

SPROTROUGH NEIGHBOURHOOD DEVELOPMENT PLAN Up to 2035

SUBMISSION PLAN

A Report to Doncaster Metropolitan Borough Council of the Examination into the Sprotbrough Neighbourhood Development Plan

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March 2021

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Summary and Overall Recommendation

0.1 Following my examination of the Sprotbrough Neighbourhood Development Plan (SNDP), including a site visit to the Neighbourhood Area on 18 February 2021, it is my view that, subject to modifications, the SNDP reflects the views of the community and sets out a clear vision and suite of policies and proposals for the Neighbourhood Area.

0.2 My report highlights a number of areas where I consider the wording of the plan as submitted is not wholly in accordance with one or more of the Basic Conditions. The more significant of these relate to the sections on housing provision, Local Green Space, the protection of significant views and protection of local heritage assets.

0.3 Other areas of modification relate to circumstances where the policy does not comply with the *National Planning Policy Framework* at Paragraph 16 where it states that policies should be “*clearly written and unambiguous so it is evident how a decision maker should react to development proposals*”. The *Planning Practice Guidance* develops this further in respect of neighbourhood plans where it states that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence”.

0.4 I have therefore recommended a number of modifications to the Plan which should be made before the plan can proceed to Referendum. These are intended to ensure that, first and foremost, the Plan can meet the Basic Conditions.

0.5 In proposing the modifications I have tried to ensure that the integrity and value of the SNDP and its vision is retained and that the intention of neighbourhood planning, where the community’s wishes should be central to the plan, is honoured.

0.6 By its nature the examination has to be rigorous. Any criticism is not at all to undermine the significant community effort that has gone into the plan. Rather the purpose of the examination is to ensure that the Neighbourhood Plan meets the Basic Conditions and thereby is as robust as possible and can play its part in planning decisions and managing change in Sprotbrough in the future in an effective way.

0.7 In addition to the recommended modifications it should also be noted that there may be a number of consequential changes for example to referencing and numbering that will be needed as a result of making the modifications. It will also be necessary to ensure all references to the plan-making procedure are up to date. I have not necessarily highlighted all such minor consequential changes.

0.8 Subject to the recommended modifications in the report being completed I am satisfied that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

0.9 The SNDP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

0.10 With the modifications in place the Sprotbrough Neighbourhood Development Plan will meet the Basic Conditions and can proceed to a Referendum.

0.11 When that referendum takes place I also recommend that the Sprotbrough Neighbourhood Area, which covers most of the Parish, is taken as the area for the Referendum.

Peter Biggers MRTPI AIHBC
11 March 2021
Argyle Planning Consultancy Ltd

1. Introduction

1.1 Background Context

1.1.1 This Report provides the findings of the examination into the Sprotbrough Neighbourhood Development Plan (referred to as the SNDP throughout this report).

1.1.2 The SNDP was produced by Sprotbrough and Cusworth Parish Council (SCPC) in consultation with the local planning authority – Doncaster Metropolitan Borough Council (DMBC) and interested parties and local stakeholders.

1.1.3 The Sprotbrough Neighbourhood Area equates to an area of approximately 859 hectares covering most but not all of the Parish and focused on the village of Sprotbrough.

1.1.4 Sprotbrough lies within the Doncaster Metropolitan Borough area with the village centre being approximately 4 miles west of Doncaster town centre. At the census in 2011 the parish had a population of 7742 residents living in 3165 households. By 2017 the population had fallen slightly to 7408. The A1(M) bisects the area with the built-up area to the south west comprising the historic village core of Sprotbrough and later 20th century residential development, and the built-up area to the north east comprising an area of suburban housing and schools adjoining the main urban area of Doncaster. The built-up areas are largely residential in character with a small area of local shops and services in the historic village centre and some convenience shopping along Sprotbrough Road. The built-up areas are surrounded by largely open, rolling countryside, with woodland areas and arable fields which is designated Green Belt. The historic hamlet of Newton sits detached from the development along Sprotbrough Road separated by the railway line and river meadows to the River Don which flows along the southern boundary of the Neighbourhood Area. The area includes a section of the long distance footpath and cycleway – the Trans Pennine Trail.

1.1.5 This Examiner's Report provides a recommendation as to whether or not the SNDP should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes cast in favour of it, then the SNDP would be '**made**' by DMBC. In the event of a successful referendum result the SNDP would immediately carry full weight in the determination of planning applications in the Neighbourhood Area.

1.2 Appointment of the Independent Examiner

1.2.1 I was appointed by DMBC, with the consent of SCPC, following a competitive procurement process, to conduct the examination and provide this report as an Independent Examiner. I am independent of the Qualifying Body and the Local Planning Authority. I do not have any interest in any land that may be affected by the SNDP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I have planning and development experience, gained over 39 years across the public and private planning sectors and am a Member of the Royal Town Planning Institute and a member of the Neighbourhood Planning

Independent Examiners Referral Service run by the Royal Institute of Chartered Surveyors.

1.3 Role of the Independent Examiner

1.3.1 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “Basic Conditions.” The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA). They are that *:

- a)** Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- d)** The making of the neighbourhood plan contributes to the achievement of sustainable development;
- e)** The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
- f)** The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations;
- g)** Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the plan.

1.3.2 Pursuant to Basic Condition g) above, Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the *Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* effective from 28 December 2018) prescribes the following additional basic condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

Regulation 106 (1) of Chapter 8 states that : *“a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required”.*

* NB Basic Conditions b) and c) relating to the desirability of preserving or enhancing listed buildings and conservation areas are also included in the basic conditions but as these only concern neighbourhood development orders and not neighbourhood plans they are not included in this report.

