the PPG and the newly confirmed approach to assessing benchmark land values. Some of the benchmark land values have been based on different approaches (i.e. not the existing use value plus premium approach now advocated). Some of the approaches previously used in setting benchmark land values resulted in inflated values when compared to the existing use value plus premium approach. For this reason, the averages identified can be regarded as being high when considered against the new existing use value plus premium approach.

**3.10.17.** Having considered all of the above, as well as the level of abnormal / infrastructure costs allowed, we consider the following greenfield benchmark land value to be appropriate for the purposes of this study:



**Table 5 – Greenfield BLV’s**

| Value area                        | EUV (£ / Ha) | Multiple of EUV | BLV (£ / Ha) |
|-----------------------------------|--------------|-----------------|--------------|
| Rural West / Penistone & Dodworth | 20,000       | 20              | £400,000     |
| Darton & Barugh                   | 20,000       | 15              | £300,000     |
| All other sub-market locations    | 20,000       | 10              | £200,000     |

**3.10.18.** With regards to brownfield sites, we have again looked at transactional evidence. However, of the 21 brownfield land transactions identified (from 2018 and 2019) 17 are for sites of 0.25Ha or less, i.e. they are small sites providing only a small number of dwellings. As small sites typically command higher ‘rates per Ha’ the evidence identified is not considered to be useful when considering large scale brownfield sites. Furthermore, the sales identified all were being advertised either with residential planning permission or having the potential for residential planning permission. ‘Hope value’ is therefore included within the price paid, which the PPG states should be ignored when considering an existing use value.

**3.10.19.** As such, we have again reviewed our in-house viability database, albeit restricting the search from Jan 2018. It is acknowledged that this data is derived from a much broader area, often outside of South Yorkshire. Nonetheless, this is useful for gauging a general ‘tone’ of BLVs across a broad area. Please note the figures are given on a per gross Ha basis, therefore net rates would be higher. Also, the full data remains confidential however we able to provide sample averages and ranges of the opinions of benchmark land values provided to us by applicants / their advisors:

- 10 schemes within the sample ranging from 16 dwelling schemes to 138.
- The sample includes a mix of cleared sites as well as occupied properties.
- Benchmark Land Values range from £126,718 to £861,106 per gross Ha. The average is £582,357 per Ha, however this is not considered to be particularly helpful in this case as there are a wide range of site types, some with existing businesses in situ, which serve to inflate BLVs (and distort the sample average).
- There is little discernible pattern from evidence identified, which is considered to be reflective of the wide variety of site types and existing uses.

**3.10.20.** The above suggests brownfield sites are more likely to be subject to variance as the benchmark land value will not only depend on factors such as location and size, but also whether the site is cleared or occupied, whether there is a business in situ and the nature of any existing businesses. It is therefore likely that in the event of a viability assessment coming forward for a brownfield site at decision making stage then the existing use value and subsequent benchmark land value will need to be carefully considered on a case by case basis.

**3.10.21.** Notwithstanding this, for the purposes of this exercise it is necessary to look to identify an 'average' figure to apply to the testing. We have subsequently analysed the evidence and consider that a rate of £250,000 per Ha is reasonable as an existing use value for a cleared brownfield site (excluding any hope value for future redevelopment).

**3.10.22.** As an incentive, we have allowed a 20% uplift (which if anything is deemed to be on the cautious side). This subsequently equates to a brownfield benchmark land value of £300,000 per Ha.

### **3.11. Supplementary Planning Documents**

#### Affordable Housing

**3.11.1.** This applies to developments providing 15 or more dwellings.

**3.11.2.** The affordable housing policy requirement is as follows:

|                                   |   |     |
|-----------------------------------|---|-----|
| Rural West & Penistone / Dodworth | - | 30% |
| Darton & Barugh                   | - | 20% |
| All other areas                   | - | 10% |

**3.11.3.** The percentages stated above are not to be subject to amendment and therefore have been included as fixed rates in our appraisal testing.

**3.11.4.** However, as discussed above in section 2, the definition of affordable housing has been updated in the recent NPPF publication to include more 'affordable ownership' products. The NPPF specifically states that Local Authorities should plan for a minimum of 10% affordable home ownership (where it would not undermine the ability to address local affordable housing needs).

**3.11.5.** In light of this the Council proposes the following tenure mixes:

|                                   |   |                                       |
|-----------------------------------|---|---------------------------------------|
| Rural West & Penistone / Dodworth | - | 20% afford rent, 10% afford ownership |
| Darton & Barugh                   | - | 10% afford rent, 10% afford ownership |
| All other areas                   | - | 8% afford rent, 2% afford ownership   |

**3.11.6.** We have subsequently factored in the above requirements into our modelling.

#### Open Space Provision

**3.11.7.** This applies to development providing 20 or more dwellings.

**3.11.8.** The emerging supplementary planning document seeks a minimum of 15% of the gross site area as open space. Where it is not possible to provide on-site provision, an off-site contribution will be considered.

**3.11.9.** By way of further detail:

- (i) Equipped Children's Play Areas: for developments providing 20 to 100 dwellings, there is a requirement to enhance existing play areas where applicable, or provide a new play area when one is not available. For over 100 dwellings a new play area is generally required (although an off-site sum may be considered in certain circumstances).
- (ii) Informal play space and informal landscaped area: for developments providing 20 to 40 dwellings, there is a requirement to enhance existing informal spaces or provide new informal spaces if the former is not possible. Over 40 dwellings the provision should be on-site (although an off-site sum may be considered in certain circumstances).
- (iii) Formal recreation: for development providing 20 to 200 dwellings there is a requirement to enhance existing informal spaces or provide new informal spaces if the former is not possible. Over 200 dwellings the provision should be on-site (although an off-site sum may be considered in certain circumstances).

**3.11.10.** In terms of costs for new or enhanced green space, the Council has provided the following rates to cover all of the above requirements (plus a provision for 15 year maintenance):

|                 |   |        |
|-----------------|---|--------|
| 1 bed dwelling  | - | £693   |
| 2 bed dwelling  | - | £1,524 |
| 3 bed dwelling  | - | £1,829 |
| 4+ bed dwelling | - | £2,136 |

**3.11.11.** The supplementary planning document refers to maintenance rates at £6.22 to £10.38 per sq m over 15 years.

**3.11.12.** There is also a provision in relation to compensation of loss of greenspace, calculated at £125,640 per hectare of green space lost to development.

#### Financial Contributions to Schools

**3.11.13.** The supplementary planning document proposes to increase the contribution required to £16,000 per school place (applied to both primary and secondary).

**3.11.14.** The above rate will be based on 21 pupils per 100 homes for primary school places and 15 pupils per 100 homes for secondary school places.

**3.11.15.** Where there are no places required, the supplementary planning document requires contributions towards improving the condition of schools.

### Sustainable Travel

**3.11.16.** This requires developers to take action or provide financial contributions where levels of accessibility through public transport and active travel are unacceptable.

**3.11.17.** This also refers to the Accessibility Improvement Zone ('AIZ'), which is defined as Urban Barnsley and the remainder of the borough to the east of the M1 motorway. The emerging supplementary planning document therefore seeks to distinguish between more sustainable and less sustainable areas (and therefore adopting different charges between these areas). In short, a lower charge is required in the AIZ area than outside because the existing public transport network is better.

**3.11.18.** In terms of charges:

- Within the AIZ area £500 per bedroom for schemes of 10 or more dwellings.
- Outside the AIZ area £1,500 per bedroom for schemes of 5 or more dwellings.

### Conclusions

**3.11.19.** For the open space, education and sustainable travel contributions the Council has calculated (based on a 100 dwelling scheme) a total contribution equivalent to £8,731 per dwelling inside the AIZ area, increasing to £10,891 per dwelling outside the AIZ (which would be just the Rural West area).

**3.11.20.** For the purposes of the testing we have subsequently run various appraisals adopting £8,000, £9,000, £10,000 and £11,000 per dwelling. This is to demonstrate the impact this could have on the viability outcomes.

### **3.12. Sensitivity Testing**

**3.12.1.** The RICS acknowledges that the residual method is highly sensitive to its various inputs. In other words, if appraisal inputs were to vary (in some cases by a relatively small margin) this could potentially have a significant impact on the viability outcomes. For this reason the RICS recommends the use of sensitivity testing whereby key appraisal inputs are varied to demonstrate the impact this could have on the overall outcomes. The results of all the appraisal results should then be considered holistically before final conclusions are reached.

**3.12.2.** In addition to our 'base' appraisal testing (which reflects our initial views on the various appraisal inputs) we have subsequently run the following sensitivity testing scenarios:

**Sensitivity Test 1** – this assumes a reduced density of 35 dwellings per net Ha (rather than 40 dwellings per net Ha as allowed in the base modelling).

**Sensitivity Test 2** – adoption of the BCIS median build cost (rather than the lower quartile rate used for 50 or more dwellings in the base modelling).

**Sensitivity Test 3** – 5% reduction in sales values.

**Sensitivity Test 4** – 10% increase in the benchmark land values.



**Sensitivity Test 5** – runs tests based on S106 costs totalling £9,000, £10,000 and £11,000 per dwelling (rather than £8,000 per dwelling allowed in the base modelling).



## 4. RESIDENTIAL VIABILITY TESTING AND RESULTS

### 4.1. Base appraisals

**4.1.1.** The results for the residential base appraisals are shown in the attached Appendices A1 to A3.

**4.1.2.** The appraisals are also adjusted to reflect the 3 sub-market value areas:

**Sub-market Area 1** – Rural West / Penistone & Dodworth

**Sub-market Area 2** – Darton & Barugh

**Sub-market Area 3** – All other locations

**4.1.3.** We have also made adjustments to distinguish between greenfield and brownfield sites.

**4.1.4.** For clarity, the base appraisals adopt the assumptions outlined above in Section 3. For ease of reference, some of the key appraisal assumptions include:

- 40 dwellings per net Ha.
- Sub market area 1 30% affordable, Sub market area 2 20% affordable, Sub market area 3 10% affordable.
- The affordable housing mixes adopted as per the emerging supplementary planning documents.
- S106 £8,000 per dwelling.
- BCIS median for schemes sub 50 dwellings, BCIS lower quartile for scheme providing 50 or more dwelling.

**4.1.5.** Once the appraisal has been run, the residual land value is then compared with the separately assessed benchmark land value ('BLV'). If the residual land value is below the BLV, the scheme is deemed to be unviable. If the residual land value is above the BLV the scheme is deemed to be viable.

**4.1.6.** By way of a summary for each typology:

#### 20 dwellings (Appendix A1)

- Greenfield sites in Rural West / Penistone & Dodworth, as well as Darton / Barugh are shown to be comfortably viable.
- Likewise, brownfield sites in Rural West / Penistone & Dodworth, as well as Darton / Barugh are also shown to be comfortably viable.
- However, all other locations return an unviable outcome for both brownfield and greenfield sites.

#### 50 dwellings (Appendix A2)

- All greenfield sites return a viable outcome, regardless of location.
- Likewise, all brownfield sites also return a viable outcome, again regardless of location.

#### 100 dwellings (Appendix A3)

- All greenfield sites return a viable outcome, regardless of location.
- Likewise, all brownfield sites also return a viable outcome, again regardless of location.

**4.1.7.** The results therefore generally show that with the existing affordable housing provisions and a S106 contribution equivalent to £8,000 per dwelling the schemes are viable. The only scheme which returns an unviable position is for a 20 dwelling scheme in sub market area 3.

#### **4.2. Sensitivity Test 1 – 35 dwellings per net Ha**

**4.2.1.** The results for Sensitivity Test 1 are attached Appendices B1 to B3.

**4.2.2.** We note that previous viability testing included allowances at 35 dwellings per net Ha. For the purposes of sensitivity testing we have subsequently re-run the base modelling to reflect this. The adjustment applied was based on an increased site area.

