

Our ref: AC/DW

Your ref:

Date: 9 November 2022

FAO: Kathy McArdle
Service Director, Regeneration and Culture
Barnsley Metropolitan Borough Council
PO Box 634
Barnsley
S70 9GG

By Email Only to: kathymcardle@barnsley.gov.uk

Dear Ms McArdle

Land at Laird's Way, Penistone ("the Land")

We act on behalf of Yorkshire Land Limited ("**YLL**"). We write with reference to the Council's recent correspondence with our client in relation to the above site, and particularly to your letter dated 28 October 2022 ("**the Letter**").

We have reviewed the various points raised in the Letter against the planning policy framework and evidential basis existing at the time that planning permission (reference 2020/0274) ("**the Permission**") was granted for the development of land at Halifax Road, Penistone. This letter should be read alongside our previous advice note dated 4 June 2021 ("**the Advice Note**") a copy of which is enclosed. We have adopted the same terms as defined in that note for the purposes of this correspondence for ease of reference and continuity.

The facts leading up to the Application's determination are detailed in the Advice Note. The Application was formally considered by committee members at the meeting of the Council's Planning Regulatory Board on 8 June 2021 ("**the Meeting**"). Members resolved to approve the Application at the Meeting, subject to conditions and the completion of an agreement under section 106 of the 1990 Act to secure various obligations as recommended in the Officer's Report. That agreement was completed on 30 July 2021 ("**the s106 Agreement**"), with the Permission being issued that same day.

For the reasons detailed in the Advice Note and the Legal Note, neither YLL nor BDW were of the view that the Council would be entitled, in law or policy, to secure planning obligations or conditions as part of the Proposed Development requiring the Land to be transferred to the authority to provide a car park / interchange facility associated with Penistone train station. We do not intend to repeat the arguments contained in the Advice Note or the Legal Note for the purposes of this letter. However, BDW had confirmed to the Council that it would commit to pay a financial contribution of £400,000 toward sustainable travel measures, which was the full amount that application of the Council's policies in the Local Plan and SPD would require.

Paragraph 4.2 of the SPD also expressly stated that compliance with Local Plan policies T1 and T3 would be achieved through payment of financial contributions, particularly in light of

- Town & Country Planning
- Local Government
- Compulsory Purchase
- Highways

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the fact that active travel enhancements are typically outside the scope of individual applicants, and seek to address wider cumulative impacts. BDW's commitment to pay a financial contribution that was calculated in accordance with the formulae contained in the SPD was therefore an approach which was entirely supported and endorsed by the Council's own planning policies.

Furthermore, there are no policies in the Local Plan, SPD, or the Neighbourhood Plan which sought to link the delivery of the Proposed Development with the provision of infrastructure on the Land in any way. This is notwithstanding the fact that there is a specific Local Plan allocation policy (policy HS75) applicable to the Proposed Development and which specifies various requirements that the scheme would be expected to deliver. That policy had been subject to examination and adopted by the Council just 2 years previous. It was therefore recent and up to date. The SPD was even more recent, having been adopted in November 2019.

The Letter comments that policy HS75 was "just one part of the planning process", and it is correct that an allocation does not equate to a grant of planning permission. However, it is reasonable to expect a site-specific policy to outline the main infrastructure requirements associated with an allocation's delivery, particularly any which involve off-site works or third-party land. The Proposed Development had also been the subject of two separate pre-application processes, with no suggestion from the Council that the Land would need to be provided and/or that any works would need to be undertaken on the Land in order to support the residential scheme.

It is further understood that as part of the Local Plan's evolution, the Council had refused to take forward a proposal by YLL for the Land to be allocated for an interchange facility. This was notwithstanding the fact the South Yorkshire Passenger Transport Executive ("**SYLTE**") had previously confirmed to the Council that it had "strong aspirations" to extend the existing car park at the station, and had encouraged safeguarding the Land for such purposes given that it was "the preferred location for additional parking" (see the enclosed consultation response from SYLTE dated 8 May 2013 in respect of application 2012/1363).

