

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"> • Are all levels of the community targeted and able to respond, including those without internet access • 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? • Disappointed that individual responses will not be made 	<p>The consultation has been carried out in line with the Town and Country Planning (Local Plans) Regulations, 2012.</p>

<p>available, only a summary</p> <ul style="list-style-type: none"> • Is this consultation consistent with the Council's Statement of Community Involvement (SCI) which has been challenged in the past? • Issues with navigating consultation software and no 'save draft' function. • Amount of documentation to read • 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. 	
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<p>ADVERTISEMENTS SPD This is an update of the 2012 SPD and gives advice on appropriate advertisements and when consent is required. Key changes from previous version: The policy context has been updated and some amendments have been made in respect of heritage. Key changes made as a result of comments: None</p>	
<p>NUMBER OF COMMENTS: 2</p>	
<p>MAIN ISSUES RAISED</p>	<p>HOW THE ISSUES HAVE BEEN ADDRESSED</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>

AFFORDABLE HOUSING SPD

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.

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.

Key changes made as a result of comments:

Remove reference to 'outline planning permission' in paragraph 5.1.

Amend paragraph 13.5 Amend to state: 'Open Market Value – Transfer Values - the agreed developer profit = commuted sum'

NUMBER OF COMMENTS: 8**MAIN ISSUES RAISED**

General support from a neighbouring authority.

Queries the meaning of Paragraph 2.8 " or significantly prejudice the ability to meet the identified affordable housing needs of specific groups."

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?

Queries where are the savings expected to come from in paragraph

HOW THE ISSUES HAVE BEEN ADDRESSED

Support welcomed.

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.

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.

7.2 – BMBC maintain that affordable housing should be indistinguishable from market housing. Developers should not be

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

<p>approach but it will be for the developer and RSL to agree a rate post approval that has regard to the content of the approval. Quite often, many aspects will not be fully known at the time an application is submitted. Suggests reference to transfer values are removed from the list at paragraph5.2.</p>	<p>Paragraph14.1 – this is a statement based on evidence from 2017 and 2018, and paragraph14.2 follows with ‘the indicative transfer values below are a starting point for negotiations...’, as such it is considered reasonable to include this figure.</p>
<p>Paragraph5.3 is generally supported however it is requested that the words ‘maximum’ to be removed. It is considered that the use of such working limits the opportunity to present a case for higher return reflective of higher risk sites, e.g an ex gas works site, heavily contaminated land with upfront remediation/infrastructure costs. In such cases the Council should only be able to recover ‘reasonable’ costs.</p>	<p>As above, with regards to the allowance of 20% developer profit, this is taken from Para: 018 Ref ID: 10-018-20180724 of the National Planning Practice Guidance (NPPG) and is considered a suitable return for developers.</p>
<p>Paragraph7.3 comment refers back to points made on Design of Housing Development in reference to space standards.</p> <p>Section 4 External Space Standards Welcomes a standardised approach to garden sizes set out at sub point 6, it is considered that this should include the total size of all front/rear/side garden spaces to take into account some physical restrictions on some application sites. It is also considered that 50m2 (for 2 bedrooms houses/bungalows) and 60m2 (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>Section 5 Internal Spacing Standards Paragraph5.1 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.

<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"> • marketing costs • reasonable financial incentives such as deposit and or SDLT paid or allowed, mortgage subsidy, cash back or allowance towards purchaser's legal fees • properly incurred costs associated with part exchange; and or • cost of extra items / enhanced specification such as appliances over and above standard build specification provided as a sales incentive. 	<p>Amend to state: <u>'Open Market Value – Transfer Values - the agreed developer profit = commuted sum'</u></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.

Paragraph 16.1 Welcomes the acceptance of the VBC as a principle.	Support welcomed.		
<p>Table 1: Affordable Housing – Tenure Split</p> <p>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.</p> <p>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>	Table 1 whilst it was considered that the table was clear, agree to amend the table as follows:		
	Local Plan Policy Requirement	Affordable Housing Tenure Split	
Penistone, Dodworth and Rural West	30%	20% 67% affordable homes for rent	
		40% 33% affordable home ownership	
Darton and Barugh	20%	40% 50% affordable homes for rent	
		40% 50% affordable home ownership	
Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East	10%	8% 80% affordable homes for rent	
		2% 20% affordable home ownership	

<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 '<u>The Council will review Table 1 following the publication of the updated SHMA</u>'.</p>
<p>Paragraphs 2.9 and 2.10 simply repeat the definitions as per the NPPF –suggest that this is removed and replaced by a reference to the definitions within the latest NPPF as opposed to this repetition.</p>	<p>Paras 2.9 and 2.10 – it is considered that this makes the document more user friendly for readers who are not familiar with the content of the NPPF and should therefore remain.</p>
<p>Support for the Councils comments at Paragraph 5.3 with regards to suitable developer profits.</p>	<p>Support welcomed.</p>