**4.2.3.** Our results show that this had a marginally negative impact on viability. However, this was not sufficient to change any of the viability outcomes. The schemes shown to be viable under the 'base' modelling remained viable under this scenario.

#### **4.3. Sensitivity Test 2 – BCIS median rate**

**4.3.1.** The results for Sensitivity Test 2 are attached Appendices C1 to C2.

**4.3.2.** Build costs is often an area of keen debate in viability cases. The BCIS data itself, as discussed in Section 3, has its limitations which can result in challenge. In light of this we have subsequently run a sensitivity test based on the BCIS median for 50 and 100 dwellings (it already was applied to 20 dwellings). Please note, for the purposes of the testing we have also based this on 35 dwellings per net Ha, rather than 40, as a cautious approach.

**4.3.3.** By way of a summary for each typology:

**50 dwellings (Appendix C1) 35 dwellings per net Ha**

- Greenfield sites in Rural West / Penistone & Dodworth, as well as Darton / Barugh are shown to be comfortably viable.
- Likewise, brownfield sites in Rural West / Penistone & Dodworth, as well as Darton / Barugh are also shown to be comfortably viable.
- However, for all other locations this shows the schemes to be unviable for both greenfield and brownfield.

**100 dwellings (Appendix C2) 35 dwellings per net Ha**

- Greenfield sites in Rural West / Penistone & Dodworth, as well as Darton / Barugh are shown to be comfortably viable.
- Likewise, brownfield sites in Rural West / Penistone & Dodworth, as well as Darton / Barugh are also shown to be comfortably viable.
- However, for all other locations this shows the schemes to be unviable for both greenfield and brownfield.

**4.3.4.** Please note, we have also tested again at 40 dwellings per net Ha and whilst this has a marginal improvement it is not sufficient to change the sub market area 3 outcome from being unviable to viable.

**4.3.5.** The results therefore show that if the BCIS median rate is applied it does not affect the viability outcome for sub market areas 1 and 2. However, it does render sub market area 3 schemes unviable.

**4.3.6.** We would comment, though, that we question whether the BCIS median rate is appropriate in lower value locations. In these areas a more basic specification is likely to be applied, reducing build costs. This, in our view, points more to a lower quartile rate rather than a median figure.

#### **4.4. Sensitivity Test 3 – 5% Reduction in Sales Values**

**4.4.1.** The results for Sensitivity Test 3 are attached Appendices D1 to D3.

**4.4.2.** Sales value are subjective and will vary across different locations (even within sub-market areas). To reflect the potential for variance we have adopted a cautious approach and run a sensitivity test in which the sales values in the base appraisals are reduced by 5%.

**4.4.3.** By way of a summary for each typology:

##### **20 dwellings (Appendix D1)**

- The viability outcomes do not change from the base appraisals.
- In other words, the sites in Rural West / Penistone & Dodworth as well as Darton / Barugh are viable. All other locations are unviable.

#### 50 dwellings (Appendix D2)

- The viability outcomes are all the same from the base appraisals (i.e. viable), except for brownfield sites in the 'other locations' sub market, which changes to unviable.

#### 100 dwellings (Appendix D3)

- The viability outcomes are all the same from the base appraisals (i.e. viable), except for brownfield sites in the 'other locations' sub market, which changes to unviable.

### **4.5. Sensitivity Test 4 – 10% Increase in Benchmark Land Value**

**4.5.1.** The results for Sensitivity Test 3 are attached Appendices E1 to E3.

**4.5.2.** The viability outcomes remain unchanged from the base appraisals.

### **4.6. Sensitivity Test 5 – S106 increases**

**4.6.1.** The results for Sensitivity Test 3 are attached Appendices F1 to F9.

**4.6.2.** In this sensitivity test we run iterations of the base appraisals to include:

- S106 costs at £9,000 per dwelling
- S106 costs at £10,000 per dwelling
- S106 costs at £11,000 per dwelling

**4.6.3.** By way of a summary for each iteration:

**S106 £9,000 per dwelling (Appendices F1 to F3)**

- The viability outcomes do not change from the base appraisals.

**S106 £10,000 per dwelling (Appendices F4 to F6)**

- The viability outcomes do not change from the base appraisals.

**S106 £11,000 per dwelling (Appendices F7 to F9)**

- The viability outcomes do not change from the base appraisals.

**4.6.4.** This suggests that the proposed S106 costs would not be sufficient alone to undermine viability. Instead, other factors such as density, build costs and sales value are more likely to have a significant bearing on the viability outcomes should there vary significantly from what has been assumed in the testing.

#### **4.7. Site Specific Testing – Residential**

**4.7.1.** As stated above in Section 2, as a supplement to the above typology testing we have also looked to run appraisals based on 'live' sites, being land allocated for residential development through the Local Plan or current applications.

**4.7.2.** Please note, we stress that the testing of these live sites reflects the limited information available to us (for example the full extent of abnormal costs cannot be known at this stage). There is therefore the potential for variance from the assumptions made at the planning application stage.

**4.7.3.** For ease of reference we have commented on each site individually, as follows.

**HS24 – Land b/w Mount Vernon Rd & Upper Sheffield Rd, Barnsley**

**4.7.4.** This is a greenfield site located to the east of Mount Vernon Road, on the southern edge of Worsbrough Common, around 2 miles south of Barnsley town centre.

**4.7.5.** We are advised that the indicative yield for the site is 42 dwellings.

**4.7.6.** We have measured the site using an online tool. This shows a gross area of approximately 1.30Ha. In accordance with the typology testing, for a scheme of this size we have assumed an 80% gross to net ratio. The net developable area is therefore assumed to be 1.04Ha.

**4.7.7.** Based on our assumed net developable area, the scheme density equates to 40.38 dwellings per net Ha, which is in line with the typology testing assumptions.

**4.7.8.** As for scheme design, in accordance with the typology testing we have assumed a broad mix of 30% terraces (65 sq m each), 40% semi-detached (90 sq m each) and 30% detached (135 sq m each).

**4.7.9.** In accordance with the Council's policy requirements, we have assumed 5 affordable dwellings (11.90% of the scheme). We have assumed 4 of these would be provided as affordable rent, with 1 unit as shared ownership.



**4.7.10.** For determining sales values we note that the property falls within the “All other locations” area (South Barnsley / Worsbrough, Rural East, Hoyland / Wombwell / Darfield, North Barnsley / Royston, Bolton / Goldthorpe / Thurnscoe). For the typology testing, we applied average rates of £1,825 per sq m for the terraces and £1,950 per sq m for the semi-detached and detached dwellings.

**4.7.11.** However, the evidence suggests that values within Worsbrough Common tend to be below these average allowances. An adjustment is therefore appropriate to reflect this. That said, the subject site itself overlooks open fields to the most part and furthermore Mount Vernon Road itself does carry higher than average values for the locality. Taking all of the above factors into account we have applied the following rates:

- 2b terrace                      £1,800 per sq m
- 3b semi-detached              £1,925 per sq m
- 4b detached                      £1,925 per sq m

**4.7.12.** For the affordable we have assumed 45% of market value for the affordable rented and 67.5% of market value for the shared ownership.

**4.7.13.** For build costs we have adopted the BCIS lower quartile (£894 per sq m), plus 15% for externals and 3% contingency. For abnormals we have assumed £200,000 per net Ha.

**4.7.14.** Professional fees are assumed at 6% of plot construction / externals. Marketing is 3% on revenue (plus £500 per unit for legals). Debit interest is 6%. Developer profit is assumed to be 20% on revenue for market value units, reduced to 6% on affordable.

**4.7.15.** For the benchmark land value we have adopted £200,000 per Ha, in line with the typology testing. This equates to £260,000.

**4.7.16.** Finally, for S106 contributions, as this falls within the Accessibility Improvement Zone (AIZ) of the district, we have allowed £8,731 per dwelling.

**4.7.17.** Our appraisal (attached as appendix G1) shows a residual land value of £438,575. As this is above the benchmark land value of £260,000 the scheme is deemed to be viable with the policies assumed above.

#### **HS62 – Land off Meadowfield Drive, Hoyland**

**4.7.18.** This is a greenfield site located to the south of Meadowfield Drive, on the southern edge of Hoyland, around 6 miles south of Barnsley town centre.

**4.7.19.** We are advised that the indicative yield for the site is 74 dwellings.

**4.7.20.** We have measured the site using an online tool. This shows a gross area of approximately 1.90Ha. In accordance with the typology testing, for a scheme of this size we have assumed an 80% gross to net ratio. The net developable area is therefore assumed to be 1.52Ha.

**4.7.21.** Based on our assumed net developable area, the scheme density equates to 48.68 dwellings per net Ha, which is above the typology testing assumptions (which were based on 40 dwellings per net Ha). To compensate for the higher number of dwellings it is therefore necessary to adjust the mix / sizes of the dwellings to ensure the capacity of the site is in line with market requirements.

- 4.7.22.** As for scheme design, taking into account the higher number of dwellings associated with the scheme, we have assumed a broad mix of 45% terraces (65 sq m each), 45% semi-detached (90 sq m each) and 10% detached (with reduced average size of 120 sq m each).
- 4.7.23.** In accordance with the Council's policy requirements, we have assumed 8 affordable dwellings (10.81% of the scheme). We have assumed 6 of these would be provided as affordable rent, with 2 unit as shared ownership.
- 4.7.24.** For determining sales values we note that the property falls within the "All other locations" area (South Barnsley / Worsbrough, Rural East, Hoyland / Wombwell / Darfield, North Barnsley / Royston, Bolton / Goldthorpe / Thurnscoe). For the typology testing, we applied average rates of £1,825 per sq m for the terraces and £1,950 per sq m for the semi-detached and detached dwellings. In this case, taking into account the location of the site, we consider these average figures to be broadly reasonable for the purposes of the viability testing.
- 4.7.25.** For the affordable we have assumed 45% of market value for the affordable rented and 67.5% of market value for the shared ownership.
- 4.7.26.** For build costs we have adopted the BCIS lower quartile (£894 per sq m), plus 15% for externals and 3% contingency. For abnormals we have assumed £200,000 per net Ha.
- 4.7.27.** Professional fees are assumed at 6% of plot construction / externals. Marketing is 3% on revenue (plus £500 per unit for legals). Debit interest is 6%. Developer profit is assumed to be 20% on revenue for market value units, reduced to 6% on affordable.

**4.7.28.** For the benchmark land value we have adopted £200,000 per Ha, in line with the typology testing. This equates to £380,000.

**4.7.29.** Finally, for S106 contributions, as this falls within the Accessibility Improvement Zone (AIZ) of the district, we have allowed £8,731 per dwelling.

**4.7.30.** Our appraisal (attached as appendix G2) shows a residual land value of £595,082. As this is above the benchmark land value of £380,000 the scheme is deemed to be viable with the policies assumed above.

#### **MU6 – Land at Gypsy Lane / Lundhill Road, Wombwell**

**4.7.31.** This is a part greenfield part former school site located to the north Lundhill Rd and Gypsy Lane within Wombwell, around 6 miles south east of Barnsley town centre.

**4.7.32.** The site is currently subject to a planning application (planning ref 2019/0089). This is for the development of 229 dwellings.

**4.7.33.** According to the details within the planning application the gross area is approximately 7.72Ha. In accordance with the typology testing, for a scheme of this size we have assumed an 80% gross to net ratio. The net developable area is therefore assumed to be 6.18Ha.

**4.7.34.** Based on our assumed net developable area, the scheme density equates to 37 dwellings per net Ha, which is slightly below the typology testing assumptions, but within a reasonable tolerance.