The Letter accepts that the Council declined to allocate the Land for provision of an interchange, and that officers confirmed during the Local Plan process that there was no need for such a facility. However, the Letter attempts to reconcile that position and the authority's subsequent insistence that the Land be transferred to it to enable future use as a station car park by claiming that an interchange and a car park "not one and the same". It is unclear where the definition of an 'interchange' referred to in the Letter is derived from, although it would seem to us that any facility which enables passengers to transfer between combinations of travel would naturally fall within the ordinary meaning of the word. In any event, the claimed distinction between an interchange and a station car parking facility is artificial given that the Council has itself used those terms interchangeably throughout the Application's history. Indeed, the Officer's Report expressly states that the Council intends to use the Land "to provide a car park and interchange facility adjacent to the Train Station".

Notwithstanding the above and the positions presented in the Advice Note and Legal Note, the Council was insistent that the Land's transfer form part of the infrastructure package secured by the Proposed Development. The Officer's Report recorded the Council's reasoning in this regard, commenting that the Land would be "secured through the s106 Agreement in lieu of part of the Sustainable Travel Contribution and is a substantial benefit of the scheme as it will help address parking issues in and around the town...and a modal shift from private cars to the more sustainable train". Page 18 of the Officer's Report acknowledged that application of the formulae in the SPD would require a £400,000 contribution to be paid consistent with what BDW had offered. However, and given that the Council was proposing to

secure the Land as a part payment in lieu against this contribution, the authority recommended that the amount of any such contribution be reduced to £100,000.

The Letter suggests that the Council sought to secure the Land's transfer as part of the Proposed Development in order to address capacity issues at the Bridge End junction "for which the applicant was not providing adequate mitigation". As discussed above, the Officer's Report details how the transfer of the Land was to be treated as a payment in lieu in respect of sustainable travel matters associated with policy T3 of the Local Plan and address parking issues more widely within the town, rather than to alleviate pre-existing capacity issues at any specific junction. We are also unaware of any technical work or studies undertaken by the Council that consider how the provision of a car park on the Land would alleviate traffic at Bridge End. Indeed, it is unclear how the provision of any such facility would meaningfully reduce the total number of trips on the network given the inherent involvement of vehicles in its natural use and operation.

Irrespective, a separate financial contribution was offered by BDW and agreed with the Council to address the impacts of the Proposed Development on the Bridge End junction. Specifically, a £200,000 contribution was agreed in order to enable the Council to undertake a "detailed feasibility assessment" of the junction and "identify and scope a solution". The Officer's Report confirmed that this contribution would be paid on commencement of the Proposed Development so that funding for the improvement works could be secured as the scheme progressed, and prior to all of the dwellings being occupied.

In view of this fact, the Application was proposing to make a proportionate contribution towards addressing capacity issues at the Bridge End junction through an entirely separate mechanism to the sustainable travel contribution or transfer of the Land. The suggestion in the Letter that the need for the Council to secure the Land arose as a consequence of capacity issues at the Bridge End junction cannot be substantiated on this basis. Indeed, the conclusions to the Officer's Report expressly recognised that improvements to the Bridge End junction "could not be secured as a result of this development in isolation". As such, a comprehensive solution was expected to be identified through the feasibility study that BDW had committed to fund.

The Letter proceeds on the basis that the transfer of the Land was secured through the s106 Agreement. That is understandable given that the Officer's Report proposed that approach. However, and for reasons that are not immediately clear, the s106 Agreement was negotiated in very different terms to that envisaged by the Officer's Report. The £200,000 'Bridge End Highways Improvement Contribution' was secured in the s106 Agreement as expected, with this being paid in full on commencement of the Proposed Development. However, the sustainable travel contributions were structured in an entirely different manner to that discussed in the Officer's Report, with the transfer of the Land dealt with through a separate document to the s106 Agreement that is not directly linked to the Permission or delivery of the Proposed Development in any way.

Specifically, the s106 Agreement requires payment of a £400,000 contribution to the Council and which is to be applied by the authority toward purposes identified in the SPD. The s106 Agreement therefore secured the full amount of the sustainable travel contribution that the formulae in the SPD expected to be paid. There is no mention of the Land in the s106 Agreement, and its transfer was not secured as a payment in lieu in respect of sustainable travel matters as was detailed in the Officer's Report and endorsed by members. The Letter is therefore mistaken in suggesting that the Land forms part of the planning obligations associated with the Proposed Development. Rather, the Land's transfer appears to have been divorced from the section 106 obligations so that such matters are effectively independent of the planning position, although we understand that the Council refused to grant the Permission until the transfer of the Land was secured.

