



PO BOX 785 - HARROGATE - HG1 9RT

Email: [office@yorkshireland-ltd.com](mailto:office@yorkshireland-ltd.com)

Tel: +44 (0)1423 770335

Our ref YLL/JF/2022-11.02

03 November 2022

**Mr Jason Field**

Head of Legal Services

Barnsley Metropolitan Borough Council

Westgate Plaza One

Westgate

BARNSLEY

S70 2DR

Sent by email to  
[jasonfield2@barnsley.gov.uk](mailto:jasonfield2@barnsley.gov.uk)

Dear Mr Field,

**LAND ON THE WEST SIDE OF LAIRD'S WAY - PENISTONE**

We confirm receipt of your email of 08:58am today (03 November 2022) which simply states:

*"I have nothing to add to our previous correspondence"*

With respect, this response cannot be considered satisfactory in the context of which it has been sent - in reply to factual evidence - disproving statements made by Council Officers & we would suggest your conduct in this regard is **entirely at conflict** with the **Seven Principles of Public Life - The Nolan Principles**, which apply to anyone who works as a public-office holder, with which you will therefore no doubt be very familiar. However, a copy of these Principles, as set out on the UK Government Website, is enclosed for ease of reference and the benefit of any persons unfamiliar, that may be reading this letter moving forward.

In my separate capacity as a serving District Councillor, in another area of Yorkshire, I must inform you that I would be most **ashamed** were I to discover that my Council and its Legal Officer were acting in the manner which Barnsley Metropolitan Borough Council has and continues to act in this matter.

We therefore strongly believe that your latest response again serves to corroborate our allegations regarding the competency, credibility and complicity of yourself and other officers of the Council regarding the serious allegations we have made, not least in that the Council, acting now by yourself, in your position as Head of Legal Services, is apparently not even

willing to accept and apologise in writing that it's Service Director for Regeneration & Culture, Mrs Kathy McArdle made false statements in her letter to us of Sunday 30 October 2022, nor willing to confirm that there are not any specific obligations contained within the S106 agreement for an unrelated and unlinked planning application (Ref 2020/0274) pertaining to the development of Local Plan Site HS75, requiring the transfer/sale of our Land at Laird's Way to Barnsley Council.

The position outlined in the letter of Sunday, 30 October 2022 by the Council's Service Director, Mrs Kathy McArdle, is patently incorrect whereas our position is entirely correct, on the basis of clear facts and evidence.

Whilst we will still be responding formally, as previously advised, to correct the other factual inaccuracies made in the letter we received from the Council's Service Director for Regeneration and Culture, this now leads us to the critical point in this matter, that on the basis the S106 agreement pertaining to the development of Site HS75 (the planning application for which was unrelated and unlinked in any way either by Planning Policy or Land ownership to our Lairds Way land) did not identify any specific obligations requiring the transfer/sale of our Laird's Way land to the Council, we must question:

**Why would we, as an experienced professional and commercial for-profit company feel obligated to sell our unlinked and unrelated Laird's Way land to Barnsley Council - at a significant discount to its open market value; at a fraction of its book value in our company accounts and on various other terms entirely detrimental to our Commercial interests - were we not improperly coerced into doing so, our position having been exploited by Barnsley Council and its Officers?**

We would remind you that our factual explanation/statement of events in this regard is outlined in our formal complaint letter (Our Ref YLL/LW/2021-10.01) which was submitted to the Chief Executive of Barnsley Council, over one year ago, on 22 October 2021.

The only area in which we are unable to criticise the Council is its consistency in stating that it will not be investigating our allegations on the basis that legal remedies are available to us.