**4.7.35.** The planning application includes a ‘Planning Statement’ which sets out the proposed dwellings to be provided on site, summarised as follows:

|   |        |                   |             |          |
|---|--------|-------------------|-------------|----------|
| - | Type L | Semi-det bungalow | 57.97 sq m  | 6 units  |
| - | Type B | Terrace           | 63.64 sq m  | 19 units |
| - | Type P | Dormer bungalow   | 77.29 sq m  | 3 units  |
| - | Type F | Semi-detached     | 77.94 sq m  | 31 units |
| - | Type H | Semi-detached     | 85.38 sq m  | 15 units |
| - | Type S | Semi-detached     | 90.86 sq m  | 28 units |
| - | Type T | Semi-detached     | 98.01 sq m  | 10 units |
| - | Type C | Detached          | 92.90 sq m  | 4 units  |
| - | Type G | Semi-detached     | 102.19 sq m | 20 units |
| - | Type D | Detached          | 112.87 sq m | 28 units |
| - | Type J | Semi-detached     | 111.48 sq m | 38 units |
| - | Type A | Detached          | 120.40 sq m | 14 units |
| - | Type E | Detached          | 131.92 sq m | 13 units |

**4.7.36.** We have adopted the above in our appraisal testing. Please note, the mix is out of kilter when compared to the typology testing, as around 65% are being provided as semi-detached (rather than 40% assumed in the typology testing) and around 8% as terraces (rather than 30% in the typology testing).

**4.7.37.** In accordance with the Council’s policy requirements, we have assumed 23 affordable dwellings (10.04% of the scheme). We have assumed 19 of these would be provided as affordable rent, with 4 unit as shared ownership.

- 4.7.38.** For determining sales values we note that the property falls within the “All other locations” area (South Barnsley / Worsbrough, Rural East, Hoyland / Wombwell / Darfield, North Barnsley / Royston, Bolton / Goldthorpe / Thurnscoe). For the typology testing, we applied average rates of £1,825 per sq m for the terraces and £1,950 per sq m for the semi-detached and detached dwellings.
- 4.7.39.** However, the evidence suggests that values within this location values tend to be below these average allowances. An adjustment is therefore appropriate to reflect this. That said, the subject site itself overlooks open fields in part. Taking all of the above factors into account we have applied the following rates ranging from £1,575 to £2,025 per sq m, with an overall scheme average of £1,712 per sq m.
- 4.7.40.** For the affordable we have assumed 45% of market value for the affordable rented and 67.5% of market value for the shared ownership.
- 4.7.41.** For build costs we have adopted the BCIS lower quartile (£894 per sq m), plus 15% for externals and 3% contingency. For abnormals we have assumed £200,000 per net Ha.
- 4.7.42.** Professional fees are assumed at 6% of plot construction / externals. Marketing is 3% on revenue (plus £500 per unit for legals). Debit interest is 6%. Developer profit is assumed to be 20% on revenue for market value units, reduced to 6% on affordable.
- 4.7.43.** For the benchmark land value we have adopted £200,000 per Ha, in line with the typology testing. This equates to £1,544,000.

**4.7.44.** Finally, for S106 contributions, as this falls within the Accessibility Improvement Zone (AIZ) of the district, we have allowed £8,731 per dwelling. However, we have then reduced this to a 'spot allowance' of £5,000 per dwelling, as the Planning Statement indicates that the open space provision is to be provided through on-site delivery (reducing the overall capital contribution).

**4.7.45.** Our appraisal (attached as appendix G3) shows a residual land value of £1,074,522. As this is below the benchmark land value of £1,544,000 the scheme is deemed to be unviable with the policies assumed above.

**4.7.46.** In order to make this scheme viable it would therefore be necessary to either reduce the planning policy requirements or reduce the land payment required to bring the site forward.

**Planning ref 2018/1039 – Land off Lidgett Lane, Pilley S75 3AR**

**4.7.47.** This is a greenfield site located to the south of Lidgett Lane and east of Pilley Green within the village of Pilley, around 7 miles south of Barnsley town centre.

**4.7.48.** The site is currently subject to a planning application Barratts David Wilson Homes (planning ref 2018/1039). This is for the development of 72 dwellings.

**4.7.49.** According to the details within the planning application the gross area is approximately 2.44 Ha and the net developable area is 2.02Ha.

**4.7.50.** Based on our assumed net developable area, the scheme density equates to circa 37 dwellings per net Ha, which is slightly below the typology testing assumptions, but within a reasonable tolerance.

**4.7.51.** The planning application includes a schedule of accommodation which sets out the proposed dwellings to be provided on site, summarised as follows:

|   |            |               |             |          |
|---|------------|---------------|-------------|----------|
| - | Maidstone  | Semi-detached | 77.01 sq m  | 12 units |
| - | Maidstone  | Mid Terrace   | 77.01 sq m  | 1 units  |
| - | Maidstone  | End Terrace   | 77.01 sq m  | 2 units  |
| - | Maidstone  | Detached      | 77.01 sq m  | 5 units  |
| - | Moresby    | Detached      | 79.34 sq m  | 2 units  |
| - | Derwent    | Detached      | 84.07 sq m  | 10 units |
| - | Windermere | Detached      | 99.68 sq m  | 12 units |
| - | Alderney   | Detached      | 113.80 sq m | 5 units  |
| - | Halton     | Detached      | 117.70 sq m | 10 units |
| - | Radleigh   | Detached      | 122.35 sq m | 6 units  |
| - | Radleigh   | Detached      | 122.35 sq m | 1 units  |
| - | Bedale     | End Terrace   | 61.96 sq m  | 4 units  |
| - | T67        | End Terrace   | 65.12 sq m  | 2 units  |
| - | T67        | End Terrace   | 65.12 sq m  | 2 units  |

**4.7.52.** We have adopted the above in our appraisal testing. Please note, the mix is out of kilter when compared to the typology testing, as around 69% are being provided as detached (rather than 30% assumed in the typology testing).

**4.7.53.** In accordance with the Council's policy requirements, we have assumed 8 affordable dwellings (10.81% of the scheme). We have assumed 6 of these would be provided as affordable rent, with 4 unit as shared ownership.



- 4.7.54.** For determining sales values we note that the property falls (just) within the “All other locations” area (South Barnsley / Worsbrough, Rural East, Hoyland / Wombwell / Darfield, North Barnsley / Royston, Bolton / Goldthorpe / Thurnscoe). For the typology testing, we applied average rates of £1,825 per sq m for the terraces and £1,950 per sq m for the semi-detached and detached dwellings. These are deemed to be broadly reasonable averages for given the nature and location of the site.
- 4.7.55.** For the affordable we have assumed 45% of market value for the affordable rented and 67.5% of market value for the shared ownership.
- 4.7.56.** For build costs we have adopted the BCIS lower quartile (£894 per sq m), plus 15% for externals and 3% contingency. For abnormals we have assumed £200,000 per net Ha.
- 4.7.57.** Professional fees are assumed at 6% of plot construction / externals. Marketing is 3% on revenue (plus £500 per unit for legals). Debit interest is 6%. Developer profit is assumed to be 20% on revenue for market value units, reduced to 6% on affordable.
- 4.7.58.** For the benchmark land value we have adopted £200,000 per Ha, in line with the typology testing. This equates to £488,000.
- 4.7.59.** Finally, for S106 contributions, as this falls within the Accessibility Improvement Zone (AIZ) of the district, we have allowed £8,731 per dwelling.
- 4.7.60.** Our appraisal (attached as appendix G4) shows a residual land value of £971,394. As this is above the benchmark land value of £488,000 the scheme is deemed to be viable with the policies assumed above.

## 5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1.** As discussed above in Section 4, our initial ‘base’ appraisals (which adopt a rate of £8,000 per dwelling for S106 contributions) are all shown to be viable, except for the 20 dwelling typology in the ‘sub-market 3’ area. This suggests that, for the majority of site types, an increased S106 contribution from £5,000 to £8,000 per dwelling is unlikely to undermine viability.
- 5.2.** However, it is recognised that appraisal assumptions can be subject to variance, which can have a significant impact on the overall viability outcomes. Recognising this we have subsequently re-run the appraisals on the basis of adjusted key assumptions. The sensitivity testing undertaken, together with the outcomes, are summarised below:

**Sensitivity Test 1** – this assumes a reduced density of 35 dwellings per net Ha (rather than 40 dwellings per net Ha as allowed in the base modelling). Our results show that this had a marginally negative impact on viability. However, this was not sufficient to change any of the viability outcomes.

**Sensitivity Test 2** – adoption of the BCIS median build cost (rather than the lower quartile rate used for 50 or more dwellings in the base modelling). The results show that if the BCIS median rate is applied it does not affect the viability outcome for sub market areas 1 and 2. However, it does render sub market area 3 schemes unviable. We question, though, whether the BCIS median rate is appropriate in lower value locations. In these areas a more basic specification is likely to be applied, reducing build costs. This, in our view, points more to a lower quartile rate rather than a median figure.

**Sensitivity Test 3** – 5% reduction in sales values. For the 20 dwelling typology the viability outcomes do not change from the base appraisals. For the 50 and 100 dwelling typologies the viability outcomes are all the same from the base appraisals (i.e. viable), except for brownfield sites in the ‘other locations’ sub market, which changes to unviable.

**Sensitivity Test 4** – 10% increase in the benchmark land values. The viability outcomes remain unchanged from the base appraisals.

**Sensitivity Test 5** – runs tests based on S106 costs totalling £9,000, £10,000 and £11,000 per dwelling (rather than £8,000 per dwelling allowed in the base modelling). The viability outcomes remain unchanged from the base appraisals.

- 5.3.** In short, the majority of the sensitivity tests undertaken do not undermine scheme viability. It is also stressed that even if the S106 contributions are increased to £11,000 per dwelling this does not change the viability outcome (although it undoubtedly reduces the ‘headroom’ for a scheme to be viable).
- 5.4.** Finally, and in addition to the above, we have also tested ‘live’ sites (either allocated or subject to a current planning application). 3 of the 4 sites tested are deemed to be viable based on the revised SPD policy requirements. The site shown to be unviable could be delivered with the new SPD requirements if the land value is reduced accordingly.
- 5.5.** In summary, the majority of the sites tested, even through sensitivity testing, are shown to be viable with the revised SPD policy requirements (and the subsequent increase in costs).

- 5.6.** Based on the testing undertaken, the results therefore suggest that the proposed SPD policy requirements would not be sufficient alone to undermine viability. Instead, other factors such as density, build costs and sales value are more likely to have a significant bearing on the viability outcomes should there vary significantly from what has been assumed in the testing.
- 5.7.** In conclusion, 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).