The Letter further contends that Council officers “had no knowledge of YLL’s option agreement”, and the fact that its term was nearing expiry. YLL was a party to the s106 Agreement and its option over the Land was expressly referred to in that document. It is therefore clear that the Council was aware of the nature of YLL’s interest in the Land prior to the Permission being granted. We have also had sight of email correspondence from SYPTE’s Principal Project Manager dated 20 January 2021 (“**the Email**”) (copy enclosed) which refers to discussions with Council officers regarding the Land, and which comments that YLL’s “agreement with the land owner for the Penistone housing site expires shortly”. All parties were therefore aware of the position regarding our client’s option agreement, and the potential implications for YLL should it expire prior to the Permission being granted.

The Email also records the Council’s intention to “consider how to tie the Land into the planning approval” despite the recognition that the Proposed Development was being progressed by an entirely separate entity. It is therefore clear that as at the date of the Email, the Council had yet to formulate any substantive basis through which to justify the Land’s transfer as part of the Proposed Development. This was notwithstanding the fact that the Application had been submitted to the Council in April 2020 accompanied by a full Transport Assessment (this being amended in December). The suggestion that the transfer of the Land was considered necessary by the Council to alleviate traffic at the Bridge End junction cannot be substantiated. Rather, the Email expressly indicates that the Council and SYPTE wanted to secure the Land to address “a historical issue with station parking”.

In view of the above, the Letter proceeds on a mistaken understanding of the factual position underlying the grant of the Permission. The Council’s basis for insisting that the development of the Land (as a car park or otherwise) be linked to delivery of the Proposed Development remains entirely unsubstantiated. The obligations that were agreed as part of the s106 Agreement secure contributions through which the impacts of the Proposed Development on the Bridge End junction and in respect of sustainable travel will be addressed in a policy compliant manner. However, the transfer of the Land is independent of such matters, and is not secured in the s106 Agreement.

Indeed, the Land’s transfer appears to have been secured in a manner which is entirely independent of any planning controls associated with the Proposed Development. If the Council considered the provision of a car park / interchange on the Land to be necessary to mitigate the Proposed Development’s impact on the Bridge End junction, the expectation would have been for conditions or obligations to be attached to the Permission limiting the number of dwellings that could be occupied prior to such a facility becoming operational. However, the Council did not attach any such restrictions. The Proposed Development is therefore able to be fully delivered pursuant to its own timescales, regardless of whether any car park or interchange facility is ever actually provided on the Land.

We understand that the Proposed Development is proceeding pursuant to the Permission. However, were a new planning application to be submitted for the same development, we consider that the Council would be unable to refuse permission or restrict development subject to provision of an interchange facility on the Land. The Proposed Development and the delivery of parking at the train station are not linked in planning policy, and there is no evidence to suggest that one is required to make other acceptable in planning terms.

For the reasons discussed in this letter, it is clear that the Council’s reluctance to meaningfully engage with YLL upon this matter to date has been based upon a mistaken understanding of the relevant factual and substantive issues. We therefore trust that this letter is useful in clarifying matters so as to enable detailed discussions to take place with our client going forwards. We are aware that YLL has requested that the Council commission an objective and independent investigation into the approach pursued by the authority regarding the Land’s transfer. It is suggested that such an investigation would be of benefit to all parties given the

Council's continued misunderstanding of the documents underlying the Permission, as well as the Application's evolution.

Yours sincerely

Walton & Co.