1.3.3 In examining the Plan, I have also considered whether the legislative requirements are met namely:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to neighbourhood plans by section 38A of the PCPA.
- The Neighbourhood Plan meets the requirements of Section 38B of the PCPA (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area) and
- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the PCPA Section 38A.

1.3.4 I have examined the SNDP against the Basic Conditions and legislative requirements above and, as Independent Examiner, I must make one of the following recommendations:

- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Plan, once modified to meet all relevant legal requirements, should proceed to Referendum;
- c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

1.3.5 If recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Sprotbrough Neighbourhood Area to which the Plan relates. I make my recommendation on the Referendum Area at the end of this Report.

1.3.6 The role of the independent examiner is not to comment on whether the plan is sound or how the plan could be improved but rather to focus on the compliance with the Basic Conditions.

2. The Examination Process

2.1 It is a general rule that neighbourhood plan examinations should be held without a public hearing i.e. by written representations only. However, according to the legislation, when the Examiner considers it necessary to ensure adequate examination of an issue, or to ensure a person has a fair chance to put a case, a public hearing may be held.

2.2 I have considered the representations received at the Regulation 16 publicity stage and, in the light of these, I am satisfied that there is no need for a public hearing in respect

of the SNDP and I confirm that *all* representations on the Neighbourhood Plan received at the Regulation 16 stage have been taken into account in undertaking this examination. Where appropriate I have made specific reference to the person's or organisation's comments in section 6 of this report.

2.3 I undertook an unaccompanied site visit around the Neighbourhood Area on 18 February 2021 during which I looked at its overall nature, form, character and appearance and at those areas affected by policies and proposals in the Plan in particular.

2.4 Subsequent to my reading for the examination I asked a number of factual questions of both DMBC and SCPC as Qualifying Body relating to the context for and proposals of the plan and requested additional supporting justification in respect of proposed local heritage assets and significant views. This exchange was carried out by email and the questions and the responses received from the Councils are set out in Appendix 1. I am grateful to the two Councils for responding on these matters.

2.5 In undertaking this examination, I have considered each of the following documents in addition to the Submission Version of the Sprotbrough Neighbourhood Development Plan:

1. National Planning Policy Framework (Feb 2019).
2. National Planning Practice Guidance 2014 (as amended)
3. Town and Country Planning Act 1990 (as amended)
4. The Planning and Compulsory Purchase Act 2004 (as amended)
5. The Localism Act 2011
6. The Neighbourhood Planning Act 2017
7. The Neighbourhood Planning (General) Regulations (2012) (as amended)
8. The Doncaster Local Development Framework Core Strategy 2012.
9. The Doncaster Local Plan 2015-2035 Publication Version June 2019
10. Sprotbrough Neighbourhood Development Plan Basic Conditions Statement 2020
11. Sprotbrough Neighbourhood Development Plan Consultation Statement 2020
12. Sprotbrough Neighbourhood Development Plan Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion – January 2020
13. Sprotbrough Neighbourhood Area Designation Report – 2018.

Also:

14. Representations received during the Regulation 16 publicity period post submission 19/08/2020 to 7/10/2020.

3. Public Consultation

3.1 Background

3.1.1 An accessible and comprehensive approach to public consultation is the best way to ensure that a neighbourhood plan reflects the needs, views and priorities of the local community.

3.1.2 SCPC submitted a Consultation Statement, as required by regulation 15 of the Neighbourhood Planning (General) Regulations, to DMBC on 10 August 2020.

3.1.3 Public consultation on the SNDP commenced with initial consultations in Summer 2016. The initial consultation was followed by various consultation stages, including:

- First Draft Plan Consultation Dec 2018 to early 2019.
- The pre submission consultation under Regulation 14 from 01/11/2019 to 31/01/2020.
- The formal, publicity stage, as required by Regulation 16, (the consultation period post submission of the plan) from 19/08/2020 to 07/10/2020.

The regulation 16 stage resulted in consultation responses from 6 respondents. Most made no specific comments but some detailed matters were raised principally from DMBC officers and will be addressed as part of the examination. These are considered as necessary within my assessment of the plan in Section 6 below.

3.2 Sprotbrough Neighbourhood Development Plan Consultation

3.2.1 The SNDP Neighbourhood Planning Steering Group (The Sprotbrough Neighbourhood Champions) has carried out consultation with the community and stakeholders throughout the process of plan preparation. The communication methods used involved newsletters, the SCPC and Sprotbrough Neighbourhood Champions websites, together with the DMBC website, press releases, flyers and posters and email drops as well as a presence at community events and questionnaires. Copies of the First Draft Plan, Pre-Submission Draft Plan and Submission Plan were uploaded to the websites and links provided via email as well as being available locally in hard copy at the local library and Parish Council Office.

3.2.2 The initial consultation stage of the plan, sounding out the community on the plan and the issues that should be addressed started in Summer 2016 with a SWOT analysis followed that Autumn by a questionnaire and an adapted version of the questionnaire for schoolchildren. 697 questionnaires were returned from householders and businesses - a 22% response rate - providing a good base of comments and ideas on the issues facing Sprotbrough and how they could be resolved.