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

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

BARN CONVERSIONS SPD	
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. Key changes from previous version: The policy context has been updated. Some updates have been made in respect of biodiversity and heritage. Key changes made as a result of comments: 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.	
NUMBER OF COMMENTS: 5	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
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 ' may will not be conditioned'

material consideration which must be conducted prior to planning determination.	
Paragraph 5.1 change reference to Habitats Regulations 2017 (as amended)	Accept proposed change.
Paragraph 5.3 encouraged by inclusion for provision of barn owls in all builds but suggests provision for bats should also be included. Furthermore, as well as consideration of features (boxes/access) present, sensitive lighting must be utilised to ensure features installed are useable for their intended function (i.e. protect entry/emergence points and foraging/commuting lines – see BCT Guidance Note, 2018)	Provision for bats is already included, however agree to add the following sentence: <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>
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.
<p>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.</p> <p>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.</p>	<p>Agree with some of this but other parts are covered by Local Plan policy BIO1. Suggest:</p> <ul style="list-style-type: none"> • Add new sentence after ‘.....(as amended).’ To read: <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> <p>The second paragraph will be covered by the ecology report with the planning application so no further action is needed.</p>

<p>Requests that the SPD is amended to include reference to flood risk as barns converted to a use more vulnerable to flood risk, including residential, are required to demonstrate through a Flood Risk Assessment (FRA) that the development is not at unacceptable flood risk. If this cannot be demonstrated the conversion is not appropriate and should not be granted planning permission.</p> <p>Please see the Planning Practice Guidance on Flood Risk and Coastal Change: 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.</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: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</p>	<p>Accept the proposed changes. Text to be added.</p>
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<p>BIODIVERSITY AND GEOLOGICAL CONSERVATION SPD 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. Key changes made as a result of comments: Various changes relating to terminology, particularly in relation to geology. List of document links to be updated.</p>	
<p>NUMBER OF COMMENTS: 12</p>	
<p>MAIN ISSUES RAISED</p>	<p>HOW THE ISSUES HAVE BEEN ADDRESSED</p>
<p>General support from a neighbouring authority</p>	<p>Support welcomed.</p>

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

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

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

<p>area, particularly coal, clay, ironstone, sandstone and roofing flags.</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 geology giving rise to a range of 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 with coal seams some 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.</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 geological features geodiversity of the borough by:</p> <ul style="list-style-type: none"> • Protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to 	<p>This is the policy in the adopted Local Plan which and cannot be amended in the SPD. Paragraph numbers were included in the draft document in error.</p>

<p>designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified via Section 41 of the Natural Environment & 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"> • 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; • Development which may harm a biodiversity or geological geodiversity- 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). • 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 and geodiversity interest; • Protecting ancient and veteran trees where identified; • Encouraging provision of biodiversity and geodiversity enhancements. 	
<p>Paragraph 3.9 Green Spaces are green open areas which are valuable for amenity, recreation, wildlife, or biodiversity or geodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches, roadside margins, footpaths, bridleways, trails, tracks and parks</p>	<p>This is the policy in the adopted Local Plan which and cannot be amended in the SPD. Paragraph numbers were included in the draft document in error.</p>

<p>Paragraph 3.19 Barnsley does not as yet have a Geodiversity Action Plan, but relevant guidance is available in West Yorkshire Geological Action Plan: A consultative Document, March 2008 published by the West Yorkshire Geological Trust (www.wyorksgeologytrust.org). A geological action plan for Rotherham is at present being written (see http://www.sagt.org.uk).</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 "<u>Barnsley does not as yet have a Geodiversity Action Plan, but one will be prepared in due course.</u>"</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"> • to preserve the geological/geomorphological integrity of the site; • to preserve its visibility and availability for future 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; • where possible seek to provide new opportunities for geological studies and enhance existing ones. 	<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"> <input type="checkbox"/> conservation, restoration and enhancement of <i>priority habitats</i> and 	<p>Issue of net gain and how measured to be picked up in Local Plan review when nationally agreed metrics may be available.</p>

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

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

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

<p>Scientific Interest and which is likely to have an adverse effect on it ... should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI. (NPPF 175b)</p> <ul style="list-style-type: none"> the Revised NPPF strengthens the protection given to ancient woodland and aged or veteran trees 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). <p>This goes beyond the existing Local Plan policy: <i>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.</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>4.3 We support the statements in 4.3 on mitigation plans. Again a reference at some point as to examples of such mitigation would be of use to readers.</p> <p>The maintenance plan for existing features and for those provided</p>	<p>No change proposed as there would be duplication with Local Plan policy BIO1</p> <p>No change proposed as it is not considered this add anything beyond Local Plan</p> <p>No change proposed as consider that more detail blurs the message of what the SPD is trying to achieve.</p>
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through mitigation or enhancement / compensation is - as stated - necessary. In line with the SPD for Open Space Provision in New Housing Developments the period that it covers should be for a minimum of *15 years* rather than just five years. A statement about how retained or enhanced biodiversity features can and should be maintained in the long-term {in perpetuity} has been given as a requirement in another LPA's biodiversity SPD.