Walton & Co

Encs

CC

Ms Sarah Norman, Chief Executive, Barnsley MBC (sarahnorman@barnsley.gov.uk)

Cllr Sir Stephen Houghton CBE, Barnsley MBC Leader
(CllrStephenHoughton@barnsley.gov.uk)

Mr Jason Field, Head of Legal Services, Barnsley MBC (jasonfield2@barnsley.gov.uk)

Yorkshire Land Limited (office@yorkshireland-ltd.com)

Advice Note

Land at Laird's Way, Penistone ("the Land")

Background

1. We are asked to advise Yorkshire Land Limited ("**YLL**") on the position ostensibly being pursued by Barnsley Metropolitan Borough Council ("**the Council**") regarding an ongoing planning application (reference 2020/0274) ("**the Application**") relating to land at Halifax Road Penistone ("**the Residential Site**"). The Application has been submitted by Barratt David Wilson Homes ("**BDW**"), and proposes the development of the Residential Site so as to provide 400 dwellings, landscaping, and associated infrastructure ("**the Proposed Development**").
2. The Residential Site is expressly allocated for housing as site HS75 in the Council's Local Plan (adopted 2019) ("**the Local Plan**"). The Application has been submitted in the joint names of BDW and the freehold owner of the Residential Site (Rebecca Scott). However, we understand that YLL is facilitating the Proposed Development by way of an option agreed with the freeholder, and a conditional contract agreed with BDW. The Application was submitted to the Council in February 2020, and is due to be considered at planning committee with a recommendation for approval (subject to conditions and proposed planning obligations) on 8 June 2021.
3. Separate to the above, YLL owns the freehold interest in the Land and which is located approximately 1 kilometre to the south east of the Residential Site and which is in the immediate proximity of Penistone railway station. Neither BDW nor Rebecca Scott have any interest in the Land. We understand that YLL promoted the Land for development as a parking interchange associated with the use of the railway station as part of the Local Plan examination in public. However, we are informed that this was not supported by the Council, and the adopted Local Plan and policies map identifies the Land as 'Urban Fabric' for these purposes.
4. Allocation policy HS75 does not make any reference to development of the Residential Site requiring any mitigation works on the Land, provision of off-site parking improvements, or improvements to Penistone railway station. We further understand that the Proposed Development was subject to 2 separate pre-application meetings with the Council (one with Avant Homes, and one with BDW), and that the responses provided by the Council following those discussions similarly made no mention of any works on the Land being necessary to mitigate impacts associated with the development of the Residential Site.
5. Notwithstanding, we understand that the Council has indicated to BDW that the Application will be refused unless a planning obligation and entered into under section 106 of the Town and Country Planning Act 1990 ("**the 1990 Act**") is secured to provide the Land as a car park associated with the train station ("**the Proposed s106 Obligation**"). Indeed, we have had sight of the planning officer's report to Planning Committee upon the Application ("**the Officer's Report**") which expressly states this fact, and suggests that the Land will be secured as such in lieu of a

sustainable travel contribution of £400,000 which would otherwise be payable pursuant to the Council's Sustainable Travel Supplementary Planning Document ("**the SPD**").

6. Following publication of the Officer's Report, we understand that BDW has written to the Council objecting to the Proposed s106 Obligation, and committing to pay a £400,000 contribution in accordance with the SPD ("**the Contribution**") rather than to provide a car park / interchange facility on the Land. Indeed in preparing this advice note, we have had sight of a separate written advice to BDW provided by its solicitor (Richard Sagar of Walker Morris LLP) dated 2 February 2021 ("**the Legal Note**") advising that the Proposed s106 Obligation would fall far outside of the relevant legal and policy tests for requesting a section 106 obligation. We are informed that BDW's letter objecting to the Proposed s106 Obligation will be read out to the Planning Committee by the Council's planning officer, although it is unclear how members will respond to this.
7. Notwithstanding the above, and separate to the Application process, we understand that YLL has contacted the Council with a view to selling the Land to the authority. We are informed that this approach was made prior to the Officer's Report being published, with heads of terms being provided to the Council on 13 May 2021. This approach was also made entirely independently of BDW and Rebecca Scott given that those persons have no interest in the Land. Rather, YLL wishes to dispose of its landholdings within the Penistone area as part of its broader business strategy.
8. In the context of the above, we are asked to provide our own view as to whether the Council would be justified in requiring the Proposed s106 Obligation to be secured and for the Land to be transferred to it in order to provide a car park / interchange associated with the train station, rather than to accept the Contribution.