3.2.3 Based on the feedback from this early stage work the steering group developed a first draft of the plan and consulted on draft policies and themes in the plan, in advance of the formal Pre-Submission Draft stage, in late 2018 and early 2019. The plan was publicised as above and a summary version produced and the Sprotbrough Neighbourhood Champions attended local events to provide the opportunity for residents to discuss the plan. 22 representations were received which were used in working up the Pre-submission Draft of the Plan.

3.2.4 The Consultation Statement sets out the form and content of these early consultations. It is clear that full opportunities were available to the community to be involved and that the consultations gave a good basis for the preparation of the plan.

3.2.5 The Pre-Submission Draft consultation on the plan, as required by Regulation 14, involved a 6 week period (omitting Christmas and New Year holidays) from 01/11/2019 to 31/01/2020. The SNDP was made available online on the Parish and Doncaster

Borough websites and links to the plan provided via email to statutory consultees, local businesses, individuals and groups. Hard copies were made available in the local area and the plan was publicised by posters and flyers and on Facebook. The Sprotbrough Neighbourhood Champions attended local events to help explain the Plan and gather feedback. 34 responses were received including 24 from residents and 8 from statutory consultees.

3.2.6 Following the pre-submission stage and the analysis of results the plan was finalised for submission.

3.2.7 The Neighbourhood Planning Regulations are part and parcel of the 1st Basic Condition and Regulation 15 (2) sets out clearly what the Consultation Statement should include. Having reviewed the Consultation Statement and its appendices I am satisfied that the consultation statement is compliant with Regulation 15 in demonstrating who was consulted, how they were consulted, what the main issues and concerns were and what action has been taken in response to these to arrive at the Submission Draft Plan. The interest and participation by residents in the plan has been facilitated throughout the process at the various stages and I am satisfied from the evidence that the communication and consultation which took place provided sufficient opportunity for the community's participation.

4. Preparation of the Plan and Legislative Requirements

In terms of the procedural tests set out in paragraph 1.3.3 of this report my findings are:

4.1 Qualifying Body

4.1.1 Sprotbrough and Cusworth Parish Council (SCPC), as the duly elected lower tier council, is the qualifying body for preparation of the Plan.

4.1.2 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.2 Plan Area

4.2.1 An application was made by the SCPC on 22 April 2016 to designate the Sprotbrough Neighbourhood Area. The area sought covered the majority of the Parish but excluded the northern section around Cusworth. It focused on the area of Sprotbrough village and Newton given the issues to be addressed in the plan. This Neighbourhood Area was approved by Doncaster Metropolitan Borough Council on 20 September 2016.

4.2.2 Subsequently on 2 August 2018 the Parish Council applied to make minor alterations to the Neighbourhood Area to exclude the York Road Retail Park in the north of the area and the business area and Cheswold Park Hospital in the north east corner of the Parish as the plan was unlikely to have any bearing on or relevance to these

areas.

4.2.3 DMBC consulted as required for 6 weeks on these proposed minor changes and in the absence of any representations concluded that the changes were unlikely to have any adverse consequences and would not affect the main focus of the plan and approved this revised Neighbourhood Area on 20 December 2018. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations as amended.

4.3 Plan Period

4.3.1 A neighbourhood plan must specify the period during which it is to have effect. The SNDP clearly states on the title page and in paragraph 5 that it covers the period up to 2035.

4.3.2 The plan period extends beyond the end point of the Doncaster Local Development Framework Core Strategy to align with the proposed end date of 2035 for the emerging Doncaster Local Plan which will set out the strategic policies for the neighbourhood plan in the future. The intended time period satisfies the requirements of Section 38B of the PCPA as amended.

4.4 Excluded Development

4.4.1 The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The SNDP relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.5 Development and Use of Land

4.5.1 The Neighbourhood Plan should only contain policies relating to development and use of land. Subject to the modifications proposed below in section 6, the SNDP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land.

4.6 Plan Publication Following Submission

4.6.1 Doncaster Metropolitan Borough Council (DMBC) undertook a validation check of the SNDP following submission on 10 August 2020 and was satisfied that the Plan could proceed to be publicised under Regulation 16 and proceed to this independent

examination.

5. The Basic Conditions

5.1 National Policy and Advice

5.1.1 The main document that sets out national policy is the *National Planning Policy Framework* (the NPPF). A revised version of the NPPF was published on 24 July 2018 with a further version including minor clarifications in February 2019. The SNDP was prepared in this context and I have therefore based my consideration of the extent to which the SNDP meets Basic Condition a) in section 6 below against NPPF 2019 along with legislation and regulations.

5.1.2 The NPPF explains that neighbourhood plans should support the delivery of strategic policies and set out non-strategic policies and plan positively to shape, direct and help to deliver sustainable development that is outside the strategic elements of the Local Plan.

5.1.3 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. They should not promote less development than that set out in the strategic policies of the development plan or undermine those strategic policies.

5.1.4 The NPPF indicates that plans should contain policies that are clearly written and unambiguous so that it is clear how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area.

5.1.5 National advice on planning is set out in the *Planning Practice Guidance* (PPG) which includes specific advice regarding neighbourhood plans. The PPG has also been reviewed in tandem with the NPPF and I have considered the advice of the PPG as at the time of submission at August 2020.

5.2 Sustainable Development

5.2.1 A qualifying body must demonstrate how a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole constitutes the Government's view of what sustainable development means in practice for planning. The NPPF explains that there are three overarching objectives to sustainable development - economic, social and environmental.

5.2.2 There is no legal requirement for a formal Sustainability Appraisal (SA) to be carried out in respect of neighbourhood plans. However, SA is an established method of demonstrating how a neighbourhood plan will contribute to achieving sustainable development.