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

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

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

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

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

The SPD cannot change adopted local plan policy.

<p>either on or off site. [Local Plan 17.27]</p> <p>This warrants an extra paragraph in the main section of the SPD identifying that the LPA will</p> <ul style="list-style-type: none"> <input type="checkbox"/> expect developments to <ul style="list-style-type: none"> o conserve and enhance biodiversity and geological featured o maximise biodiversity and geodiversity opportunities. o provide a net gain in biodiversity <input type="checkbox"/> encourage and support developments <ul style="list-style-type: none"> o with the purpose of conserving or enhancing biodiversity o with inclusion of biodiversity improvements in and around developments. <p>Considers examples will be useful. Rather than just a mitigation plan a mitigation/enhancement plan is called for.</p> <p>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.</p> <p>We suggest that you include for example:</p> <p>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.’</p> <p>Suggests inclusion of a statement like:</p> <p>‘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.’</p> <p>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:</p> <p><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.

<p>https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications</p> <p>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.</p> <p>Should the following statements be included in the SPD?:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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: <input type="checkbox"/> 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. <input type="checkbox"/> Scoping surveys may be required and then more specific surveys for specific species. <input type="checkbox"/> 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. <p>Support the statement of policy in 4.5 which needs to be the subject of conditions and enforcement.</p> <p>At the end of this section an equivalent statement on biodiversity goals to that on geodiversity should be added, for example:</p> <p>‘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:</p> <ul style="list-style-type: none"> • 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 	<p>Consider that the links in policy BIO1 and the draft SPD are adequate therefore no change proposed.</p> <p>Support welcomed no change</p> <p>Consider that biodiversity already adequately covered by BIO1. Suggest amending 4.9 thus: <i>‘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:’</i></p>
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improve.

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

<p>Nature Improvement Area</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><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></p> <p><u>And add to references in section 5 with new bullet thus:</u></p> <ul style="list-style-type: none"> • <u>Environment Agency – Humber River Basin District Management Plan</u> <u>https://www.gov.uk/government/publications/humber-river-basin-district-river-basin-management-plan</u>
<p>4.15 While bird and bat boxes are beneficial, we would not constitute them as 'significant' benefits alone. There may be a risk that as written developers interpret the SPD to be saying that the installation of bird and bat boxes in isolation will provide significant benefits. Depending</p>	<p>Agree suggest remove last bullet in 4.15.</p>

<p>on the site there may be measures other than bat/bird boxes which would prove more beneficial to biodiversity enhancement.</p>	
<p>4.17 We feel the language in this paragraph could be more positive. Instead of ‘such sites will be encouraged to provide connectivity . . .’ this could read ‘such sites will be expected to provide connectivity . . .’ This still leaves room for applicant’s to demonstrate to the LPA that they cannot reasonably achieve connectivity throughout the site. We consider ‘it is recommended’ should be removed from the last sentence and it should read ‘Such schemes should be included in master-planning . .</p>	<p>Agree to proposed wording.</p> <p>This is wording in the adopted Local Plan which cannot be changed in the SPD.</p>
<p>Appendix C 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"> - http://www.ciria.com/suds/ - http://www.tdag.org.uk/treesin-the-townscape.html 	<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"> • S2.5 swap www.barnsleybiodiversity.org.uk for

<ul style="list-style-type: none"> - http://www.tcpa.org.uk/pages/biodiversity-by-design.html - 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 - www.butterflyconservation.org - http://www.buglife.org.uk/Resources/Buglife/Documents/Riverflies%20inners%20lr5.pdf 	<ul style="list-style-type: none"> • 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/ 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 • 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 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 for https://www.tcpa.org.uk/fact-sheet-green-infrastructure-and-biodiversity • p18 swap 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 www.naturalengland.org.uk for https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution</p> <ul style="list-style-type: none"> • P19 swap http://www.buglife.org.uk/Resources/Buglife/Documents/Riverflies%20inners%20lr5.pdf for https://www.buglife.org.uk/sites/default/files/Ponds_web_0.pdf • P19 swap www.gardenforlife.org.uk/ for http://downloads.gigl.org.uk/website/Wildlife%20Gardening%20OPack.pdf • P19 swap http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1084076653&type=RESOURCES for http://www.businessandbiodiversity.org/action_company_bap.html • P40 swap University of Northamptonshire for https://www.northampton.ac.uk/
<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"> • 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) • The NIA area requirements and examples originally set out in the PAN apply to the whole of Barnsley don't they? <p>The rationale for biodiversity enhancements in the DVGH NIA PAN was well considered and worded and should be included in this document. Although the NIA document originally applied to the NIA area. The</p>	<p>Consider the wording needs to come up to date for the SPD, no change.</p> <p>It is considered that there is a need to ensure that the NIA has a slightly higher standard, therefore no change.</p>