Analysis

9. As a matter of law¹ and policy², a planning obligation may only constitute a reason for granting planning permission and should only be sought by a planning authority where the obligation is:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
10. We have not had sight of any formal explanation or justification provided by the Council as to how it considers the Proposed s106 Obligation to satisfy these tests. However, the Officer's Report suggests that the Council considers the obligation to be justified by reference to policies HS75 and T3 of the Local Plan, as well as the SPD and policy LE1 of the Penistone Neighbourhood Plan (adopted August 2019) ("**the Neighbourhood Plan**").

¹ Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended)

² Paragraph 56 of the National Planning Policy Framework

11. We do not consider that these policies provide any justification for the Proposed s106 Obligation in the light of the Council refusing to accept the Contribution. Rather, we are of the view that the obligation would fail to satisfy the tests of a valid obligation outlined at paragraph 9 above in such circumstances.
12. Policy HS75 of the Local Plan is a site-specific policy applicable to the Residential Site, and prescribes those matters which its development would be expected to address. Indeed, paragraph 9.8 of the Local Plan expressly states that “where there are specific issues [involved with housing allocations], site specific policies are provided”. None of the matters identified in policy HS75 relate to the Land, car parking, or improvements to Penistone train station. The policy refers to “appropriate off-site road safety enhancements” being provided. However, those comments cannot sensibly be construed as requiring the Land to be given over to car parking associated with use of the train station. Indeed, such works would not directly relate to the road network, and we have not had sight of any evidence to suggest that they would deliver any safety benefits in highways terms.
13. Policy T3 of the Local Plan states that new development will (amongst other matters) be expected to “be located and designed to reduce the need to travel, be accessible to public transport, and meet the needs of pedestrians and cyclists. It should be noted that even ignoring matters relating to the Contribution and the Proposed s106 Obligation, the Proposed Development intends to secure a package of sustainable travel measures which might be argued to consisted acceptable levels of accessibility for the purposes of policy T3. Indeed, we understand that the scheme intends to secure a separate £100,000 commuted sum toward sustainable travel measures, as well as new pedestrian / cycle routes through the site and a link road designed to support buses.
14. Policy T3 continues, noting that where levels of accessibility as part of new development schemes are unacceptable, the Council “will expect developers to take action or make financial contributions in accordance with policy I1”. Paragraph 12.47 of the Local Plan noted that a supplementary planning document would be forthcoming and would provide further detail as to how policy TS3 ought to be applied in practice. The SPD has since been adopted, and its paragraph 3.1 expressly confirms that it supplements policies TS3 and I1 for these purposes.
15. Paragraph 4.9 of the SPD specifically comments that in order to meet policy T3, developers will be expected to provide a capital contribution towards public transport and/or active travel infrastructure. This can be achieved through “on-site provision as part of the development proposal, and a contribution towards provision of facilities off site”. Paragraph 4.2 adds that financial contributions in line with the SPD are necessary to (amongst other matters) reflect the fact provision of public transport enhancements are normally outside of the control of applicants, and assist the Council in providing for the cumulative impacts of new developments on the operation of public transport services.
16. It is therefore clear that the SPD anticipates that any off-site sustainable travel benefits required to be secured by development proposals should be addressed through financial contributions. This

is entirely understandable given that off-site matters typically involve land outside of the control of applicants. It is well established that except for monetary obligations, planning obligations are not typically an appropriate instrument for imposing off-site obligations given that the scope of s106 of the 1990 Act itself is limited to the land which the obligation attaches (generally the application site)³. Similarly, planning conditions relating to land not in control of an applicant or which requires the consent of another person often fail tests of reasonableness and enforceability.⁴