5.2.3 In this case SCPC has only included in the Basic Conditions Statement a commentary in tabular form on how the plan meets the 3 main sustainability objectives in the NPPF. This has not been done against a suite of sustainability objectives (reflecting the environmental, social and economic dimensions of sustainability) to test the SNDP policies, which would have been the more usual procedure. However, the table includes sufficient information to confirm at a high level that the effect of the policies of the plan would be generally positive in terms of sustainability. I consider the contribution of specific policies to sustainable development in more detail below in Section 6.

5.3 General Conformity with the Development Plan

5.3.1 At the time the preparation of the SNDP commenced and up to submission, the adopted development plan for the Neighbourhood Area was the *Doncaster Council Core Strategy 2011-28* (DCCS) along with saved policies from the Doncaster UDP 1998 which still carry weight according to their consistency with the NPPF. The SNDP has been assessed against these plans in the Basic Conditions Statement which concluded that the SNDP was in general conformity with the strategic policies.

5.3.2 DMBC has embarked on the production of a replacement development plan, the *Doncaster Local Plan 2015-35* (DLP), which had progressed to Publication Draft stage in summer 2019. The plan is nearing the end of its examination stage with main modifications published and although the Inspector has not issued their final report it is at an advanced stage*. Whilst it is not yet adopted and therefore cannot be used directly to assess the SNDP against Basic Condition e), the SCPC has chosen to consider compliance of the neighbourhood plan against the emerging policies in the Basic Conditions Statement. It is clear from this that the intention is to ensure the SNDP is also in line with the emerging DLP and its evidence base to future proof the neighbourhood plan so that it does not have to be immediately reviewed on adoption of the DLP.

5.3.3 This approach is supported and advocated in the PPG as the correct way to proceed where a replacement local plan is in preparation but not sufficiently far advanced to officially form the basis of the Basic Conditions assessment.

5.3.4 I consider the extent to which the policies and proposals of the SNDP are in general conformity with the strategic policies of the DCCS in detail in Section 6 below.

*Note – The Main Modifications are likely to have the effect of changing the policy numbering of the Publication Draft Doncaster Local Plan. The numbering referred to in the SNDP and, for consistency, the DLP policy numbering in this examination report refer to that of the Publication Draft.

5.4 European Union (EU) Obligations

5.4.1 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom's departure from the European Union these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Strategic Environment Assessment and Habitat Regulations Assessment

5.4.2 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

5.4.3 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a SEA is submitted with a Neighbourhood Plan proposal or a determination obtained from the responsible authority (DMBC) that the plan is not likely to have 'significant effects.'

5.4.4 A screening opinion was prepared by DMBC in consultation with the statutory bodies in early 2020. The screening concluded that as no additional land was allocated in the SNDP beyond the scale of development already assessed in SEA of the development plan and there was no proposal to amend development limits beyond that proposed in the emerging DLP, the scale of development likely to be allowed through the plan would be small. Moreover, the plan brought forward a suite of policies to protect and enhance the natural environment and promote sustainable development and therefore the plan was unlikely to have adverse effects. Any effects from small scale development would be local and limited and offset by the positive benefits of the policies within the neighbourhood plan. The conclusion of the SEA screening and the Council's determination was that Strategic Environmental Assessment was not required.

5.4.5 Regarding Habitats Regulations Assessment (HRA) the test in the additional Basic Condition under Regulation 32 now essentially mirrors that in respect of SEA and requires an Appropriate Assessment to be carried out where a plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) or a determination is obtained from the responsible authority (DMBC) that the plan is not likely to have a 'significant effect'.

5.4.6 An HRA Screening Opinion was carried out which confirmed no European sites are located within the Neighbourhood Area and whilst there are European sites at Hatfield Moors SAC, and Thorne and Hatfield Moors SPA and at Thorne Moors SAC north east of Doncaster these are between 15 and 20kms from Sprotbrough. The conclusion of the Council's determination was that as the SNDP policies were generally beneficial and there

were no allocated sites in the plan area not already considered in other plans and no European sites within or close to the parish, the SNDP policies and proposals, either alone or in combination with other plans or projects, were unlikely to have a significant effect on any European sites. Consequently, the plan is not considered to require Appropriate Assessment under Article 6 or 7 of the Habitats Directive.

5.4.7 These screening conclusions for both SEA and HRA have been confirmed by Natural England, The Environment Agency and Historic England as the statutory consultees and no objections were raised. I have no reason to reach a different view.

European Convention on Human Rights (ECHR)

5.4.8 The Human Rights Act 1998 encapsulates the Convention and its articles into UK Law.

5.4.9 An Equalities and Human Rights Impact Assessment has not been specifically carried out for the SNDP. Instead the Basic Conditions Statement briefly reviews the fundamental rights and freedoms guaranteed under the ECHR.

5.4.10 In respect of Article 1 of the first protocol - the right of everyone to the peaceful enjoyment of possessions - although the SNDP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

5.4.11 In respect of Article 6 of the Convention's Rights and Freedoms - the right to a fair hearing in determination of an individual's rights and obligations - the process for preparing the SNDP is fully compatible with this Article, allowing for consultation on its proposals at various stages, and incorporating this independent examination process.

5.4.12 In respect of Article 14 of the Convention's Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground - the policies and proposals of the SNDP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible.