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

<ul style="list-style-type: none"> • 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. • Suggests this section also needs some rewording. The SPD as a whole applies to all developments. Minor developments may still contribute to ecological improvements • 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. • 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. 	
<p>4.15 Why is this limited to woodland and wet woodland habitats? This should say priority habitats as defined by Natural England or Priority habitats as defined in the Barnsley Bap including scrub. These habitats should be selected to augment/complement the local biodiversity corridor in the immediate area.</p>	<p>4.15 says '<u>could</u> include' therefore not limited. No change proposed.</p>
<p>The addition of Bird and bat boxes may be very attractive to developers but not necessarily helpful to wildlife. This could say specialist bird boxes for target species in the Local BAP ie willow tit and Swift, and bat boxes.</p>	<p>Agree suggest remove last bullet in 4.15.</p>
<p><u>Section 106 spend</u></p> <p>This is well considered and worded in the original <u>Dearne Valley Green Heart PAN</u> and should be added to this document.</p>	<p>The Draft Dearne Valley Green Heart PAN was produced circa 2015, therefore wording has been brought up to date for this new SPD.</p> <p>Comment noted, however not an issue for the SPD therefore no</p>

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

<p>available, including photography and sampling, before the loss of/damage to the feature occurs. Information obtained in this way, by the cooperation of the developer, will be shared freely with the local museum service and other publicly-owned stakeholders</p>	
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<p>DESIGN OF HOUSING DEVELOPMENT SPD This is an update of the 2012 SPD and gives advice on appropriate design of residential developments. Key changes from previous version: 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. Changes made as a result of comments: Change to text regarding internal space standards</p>	
<p>NUMBER OF COMMENTS: 16</p>	
<p>MAIN ISSUES RAISED</p>	<p>HOW THE ISSUES HAVE BEEN ADDRESSED</p>
<p>Support from a neighbouring authority</p>	<p>Support welcomed</p>
<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"> • 10.3 "<i>We expect residential developments to incorporate access for buses where reasonable and practical.</i>" • 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>" 	<p>The following text will be reinstated:</p> <p><u>"We expect residential developments to incorporate access for buses where reasonable and practical."</u> This will be inserted as a final (solid) bullet point of section 10.2</p> <p><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> This will be inserted as section 16.3.</p>

<p>HMO issues:</p> <ul style="list-style-type: none"> • Strong support for controlling the number of HMO's in an area. • 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. • 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. <p>Supports section 26. Suggests the following amendments:</p> <ul style="list-style-type: none"> • 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 • 26.4 Flatted properties should be considered multiple dwellings, particularly in instances where a larger existing property has been subdivided to create flats (as this strategy has been used by developers to facilitate HMO creation below the threshold requiring planning consent). It would also be prudent to include protective clauses/conditions to prevent later HMO creation under permitted development of flats which have been formed out of an existing larger dwelling. • 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. • Pleased to see the adoption of some control on the 	<ul style="list-style-type: none"> • Support welcomed. • 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. • Comment noted, goes beyond what the SPD can do, therefore no change. (last bullet) • 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.
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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"> • 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. • 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. • 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. 	
<p>Better cross referencing with the Biodiversity SPD is required, the only cross reference I could see at the moment is in relation to trees and</p>	<p>There is already a sentence cross referencing to Trees and Hedgerows and Biodiversity and Geodiversity SPD's. No change</p>

<p>hedgerows. A general reference to the retention and incorporation of biodiversity features is required (a cross reference to Appendix C of the Biodiversity SPD would be well placed in this respect). Specific references to biodiversity as a component of landscape and urban design should be included and cross references made to the Biodiversity SPD.</p>	<p>proposed.</p>
<p>The document is well considered and directed in the best interests of maintaining and creating a good environment for existing residents and to ensure that the town appeals to newcomers. Particularly supports: Section 7 Protection of Existing Larger Dwellings; Designing out Crime and Conversions of buildings to residential accommodation</p>	<p>Support welcomed.</p>
<p>Take into consideration the existing homes when building new estates.</p>	<p>Regarding taking into consideration existing homes when building new estates:</p> <p>The SPD contains the same text as previous version in section:</p> <p><i>3. Relationship with existing dwellings and space between proposed dwellings. (The three paragraphs here cover the topics of privacy, light and outlook.)</i></p> <p>The SPD also contains three new areas of text addressing this issue, (the new text is shown in bold), in sections:</p> <p><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></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. Where housing abuts the edge of settlements, the back-to-back dimension towards existing</i></p>

	<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>7. Protection of existing larger dwellings 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. 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.</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 & 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 (as shown in bold):</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>

<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. 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.</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>7. Protection of existing larger dwellings 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. 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.</p> <p>This additional text provides additional protection for existing larger dwellings.</p> <p>In relation to the health and wellbeing of existing residents in section 8, we will reword 8.1 to read:</p> <p>8.1 <i>"If considered at an early stage of design there are opportunities for developers to improve the health and wellbeing of new and existing residents."</i></p>
<p>Welcomes a standardised approach to garden sizes set out at sub</p>	<p>We do not consider 50m2 (for two bedroom houses/ bungalows) and</p>