| Appendix A1                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 20              | 6                | 30.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | £ 423,353           | £ 258,353              | 156.58%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 20              | 4                | 20.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | £ 322,887           | £ 157,887              | 95.69%           | VIABLE   |
| All other locations               | Brownfield | 20              | 2                | 10.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | -£ 7,105            | -£ 172,105             | -104.31%         | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 20              | 6                | 30.00% | 0.55       | £ 8,000           | £ 400,000            | £ 220,000 | £ 423,353           | £ 203,353              | 92.43%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 20              | 4                | 20.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | £ 322,887           | £ 157,887              | 95.69%           | VIABLE   |
| All other locations               | Greenfield | 20              | 2                | 10.00% | 0.55       | £ 8,000           | £ 200,000            | £ 110,000 | -£ 7,105            | -£ 117,105             | -106.46%         | UNVIABLE |

| Appendix A2                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 1,737,672         | £ 1,269,672            | 271.30%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 1,503,163         | £ 1,035,163            | 221.19%          | VIABLE  |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 656,286           | £ 188,286              | 40.23%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.56       | £ 8,000           | £ 400,000            | £ 624,000 | £ 1,737,672         | £ 1,113,672            | 178.47%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 1,503,163         | £ 1,035,163            | 221.19%          | VIABLE  |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.56       | £ 8,000           | £ 200,000            | £ 312,000 | £ 656,286           | £ 344,286              | 110.35%          | VIABLE  |

| Appendix A3                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 3,471,891         | £ 2,535,891            | 270.93%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 3,001,530         | £ 2,065,530            | 220.68%          | VIABLE  |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 1,409,455         | £ 473,455              | 50.58%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.12       | £ 8,000           | £ 400,000            | £ 1,248,000 | £ 3,471,891         | £ 2,223,891            | 178.20%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 3,001,530         | £ 2,065,530            | 220.68%          | VIABLE  |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.12       | £ 8,000           | £ 200,000            | £ 624,000   | £ 1,409,455         | £ 785,455              | 125.87%          | VIABLE  |

| Appendix B1                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 20              | 6                | 30.00% | 0.63       | £ 8,000           | £ 300,000            | £ 189,000 | £ 410,648           | £ 221,648              | 117.27%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 20              | 4                | 20.00% | 0.63       | £ 8,000           | £ 300,000            | £ 189,000 | £ 310,183           | £ 121,183              | 64.12%           | VIABLE   |
| All other locations               | Brownfield | 20              | 2                | 10.00% | 0.63       | £ 8,000           | £ 300,000            | £ 189,000 | -£ 20,608           | -£ 209,608             | -110.90%         | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 20              | 6                | 30.00% | 0.63       | £ 8,000           | £ 400,000            | £ 252,000 | £ 410,648           | £ 158,648              | 62.96%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 20              | 4                | 20.00% | 0.63       | £ 8,000           | £ 300,000            | £ 189,000 | £ 310,183           | £ 121,183              | 64.12%           | VIABLE   |
| All other locations               | Greenfield | 20              | 2                | 10.00% | 0.63       | £ 8,000           | £ 200,000            | £ 126,000 | -£ 20,608           | -£ 146,608             | -116.36%         | UNVIABLE |



| Appendix B2                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 1,707,760         | £ 1,176,760            | 221.61%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 1,473,250         | £ 942,250              | 177.45%          | VIABLE  |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 624,885           | £ 93,885               | 17.68%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.77       | £ 8,000           | £ 400,000            | £ 708,000 | £ 1,707,760         | £ 999,760              | 141.21%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 1,473,250         | £ 942,250              | 177.45%          | VIABLE  |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.77       | £ 8,000           | £ 200,000            | £ 354,000 | £ 624,885           | £ 270,885              | 76.52%           | VIABLE  |

| Appendix B3                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 3,412,775         | £ 2,344,775            | 219.55%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 2,942,408         | £ 1,874,408            | 175.51%          | VIABLE  |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 1,347,384         | £ 279,384              | 26.16%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.56       | £ 8,000           | £ 400,000            | £ 1,424,000 | £ 3,412,775         | £ 1,988,775            | 139.66%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 2,942,408         | £ 1,874,408            | 175.51%          | VIABLE  |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.56       | £ 8,000           | £ 200,000            | £ 712,000   | £ 1,347,384         | £ 635,384              | 89.24%           | VIABLE  |

| Appendix C1                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 1,162,533         | £ 631,533              | 118.93%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 928,023           | £ 397,023              | 74.77%           | VIABLE   |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 52,533            | £ -478,467             | -90.11%          | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.77       | £ 8,000           | £ 400,000            | £ 708,000 | £ 1,162,533         | £ 454,533              | 64.20%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.77       | £ 8,000           | £ 300,000            | £ 531,000 | £ 928,023           | £ 397,023              | 74.77%           | VIABLE   |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.77       | £ 8,000           | £ 200,000            | £ 354,000 | £ 52,533            | £ -301,467             | -85.16%          | UNVIABLE |

| Appendix C2                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 2,365,971         | £ 1,297,971            | 121.53%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 1,895,565         | £ 827,565              | 77.49%           | VIABLE   |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 248,215           | £ 819,785              | -76.76%          | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.56       | £ 8,000           | £ 400,000            | £ 1,424,000 | £ 2,365,971         | £ 941,971              | 66.15%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.56       | £ 8,000           | £ 300,000            | £ 1,068,000 | £ 1,895,565         | £ 827,565              | 77.49%           | VIABLE   |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.56       | £ 8,000           | £ 200,000            | £ 712,000   | £ 248,215           | £ 463,785              | -65.14%          | UNVIABLE |

| Appendix D1                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 20              | 6                | 30.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | £ 279,798           | £ 114,798              | 69.57%           | VIABLE   |
| Darton & Barugh                   | Brownfield | 20              | 4                | 20.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | £ 182,416           | £ 17,416               | 10.56%           | VIABLE   |
| All other locations               | Brownfield | 20              | 2                | 10.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | -£ 137,593          | -£ 302,593             | -183.39%         | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 20              | 6                | 30.00% | 0.55       | £ 8,000           | £ 400,000            | £ 220,000 | £ 279,798           | £ 59,798               | 27.18%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 20              | 4                | 20.00% | 0.55       | £ 8,000           | £ 300,000            | £ 165,000 | £ 182,416           | £ 17,416               | 10.56%           | VIABLE   |
| All other locations               | Greenfield | 20              | 2                | 10.00% | 0.55       | £ 8,000           | £ 200,000            | £ 110,000 | -£ 137,593          | -£ 247,593             | -225.08%         | UNVIABLE |

| Appendix D2                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 1,386,004         | £ 918,004              | 196.15%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 1,163,175         | £ 695,175              | 148.54%          | VIABLE   |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 344,907           | £ -123,093             | -26.30%          | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.56       | £ 8,000           | £ 400,000            | £ 624,000 | £ 1,386,004         | £ 762,004              | 122.12%          | VIABLE   |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.56       | £ 8,000           | £ 300,000            | £ 468,000 | £ 1,163,175         | £ 695,175              | 148.54%          | VIABLE   |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.56       | £ 8,000           | £ 200,000            | £ 312,000 | £ 344,907           | £ 32,907               | 10.55%           | VIABLE   |

| Appendix D3                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 2,790,383         | £ 1,854,383            | 198.12%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 2,343,408         | £ 1,407,408            | 150.36%          | VIABLE   |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 804,855           | £ -131,145             | -14.01%          | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.12       | £ 8,000           | £ 400,000            | £ 1,248,000 | £ 2,790,383         | £ 1,542,383            | 123.59%          | VIABLE   |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.12       | £ 8,000           | £ 300,000            | £ 936,000   | £ 2,343,408         | £ 1,407,408            | 150.36%          | VIABLE   |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.12       | £ 8,000           | £ 200,000            | £ 624,000   | £ 804,855           | £ 180,855              | 28.98%           | VIABLE   |

| Appendix E1                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 20              | 6                | 30.00% | 0.55       | £ 8,000           | £ 330,000            | £ 181,500 | £ 423,353           | £ 241,853              | 133.25%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 20              | 4                | 20.00% | 0.55       | £ 8,000           | £ 330,000            | £ 181,500 | £ 322,887           | £ 141,387              | 77.90%           | VIABLE   |
| All other locations               | Brownfield | 20              | 2                | 10.00% | 0.55       | £ 8,000           | £ 330,000            | £ 181,500 | -£ 7,105            | -£ 188,605             | -103.91%         | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 20              | 6                | 30.00% | 0.55       | £ 8,000           | £ 440,000            | £ 242,000 | £ 423,353           | £ 181,353              | 74.94%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 20              | 4                | 20.00% | 0.55       | £ 8,000           | £ 330,000            | £ 181,500 | £ 322,887           | £ 141,387              | 77.90%           | VIABLE   |
| All other locations               | Greenfield | 20              | 2                | 10.00% | 0.55       | £ 8,000           | £ 220,000            | £ 121,000 | -£ 7,105            | -£ 128,105             | -105.87%         | UNVIABLE |



| Appendix E2                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.56       | £ 8,000           | £ 330,000            | £ 514,800 | £ 1,737,672         | £ 1,222,872            | 237.54%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.56       | £ 8,000           | £ 330,000            | £ 514,800 | £ 1,503,163         | £ 988,363              | 191.99%          | VIABLE  |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.56       | £ 8,000           | £ 330,000            | £ 514,800 | £ 656,286           | £ 141,486              | 27.48%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.56       | £ 8,000           | £ 440,000            | £ 686,400 | £ 1,737,672         | £ 1,051,272            | 153.16%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.56       | £ 8,000           | £ 330,000            | £ 514,800 | £ 1,503,163         | £ 988,363              | 191.99%          | VIABLE  |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.56       | £ 8,000           | £ 220,000            | £ 343,200 | £ 656,286           | £ 313,086              | 91.23%           | VIABLE  |

| Appendix E3                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.12       | £ 8,000           | £ 330,000            | £ 1,029,600 | £ 3,471,891         | £ 2,442,291            | 237.21%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.12       | £ 8,000           | £ 330,000            | £ 1,029,600 | £ 3,001,530         | £ 1,971,930            | 191.52%          | VIABLE  |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.12       | £ 8,000           | £ 330,000            | £ 1,029,600 | £ 1,409,455         | £ 379,855              | 36.89%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.12       | £ 8,000           | £ 440,000            | £ 1,372,800 | £ 3,471,891         | £ 2,099,091            | 152.91%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.12       | £ 8,000           | £ 330,000            | £ 1,029,600 | £ 3,001,530         | £ 1,971,930            | 191.52%          | VIABLE  |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.12       | £ 8,000           | £ 220,000            | £ 686,400   | £ 1,409,455         | £ 723,055              | 105.34%          | VIABLE  |

| Appendix F1                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 20              | 6                | 30.00% | 0.55       | £ 9,000           | £ 300,000            | £ 165,000 | £ 400,185           | £ 235,185              | 142.54%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 20              | 4                | 20.00% | 0.55       | £ 9,000           | £ 300,000            | £ 165,000 | £ 299,720           | £ 134,720              | 81.65%           | VIABLE   |
| All other locations               | Brownfield | 20              | 2                | 10.00% | 0.55       | £ 9,000           | £ 300,000            | £ 165,000 | -£ 31,729           | -£ 196,729             | -119.23%         | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 20              | 6                | 30.00% | 0.55       | £ 9,000           | £ 400,000            | £ 220,000 | £ 400,185           | £ 180,185              | 81.90%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 20              | 4                | 20.00% | 0.55       | £ 9,000           | £ 300,000            | £ 165,000 | £ 299,720           | £ 134,720              | 81.65%           | VIABLE   |
| All other locations               | Greenfield | 20              | 2                | 10.00% | 0.55       | £ 9,000           | £ 200,000            | £ 110,000 | -£ 31,729           | -£ 141,729             | -128.84%         | UNVIABLE |

| Appendix F2                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.56       | £ 9,000           | £ 300,000            | £ 468,000 | £ 1,682,532         | £ 1,214,532            | 259.52%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.56       | £ 9,000           | £ 300,000            | £ 468,000 | £ 1,448,023         | £ 980,023              | 209.41%          | VIABLE  |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.56       | £ 9,000           | £ 300,000            | £ 468,000 | £ 598,399           | £ 130,399              | 27.86%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.56       | £ 9,000           | £ 400,000            | £ 624,000 | £ 1,682,532         | £ 1,058,532            | 169.64%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.56       | £ 9,000           | £ 300,000            | £ 468,000 | £ 1,448,023         | £ 980,023              | 209.41%          | VIABLE  |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.56       | £ 9,000           | £ 200,000            | £ 312,000 | £ 598,399           | £ 286,399              | 91.79%           | VIABLE  |

| Appendix F3                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.12       | £ 9,000           | £ 300,000            | £ 936,000   | £ 3,366,031         | £ 2,430,031            | 259.62%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.12       | £ 9,000           | £ 300,000            | £ 936,000   | £ 2,895,660         | £ 1,959,660            | 209.37%          | VIABLE  |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.12       | £ 9,000           | £ 300,000            | £ 936,000   | £ 1,298,304         | £ 362,304              | 38.71%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.12       | £ 9,000           | £ 400,000            | £ 1,248,000 | £ 3,366,031         | £ 2,118,031            | 169.71%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.12       | £ 9,000           | £ 300,000            | £ 936,000   | £ 2,895,660         | £ 1,959,660            | 209.37%          | VIABLE  |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.12       | £ 9,000           | £ 200,000            | £ 624,000   | £ 1,298,304         | £ 674,304              | 108.06%          | VIABLE  |