With regard to potential remedies in this matter, we are most aware that multiple options remain available to us. However, we trust you will accept that this does not in any way mean that the Council cannot nor should not agree to an independent investigation of the serious allegations we have lodged given the evidenced complicity of the Council's Leader, Planning & Legal departments. Indeed, notwithstanding that we believe such a position again conflicts entirely with the aforementioned Nolan Principles, which are:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

The meanings of which are all detailed in the enclosed documentation, we would have thought that as a Local Authority which has also publicly set its commitment (see enclosed Barnsley Council website screenshot) amongst other things to:

- **Work with integrity, showing strong commitment to ethical values and follow the rule of law**

That the Council and not least yourself, in your position as the Council's Head of Legal Services, would take every possible opportunity to ensure probity of the Council and its Officers, not least to allay **Public Concern** arising as a result of this matter, which we continue to detail on the 'Public Feedback' page of our website:

[www.transparencyatlairdsway.co.uk](http://www.transparencyatlairdsway.co.uk)

With regard to Public Concern, as we have already stated in other correspondence, in light of our allegations and the Council's refusal to investigate them, how can any individual or business residing or operating in Barnsley now have any confidence in Barnsley Council, acting by its Officers and Members, as a decision maker in the Planning System nor be assured that Barnsley Council is accountable, when clearly it is not even prepared to investigate serious allegations of impropriety of its Officers and Members where they are supported by incontrovertible facts and evidence, such is the situation in our case.

We trust you will therefore appreciate that whilst case specific, our allegations are in fact far wider in scope and implication and indeed, while ever this matter remains to be addressed by the Council, public concern will only continue to grow as knowledge of the matter continues to find its way into the public domain via our website and other channels.

As we set out in our letter to the South Yorkshire Mayor dated 28 October 2022 (Our Ref YLL/SYM/2022-10.01) you may be aware that under the crest of South Yorkshire are written the words '*Each shall strive for the good of all*' and on the basis of the aforesaid we do hope you will now grasp the full gravity and seriousness of this matter.

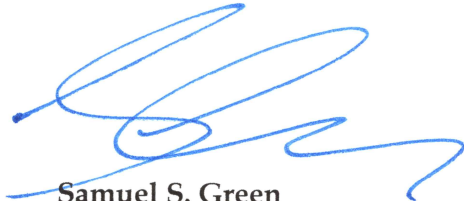
Whilst pending our formal response to the letter from Mrs McArdle dated 30 October 2022, we again implore the Council to support our request for a formal investigation in the interests if not of transparency and accountability, then of fairness and justice; terms which could not be no more closely linked to ethics and morality and all of which, I am most conscious myself in my separate work as a District Councillor, are expected to be demonstrated and upheld at all times by those of us in Public Office.

As the only Officer of the Council we believe is not complicit in the allegations we have made and who has remained silent on matters date, but with overall authority and responsibility for decision making at the Council, we will also be forwarding this correspondence to the



Council's Chief Executive, Ms Sarah Norman, to implore that she now take direct oversight and responsibility of this matter and in order that Ms Norman has the opportunity to take any direct interventions necessary to protect and restore the credibility of her Council forthwith.

Yours sincerely  
**YORKSHIRE LAND Limited**



**Samuel S. Green**  
Business Manager

Cc	Mrs Kathy McArdle	-	Service Director, Regeneration & Culture
	Mrs Sukdave Ghuman	-	Monitoring Officer, Barnsley Council
	Mrs Sarah Norman	-	Chief Executive, Barnsley Council
	Councillor Sir Stephen Houghton CBE	-	Leader, Barnsley Council
	Julian Smith CBE MP	-	Skipton & Ripon Constituency
	Andrew Jones MP	-	Harrogate & Knaresborough Constituency
	Miriam Cates MP	-	Penistone & Stocksbridge Constituency
	The Bureau of Investigative Journalism		
Encs	Email dated 03 November 2022 from Barnsley Council Head of Legal Services		
	The Seven Principles of Public Life – Nolan Principles		

**Enclosure 1**

Email dated 03 November 2022 from Barnsley Council

Head of Legal Services

**From:** Field , Jason (HEAD OF SERVICE (LEGAL SERVICES)) <jasonfield2@barnsley.gov.uk>  
**Sent:** 03 November 2022 08:58  
**To:** office@yorkshireland-ltd.com  
**Cc:** McArdle , Kathy (SERVICE DIRECTOR); Ghuman , Sukdave (SERVICE DIRECTOR - LAW & GOVERNANCE); Norman , Sarah (CHIEF EXECUTIVE); Houghton , Stephen (COUNCILLOR); julian.smith.mp@parliament.uk; andrew.jones.mp@parliament.uk; miriam.cates.mp@parliament.uk  
**Subject:** RE: Re Land at Laird's Way Pensitone

Dear Sirs

I have nothing to add to our previous correspondence.