<p>point 6 of section 4, it is considered that this should include the total size of all front/rear/side garden spaces to take into account some physical restrictions on some application sites.</p> <p>It is also considered that 50m² (for 2 bedrooms houses/bungalows) and 60m² (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>60m² (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"> 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 	<p>The South Yorkshire Residential Design Guide was adopted by the four South Yorkshire authorities as best practice based on an objective assessment of the minimum spacing standards necessary to ensure that occupants of new residential units benefitted from sufficient levels of amenity. The spacing standards identified within the guide are less onerous than the Nationally Described Spacing Standards. These national standards were introduced while the Local Plan was being prepared and the Council took the view that adopting</p>

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

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

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

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

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

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

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

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

<p>Paragraph 11.3 Notes the Council's approach to continuous strips of front of dwelling parking (no more than 4 parking spaces in a row) and the requirement for a 50:50 hard/soft landscaping at the front of dwellings. Requests that the Council does not adopt a strict 50:50 balance, as considers adopting such a standard may have an impact on the overall layout and therefore impact on the dwelling numbers on the site, this would impact on the overall density (dwellings per hectare) achievable. When considered alongside the holistic impact that the Draft SPD's would have on viability matters, potentially this would render a significant number of sites unviable.</p>	<p>Paragraph 11.3 states, (extra emphasis here in bold), '<i>Continuous strips of front of dwelling parking are not acceptable. The starting point 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 starting point 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: <u>"Sport England has produced guidance showing how to promote 'active lifestyles' in the design and layout of housing"</u></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.”**

FINANCIAL CONTRIBUTIONS TO SCHOOLS SPD	
<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>Key changes from previous version: 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>Key changes made as a result of comments: 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>	
NUMBER OF COMMENTS: 7	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
General support from a neighbouring authority.	Support welcomed.
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.	Comment noted. No change made as a result of this comment.
<p>Viability:</p> <ul style="list-style-type: none"> 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 (Paragraph003 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 	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.

was based on BCIS costs).

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

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

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

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

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

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

<p>third of the £5k per dwelling allowed for in the high level viability work. Paragraph 3.2 notes that the Council has referred to the Government's recommended figures and for both primary schools and secondary schools in Barnsley, the average cost rounded down per place is £16,000. Through the draft SPD they are requesting that where both primary and secondary school places are needed, contributions of £16,000 must be made for primary places and £16,000 for each secondary place. Using the same example as in the Viability Study, we have calculated that the cost would equate to £5,760 per dwelling which is clearly well in excess of the benchmark figure of £5k per dwelling for all S106 contributions set out within the high level 2016 Local Plan Viability Work. Within this context, we consider that the higher level of contribution requested through the draft SPD is unreasonable, and it is not appropriate to introduce this change in approach without reassessing the evidence base that supported the Local Plan.</p> <ul style="list-style-type: none"> • 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. • 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. 	
<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 20th February seeking authority to consult on the suite of SPD's, made a recommendation not to implement CIL, following the Government's review of CIL and its proposed lifting of pooling restrictions.</p>

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

<p>period. The text needs to be amended to relate the development to the situation at the time. This will only be required if it directly relates to the development and is fairly and reasonably related in scale and kind.</p> <ul style="list-style-type: none"> 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). 	
<p>Considers that the wording needs to be amended in order to ensure that the SPD can be considered sound in respect of the guidance presented within Paragraphs 54 and 56 of the NPPF.</p>	<p>Text regarding assessment of school places to be carried out across the plan period and taking account of other sites on the housing trajectory to be deleted. It is therefore considered that with this proposed change, the SPD is in line with paragraphs 54 and 56 of the NPPF 2019 which read:</p> <p><i>54. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.</i></p>

	<p>56. <i>Planning obligations must only be sought where they meet all of the following Tests</i></p> <p><i>a) necessary to make the development acceptable in planning terms;</i></p> <p><i>b) directly related to the development; and</i></p> <p><i>c) fairly and reasonably related in scale and kind to the development.</i></p>
<p>Issues raised with seeking contributions for condition of schools:</p> <ul style="list-style-type: none"> • 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. • 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. • 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 there is no direct relationship between the two. This requirement would therefore fail the relevant CIL tests for requiring Planning Obligations. • 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 	<p>Local Plan policy I1 states that “<i>Development must be supported by appropriate physical, social, economic and communications infrastructure</i>”</p> <p>The supplementary text to Policy I1 says: <i>It is important to ensure that development is adequately supported by appropriate infrastructure, whether existing or new. New development should not overburden existing infrastructure. Where new development creates a need for new or improved infrastructure, developer contributions will be sought to make the development acceptable in planning terms. In some cases the cumulative impact of applications may be considered when assessing infrastructure requirements. There is increasing recognition that the community can benefit through the granting of planning permission. New development will create additional demands on existing infrastructure and where spare capacity may not exist, there will be a need for new infrastructure to ensure it functions satisfactorily.”</i></p> <p>Therefore the Council considers that the policy clearly apprehends that circumstances may arise where the condition of the existing infrastructure is such that it cannot be regarded as appropriate and requires improvement. On that basis it is not unreasonable to cover this point in this SPD.</p> <p>This payment would not be sought where the developer is expected to cover the cost of providing new school places. It only applies where there are sufficient places available in the local school but the school required</p>