17. Policy I1 of the Local Plan supports the above approach, noting that contributions will be secured where necessary provision is not directly provided by a developer, with pooled contributions also able to be utilised where appropriate. In this regard, Appendix C of the SPD prescribes a formula for calculating sustainable travel contributions for residential developments, with a park and ride scheme at Penistone station one of the schemes used to determine the contribution rate. In specifying an indicative cost for such works (£1.75 million), we assume that the Council accounted for the potential costs associated with acquiring any land required to facilitate their delivery.
18. We understand that application of the formula identified in the SPD to the Proposed Development produces the Contribution figure of £400,000, which BDW is willing to pay as part of any section 106 agreement in support of the Application. The Contribution therefore accords with the Council's own policies, and is consistent with the requirements of the Local Plan and the SPD. Indeed, we understand that the Council's pre-application response upon the Proposed Development confirmed that it would require a financial contribution toward improvements at Penistone station, which is precisely what BDW have confirmed that it will provide.
19. Policy LE1 of the Neighbourhood Plan notes that the development of the Land to "alleviate parking issues" within the town centre will be supported. However, it plainly does not require such land to be given up for such purposes as part of the Proposed Development. Indeed, the policy does not make or allude to any connection between the Land and the Residential Site, and does not even specify that the Land ought to be developed for parking purposes specifically associated with the railway station. Rather, the focus of the policy is on increasing the vitality of Penistone town centre, and providing additional parking to benefit the town's businesses and workers.
20. With the above in mind, we consider that any refusal by the Council to accept the Contribution and to specifically require that the Proposed s106 Contribution be secured as part of the Proposed Development would be entirely unjustified in policy terms. Indeed, any such position would be contrary to the Council's own policy documents, and be entirely unreasonable given that it would impose requirements on the applicants that are outside of their control. We would concur with the comments made in the Legal Note that any position taken by the Council to link the Proposed Development with a requirement to transfer the Land rather than to accept the Contribution would

³ See for example *R (Khodari) vs Royal Borough of Kensington and Chelsea* [2017] EWCA Civ 333

⁴ Paragraph 21a-009-20140306 of the National Planning Practice Guidance

seem to represent an opportunistic attempt by the authority to acquire title in the Land either through negotiation with YLL or compulsorily.

Conclusions

21. In light of the above discussion, we conclude that:

- 21.1 There are no local planning policies which directly link the development of the Residential Site and the provision of the Land as a car park and/or interchange facility associated with the station. None of the Council's policy documents mention any relationship between these two land parcels, and the specific policy applicable to the Residential Site (HS75) is silent as to any matters relating to the Land. The fact that there is no express policy basis for the Proposed s106 Obligation to be secured as part of the Residential Site's development indicates that it is not necessary to make the Proposed Development acceptable in planning terms.
 - 21.2 Rather, the Council's planning policies indicate that sustainable travel obligations relating to off-site matters should be dealt with by way of a financial contribution calculated in accordance with the SPD. BDW is wanting to pursue this approach, and to pay the Contribution to the Council accordingly. Any refusal by the Council to accept the Contribution and to insist on the Proposed s106 Obligation would be unjustified on this basis, and entirely improper.
 - 21.3 Indeed, in adopting such a position, the Council would be requiring the applicants to enter into planning obligations relating to off-site matters and land outside of their control. Section 106 obligations are not typically appropriate mechanisms to address off-site issues (other than though financial contributions). It would therefore plainly be unreasonable for the Council to insist upon such an approach in the absence of any clear policy or substantive justification.
 - 21.4 In contravention of its own policies, the Council appears to be opportunistically utilising the Application as a means through which to acquire the Land without having to do so through private negotiation with YLL, or through exercise of compulsory purchase powers. This is patently an unreasonable and perverse position for the authority to take.
22. In light of the above, we concur with the conclusions of the Legal Note that any refusal of the Application on the basis of requiring the Proposed s106 Obligation to be secured rather than to accept the Contribution would be vulnerable to successful appeal and an award of costs against the authority.
23. Notwithstanding the above, the fact that YLL is separately engaging with the Council with a view to disposing of the Land would appear to provide the Council with opportunity to acquire the Land and properly determine the Application in accordance with its own policies. Indeed, in such circumstances the authority would be able to secure the Contribution in approving the Application so as to ensure that the Proposed Development makes a proportionate contribution to sustainable

travel matters, whilst separately purchasing the Land to deliver any car park / interchange works that are envisaged.