5.4.13 I conclude that, given the nature of the plan policies and proposals, there would be unlikely to be any detrimental impact on the 'protected characteristics' set out in the Equality Act and generally the plan would bring positive benefits. Whilst the plan does not directly address needs in respect of particular protected characteristics within the plan area, the SNDP generally is not prejudicial to any group in its policies. No concerns or objections on the grounds of human rights or equalities have been raised during the consultation stages of the plan. I am satisfied on the basis of the above that, across the plan as a whole, no sectors of the community are likely to be discriminated against. The

policies together would generally have public benefits and encourage the social sustainability of the neighbourhood.

5.4.14 I am satisfied therefore that the Plan does not breach, and is otherwise compatible with, the ECHR.

5.4.15 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the SNDP is compatible with EU obligations and therefore with Basic Conditions f) and g).

6. The Neighbourhood Plan – Assessment

The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in section 5 above that the plan as a whole is compliant with Basic Conditions f) (EU obligations) and g) (Other prescribed conditions including that under Regulation 32), this section largely focusses on Basic Conditions a) (Having regard to National Policy), d) (Contributing to the achievement of Sustainable Development) and e) (General conformity with strategic policies of the Development Plan).

Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.

6.1 The General Form of the Plan

6.1.1 The structure of the SNDP is generally logical and clear with early sections setting the context, vision and objectives and then policy sections.

6.1.2 The plan distinguishes between the policies themselves and their justification by boxing and shading the policies. Each policy is accompanied by supporting text setting out the purpose of the policy and its aims as well as the strategic policy context.

6.1.3 The PPG requires the plan to provide a clear and unambiguous guide to developers and in that respect I have two concerns with the general form of the plan that raises issues in respect of Basic Condition a).

6.1.4 First when providing mapping, as in the SNDP, this should be clear and some of the mapping used in the plan is too small to clearly illustrate issues or proposals. Maps are generally in landscape format on a portrait page immediately limiting their size. They could be enlarged, for example, by changing the format of the plan itself from portrait to landscape. The need for larger mapping is particularly true of maps which relate to policies that have a spatial application.

6.1.5 Secondly, greater use of subtitling and section numbers would create clearer transition between sections of the plan. This is particularly important where there is more than one policy in a section for example within section 9.1 “Protecting Local Character

and Built Heritage”. Each section change should be marked with a subtitle and reference number e.g. ‘9.1.1 – Historical Context’; ‘9.1.2 – Development East of the A1M’etc.

6.1.6 Modifications are necessary to resolve these issues.

Recommendation 1	
1A	Enlarge all mapping in the plan where possible.
1B	Provide a third tier of numbering and subtitles to policy sections e.g. 9.1.1 / 9.1.2 etc to clarify the transition to a new policy.

6.2 What is the Sprotbrough Neighbourhood Development Plan?

6.2.1 This section of the SNDP describes the purpose and intent of the neighbourhood plan, the neighbourhood area, and plan period. This is largely a factual section and there is no need for any changes.

6.3 How Does the Neighbourhood Plan Work Within the Planning System?

6.3.1 This section again is largely factual setting out the planning context and the neighbourhood planning process.

6.3.2 The SNDP when it is ‘made’ will be part of the Development Plan and as such S38(6) of the Planning and Compulsory Purchase Act 2004 will apply to it which requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. In that context I am not persuaded that paragraph 8 of this section which states that the plan will have ‘significant weight’ properly reflects the legislation and as such is not in accordance with Basic Condition a).

6.3.3 Other than a modification to correct this, the only changes necessary to this section will be to update the references to the plan preparation process in paragraphs 11-15.

Recommendation 2	
2A	Reword the last sentence of paragraph 8 to read: “<i>Once the Neighbourhood Plan is part of the Development Plan, planning proposals will be determined in accordance with its policies unless material considerations indicate otherwise</i>”.
2B	Update the references to the process of making the neighbourhood plan in paragraphs 11-15

6.4 Sprotbrough in Context

6.4.1 Section 4 describes the Sprotbrough neighbourhood area and is again largely factual. No changes are required to this section.

6.5 NDP Preparation and Public Consultation

6.5.1 This section describes the extent of the Neighbourhood Area and the consultation processes that the plan has gone through. Inasmuch as the consultation process and its results are fully set out in the Consultation Statement, the inclusion of much of Section 5 is unnecessary. Paragraphs 29 to 37 inclusive and Appendix A add little to the understanding of the plan at this stage, merely repeat the Consultation Statement and could simply be deleted in the interests of making the plan more concise. However, the inclusion of this detail raises no issues in respect of Basic Conditions and I therefore make no formal recommendation to modify the plan.

There is though one factual correction that needs to be made to paragraph 24 where the wrong date is included for the initial designation of the Neighbourhood Area in 2016.

Recommendation 3 –

3	In paragraph 24 Line 3 change the designation date from ‘February 2016’ to “20 September 2016”
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6.6 Key Planning Issues for Sprotbrough

6.6.1 This section of the plan summarises the key issues which have arisen from Consultation and which are addressed in the SNDP.

6.6.2 The PPG requires that Neighbourhood Plans are clear and unambiguous in their intent and in that respect there are two minor issues with this section.

6.6.3 The first has been raised by DMBC Highways Development Management officers in its Regulation 16 representations relating to paragraph 46 and highlights the tension between the plan seeking to promote sustainable transport options and the statement in paragraph 46 that the plan will promote improved parking provision to serve local shops and services. DMBC Highways consider this will simply reduce the likelihood of people walking or cycling for short trips. Whilst I share the concern that two slightly opposing objectives have been combined creating tension in this paragraph there is clearly community concern about highway safety issues due to parking congestion in and around the local centre. I therefore suggest that a modification is made to the paragraph to refer to ‘improved parking management’ in the local centre which may or may not include additional parking provision.

