

BARNSELEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

**Report of the Executive
Director Place**

LAND DISPOSAL STEAD LANE / PARKSIDE RECREATION GROUND HOYLAND COMMON - OBJECTIONS RECEIVED TO PUBLIC NOTICE UNDER LOCAL GOVERNMENT ACT 1972, SECTION 123 (1) 2(A)

1. Purpose of Report

- 1.1 The purpose of this report is to invite Cabinet to consider the objections received to the proposal to dispose of an area of public open space known as the Stead Lane / Parkside Recreation Ground Hoyland Common Barnsley.
- 1.2 It is proposed that the majority of the land will, subject to obtaining planning permission, be used to provide a new sporting facility for the relocation of the Rockingham Sports Ground. This part of the disposal will be by way of a 25-year lease to the Forge Community Partnership.
- 1.3 It is also proposed that the freehold interest in a smaller, less significant part of the site, will be disposed of, to be used for highway purposes. The highway land will facilitate the construction of a new roundabout, which will form part of the new link road between the expanded Birdwell roundabout, Tankersley Lane and Sheffield Road to by-pass the crossroads at Hoyland Common. This proposal, unlike the one mentioned at 1.2 above, has the benefit of planning permission under reference 2020/0647

2. Recommendations

- 2.1 **Cabinet is invited to consider the objections received to its decision to dispose of the land known as the Stead Lane / Parkside Recreation Ground, for the relocation of the Rockingham Sports Ground, following statutory notification of the Council's intention to dispose of the land (ref: Cab.21.10.2020/13).**
- 2.2 **If Cabinet consider the objections received are sufficient to outweigh its initial decision to sell the land, then it will rescind the decision to dispose of the land by way of a long lease (ref: Cab.21.10.2020/13).**
- 2.3 **It is recommended that the freehold sale of the highway land should still proceed on the basis that it is of minimal impact to the continued existence of the open space.**
- 2.4 **If Cabinet consider that the objections do not outweigh the original decision then it is recommended that the Executive Director Place and the Service**

Director Legal be authorised to finalise the terms and complete the disposal of the land to Forge Community Partnership by way of a long lease and to Newlands Developments by way of a freehold disposal.

3. Introduction

- 3.1 As set out in the report approved by Cabinet on 21 October 2020, it is proposed to dispose of the land known as the Stead Lane / Parkside Recreation Ground Hoyland Common Barnsley.
- 3.2 Section 123(2A) Local Government Act 1972 states as follows “A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them”.
- 3.3 The site in question (Stead Lane/Parkside Recreation Ground, Hoyland Common) is a recreation ground, although it is not well maintained, and is therefore an open space as defined in statute.
- 3.4 Legal Services has advertised this proposed disposal in the Barnsley Chronicle on 2nd October 2020 and 9th October 2020 and on the Council's website and has received several objections from the public. The closing date for objections was 30th October 2020
- 3.5 As a result of the advertisement referred to at paragraphs 3.2 to 3.4 above four separate written objections were received by the Service Director Legal Services. All four were objecting to the proposed disposal and development on the grounds of the loss of public open space and the effect on wildlife. The main points of each objection are summarised in Appendix B, together with the Council's Legal and Estates Officers' responses to these points.

4. Proposal and Justification

- 4.1 The proposal to dispose of the land known as the Stead Lane / Parkside Recreation Ground is in line with the Council's Local Plan, which was adopted in January 2019 and the Hoyland West Masterplan Framework, which was approved at Cabinet on 23 September 2020 (Cab.23.9.2020/10), being approved for adoption at Full Council on 24 September 2020.
- 4.2 The Hoyland West masterplan framework was prepared and adopted to ensure that sites could be developed in a comprehensive manner taking into account cumulative infrastructure requirements. Looking at large allocations in this way, rather than a piecemeal fashion dictated by land ownerships, ensures that we can make the best use of sites and secure sustainable and inclusive growth reflecting each of our corporate priorities.
- 4.3 Planning consent has recently been granted for the creation of a distribution centre to be occupied by Hermes. The proposals by Hermes would see a £60m

investment in a new 363,000 square foot distribution centre built on the site, which will initially process 1.3 million parcels a day and increase the company's overall capacity to 3.8 million parcels a day. Proposals would look to future-proof the centre in preparation for future expected growth, further tiers would be added to the hub in coming years.