24. We trust the above assists for present purposes, but please contact us if you require any further information.

Alec Cropper

Walton & Co

4 June 2021

Mr Matthew Smith
Development Management Section
Barnsley MBC
Westgate Plaza
Barnsley
S70 9FE

8th May 2013

Your Ref: 2012/1363
Our Ref: 455
Ask For: Matt Reynolds
Direct Line: 0114 2211262
Email: Matthew.Reynolds@sypte.co.uk

Dear Matthew,

Thank you for consulting South Yorkshire Passenger Transport Executive (SYLTE) on this planning application. Following consultation with local transport operators and a Land Use and Transport Integration (LUTI) assessment, I would like to set out SYLTE's recommendations for the site

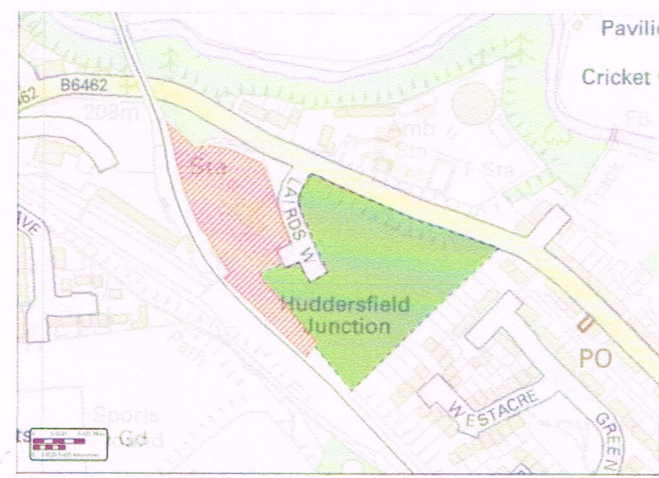
Application Ref: 2012/1363

Description: Residential development (Outline)

Site Allocation and Station Park and Ride

- 1.1 It our understanding the site's current status in the UDP is for Transportation Use (Rail and Bus Facility). The reason behind this allocation is because SYLTE has strong aspirations to build an extension to the existing car park at Penistone station which is currently operating significantly above capacity. This plot of land is the preferred location for additional car parking and will provide the local roads with much needed relief from existing obstructive on street parking. SYLTE is developing proposals for the plot of land to be used as a Park and Ride for the Penistone area, with the objective to displace existing commuter from the road to the rail network.
- 1.2 SYLTE have secured funding within this year's capital programme (2013/14) for an initial feasibility study of the site for use as a Park and Ride. This study will ascertain the likely costs and high level business case for the development of the land at Lairds Way into a car park extension.
- 1.3 Based on the indicative proposals, SYLTE do not require the whole plot of land (see below map);

The green area is the boundary for this application. The red area shows the land required/wanted for any future Park and Ride scheme. The area to the west of Lairds Way is the ideal location for station related car parking as it remains close to the station platforms and utilises land suitable for this kind of development. The proportion of the site to the east of Lairds Way is therefore not required for transport purposes. SYLTE requests that upon the approval of this application, regard is given to the future safeguarding of the red area shown on the map for a future Park and Ride scheme.



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- 1.4 In relation to the future development of the land to the west of Lairds Way, SYPTE would not object to housing or employment development as long as there is suitable provision for a Park and Ride scheme. This could be completed in a similar fashion to Wombwell Park and Ride, as the adjoining development provided an integrated Park and Ride facility within the development proposal. Further study needs to be completed regarding the scale of the Park and Ride requirement (this will be completed later in the financial year).

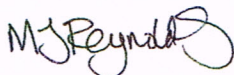
LUTI Scoring

- 2.1 SYPTE supports new development in locations which have access to the existing core public transport network. This development complies with policies set out in the BMBC LDF Core Strategy (CSP 25) and Policy I of the Sheffield City Region Transport Strategy. The site has scored 'Green' through an SYPTE LUTI assessment therefore proving that the site has access to an attractive public transport service (train services from Penistone)

To summarise, SYPTE have no objection to the development and allocation of this site for housing. However, the site to the west of Lairds Way remains a priority for SYPTE as this is the preferred location for additional station car parking.

I hope the above comments can be taken into consideration in your appraisal of the application and if you have any further queries or require additional information, please do not hesitate to contact me.

Yours sincerely



Matthew J Reynolds
Planning Officer

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SYPTE is a member of the [Travel South Yorkshire](#) partnership.

Steve Davenport

From: Gavin Bland
Sent: 20 January 2021 16:38
To: Pat Beijer; Melissa Farmer; Adam Midgley
Cc: Ian Fothergill; Nathan Broadhead; Amy Sutherland-Jarvest; Katy Plummer; Andrew Fosbueary
Subject: Penistone Park and Ride
Attachments: ARUP - design in editable form - YL revised land offer.png

Dear all,

A quick update where we are.