6.6.4 The second issue relates to the issue of ‘protecting key views and valued landscapes’. I am concerned that whilst there is some crossover of this issue with the Green Belt, (because clearly the Green Belt surrounds Sprotbrough), this section is dealing with 2 different issues. Paragraphs 49-53 with the exception of paragraph 52 are largely about the Green Belt and development and less about key views and valued landscapes. A minor modification is therefore required to clarify the two issues.

6.6.5 DMBC Conservation in their Regulation 16 representations on the plan suggest that

the proposed site 929 north of Cadeby Road should be identified in Map 3. If the Local Plan is in its final form awaiting adoption or actually adopted by the time the SNDP goes forward for referendum I agree that an updated map showing the Cadeby Road site excluded from the Green Belt should be provided.

Recommendation 4	
4A	Reword the last sentence of paragraph 46 to read as follows: “.....and encourages improved parking management in the local centre.”
4B	Move paragraph 52 to immediately follow paragraph 48.
4C	Insert new subheading “<i>Implications of the Green Belt for the Neighbourhood Plan</i>” or similar after Map 3.
4D	If the Doncaster Local Plan is in its final form by the time of the referendum, Map 3 should be amended for clarity and consistency to show the revised Green Belt with the Cadeby Road site excluded.

6.7-8 Community Vision and Objectives

6.7-8.1 Sections 7 and 8 of the plan set out the community’s vision and community objectives for the plan to deliver the vision and provide the basis for the policies.

6.7-8.2 Being able to demonstrate the thread from issues to vision and objectives and from objectives to policies is an important part of evidencing the neighbourhood plan as required in the PPG and it is clear in the SNDP that the key issues lead into the community vision and objectives.

6.7-8.3 The vision looks to ensure the community’s needs for housing and services are met in a sustainable way whilst valuing the rural character of the parish, its history and the qualities of the environment.

The plan has regard to the PPG advice in respect of neighbourhood planning that it *“provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local people.”*

6.7-8.4 The vision and objectives also encapsulate and generally reflect the vision and objectives set out in the DCCS at section 2.1 and 2.3 in particular objectives 4-9 of the Core Strategy and the vision for the villages set out at section 2.21. Moreover, the impact of pursuing the vision and objectives would contribute to the achievement of sustainable development.

6.7-8.5 However in respect of Objective 2 DMBC Conservation has raised the point in its Regulation 16 representation that the wording needs to be amended. I share this concern and am not satisfied that the wording has regard to national policy and legislation. The objective of conservation of heritage assets is not to ‘restore’; rather the test is whether

proposals preserve or enhance. The words 'protected' and 'preserved' are often used interchangeably and therefore I am less concerned over the use of the word 'protected'. However, restoration is a very specific objective which is not part of the test in legislation and therefore its use is in conflict with Basic Condition a).

Recommendation 5 –	
5	In Community Objective 2 replace the word 'restored' with the word 'enhanced'.

6.7-8.6 With this minor adjustment the Vision and Objectives of the SNDP meet Basic Conditions a), d) and e).

6.9 SNDP Planning Policies

This section of the plan sets out the policies contained in the plan.

6.9.1 Protecting Local Character and Built Heritage

Policy S1 Guidelines for New Development in Sprotbrough

- i. Policy S1 is designed to ensure all new development is appropriate in its context and protects and enhances the distinctive local character of the area. In this respect it has regard to section 12 of the NPPF and in particular the requirements for planning policies set out at Paragraph 127.
- ii. Policy CS14 of the DCCS sets out the strategic policy in respect of design and sustainable construction. The criteria in Policy S1 reflect the objectives of policy CS14 particularly at section A – Design and C – Sustainable Construction. The opportunity is taken in S1 to add local detail and it does not merely replicate the scope of the strategic policy. Policy S1 is also complementary to Policies 42 and 43 of the emerging DLP.
- iii. The aspirations of policy S1 applied to new development will also further design in the local area that is sustainable.
- iv. Therefore the principle of the policy would meet Basic Conditions a), d) and e).
- v. However the success of the policy relies on its implementation. The NPPF and PPG require policies to be clear and unambiguous and to provide clear guidance to developers. In this respect there are a number of problems with the policy.
- vi. First, clause 3 requires proposals to take account of the character of the area as described in the character areas identified in Map 4. However, other than identifying these areas, the broad period and form of development the map does not describe their local character thus there is no guidance provided as to the character which new development should respect. As a result, the policy would not give clear guidance. I note that the Village Design Statement is reported to have included a detailed description of local character

however this does not form part of the plan nor could I source it via an internet search. For clause 3 to operate it will be necessary for SCPC to provide additional descriptive material for each character area setting out for example general scale and form of development, plot size, density, landscaping, etc. - in short, the key elements that give the area its character. This need not be more than a paragraph for each area but the key characteristics need to be spelt out. The other source of character description in clause 3 referred to is the South Yorkshire Historic Environment Characterisation Project but the wording of clause 3 is unclear in this referencing. Also DMBC have indicated that the character appraisals online in DMBC's webpages should be referenced as a source describing the character of the conservation areas.

vii. Secondly, clause 5 requires developers to appropriately consider and account for the impact of development on key views and vistas set out in Appendix K. Again, there is no supporting detail in Appendix K. The views are simply named and located there is no justification provided as to why they are significant and therefore it would be difficult for developers to assess the impact of their proposals on these views.

viii. Thirdly in clauses 8 and 11 different requirements are lumped together when for clarity they should be separated out in two clauses. In clause 8 the last sentence regarding new roads is a separate requirement to grassed and treed verges and in clause 11 sensitive design of lighting schemes in the last sentence is a largely different requirement to sustainable construction which the rest of the clause deals with.

ix. The wording of the second sentence of clause 11 partly due to the sentence length and complexity is unclear.

x. I recommend the following modifications in order that the policy meets Basic Condition a) and the requirement for clear and unambiguous policies.