Regards

Jason Field  
Head of Legal Services  
Core Services Directorate  
Barnsley Metropolitan Borough Council  
Email: jasonfield2@barnsley.gov.uk  
Westgate Plaza One, Westgate, Barnsley S70 2DR



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**From:** office@yorkshireland-ltd.com <office@yorkshireland-ltd.com>  
**Sent:** 02 November 2022 16:15  
**To:** Field , Jason (HEAD OF SERVICE (LEGAL SERVICES)) <jasonfield2@barnsley.gov.uk>  
**Cc:** McArdle , Kathy (SERVICE DIRECTOR) <kathymcardle@barnsley.gov.uk>; Ghuman , Sukdave (SERVICE DIRECTOR - LAW & GOVERNANCE) <SukdaveGhuman@barnsley.gov.uk>; Norman , Sarah (CHIEF EXECUTIVE) <sarahnorman@barnsley.gov.uk>; Houghton , Stephen (COUNCILLOR) <CllrStephenHoughton@barnsley.gov.uk>; julian.smith.mp@parliament.uk; andrew.jones.mp@parliament.uk; miriam.cates.mp@parliament.uk; office@yorkshireland-ltd.com  
**Subject:** RE: Re Land at Laird's Way Pensitone

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Dear Mr Field,

**LAND ON THE WEST SIDE OF LAIRD'S WAY - PENISTONE**

Please find attached our response to your email (copy below) of 12:49hrs today – Wednesday, 02 November 2022.

Kindly confirm receipt and we look forward to receiving your response to our questions by reply.

Yours sincerely  
**YORKSHIRE LAND Limited**

**Samuel S. Green**

T: +44 (0) 1423 770 335

M: +44 (0) 7748 793 487

W: [www.yorkshireland-ltd.com](http://www.yorkshireland-ltd.com)



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**From:** Field , Jason (HEAD OF SERVICE (LEGAL SERVICES)) <[jasonfield2@barnsley.gov.uk](mailto:jasonfield2@barnsley.gov.uk)>  
**Sent:** 02 November 2022 12:49  
**To:** [office@yorkshireland-ltd.com](mailto:office@yorkshireland-ltd.com)  
**Cc:** McArdle , Kathy (SERVICE DIRECTOR) <[kathymcardle@barnsley.gov.uk](mailto:kathymcardle@barnsley.gov.uk)>  
**Subject:** Re Land at Laird's Way Pensitone

Dear Mr Green,

Thank you for your email of 31 October to Kathy McArdle re the Land on the West side of Laird's Way, Penistone. It has been passed to me to reply on behalf of the Council

As you know the Council's Complaints resolution team and the Local Government Ombudsman did consider your previous correspondence but chose not to investigate because you had other avenues available to pursue your claims.

We would reiterate our request that the website be removed. The request to have it taken down is not because it is causing embarrassment but because it includes what could be interpreted as libellous claims against named Council Officers.

A copy of the s106 is available here  
<https://www.applications.barnsley.gov.uk/PlanningExplorerMVC/Home/ApplicationDetails?planningApplicationNumber=2020%2F0274>

I would reiterate that you refrain from sending any further correspondence regarding these claims, as such correspondence will be considered vexatious and will go unanswered.

Yours sincerely

**Jason Field**  
Head of Legal Services

Core Services Directorate  
Barnsley Metropolitan Borough Council  
Email: [jasonfield2@barnsley.gov.uk](mailto:jasonfield2@barnsley.gov.uk)  
Westgate Plaza One, Westgate, Barnsley S70 2DR



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## **Enclosure 2**

**The Seven Principles of Public Life**

**(Nolan Principles)**

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Guidance

# The Seven Principles of Public Life

Published 31 May 1995



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# **1. The Seven Principles of Public Life**

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

## **1.1 Selflessness**

Holders of public office should act solely in terms of the public interest.

## **1.2 Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

## **1.3 Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## **1.4 Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## **1.5 Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## **1.6 Honesty**

Holders of public office should be truthful.

## **1.7 Leadership**



Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

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