Penistone has an historical issue with station parking and various studies have identified the only possible site for additional parking is to the east of the station off Lairds Way.

In 2014/2015 working with Network Rail, the landowner of the land off Lairds Way and BMBC a proposal was drawn up by ARUP for a couple of options for park and ride adjacent to the station and accessed from Lairds Way.

Network Rail cited any park and ride would increase patronage at the station and therefore any developer would be obliged to provide / contribute towards a new footbridge to replace the barrow crossing at the south end of the station.

Network Rail had agreed to contribute £750,000 towards the footbridge and the landowner had offered his land plus £500,000 towards either the footbridge or construction of the park and ride...in return for planning permission for 350 houses on greenbelt in Penistone and a further 150 or so in Oxspring. He also offered to build a community centre in Oxspring.

The Oxspring site wasn't promoted in the local plan and the offer withdrawn, however the Penistone site has been allocated as housing and BMBC have taken the lead in ensuring the park and ride site is made available as part of the housing development.

SYLTE has allocated a nominal £5,000 - £15,000 in the capital programme every year since yet nothing as progressed from BMBC.

In August last year SYLTE was approached by BMBC planners to comment on preferred method of operation for rail based park and ride, plus development. SYLTE concluded it was preferable for SYLTE to develop, but then lease the land to NWR so the SFO is responsible for the ongoing maintenance and renewals.

In December last year SYLTE was again approached as a matter of urgency to comment on proposals from Yorkshire Land for a site of reduced size based on demand projected from an old study indicating a further 50 spaces should be provided. The red line on the attached plan shows an approximation of the proposed area of land offered. SYLTE responded indicating the original area was preferable to maintain spare capacity and space for a bus turning area (train replacement bus services).

Yesterday Ian and myself met BMBC and representatives from Yorkshire Land and the outcome was :-

The Lairds Way site has been identified in the local plan as general use, so anything can be built on it.

Barratt Homes are progressing the development of the Penistone housing site and Yorkshire Land has no connection to it, so therefore BMBC cannot insist through the planning process that the site is offered as part of granting the planning permission.

To ease the passage of the planning application Yorkshire Land is willing to offer up half of the site as shown on the attached plan, but Yorkshire Land now has plans for the remainder of the site.

Yorkshire Land has suggested the site area can be increased by lowering the site overall, although this adds cost for earth move, possible retaining walls and unknown quantity of lowering land adjacent to live railway infrastructure.

The land offer was take it or leave it, and our view (although not stated to YL) was a smaller area of land was better than no land.

Actions :-

BMBC planning officer to speak to Head of Planning with a view we would accept the restricted land as offered.
BMBC to consider how to tie land into planning approval, mindful technically the two persons (Barratt / YL) involved are now independent.

BMBC / SYPTE consideration is required on YLs suggestion of reducing site levels, and access (ownership between development plot and car park) and how this could be incorporated into any agreement.

SYPTE need to determine what the options are for the reduced area of land :-

How many spaces can be constructed on the existing site without major earthworks and therefore minimal possible issues with NWR.

How many spaces can be constructed on the whole site with major earthworks, and what are the likely implications, planning and NWR.

Costs for each option and is there an optimum solution.

ARUP is the Lot winner on the heavy rail framework, so could be appointed directly for a quick piece of feasibility work. I have asked for a ball park figure for the two costed options with high level risks to assist in us making a decision, prior to getting a formal fee proposal if we choose to go down this route.

Mindful this has been running for some time, there is currently time pressures relating to planning timescales, so on Friday we may be asked for a quick / formal answer on whether SYPTE wants to progress with the smaller parcel of land, or nothing. It is suggested YL's agreement with the land owner for the Penistone housing site expires shortly which is prompting the current urgency.

Note there is currently no funding to construct the park and ride or footbridge, but without the land we can't do anything, including recommence discussions with NWR re the footbridge.

We would welcome any views prior to BMBC coming back with the direct question, which may be as early as Friday, or at least guidance on how SYPTE's response is formulated.

Kind regards

Gavin Bland

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