| Appendix F4                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 20              | 6                | 30.00% | 0.55       | £ 10,000          | £ 300,000            | £ 165,000 | £ 377,018           | £ 212,018              | 128.50%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 20              | 4                | 20.00% | 0.55       | £ 10,000          | £ 300,000            | £ 165,000 | £ 276,552           | £ 111,552              | 67.61%           | VIABLE   |
| All other locations               | Brownfield | 20              | 2                | 10.00% | 0.55       | £ 10,000          | £ 300,000            | £ 165,000 | -£ 56,353           | -£ 221,353             | -134.15%         | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 20              | 6                | 30.00% | 0.55       | £ 10,000          | £ 400,000            | £ 220,000 | £ 377,018           | £ 157,018              | 71.37%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 20              | 4                | 20.00% | 0.55       | £ 10,000          | £ 300,000            | £ 165,000 | £ 276,552           | £ 111,552              | 67.61%           | VIABLE   |
| All other locations               | Greenfield | 20              | 2                | 10.00% | 0.55       | £ 10,000          | £ 200,000            | £ 110,000 | -£ 56,353           | -£ 166,353             | -151.23%         | UNVIABLE |

| Appendix F5                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.56       | £ 10,000          | £ 300,000            | £ 468,000 | £ 1,627,392         | £ 1,159,392            | 247.73%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.56       | £ 10,000          | £ 300,000            | £ 468,000 | £ 1,392,882         | £ 924,882              | 197.62%          | VIABLE  |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.56       | £ 10,000          | £ 300,000            | £ 468,000 | £ 540,518           | £ 72,518               | 15.50%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.56       | £ 10,000          | £ 400,000            | £ 624,000 | £ 1,627,392         | £ 1,003,392            | 160.80%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.56       | £ 10,000          | £ 300,000            | £ 468,000 | £ 1,392,882         | £ 924,882              | 197.62%          | VIABLE  |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.56       | £ 10,000          | £ 200,000            | £ 312,000 | £ 540,518           | £ 228,518              | 73.24%           | VIABLE  |

| Appendix F6                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.12       | £ 10,000          | £ 300,000            | £ 936,000   | £ 3,260,170         | £ 2,324,170            | 248.31%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.12       | £ 10,000          | £ 300,000            | £ 936,000   | £ 2,789,790         | £ 1,853,790            | 198.05%          | VIABLE  |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.12       | £ 10,000          | £ 300,000            | £ 936,000   | £ 1,187,152         | £ 251,152              | 26.83%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.12       | £ 10,000          | £ 400,000            | £ 1,248,000 | £ 3,260,170         | £ 2,012,170            | 161.23%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.12       | £ 10,000          | £ 300,000            | £ 936,000   | £ 2,789,790         | £ 1,853,790            | 198.05%          | VIABLE  |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.12       | £ 10,000          | £ 200,000            | £ 624,000   | £ 1,187,152         | £ 563,152              | 90.25%           | VIABLE  |



| Appendix F7                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable?  |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|----------|
| Rural West / Penistone & Dodworth | Brownfield | 20              | 6                | 30.00% | 0.55       | £ 11,000          | £ 300,000            | £ 165,000 | £ 353,851           | £ 188,851              | 114.46%          | VIABLE   |
| Darton & Barugh                   | Brownfield | 20              | 4                | 20.00% | 0.55       | £ 11,000          | £ 300,000            | £ 165,000 | £ 253,385           | £ 88,385               | 53.57%           | VIABLE   |
| All other locations               | Brownfield | 20              | 2                | 10.00% | 0.55       | £ 11,000          | £ 300,000            | £ 165,000 | -£ 81,037           | -£ 246,037             | -149.11%         | UNVIABLE |
| Rural West / Penistone & Dodworth | Greenfield | 20              | 6                | 30.00% | 0.55       | £ 11,000          | £ 400,000            | £ 220,000 | £ 353,851           | £ 133,851              | 60.84%           | VIABLE   |
| Darton & Barugh                   | Greenfield | 20              | 4                | 20.00% | 0.55       | £ 11,000          | £ 300,000            | £ 165,000 | £ 253,385           | £ 88,385               | 53.57%           | VIABLE   |
| All other locations               | Greenfield | 20              | 2                | 10.00% | 0.55       | £ 11,000          | £ 200,000            | £ 110,000 | -£ 81,037           | -£ 191,037             | -173.67%         | UNVIABLE |

| Appendix F8                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV       | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-----------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 50              | 15               | 30.00% | 1.56       | £ 11,000          | £ 300,000            | £ 468,000 | £ 1,572,251         | £ 1,104,251            | 235.95%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 50              | 10               | 20.00% | 1.56       | £ 11,000          | £ 300,000            | £ 468,000 | £ 1,337,742         | £ 869,742              | 185.84%          | VIABLE  |
| All other locations               | Brownfield | 50              | 5                | 10.00% | 1.56       | £ 11,000          | £ 300,000            | £ 468,000 | £ 482,635           | £ 14,635               | 3.13%            | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 50              | 15               | 30.00% | 1.56       | £ 11,000          | £ 400,000            | £ 624,000 | £ 1,572,251         | £ 948,251              | 151.96%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 50              | 10               | 20.00% | 1.56       | £ 11,000          | £ 300,000            | £ 468,000 | £ 1,337,742         | £ 869,742              | 185.84%          | VIABLE  |
| All other locations               | Greenfield | 50              | 5                | 10.00% | 1.56       | £ 11,000          | £ 200,000            | £ 312,000 | £ 482,635           | £ 170,635              | 54.69%           | VIABLE  |

| Appendix F9                       | Land       | Total Dwellings | Total Affordable | AH %   | Gross (Ha) | S106 per dwelling | BLV (£ per gross Ha) | BLV         | Residual Land Value | Base appraisal surplus | Surplus % of BLV | Viable? |
|-----------------------------------|------------|-----------------|------------------|--------|------------|-------------------|----------------------|-------------|---------------------|------------------------|------------------|---------|
| Rural West / Penistone & Dodworth | Brownfield | 100             | 30               | 30.00% | 3.12       | £ 11,000          | £ 300,000            | £ 936,000   | £ 3,154,309         | £ 2,218,309            | 237.00%          | VIABLE  |
| Darton & Barugh                   | Brownfield | 100             | 20               | 20.00% | 3.12       | £ 11,000          | £ 300,000            | £ 936,000   | £ 2,683,920         | £ 1,747,920            | 186.74%          | VIABLE  |
| All other locations               | Brownfield | 100             | 10               | 10.00% | 3.12       | £ 11,000          | £ 300,000            | £ 936,000   | £ 1,076,001         | £ 140,001              | 14.96%           | VIABLE  |
| Rural West / Penistone & Dodworth | Greenfield | 100             | 30               | 30.00% | 3.12       | £ 11,000          | £ 400,000            | £ 1,248,000 | £ 3,154,309         | £ 1,906,309            | 152.75%          | VIABLE  |
| Darton & Barugh                   | Greenfield | 100             | 20               | 20.00% | 3.12       | £ 11,000          | £ 300,000            | £ 936,000   | £ 2,683,920         | £ 1,747,920            | 186.74%          | VIABLE  |
| All other locations               | Greenfield | 100             | 10               | 10.00% | 3.12       | £ 11,000          | £ 200,000            | £ 624,000   | £ 1,076,001         | £ 452,001              | 72.44%           | VIABLE  |

Land b/w Mount Vernon Rd & Upper Sheffield Rd, Barnsley  
HS24  
Appendix G1  
DN-0182

**APPRAISAL SUMMARY****CP VIABILITY LTD**

Land b/w Mount Vernon Rd &amp; Upper Sheffield Rd, Barnsley

HS24

Appendix G1

Summary Appraisal for Phase 1

Currency in £

**REVENUE**

| Sales Valuation | Units     | m <sup>2</sup>  | Rate m <sup>2</sup> | Unit Price | Gross Sales      |
|-----------------|-----------|-----------------|---------------------|------------|------------------|
| MV - Terrace    | 10        | 650.00          | 1,800.00            | 117,000    | 1,170,000        |
| MV - Semi       | 15        | 1,350.00        | 1,925.00            | 173,250    | 2,598,750        |
| MV - Det        | 12        | 1,620.00        | 1,925.00            | 259,875    | 3,118,500        |
| AR - Terrace    | 2         | 130.00          | 810.00              | 52,650     | 105,300          |
| AR - Semi       | 2         | 180.00          | 866.26              | 77,963     | 155,926          |
| SO - Det        | 1         | <u>135.00</u>   | 1,299.38            | 175,416    | <u>175,416</u>   |
| <b>Totals</b>   | <b>42</b> | <b>4,065.00</b> |                     |            | <b>7,323,892</b> |

**NET REALISATION****7,323,892****OUTLAY****ACQUISITION COSTS**

|   |       |         |        |  |         |
|---|-------|---------|--------|--|---------|
| Residualised Price (1.30 Ha 337,365.37 pHect) |       | 438,575 |        |  |         |
| Stamp Duty                                    |       |         | 11,429 |  | 438,575 |
| Legal Fee                                     | 0.50% |         | 2,193  |  |         |
|   |       |         |        |  | 13,622  |

**CONSTRUCTION COSTS**

| Construction | m <sup>2</sup>              | Rate m <sup>2</sup>    | Cost           |
|--------------|-----------------------------|------------------------|----------------|
| MV - Terrace | 650.00 m <sup>2</sup>       | 894.00 pm <sup>2</sup> | 581,100        |
| MV - Semi    | 1,350.00 m <sup>2</sup>     | 894.00 pm <sup>2</sup> | 1,206,900      |
| MV - Det     | 1,620.00 m <sup>2</sup>     | 894.00 pm <sup>2</sup> | 1,448,280      |
| AR - Terrace | 130.00 m <sup>2</sup>       | 894.00 pm <sup>2</sup> | 116,220        |
| AR - Semi    | 180.00 m <sup>2</sup>       | 894.00 pm <sup>2</sup> | 160,920        |
| SO - Det     | <u>135.00 m<sup>2</sup></u> | 894.00 pm <sup>2</sup> | <u>120,690</u> |

**APPRAISAL SUMMARY****CP VIABILITY LTD**

Land b/w Mount Vernon Rd & Upper Sheffield Rd, Barnsley  
HS24

**Appendix G1**

|   |                               |                |                  |                  |
|---|-------------------------------|----------------|------------------|------------------|
| <b>Totals</b>                                   | <b>4,065.00 m<sup>2</sup></b> |                | <b>3,634,110</b> | <b>3,634,110</b> |
| Contingency                                     |                               | 3.00%          | 125,377          |                  |
| Abnormals                                       | 1.04 ha                       | 200,000.00 /ha | 208,000          |                  |
| S106 contributions                              | 42.00 un                      | 8,731.00 /un   | 366,702          |                  |
| Externals                                       |                               | 15.00%         | 545,117          | 1,245,195        |
| <b>PROFESSIONAL FEES</b>                        |                               |                |                  |                  |
| Professional fees                               |                               | 6.00%          | 250,754          | 250,754          |
| <b>DISPOSAL FEES</b>                            |                               |                |                  |                  |
| Marketing & sales                               |                               | 3.00%          | 206,618          |                  |
| Sales Legal Fee - MV                            | 37.00 un                      | 500.00 /un     | 18,500           |                  |
| Sales Legal Fee - Affordable                    | 5.00 un                       | 500.00 /un     | 2,500            | 227,618          |
| <b>FINANCE</b>                                  |                               |                |                  |                  |
| Debit Rate 6.000%, Credit Rate 0.000% (Nominal) |                               |                |                  |                  |
| Land  |                               |                | 54,313           |                  |
| Construction                                    |                               |                | 54,915           |                  |
| Other   |                               |                | 801              |                  |
| Total Finance Cost                              |                               |                |                  | 110,029          |
| <b>TOTAL COSTS</b>                              |                               |                |                  | <b>5,919,902</b> |
| <b>PROFIT</b>                                   |                               |                |                  | <b>1,403,990</b> |
| <b>Performance Measures</b>                     |                               |                |                  |                  |
| Profit on Cost%                                 |                               | 23.72%         |                  |                  |
| Profit on GDV%                                  |                               | 19.17%         |                  |                  |
| Profit on NDV%                                  |                               | 19.17%         |                  |                  |