Recommendation 6	
6A	Insert a paragraph for each of character areas 1 to 5 describing the character of the area after Map 4. (Note – I have not required SCPC to supply the wording for this whereas I have in respect of significant views. The reason for this difference in approach is that the description of the character areas is simply a factual description whereas in respect of key views I needed to be satisfied regarding their significance and the need for protection)
6B	Reword lines 2-4 of clause 3 to policy S1 to read: “...on Map 4 in the <i>descriptions of the Sprotbrough and Newton Conservation Areas in character appraisals on the Council’s website or in the South Yorkshire Historic Environment Characterisation Project</i>”.
6C	Provide a statement of importance and significance for each of the key views in Appendix K (See also Recommendation 15)
6D	Separate out Policy S1 Clause 8 last sentence to form a new clause and Clause 11 last sentence to form a new clause. Renumber clauses accordingly.

6E	In policy S1 Clause 11 lines 6-7 reword as follows: <i>“...where schemes are located within or impact upon the setting of the Sprotbrough or Newton Conservation Areas. In other areas priority will be given to sustainable design.”</i>
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Policy S2 Heritage Assets

i. Policy S2 seeks to ensure new development is sensitive to the distinctive character of the Conservation Areas and identifies and protects locally important undesignated heritage assets.

ii. The policy generally has regard to the NPPF at section 16 where it sets out how proposals affecting both designated and undesignated heritage assets will be judged. It is also in general conformity with Policy CS15 of the DCCS and reflects Policies 35 and 41 of the emerging DLP which set out the strategic policy in respect of the historic environment and supports proposals that protect or enhance heritage assets including undesignated local heritage assets. The policy does not overlap with these national and strategic local requirements as its aim is to provide specifically local guidance for development in the two conservation areas and in respect of the undesignated assets.

iii. However there are two concerns with the policy and its ability to provide clear and unambiguous guidance to developers.

iv. First the section on the Sprotbrough Conservation Area appears to seek to apply equally to both development within the conservation area and development adjacent to it. The use of the words ‘adjacent to’ are imprecise and do not reflect the tests in the NPPF at paragraph 190 and 194 where it is harm to the asset and its setting that should be avoided. Both for the sections of the policy on the Sprotbrough and Newton Conservation Areas the policy should apply to development within or affecting the setting of the Conservation area.

v. Secondly, the Policy at Section 13 recognises the value of local heritage assets to the character of Sprotbrough and sets out how proposals affecting these assets would be considered. However, for this section of the policy to offer clear guidance to developers and for it to be successfully implemented it is necessary for the significance of these assets to be clearly set out. Local heritage assets have been assessed and identified by the Neighbourhood Plan Steering Group in consultation with the community and DMBC Conservation and Design officers and Appendix G to the plan is intended to summarise the significance of each asset and why it is important to the character of Sprotbrough. However, whilst this is achieved in respect of most of the assets listed in the Appendix those entries for Nos 5, 7, 8, 10 and 18 provide an inadequate assessment of their significance. As part of the examiner’s clarifying questions and requests to the Parish Council, the Council or Steering Group was asked to supply additional descriptions for these entries to be inserted in Appendix G. In response SPC has submitted revised entries prepared by DMBC Conservation and these are set out at Appendix 2 to this report and

should be incorporated into the plan in a revised Appendix G going forward to the referendum.

vi. The DMBC Conservation Team in its Regulation 16 representation proposes that references should be included to heritage at risk. However, this would involve incorporation of a new element within the policy which is not necessary to meet the Basic Conditions and has not been consulted on. In any event Policy 35 of the emerging Local Plan includes references to supporting the positive management of heritage at risk and it is unnecessary for neighbourhood plans to cover issues which are already adequately covered in other parts of the Development Plan albeit the DLP is still to be formally adopted.

vii. The Conservation Officers have also requested that changes are made to referencing within the section of the plan relating to heritage to ensure it accurately includes all the heritage assets referred to in the section including in mapping. Inasmuch as these are factual corrections and help to ensure the plan is clear and unambiguous I will incorporate them in my recommended modification.

Recommendation 7	
7A	In Policy S2 in the sections on Sprotbrough Conservation Area and Newton Conservation Area Lines 1 - Reword the start of the sentences to read: “New development within, or within the setting to the Sprotbrough / Newton Conservation Area”.
7B	Add the revised entries for the local undesignated heritage assets set out at Appendix 2 to this report into Appendix G to the neighbourhood plan.
7C	Change the subtitle on Page 27 to read: “Heritage Assets Within the Sprotbrough Neighbourhood Area”
7D	Change the Title to Map 5 to: “Heritage Assets in and around Sprotbrough”
7E	Change the third subtitle in paragraph 88 to read: “In the wider neighbourhood area” Change the title to Map 11 to: “Locally Valued (Undesignated) Heritage Assets in the Wider Neighbourhood Area”
7F	In Map 10 include number referencing for other areas of stone walling important to the character of the area.

viii With these modifications in place Policy S2 and Appendix G would be clear and unambiguous and Basic Condition a) would be met. The policies when implemented will help protect the Conservation Areas and local heritage assets in the neighbourhood area maintaining a sense of place and contributing to the achievement of sustainability. The policy, as above, is also in general conformity with the DCCS. It therefore also meets

Basic Conditions d) and e).