- 4.4 The Hermes scheme plan includes land in the Rockingham sports facility, which is currently run by Forge Community Partnership.
- 4.5 The Council and Newlands, together with Forge Community Partnership, has provisionally agreed a proposal such that the first phase removal of Forge Community Partnership from the Rockingham Site, will follow relaying of the pitches at Rockingham and the upgrading of the Stead Lane site for football and archery use. For a time, Forge will have the remainder of the Rockingham site together with use of the upgraded Stead Lane site by way of licence. The second phase removal and full surrender of the existing Rockingham Lease to Forge, will be on the basis of there being a replacement clubhouse facility built at the Stead Lane site and a new lease being granted.
- 4.6 In addition a smaller part of the site will be required for highway purposes. The highway land will facilitate the construction of a new roundabout, which will form part of the new link road between the expanded Birdwell roundabout, Tankersley Lane and Sheffield Road to by-pass the crossroads at Hoyland Common. The freehold interest in this land will be sold to Newlands Developments for a nominal consideration so that the new highway is constructed and they are able to implement their planning permission.
- 4.7 It is accepted that the proposed disposals and developments will result in the loss of an area of informal public open space / green space. Therefore Members must balance the loss of the public open space against the wider benefits of the proposal. In terms of mitigation, the land will be used for community benefit for open air organised sport and other community use.
- 4.8 A summary of each objection and the Council's considered response is set out for consideration by Local Members in "Appendix B" of this report.

5. Consideration of Alternative Approaches

- 5.1 The land could remain as an area of public open space, but this would see the loss of an updated sporting facility.
- 5.2 In addition leaving the Sports Ground in its current location will delay the development of the adjoining sites in line with their allocation within the Barnsley Local Plan and the Hoyland masterplans. It will result in a loss of opportunity to have new sporting and recreational facilities on an alternative site within this part of the Borough.

- 5.3 A decision by Cabinet to uphold the objections will be final with the knock on impact on the overall Hermes scheme.

6. Impact on Local People

- 6.1 The proposal to relocate the Rockingham Sporting facilities and create the new highway, will see the loss of an area of open space for the residents in this part of the Borough. The land has not had the benefit of any significant public investment in decades. The public right of way, which crosses the site from Sheffield Road to Stead Lane will remain in place, thereby allowing continued access from Sheffield Road to Stead Lane.
- 6.2 The new sporting facilities provided by the relocation will provide a better choice of recreational / sporting uses for the people of Hoyland and the wider Borough, and given that this is a community run facility, the costs of using these facilities will be at reasonable rates.
- 6.3 As stated in the previous Cabinet Report the proposal will help to facilitate the development of new commercial and industrial space, which will provide local people with local employment opportunities as well as benefitting the Borough and the wider city region. This will not be possible without the disposal of this area of public open space.
- 6.4 The benefits brought forward by the proposed upgrading of the site and the Forge Partnership lease should be weighed against the negative impact that will come about as a result of the loss of this area of public open space.

7. Financial Implications

- 7.1 Consultations have taken place with representatives of the Service Director – Finance (S151 Officer).
- 7.2 The financial implications in respect of the proposal to dispose of and develop this piece of land have been covered in the previously approved Cabinet Report (Cab.21.10.2020/13 refers).
- 7.3 Should the objections be considered that they do not outweigh the Council's initial decision to sell the land, then the financial implications provided in the previous report, referenced in 7.2 above, remain in place.
- 7.4 Should the objections be considered sufficient enough to outweigh the Council's initial decision to sell the land, then a subsequent report will be presented to Members outlining the next steps in terms of the final relocation to new sporting facilities.
- 7.5 Therefore, there are no direct financial implications associated with this report.

8. Employee Implications

- 8.1 There are no issues arising as a result of this report.

9. Communications Implications

9.1 There are no issues arising as a result of this report.

10. Consultations

10.1 The original Cabinet Report was fully consulted, as were local Ward Members who supported the proposal to dispose of and develop the land.

10.2 As a result of a public consultation exercise, the planning application process and the advertisement of the Council's intention to dispose of an area of public open space, the local residents have been fully consulted and given an opportunity to object to the proposals for the land.

11. The Corporate Plan And The Council's Performance Management Framework

11.1 This is covered in the previously approved Cabinet Report (ref: Cab.21.10.2020/13).

12. Promoting Equality and Diversity and Social Inclusion

12.1 There are no issues arising from this report.

13. Tackling The Impact Of Poverty

13.1 There are no issues arising from this report.

14. Tackling Health Inequalities

14.1 There are no issues arising from this report.

15. Reduction of Crime and Disorder

15.1 This is covered in the previously approved Cabinet Report (ref: Cab.21.10.2020/13). Therefore there are no further issues arising from this report.

16. Risk Management Issues

16.1 There are no issues arising from this report.

17. Health, Safety And Emergency Resilience Issues

17.1 There are no direct health and safety implications arising from this report.

18. Compatibility with European Convention on Human Rights

18.1 This report recognises the promotion and importance of equality, diversity and human rights for all members of the local community and the wider Borough.

19. Conservation of Biodiversity

- 19.1 There are no direct issues arising as a result of this report, and any biodiversity issues will be, and will have been considered as part of the planning application process.

20. Glossary

- 20.1 None

21. List of Appendices

- 21.1 Appendix A – Site Plan
21.2 Appendix B – Summary of and consideration of objections received

22. Background Papers

- 22.1 Correspondence regarding this matter is held on the files in Property – Estates – not available for inspection contains exempt information.

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

Report author: Peter Antcliff (18 November 2020)

Financial Implications /



Consultation
(To be signed by senior Financial Services officer where no financial implications)