**Land b/w Mount Vernon Rd & Upper Sheffield Rd, Barnsley****HS24****Appendix G1**

|                                      |              |
|--------------------------------------|--------------|
| IRR                                  | 51.98%       |
| Profit Erosion (finance rate 6.000%) | 3 yrs 7 mths |
| Land Cost pHect                      | 337,365      |

Land off Meadowfield Drive, Hoyland  
HS62  
Appendix G2  
DN-0182



**APPRAISAL SUMMARY****CP VIABILITY LTD**

Land off Meadowfield Drive, Hoyland  
 HS62  
 Appendix G2

**Summary Appraisal for Phase 1**

Currency in £

**REVENUE**

| Sales Valuation | Units     | m <sup>2</sup>  | Rate m <sup>2</sup> | Unit Price | Gross Sales       |
|-----------------|-----------|-----------------|---------------------|------------|-------------------|
| MV - Terrace    | 29        | 1,885.00        | 1,825.00            | 118,625    | 3,440,125         |
| MV - Semi       | 29        | 2,610.00        | 1,950.00            | 175,500    | 5,089,500         |
| MV - Det        | 8         | 960.00          | 1,950.00            | 234,000    | 1,872,000         |
| AR - Terrace    | 3         | 195.00          | 821.25              | 53,381     | 160,143           |
| AR - Semi       | 3         | 270.00          | 877.50              | 78,975     | 236,925           |
| SO - Terrace    | 1         | 65.00           | 1,231.88            | 80,072     | 80,072            |
| SO - Semi       | 1         | 90.00           | 1,316.26            | 118,463    | 118,463           |
| <b>Totals</b>   | <b>74</b> | <b>6,075.00</b> |                     |            | <b>10,997,228</b> |

**NET REALISATION****10,997,228****OUTLAY****ACQUISITION COSTS**

|   |         |         |
|---|---------|---------|
| Residualised Price (1.90 Ha 313,200.79 pHect) | 595,082 |         |
| Stamp Duty                                    | 19,254  | 595,082 |
| Legal Fee                                     | 2,975   |         |
|   |         | 22,229  |

**CONSTRUCTION COSTS**

| Construction | m <sup>2</sup>          | Rate m <sup>2</sup>    | Cost      |
|--------------|-------------------------|------------------------|-----------|
| MV - Terrace | 1,885.00 m <sup>2</sup> | 894.00 pm <sup>2</sup> | 1,685,190 |
| MV - Semi    | 2,610.00 m <sup>2</sup> | 894.00 pm <sup>2</sup> | 2,333,340 |
| MV - Det     | 960.00 m <sup>2</sup>   | 894.00 pm <sup>2</sup> | 858,240   |
| AR - Terrace | 195.00 m <sup>2</sup>   | 894.00 pm <sup>2</sup> | 174,330   |
| AR - Semi    | 270.00 m <sup>2</sup>   | 894.00 pm <sup>2</sup> | 241,380   |

**APPRAISAL SUMMARY****CP VIABILITY LTD**

Land off Meadowfield Drive, Hoyland  
HS62

**Appendix G2**

|   |                               |                        |                  |                  |
|---|-------------------------------|------------------------|------------------|------------------|
| SO - Terrace                                    | 65.00 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 58,110           |                  |
| SO - Semi                                       | <u>90.00 m<sup>2</sup></u>    | 894.00 pm <sup>2</sup> | <u>80,460</u>    |                  |
| <b>Totals</b>                                   | <b>6,075.00 m<sup>2</sup></b> |                        | <b>5,431,050</b> | <b>5,431,050</b> |
| Contingency                                     |                               | 3.00%                  | 187,371          |                  |
| Abnormals                                       | 1.52 ha                       | 200,000.00 /ha         | 304,000          |                  |
| S106 contributions                              | 74.00 un                      | 8,731.00 /un           | 646,094          |                  |
| Externals                                       |                               | 15.00%                 | 814,658          |                  |
|   |                               |                        |                  | 1,952,123        |
| <b>PROFESSIONAL FEES</b>                        |                               |                        |                  |                  |
| Professional fees                               |                               | 6.00%                  | 374,742          |                  |
|   |                               |                        |                  | 374,742          |
| <b>DISPOSAL FEES</b>                            |                               |                        |                  |                  |
| Marketing & sales                               |                               | 3.00%                  | 312,049          |                  |
| Sales Legal Fee - MV                            | 66.00 un                      | 500.00 /un             | 33,000           |                  |
| Sales Legal Fee - Affordable                    | 8.00 un                       | 500.00 /un             | 4,000            |                  |
|   |                               |                        |                  | 349,049          |
| <b>FINANCE</b>                                  |                               |                        |                  |                  |
| Debit Rate 6.000%, Credit Rate 0.000% (Nominal) |                               |                        |                  |                  |
| Land  |                               |                        | 91,853           |                  |
| Construction                                    |                               |                        | 65,234           |                  |
| Total Finance Cost                              |                               |                        |                  | 157,086          |
| <b>TOTAL COSTS</b>                              |                               |                        |                  | <b>8,881,361</b> |
| <b>PROFIT</b>                                   |                               |                        |                  | <b>2,115,867</b> |
| <b>Performance Measures</b>                     |                               |                        |                  |                  |
| Profit on Cost%                                 |                               | 23.82%                 |                  |                  |
| Profit on GDV%                                  |                               | 19.24%                 |                  |                  |
| Profit on NDV%                                  |                               | 19.24%                 |                  |                  |

**Land off Meadowfield Drive, Hoyland****HS62****Appendix G2**

|                                      |              |
|--------------------------------------|--------------|
| IRR                                  | 46.89%       |
| Profit Erosion (finance rate 6.000%) | 3 yrs 7 mths |
| Land Cost pHect                      | 313,201      |

Gypsy Lane  
MU6  
Appendix G3  
DN-0182

Gypsy Lane  
 MU6  
 Appendix G3

**Summary Appraisal for Phase 1**

Currency in £

**REVENUE**

| Sales Valuation | Units      | m <sup>2</sup>   | Rate m <sup>2</sup> | Unit Price | Gross Sales       |
|-----------------|------------|------------------|---------------------|------------|-------------------|
| Type L          | 4          | 231.88           | 1,975.00            | 114,491    | 457,963           |
| Type B          | 2          | 127.28           | 1,875.00            | 119,325    | 238,650           |
| Type P          | 3          | 231.87           | 2,025.00            | 156,512    | 469,537           |
| Type F          | 27         | 2,104.38         | 1,900.00            | 148,086    | 3,998,322         |
| Type H          | 15         | 1,279.20         | 1,775.00            | 151,372    | 2,270,580         |
| Type S          | 28         | 2,544.08         | 1,725.00            | 156,734    | 4,388,538         |
| Type T          | 10         | 980.10           | 1,675.00            | 164,167    | 1,641,668         |
| Type C          | 4          | 371.60           | 1,925.00            | 178,833    | 715,330           |
| Type G          | 20         | 2,043.80         | 1,575.00            | 160,949    | 3,218,985         |
| Type D          | 28         | 3,160.36         | 1,775.00            | 200,344    | 5,609,639         |
| Type J          | 38         | 4,236.24         | 1,575.00            | 175,581    | 6,672,078         |
| Type A          | 14         | 1,685.60         | 1,725.00            | 207,690    | 2,907,660         |
| Type E          | 13         | 1,714.96         | 1,675.00            | 220,966    | 2,872,558         |
| AR - Type L     | 2          | 115.94           | 888.74              | 51,520     | 103,040           |
| AR - Type B     | 17         | 1,081.88         | 843.70              | 53,693     | 912,781           |
| SO - Type F     | 4          | 311.76           | 1,265.68            | 98,647     | 394,588           |
| <b>Totals</b>   | <b>229</b> | <b>22,220.93</b> |                     |            | <b>36,871,916</b> |

**NET REALISATION**

**36,871,916**

**OUTLAY**

**ACQUISITION COSTS**

|   |           |           |
|---|-----------|-----------|
| Residualised Price (7.72 Ha 139,186.73 pHect) | 1,074,522 |           |
| Stamp Duty                                    | 43,226    | 1,074,522 |

**APPRAISAL SUMMARY****CP VIABILITY LTD**

Gypsy Lane

MU6

Appendix G3

|           |       |       |        |
|-----------|-------|-------|--------|
| Legal Fee | 0.50% | 5,373 | 48,599 |
|-----------|-------|-------|--------|

**CONSTRUCTION COSTS**

| Construction  | m <sup>2</sup>                 | Rate m <sup>2</sup>    | Cost              |
|---------------|--------------------------------|------------------------|-------------------|
| Type L        | 231.88 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 207,301           |
| Type B        | 127.28 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 113,788           |
| Type P        | 231.87 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 207,292           |
| Type F        | 2,104.38 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 1,881,316         |
| Type H        | 1,279.20 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 1,143,605         |
| Type S        | 2,544.08 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 2,274,408         |
| Type T        | 980.10 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 876,209           |
| Type C        | 371.60 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 332,210           |
| Type G        | 2,043.80 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 1,827,157         |
| Type D        | 3,160.36 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 2,825,362         |
| Type J        | 4,236.24 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 3,787,199         |
| Type A        | 1,685.60 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 1,506,926         |
| Type E        | 1,714.96 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 1,533,174         |
| AR - Type L   | 115.94 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 103,650           |
| AR - Type B   | 1,081.88 m <sup>2</sup>        | 894.00 pm <sup>2</sup> | 967,201           |
| SO - Type F   | <u>311.76 m<sup>2</sup></u>    | 894.00 pm <sup>2</sup> | <u>278,713</u>    |
| <b>Totals</b> | <b>22,220.93 m<sup>2</sup></b> |                        | <b>19,865,511</b> |

|                    |           |                |           |
|--------------------|-----------|----------------|-----------|
| Contingency        |           | 3.00%          | 685,360   |
| Abnormals          | 6.18 ha   | 200,000.00 /ha | 1,236,000 |
| S106 contributions | 229.00 un | 5,000.00 /un   | 1,145,000 |
| Externals          |           | 15.00%         | 2,979,827 |
|                    |           |                | 6,046,187 |

**PROFESSIONAL FEES**

|                   |       |           |           |
|-------------------|-------|-----------|-----------|
| Professional fees | 6.00% | 1,370,720 | 1,370,720 |
|-------------------|-------|-----------|-----------|

**DISPOSAL FEES**

|                   |       |           |
|-------------------|-------|-----------|
| Marketing & sales | 3.00% | 1,063,845 |
|-------------------|-------|-----------|

**APPRAISAL SUMMARY****CP VIABILITY LTD**

Gypsy Lane

MU6

**Appendix G3**

|                              |           |            |         |           |
|------------------------------|-----------|------------|---------|-----------|
| Sales Legal Fee - MV         | 206.00 un | 500.00 /un | 103,000 |           |
| Sales Legal Fee - Affordable | 23.00 un  | 500.00 /un | 11,500  |           |
|                              |           |            |         | 1,178,345 |

**FINANCE**

|   |  |  |        |         |
|---|--|--|--------|---------|
| Debit Rate 6.000%, Credit Rate 0.000% (Nominal) |  |  |        |         |
| Land  |  |  | 96,305 |         |
| Construction                                    |  |  | 16,452 |         |
| Total Finance Cost                              |  |  |        | 112,757 |