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

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

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

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

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

<ul style="list-style-type: none"> Paragraph 6.1 – It is unclear who determines when an application is ‘clearly’ within the setting of a designated heritage asset. For Historic Parks and Gardens, for example, a development that is a considerable distance from the designated landscape itself may impact upon its significance and, therefore, be within its setting - something which many applicants may not fully appreciate. Therefore it might be advisable to amend Paragraph 6.2 along the following lines:- <i>“... will ensure that any heritage assets or their setting that are likely to be affected by the proposed development are identified at the earliest stage”</i> 	<p>Suggested changes accepted. SPD will be amended accordingly.</p>
<ul style="list-style-type: none"> Paragraph 7.1 - It should be made clear that, if the building or site was of very high significance, a minor change could still require significant amounts of information. It is suggested, therefore, that the following is added to the end of the Paragraph:- <i>“However, it should be borne in mind that a minor alteration could potentially require a more detailed assessment where it is likely to affect an asset of the highest importance”</i> 	<p>Suggested changes accepted. SPD will be amended accordingly.</p>
<ul style="list-style-type: none"> 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> 	<p>Suggested changes accepted. SPD will be amended accordingly.</p>
<ul style="list-style-type: none"> 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. 	<p>Suggested changes accepted. SPD will be amended accordingly.</p>

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

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

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

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

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

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

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

Planning Advice Note: Hot Food Takeaway

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

BMBC can provide definitions (linked to unhealthy food)

<p><i>this provision.”</i></p> <p>2.6 There is a lack of evidence to demonstrate the link between fast food, school proximity and obesity. Confirm this at Appendix A to this objection.</p>	<p>Government Office for Science, The Foresight Report (2007) The evidence is very clear that policies aimed solely at individuals will be inadequate and that simply increasing the number or type of small scale interventions will not be sufficient to reverse this trend. Significant effective action to prevent obesity at a population level is required.</p> <p>PHE, LGA 2017 Key findings from published evidence A1.1 Links between the food and drink environment and consumption patterns</p> <ul style="list-style-type: none"> • One fifth of children eat food from out of home food outlets at least once a week. • Meals and snacks eaten outside the home are often high in calories, salt, and fat. • 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. • 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. • 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. • 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.
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<p>2.7 A systematic review of the existing evidence base by Oxford University (December 2013), funded by the NHS and the British Heart Foundation '<i>did not find strong evidence at this time to justify policies related to regulating the food environments around schools.</i>' It instead highlighted the need to '<i>develop a higher quality evidence base</i>'.¹</p> <p>2.8 This lack of evidence has been confirmed in a number of planning decisions. For example, in South Ribble the Planning Inspectorate raised</p>	<p>A1.2 The Out of date research PHE, LGA & Chartered Institute for Environmental Health (2014)</p> <p><i>Healthy people, healthy places briefing</i> <i>Obesity and the environment: regulating the growth of fast food outlets.</i></p> <p>Environmental, behavioural and cultural Factors all impact on obesity levels.</p> <p>Out of date research PHE, LGA & Chartered Institute for Environmental Health (2014)</p> <p><i>Healthy people, healthy places briefing</i> <i>Obesity and the environment: regulating the growth of fast food outlets.</i></p> <p>Environmental, behavioural and cultural Factors all impact on obesity levels.</p> <p>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</p>
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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'*.²

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.³

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."*⁴ 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'*.⁵

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

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.

proposed policy sound.

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.

Respondent sets out how they consider they have made major steps in recent years to expand the range of healthy offerings, and has:

- Added porridge, salads, grilled chicken wraps, carrot sticks, fruit bags, orange juice, mineral water, and organic milk to its menu
- Completely removed hydrogenated trans-fats from its menu
- Reduced salt in Chicken nuggets by 36%, and fries by a quarter since 2003
- Reduced fat in its milkshakes by 34% per serving since 2010
- Reduced fat in its deli rolls by 42% since 2011

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.

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.

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

BMBC propose to add a health impact assessment to the planning application process in order to implement restrictions

The nutritional information i.e. kcal labelled on the respondents website regarding the salad does not include the dressing.

108kcal per portion, diet and zero coke are both 1 kcal per portion, therefore orange juice is not a healthier option.

Contain more than the daily recommended amount of sugar for children and adults

<https://www.bhf.org.uk/information-support/support/healthy-living/healthy-eating/sugar>

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>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.'*⁶

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

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

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

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

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

HOT FOOD TAKEAWAYS SPD

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

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

<p>An additional Planning Advice Note has been prepared to deal with the health implications and public health aspirations for dealing with Hot food takeaways.</p> <p>Key changes from previous version: 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>Key changes made as a result of comments: None</p>	
NUMBER OF COMMENTS: 1	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
Support from neighbouring local authority.	Support welcomed.

<p>HOUSE EXTENSIONS AND OTHER DOMESTIC ALTERATIONS SPD</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. Key changes from previous version: The policy context has been updated.</p> <p>Key changes made as a result of comments: Add text from barn conversions SPD. Add text regarding flood risk</p>	
NUMBER OF COMMENTS: 4	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
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: https://www.gov.uk/guidance/flood-risk-assessment-	

<p>for-planning-applications. 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: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</p>	
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<p>LAWFUL DEVELOPMENT CERTIFICATE PAN 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. No key changes from previous version Key changes made as a result of comments: None</p>	
<p>NUMBER OF COMMENTS: 1</p>	
<p>MAIN ISSUES RAISED</p>	<p>HOW THE ISSUES HAVE BEEN ADDRESSED</p>
<p>General support from a neighbouring local authority.</p>	<p>Support welcomed.</p>

MORTAR MIXES FOR HISTORIC BUILDINGS PAN	
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. Key changes from previous version: The policy context has been updated. The technical information on appropriate mortar mix for historic buildings has been updated to reflect current best practice. Key changes made as a result of comments: None	
NUMBER OF COMMENTS: 1	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
General support from a neighbouring local authority.	Support welcomed.

OPEN SPACE PROVISION ON NEW HOUSING DEVELOPMENTS SPD	
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. Key changes from previous version: 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. Key changes made as a result of comments: None	
NUMBER OF COMMENTS: 10	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
8.2 - encourages the inclusion of aims to connect open space in new development to existing habitat networks and wildlife corridors. This can make reference to the Biodiversity SPD. Cross referencing to the Biodiversity SPD is required in the text of this SPD. 8.3 - encourages guidance on design and management practices to include things such as retention of trees and hedgerows, retention of other areas of ecological value (e.g. ponds, grassland) and incorporation of relaxed mowing regimes.	Comment noted. Many SPD's will be relevant to developments, it is not considered feasible to consistently cross reference to them all. No change proposed as a result of this comment.
Support from a neighbouring local authority.	Support welcomed.
There does not appear to be a provision for access for maintenance of	We would expect access for maintenance to be incorporated within

such a provision where not bounded on at least one side by a public right of way.	the design of the scheme.
Good to see natural and semi-natural greenspace included in this SPD.	Support welcomed.
<p>Maintenance of Open Space.</p> <ul style="list-style-type: none"> • 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). • 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? • Why is the future of open space the responsibility of the developer (which actually means it's the responsibility of the home-owner), when we still pay the same amount of council tax? Surely if home owners are to be responsible for maintaining the open space, they should be able to appoint a company they see fit to do so? Greenbelt have been thrown out of 	<p>Comments and concerns are noted. A Community Interest Company is still the preferred choice but SPD does not rule out other arrangements. There are pros and cons to each of these arrangements and the Council will consider these on a case by case basis.</p> <p>In respect of the definition of "reasonable costs", this is index linked and secured in the relevant Section 106 agreement.</p>

<p>Scotland for ripping home owners off, yet they are still able to continue this shocking scam in England. What is the councils plan to stop this?</p> <ul style="list-style-type: none"> • 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. 	
<p>Paragraph3.1 This sets out the definition of green spaces. It is questioned whether this relates to housing allocations.</p>	<p>Where a Local Plan housing allocation, or part of an allocation, currently functions as green space this has been taken into account in the housing site selection process. Retention of part of a site for green space, or compensation for its loss will be considered. No change to the SPD proposed.</p>

<ul style="list-style-type: none"> • 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. • 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 • 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. • 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. • Paragraph 7.6 Requests that that the Council delete the words "awkwardly shaped left over areas of land", as it is considered 	<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"> • 	
<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"> • 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. • 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 	<p>Paragraph 11.1 states "<i>it is important that open space is provided before a significant proportion of the site is completed and occupied</i>" The purpose of this text is to ensure that the residents that occupy the site before all phases are completed have access to green space. This point is considered reasonable, and does not preclude negotiations being made on a site by site basis. No change proposed.</p>

<p>Paragraph 12.1</p> <ul style="list-style-type: none"> • 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. • 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. 	<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:https://www.barnsley.gov.uk/media/4088/barnsleys-green-space-strategy-2016-update.pdf</p> <p>Policy GS1 of the Local Plan and supporting text also provides information. The term does not only refer to spaces which are shown as Green Space on the Local Plan Policies Map, but to any space fulfilling one of the green space functions. It does not only apply sites that are currently designated</p>
<p>Respondent appreciates the Council's efforts to try and provide a calculated method of compensation for the loss of open space at Paragraph 3.2, does not deem the method of calculating replacement open space in Paragraph 3.3 appropriate. This 'one size fits all' approach fails to account for what in particular has been lost – for example, the loss of an overgrown and unused recreation ground</p>	<p>The Council considers that providing a standard cost is helpful to provide certainty to developers. The cost is not considered unreasonable. It is also considered reasonable to include a maintenance cost as this will go towards maintaining the site that is to be improved using the financial contribution. Paragraph 3.3 of the SPD details how this is calculated, as follows:</p>