**TOTAL COSTS****29,696,641****PROFIT****7,175,275****Performance Measures**

|                                      |              |
|--------------------------------------|--------------|
| Profit on Cost%                      | 24.16%       |
| Profit on GDV%                       | 19.46%       |
| Profit on NDV%                       | 19.46%       |
| IRR                                  | 49.75%       |
| Profit Erosion (finance rate 6.000%) | 3 yrs 8 mths |
| Land Cost pHect                      | 139,187      |

Land off Lidgett Lane, Pilley  
2018/1039  
Appendix G4  
DN-0182



**APPRAISAL SUMMARY****CP VIABILITY LTD**

Land off Lidgett Lane, Pilley  
 2018/1039  
 Appendix G4

**Summary Appraisal for Phase 1**

Currency in £

**REVENUE**

| Sales Valuation | Units     | m <sup>2</sup>  | Rate m <sup>2</sup> | Unit Price    | Gross Sales       |
|-----------------|-----------|-----------------|---------------------|---------------|-------------------|
| Maidstone       | 12        | 924.12          | 1,950.00            | 150,170       | 1,802,034         |
| Maidstone       | 1         | 77.01           | 1,825.00            | 140,543       | 140,543           |
| Maidstone       | 2         | 154.02          | 1,825.00            | 140,543       | 281,087           |
| Maidstone       | 5         | 385.05          | 1,950.00            | 150,170       | 750,848           |
| Moresby         | 2         | 158.68          | 1,950.00            | 154,713       | 309,426           |
| Derwent         | 10        | 840.70          | 1,950.00            | 163,937       | 1,639,365         |
| Windermere      | 12        | 1,196.16        | 1,950.00            | 194,376       | 2,332,512         |
| Alderney        | 5         | 569.00          | 1,950.00            | 221,910       | 1,109,550         |
| Halton          | 10        | 1,177.00        | 1,950.00            | 229,515       | 2,295,150         |
| Radleigh        | 6         | 734.10          | 1,950.00            | 238,583       | 1,431,495         |
| Radleigh        | 1         | 122.35          | 1,950.00            | 238,583       | 238,583           |
| AR - Bedale     | 3         | 185.88          | 821.30              | 50,888        | 152,664           |
| AR - T67        | 1         | 65.12           | 821.28              | 53,482        | 53,482            |
| AR - T67        | 2         | 130.24          | 821.28              | 53,482        | 106,964           |
| SO - Bedale     | 1         | 61.96           | 1,231.96            | 76,332        | 76,332            |
| SO - T67        | <u>1</u>  | <u>65.12</u>    | <u>1,231.93</u>     | <u>80,223</u> | <u>80,223</u>     |
| <b>Totals</b>   | <b>74</b> | <b>6,846.51</b> |                     |               | <b>12,800,257</b> |

**NET REALISATION****12,800,257****OUTLAY****ACQUISITION COSTS**

|   |         |         |
|---|---------|---------|
| Residualised Price (2.44 Ha 398,112.21 pHect) | 971,394 |         |
| Stamp Duty                                    | 38,070  | 971,394 |

**APPRAISAL SUMMARY****CP VIABILITY LTD**

Land off Lidgett Lane, Pilley

2018/1039

**Appendix G4**

|           |  |       |       |        |
|-----------|--|-------|-------|--------|
| Legal Fee |  | 0.50% | 4,857 |        |
|           |  |       |       | 42,927 |

**CONSTRUCTION COSTS**

| Construction  | m <sup>2</sup>                | Rate m <sup>2</sup>    | Cost             |                  |
|---------------|-------------------------------|------------------------|------------------|------------------|
| Maidstone     | 924.12 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 826,163          |                  |
| Maidstone     | 77.01 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 68,847           |                  |
| Maidstone     | 154.02 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 137,694          |                  |
| Maidstone     | 385.05 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 344,235          |                  |
| Moresby       | 158.68 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 141,860          |                  |
| Derwent       | 840.70 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 751,586          |                  |
| Windermere    | 1,196.16 m <sup>2</sup>       | 894.00 pm <sup>2</sup> | 1,069,367        |                  |
| Alderney      | 569.00 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 508,686          |                  |
| Halton        | 1,177.00 m <sup>2</sup>       | 894.00 pm <sup>2</sup> | 1,052,238        |                  |
| Radleigh      | 734.10 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 656,285          |                  |
| Radleigh      | 122.35 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 109,381          |                  |
| AR - Bedale   | 185.88 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 166,177          |                  |
| AR - T67      | 65.12 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 58,217           |                  |
| AR - T67      | 130.24 m <sup>2</sup>         | 894.00 pm <sup>2</sup> | 116,435          |                  |
| SO - Bedale   | 61.96 m <sup>2</sup>          | 894.00 pm <sup>2</sup> | 55,392           |                  |
| SO - T67      | <u>65.12 m<sup>2</sup></u>    | 894.00 pm <sup>2</sup> | <u>58,217</u>    |                  |
| <b>Totals</b> | <b>6,846.51 m<sup>2</sup></b> |                        | <b>6,120,780</b> | <b>6,120,780</b> |

|                    |          |                |         |           |
|--------------------|----------|----------------|---------|-----------|
| Contingency        |          | 3.00%          | 211,167 |           |
| Abnormals          | 2.02 ha  | 200,000.00 /ha | 404,000 |           |
| S106 contributions | 74.00 un | 8,731.00 /un   | 646,094 |           |
| Externals          |          | 15.00%         | 918,117 |           |
|                    |          |                |         | 2,179,378 |

**PROFESSIONAL FEES**

|                   |  |       |         |         |
|-------------------|--|-------|---------|---------|
| Professional fees |  | 6.00% | 422,334 |         |
|                   |  |       |         | 422,334 |

**DISPOSAL FEES**

|                   |  |       |         |  |
|-------------------|--|-------|---------|--|
| Marketing & sales |  | 3.00% | 369,918 |  |
|-------------------|--|-------|---------|--|

**APPRAISAL SUMMARY****CP VIABILITY LTD**

Land off Lidgett Lane, Pilley

2018/1039

**Appendix G4**

|                              |          |            |        |         |
|------------------------------|----------|------------|--------|---------|
| Sales Legal Fee - MV         | 66.00 un | 500.00 /un | 33,000 |         |
| Sales Legal Fee - Affordable | 8.00 un  | 500.00 /un | 4,000  |         |
|                              |          |            |        | 406,918 |

**FINANCE**

|   |  |  |         |         |
|---|--|--|---------|---------|
| Debit Rate 6.000%, Credit Rate 0.000% (Nominal) |  |  |         |         |
| Land  |  |  | 141,060 |         |
| Construction                                    |  |  | 20,697  |         |
| Total Finance Cost                              |  |  |         | 161,757 |

**TOTAL COSTS****10,305,487****PROFIT****2,494,770****Performance Measures**

|                                      |              |
|--------------------------------------|--------------|
| Profit on Cost%                      | 24.21%       |
| Profit on GDV%                       | 19.49%       |
| Profit on NDV%                       | 19.49%       |
| IRR                                  | 49.99%       |
| Profit Erosion (finance rate 6.000%) | 3 yrs 8 mths |
| Land Cost pHect                      | 398,112      |

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# Item 27



|                 |                                    |
|-----------------|------------------------------------|
| <b>MEETING:</b> | Cabinet                            |
| <b>DATE:</b>    | Wednesday, 20 March 2019           |
| <b>TIME:</b>    | 10.00 am                           |
| <b>VENUE:</b>   | Reception Room, Barnsley Town Hall |

## MINUTES

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

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

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

There were no declarations of pecuniary or non-pecuniary interests.

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

The Leader reported that no decisions from the previous meeting held on 6<sup>th</sup> March, 2019 had been called in.

### 231. Minutes of the previous meeting held on 6th March, 2019 (Cab.20.3.2019/3)

The minutes of the meeting held on 6<sup>th</sup> March, 2019 were taken as read and signed by the Chair as a correct record.

### 232. Decisions of Cabinet Spokespersons (Cab.20.3.2019/4)

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the weeks ending 1<sup>st</sup> and 8<sup>th</sup> March, 2019 were noted.

### 233. Petitions received under Standing Order 44 (Cab.20.3.2019/5)

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

#### Deputy Leader

### 234. Alcohol Plan (Cab.20.3.2019/6)

**RESOLVED** that the strategic direction of the Alcohol Plan including the vision, priorities, outcomes and targets be supported.

**Joint Cabinet Spokesperson without Portfolio and Cabinet Spokesperson People (Achieving Potential)**

### 235. Member Representation on the Virtual School Governance Group (Cab.20.3.2019/7)

**RECOMMENDED TO FULL COUNCIL ON 4<sup>TH</sup> APRIL, 2019** that the People (Achieving Potential) and People (Safeguarding) Cabinet Spokespersons and the

respective Cabinet Support Members be appointed to serve on the Virtual School Governance Group, together with six further Elected Members to be appointed at Full Council.

### **Communities Spokesperson**

#### **236. Proposal to Establish a new Public Space Protection Order (PSPO) for Barnsley Town Centre (Cab.20.3.2019/8)**

##### **RESOLVED:-**

- (i) that the conditions of the new Public Space Protection Order (PSPO) as outlined in Section 4.6 of the report now submitted be agreed;
- (ii) that agreement be given to the introduction of the begging related condition at Section 4.8 within the report with the understanding that the condition will be utilised as a last resort after other support interventions have been utilised first;
- (iii) that the Public Space Protection Order be confined to a new designated area to cover the town centre only, following consideration of the alternative approaches identified in Section 5 of the report; and
- (iv) that the intention to further develop the “Help Us Help Them” campaign be noted in relation to begging, building upon the success of this scheme to date and through the campaign continue to raise awareness within the general public.

### **Core Services Spokesperson**

#### **237. Provision of Employee Benefits (Cab.20.3.2019/9)**

##### **RESOLVED:-**

- (i) that the Authority continue to utilise a range of employee benefit schemes through our Just4YOU employee benefits offer including employee discounts, cycle to work scheme, childcare voucher scheme, and technology scheme procured under the ESPO Framework;
- (ii) that approval be given to enhance our Just4YOU employee benefits offer with the introduction of a salary sacrifice lease car scheme as outlined at paragraph 4.6 of the report;
- (iii) that it be acknowledged that there will be an impact on employee’s pensionable pay as outlined at paragraphs 8.2.1/2 should a salary sacrifice lease car scheme be given approval as proposed at paragraph 4.6; and
- (iv) that it be acknowledged that a further decision will be required on whether to fund lease car mileage at a rate of 0.45p in line with the current HMRC Approved Mileage Allowance Payments rate (AMAP) as outlined at paragraph 8.2.3 acknowledging the taxable benefit to the employee.

**238. Gender Pay Gap 2018 (Cab.20.3.2019/10)**

**RESOLVED:-**

- (i) that the results of the Gender Pay Gap Report as of 31<sup>st</sup> March, 2018 and outlined in Appendix 1 of the report submitted be noted; and
- (ii) that endorsement be given to the long term commitment to reducing the Council's Gender Pay Gap and the action plan at Appendix 2 be noted.

**239. Implementation of the 2019/20 Pay Policy Statement (Cab.20.3.2019/11)**

**RECOMMENDED TO FULL COUNCIL ON 4<sup>TH</sup> APRIL, 2019** that approval be given to implement the 2019/20 Pay Policy Statement, contained at Appendix 1 of the report now submitted, with effect from 1<sup>st</sup> April, 2019.

**Place Spokesperson**

**240. Adult Skills and Community Learning Service: OFSTED Inspection November 2018 (Cab.20.3.2019/12)**

**RESOLVED:-**

- (i) that the outcome of the OFSTED inspection of Adult Skills and Community Learning Service, as detailed in the report now submitted, be noted; and
- (ii) that the Service's self-assessment report for the full academic year August 2017 to July 2018 be accepted.