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

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

<p>In addition, no background is provided to the minimum 15% requirement for open space at Paragraph 4.1. The issues with this are four-fold: some locations potentially have an oversupply of open space, and therefore this requirement is not necessary in all circumstances; it is more than neighbouring authorities such as Wakefield who require only 10%; this requirement unnecessarily burdens smaller sites, such as those under 2 hectares; and it is not always viable to provide this amount of open space, or level of contributions.</p>	<p>The 15% figure originated from the UDP policy H6 and was in a previous version of the SPG. It is considered reasonable and therefore has been carried forward into the new SPD. It is not considered to over burden smaller sites. No change proposed.</p>															
<p>The Open Space Provision on New Housing Developments, should clearly set out the up to date evidence base as to how the Council have derived at the suggested policy requirements and prices for such matters as maintenance and management fees.</p>	<p>The costs in the SPD are based on the following costs from September 2018. It is not proposed to include these in the SPD:</p> <p>Cost of provision or enhancement</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>Total</td> <td></td> <td>£21,000</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>Maintenance</p> <p>Maintenance of mown grass and ornamental shrubs = 50p/m²</p> <p>Cost for 15 years maintenance = 50p x 10,000m² x 15 = £75,000</p> <p>Total cost</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	Total		£21,000
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														
Total		£21,000														

	£21,000 + £75,000 = £96,000 per hectare
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	
<ul style="list-style-type: none"> Objects to the wording of the requirement that school places and sustainable travel are non-negotiable. Considers it would be more appropriate to state this as a preference but to leave the negotiation flexible to reflect priorities at the time and not to shut the door on sites which may have other local priorities. Paragraph 4.2 confirms that the requirement for school places and sustainable travel are non-negotiable. Considers that this approach is not in the spirit of how planning obligations should be formulated. Reference is made to the NPPG at Paragraph: 010 (Ref ID: 23b/010/20190315 which explicitly confirms that planning obligations are negotiable and should provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Whilst the Council may have a 	

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

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

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

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

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

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

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

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

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

REMOVAL OF AGRICULTURAL OCCUPANCY CONDITIONS SPD	
This is an update of the 2012 SPD. It gives advice on information that should be submitted to support an application to remove agricultural occupancy conditions.	
Key changes from previous version: The policy context has been updated.	
Key changes made as a result of comments: None	
NUMBER OF COMMENTS: 1	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
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	
NUMBER OF COMMENTS: 4	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
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"> 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 	Concerns are noted. Figure 1.1 has been carried forward from the previous version of the SPD. The rule originated from recommendations in a Building Research Establishment (BRE) report. No changes are proposed to the SPD in response to this comment. However where a planning application is submitted, should the proposed layout give rise to concerns about how much daylight and sunlight would be received by properties throughout the year, a further assessment can be requested to address these concerns.

<ul style="list-style-type: none"> 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 	
<p>Considers that the title of this document should be revised to emphasise that this policy is relevant only to the siting of non-residential buildings in close proximity of residential buildings. Propose the title be amended to 'The Siting of Non-Residential Buildings and Residential Amenity'.</p>	<p>The title is considered appropriate, therefore no change.</p>

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

SUSTAINABLE TRAVEL SPD

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

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

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

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

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

General support from a neighbouring local authority.

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

Viability issues:

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

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

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

Compliance with CIL Tests:

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

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

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

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Evidence:

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

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

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

AIZ boundary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<p>TREES AND HEDGEROWS SPD This is an update of the 2012 SPD. It offers guidance on how to deal with existing trees and hedgerows on development sites. Key changes from previous version: 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. Key changes made as a result of comments: Text to be added related to netting of trees.</p>	
NUMBER OF COMMENTS: 7	
MAIN ISSUES RAISED	HOW THE ISSUES HAVE BEEN ADDRESSED
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: https://www.dailymail.co.uk/news/article-6820381/Conservationists-fight-housing-developers-wrap-plastic-mesh-trees-stop-birds.html	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> "
Suggests cross referencing to the Biodiversity SPD is required in the text of this SPD.	Comment noted, however we have not cross referenced to all relevant SPD's throughout the suite of documents.
The proposals for Site MU1 are at odds with Policy 3 (Paragraph 3.1).	Local Plan allocations have been considered through the Local Plan process. No change to this SPD proposed as a result of this comment
Existing hedgerows must be protected.	Comment noted. No change proposed to this SPD as a result of this comment.

<p>WALLS AND FENCES SPD</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>Key changes from previous version: The policy context has been updated and issues clarified in respect of where development affects a listed building and/or conservation area.</p> <p>Key changes made as a result of comments: Text relating to flood risk to be added</p>	
<p>NUMBER OF COMMENTS: 4</p>	
<p>MAIN ISSUES RAISED</p>	
<p>HOW THE ISSUES HAVE BEEN ADDRESSED</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: https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications 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><u>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 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></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: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</p>	<p><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></p> <p><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: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</u></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>