**241. Digital Media Centre/The Core Conversion (Cab.20.3.2019/13)**

**RESOLVED:-**

- (i) that the Executive Director Place be authorised to undertake the necessary steps to secure delivery of the project;
- (ii) that the Executive Director Core Services in consultation with the Executive Director Place be authorised to:
  - Negotiate the terms and conditions of any Funding Agreement and that Cabinet delegate the final approval of the terms of the Grant Funding Agreement to the Cabinet Spokesperson Place;
  - Conclude the approval and funding process with Sheffield City Region Combined Authority (SCR CA), accept tenders, appoint where necessary a contractor to implement the delivery of the scheme, subject to the costs being contained within the scheme;
- (iii) that the Service Director Regeneration and Property be authorised to:

- In compliance with the Council's Contract Procedure Rules, and subject to any procurement requirements specified by the funder, seek tenders where necessary for any aspect of the project and appoint the successful tenders; and/or consider whether the works, services or goods can be provided in-house, subject to value for money considerations; and
- (iv) that grant funding from Sheffield City Region Investment Fund (SCRIF) totalling £2.125m towards the total cost of the scheme be accepted.

#### **242. Highways Capital Programme Update (Cab.20.3.2019/14)**

##### **RESOLVED:-**

- (i) that the detailed Highways Capital Programme for 2019/20 as set out in Appendices 1 and 2 of the report be approved, and that the Service Director Environment and Transport be authorised to implement these schemes;
- (ii) that the Highways Capital Programme be varied in line with the Council's governance and approval limits (see paragraphs 3.8 – 3.13);
- (iii) that the Service Director Environment and Transport be authorised to:
- Obtain tenders for any works, goods and services as necessary, and appoint the successful tenderer on the basis of the most economically advantageous tender;
  - Adopt the Highways Maintenance Efficiency Programme (HMEP) principle of collaboration and utilise collaborative procurement to engage external consultants to undertake work which cannot be undertaken in-house or secure the services of contractors or consultants via Regional Alliances where available;
  - Appoint other external consultants and contractors as appropriate, within the current procurement rules; and
- (iv) that, in the event that the Maintenance, Integrated Transport and Capitalised Highways Maintenance budgets for 2019/20 are not fully expended, the value of any other works be re-phased between financial years, which allows the flexibility to ensure that the available resources are deployed in the most efficient manner possible, whilst maintaining the continuity of the Highways and Engineering Service.

#### **243. Street Lighting Replacement Programme (Cab.20.3.2019/15)**

##### **RESOLVED:-**

- (i) that the Street Lighting Replacement Programme for 2019-21 be approved, and that the Service Director Environment and Transport be authorised to implement this programme of work;



- (ii) that the Street Lighting Replacement Programme be varied in line with the Council's governance and approval limits, if required (see paragraphs 3.8 – 3.13);
- (iii) that the Service Director Environment and Transport be authorised to:
  - Obtain tenders for any works, goods and services as necessary, and appoint the successful tenderer on the basis of the most economically advantageous tender;
  - Adopt the Highways Maintenance Efficiency Programme (HMEP) principle of collaboration and utilise collaborative procurement to engage external consultants to undertake work which cannot be undertaken in-house or secure the services of contractors or consultants via Regional Alliances where available;
  - Appoint other external consultants and contractors as appropriate, within the current procurement rules; and
- (iv) that, in the event that the Street Lighting Replacement Programme budget for 2019/20 are not fully expended, the value of any other works be re-phased into the 2020-21 financial year, which allows the flexibility to ensure that the available resources are deployed in the most efficient manner possible, whilst maintaining the continuity of the Highways and Engineering Service.

#### **244. Launchpad Phase 2 (Cab.20.3.2019/16)**

##### **RESOLVED:-**

- (i) that the Executive Director Place be authorised to approve contracts to enter into a funding agreement with the Ministry of Homes, Communities and Local Government (MHCLG) to implement the Launchpad Phase 2 project;
- (ii) that approval be given for the Service Director Finance to amend revenue budgets in accordance with the financial implications and Appendix A of the report submitted;
- (iii) that the Executive Director Place be authorised in consultation with the Executive Director Core Services to contract with the programme partners at Sheffield, Rotherham, Doncaster and Bassetlaw Councils plus the Prince's Trust; and
- (iv) that approval be given for the Council to act as Accountable Body for Launchpad Phase 2.

#### **245. Strategic Growth Clusters - Update (Cab.20.3.2019/17)**

##### **RESOLVED:-**

- (i) that approval be given to accept grant funding from Sheffield City Region Investment Fund (SCRIF) totalling £1.171m to contribute towards the M1

Junction 37 – Economic Growth Corridor – Phase 1 scheme, previously approved in July 2018 (Cab.25.7.2018/14);

- (ii) that approval be given to the acceptance of grant funding from Sheffield City Region Investment Fund (SCRIF) totalling £7.324m and £0.352m from Highways England (total scheme approval of £7.676m) and releases the scheme into the Capital Programme to deliver the approved M1 Junction 36 – A6195 Dearne Valley Economic Growth Corridor (Phase 2 Goldthorpe) Business case, as outlined in Section 3.7 below and detailed in Appendix 2 of the report;
- (iii) that the Executive Director Core Services, in conjunction with the Executive Director Place be authorised to:
  - Negotiate the terms and conditions of, and final approval of the Combined Authority SCRIF Grant Funding Agreement, for the delivery of the infrastructure improvements set out in the appendices attached to this report;
  - Conclude the approval and funding processes with Sheffield City Region Combined Authority (SCR CA), accept tenders, appoint where necessary a contractor to implement the delivery of the scheme, subject to the costs being contained within the Grant Funding Agreement;
  - Where necessary, apply for any necessary consents, licence arrangements, prepare details of and publish a Side Roads Order under Sections 14 and 125 of the Highways Act 1980 to deal with any required changes to the existing highway network to accommodate the scheme, to submit the order to the Secretary of State for Transport for confirmation and to take all necessary steps to secure confirmation of the Order including (if necessary) supporting the order at a local public inquiry;
- (iv) that the Corporate Asset Manager be authorised to:
  - Negotiate the terms and conditions of any development agreements required with relevant private developer(s) in order to minimise the financial risks to the Council;
  - Where necessary, that the Corporate Asset Manager be authorised to enter into negotiations with any private land owner(s) to acquire privately owned land or property and enter into agreements to occupy land not in the ownership of the local authority. Also to complete any variation to any existing leases on the occupation of land owned by the local authority and where necessary negotiate compensation payments;
- (v) that the Service Director Regeneration and Property be authorised to:
  - Develop and submit full business cases for the Strategic Growth Clusters in respect of the schemes detailed in the appendices to the report;

- Submit change variation requests to SCR CA in relation to the schemes where necessary to retain external grant funding secured, whilst ensuring that the overall aims and objectives of the scheme are achieved;
  - Under the terms of the Barnsley Contract Procedure Rules, if necessary, seek tenders for any aspect of the project and appoint the successful tender on the basis of most economically advantageous bid; and to consider whether the works, services or goods can be provided in-house, subject to value for money considerations;
  - In accordance with paragraph 2.3 (b)(i) of the Council's Contract Procedure Rules (In-House Providers), the Business Park service contract be awarded to NPS Barnsley, under the Joint Venture Service Level Agreement to provide check and challenge on any private sector work packages involved in delivering the Strategic Business Parks;
  - Make use of the Council's Land Solve Framework (managed by NPS Barnsley) to appoint if necessary land brokers or land advisors to support the delivery of the projects outlined in Appendices 1, 2, 3 and 4;
- (vi) that the progress made delivering the M1 Junction 36 – A6195 Dearne Valley Economic Growth Corridor (Phase 1 Hoyland), as outlined in Section 3.8 below and detailed in Appendix 3 be noted, and authorisation be given to continue development and progression of the scheme to ensure all external grant funding be secured, whilst ensuring that the overall aims and objectives of the scheme are achieved;
- (vii) that the continued development and progression, and submission of the M1 Junction 37 – Phase 2 (Claycliffe) full business case be authorised to Sheffield City Region for appraisal, as outlined in Section 3.9 and detailed be Appendix 4;
- (viii) that the Executive Director Place be authorised to undertake all necessary steps to secure delivery of the projects outlined in Appendices 1, 2, 3 and 4; and
- (ix) that the Service Director Environment and Transport in consultation with the Service Director Regeneration and Property be authorised to seek any necessary planning permission, (outline or full) for the proposed schemes in relation to the projects detailed in Appendices 1, 2, 3 and 4.

#### 246. 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> |
|--------------------|---|
| 247                | Paragraph 3                                       |

## People (Safeguarding) Spokesperson

### 247. Older People's Residential and Nursing Care Fees (Agreed Cost of Care) (Cab.20.3.2019/19)

#### RESOLVED:-

- (i) that the current position regarding the state of the Residential and Nursing care market for Older People across Barnsley, as detailed in Appendix B to the report, be noted;
- (ii) that the exercise/consultation undertaken to determine the 'cost of care' and considered the concerns/representations made by care providers be noted;
- (iii) that approval be given to the uplift in fees to the determined cost of care or fair fee level and for this to be implemented over 3 years (2018/19, 2019/20 and 2020/21) in accordance with the recommended option indicated in paragraphs 7.9 and 7.10 of the report; and
- (iv) that the benefits of ongoing partnership work with Barnsley CCG in developing a fee setting and uplift agreement for Older People's Residential and Nursing Care Homes be recognised.

(Note: In view of the need to conclude all necessary agreements in the above matter by 1<sup>st</sup> April 2019, the Chair of the Overview and Scrutiny Committee has agreed to waive the delay in implementation associated with the Call-In procedures.)

#### CHAIR'S COMMENT

The Leader informed Members this would be Ian Turner's last Cabinet meeting and thanked him for his many years of service and dedication to the Council, the Councillors and the people of Barnsley.

On behalf of the Council, the Leader wished Ian well in all his future endeavours.

.....  
Chair

# Item 28



|                 |                                    |
|-----------------|------------------------------------|
| <b>MEETING:</b> | Cabinet                            |
| <b>DATE:</b>    | Monday, 1 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, Howard, Miller and Platts

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

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

There were no declarations of pecuniary or non-pecuniary interests.

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

The Leader reported that no decisions from the previous meeting held on 20<sup>th</sup> March, 2019 had been called in.

### 250. Minutes of the previous meeting held on 20th March, 2019 (Cab.1.4.2019/3)

The minutes of the meeting held on 20<sup>th</sup> March, 2019 were taken as read and signed by the Chair as a correct record.

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

The Record of Decisions taken by Cabinet Spokespersons under delegated powers during the week ending 22<sup>nd</sup> March, 2019 were noted.

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

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

### Deputy Leader

### 253. The 2018 Director of Public Health Annual Report (Cab.1.4.2019/6)

**RESOLVED** that the contents of the Director of Public Health's Annual Report for 2018, as detailed in the report now submitted, be noted.

### Communities Spokesperson

### 254. Stop Smoking Service Business Case (Cab.1.4.2019/7)

#### RESOLVED:-

- (i) that approval be given to option 3 of the Stop Smoking Business Case (as detailed in Section 7 of the appendix to the report submitted) which involves a

revision of the current specification with a strong focus on secondary care including midwifery and integration;

- (ii) that officers within BMBC be authorised to approach the market to inform the procurement of a Specialist Stop Smoking Service from 1<sup>st</sup> November, 2019; and
- (iii) that the Director of Public Health and Executive Director Communities be authorised to have delegated authority to award the contract for the Specialist Stop Smoking Service following a competitive process.

**255. Digital First - Enabling Technology (Cab.1.4.2019/8)**

**RESOLVED:-**

- (i) that funding be approved as part of the Digital First programme to fund the work packages detailed within the report and accompany business case submitted; and
- (ii) that the procurement of a Third Party Supplier be undertaken following approval using public sector framework agreements to ensure the project delivery timescales are met.

.....  
Chair

# Item 29



|                 |                                    |
|-----------------|------------------------------------|
| <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

# Item 33

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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of the Local Government Act 1972.

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