Policy S3 Backland and Infill Development

i. Policy S3 of the plan responds to a longstanding trend in Sprotbrough, (partly due to it being surrounded by the Green Belt), of infill development and in particular the subdivision of gardens leading to increasing density and a general change in character. The policy does not seek to stop such development but to manage it more effectively.

ii. The NPPF at paragraph 70 does acknowledge that there may be a need to develop policies to manage inappropriate development of residential gardens. In section 11 of the NPPF, even though effective use of land is strongly encouraged, paragraph 122 makes it clear that this should not be at the expense of maintaining an area's prevailing character. Policy S3 has regard to this advice. The adopted DCCS does not include any specific policy on infill and backland development however the emerging DLP at Policy 45C does and specifically mentions Sprotbrough as an area where such development is impacting on character. Policy S3 in developing specific local guidance for such development is therefore in general conformity with the emerging Local Plan.

iii. The principle and the criteria of the policy are generally appropriate however there is a tension between the supporting text and the policy in terms of clarity as to where it is to apply. Paragraph 43 of the plan first raises infill development and the pressures it can create on local character as a key issue and, whilst the focus is on residential gardens, it is clear that it is not exclusively an issue related to rear gardens and backland. It is also clear in the justifying text at paragraph 92 that the concern is with the potential impact of all infill development. The policy however restricts itself purely to rear gardens. As this appears to be contrary to the intent expressed in the supporting text I have clarified the policy intention with SCPC in the Examiner's questions (see Appendix 1). SCPC has confirmed that it was not the intention that Policy S3 should be limited only to controlling backland development in rear gardens and it was the intent to apply it to all incidences of infilling. Accordingly, I recommend the following modification to the policy title and first line to clarify the intent.

Recommendation 8	
8A	Change the title of Policy S3 to read "<i>Backland and infill development</i>"
8B	Insert in Line 1 after the words 'rear gardens' the words "<i>and other infilling</i>"

iv. With this modification the policy is clear and unambiguous and meets Basic Condition a). As above it will be in general conformity with the DLP when adopted and formalises DMBC's approach to such development set out in the Residential Backland and Infill Development SPD. Moreover, the policy is likely to result in a more sustainable form of infill development and therefore Basic Conditions d and e) are also met.

6.9.2 Housing

Housing Provision

- i. This section of the plan starts with a discussion about the housing requirement, proposed housing provision and the role of Sprotbrough as one of the service towns and villages in the emerging DLP. The housing requirement for Sprotborough in the DLP was originally proposed to be 95 dwellings to meet the baseline (local needs) requirement of 6 new homes per year. I asked DMBC, as one of the examiner's questions, what the current position was regarding the Local Plan given that the Local Plan Examination is at an advanced stage. DMBC has confirmed that the Inspector has completed the Examination stage relating to housing including release of Main Modifications and, as a result of changes to the Borough's housing requirement, the requirement for Sprotbrough village to 2035 is now proposed to be 80 dwellings.
- ii. There are reportedly no planning permissions with units remaining in this location and a lack of potential urban and non-Green Belt sites, meaning that greenfield Green Belt land needs to be considered for release through the DLP to meet the settlement's housing requirement.
- iii. A single greenfield urban extension, on land formerly designated as Green Belt, to the north of Cadeby Road immediately west of the village is allocated in the local plan for 80 new homes and this allocation remains unaltered in the Local Plan at this advanced stage in the Local Plan Examination.
- iv. The SNDP makes it clear on a number of occasions and in supporting documents, in particular the Basic Conditions Statement, that the intent is that the plan, as well as being in general conformity with the DCCS, should be in general conformity with the emerging DLP and the evidence base that supports it, given its advanced stage close to adoption.
- v. However, in respect of this section of the SNDP on page 40, whilst the text sets out the housing requirement and the proposed allocation of the greenfield site, the plan makes no comment on this proposed provision and the intentions regarding it.
- vi. Whilst I acknowledge that the plan must primarily be in conformity with the adopted DCCS, in two respects the absence of any comment on the proposed housing provision in the DLP is not fully compliant with Basic Condition a). First the SNDP has a stated end date of 2035 in part to align with the emerging DLP and the housing provision expected in Sprotbrough village up to that point was formerly 95 dwellings (now 80) which is not currently provided for without the DLP allocation. The NPPF requires that neighbourhood plans should support the delivery of strategic policies and should be aligned with the strategic needs and priorities of the wider local area. In that context, if the SNDP is to be considered up-to-date over the period to 2035, it should confirm its position regarding this proposed housing provision. Secondly, whilst I accept that it is not necessary to allocate the land north of Cadeby Road as a housing site in the SNDP, it is presumably the Parish Council's intention that the policies of the neighbourhood plan should apply to the site in the

event the allocation comes forward for development.

vii. I asked SCPC as part of the Examiner's questions (see Appendix 1) to confirm the plan's position both in respect of the housing requirement expected of Sprotbrough village and also the position with regard to the allocated site. SCPC has replied indicating that whilst it has set out the situation with regard to the Local Plan it sees the two plan processes as separate and that the neighbourhood plan conforms with the current adopted development plan and therefore meets Basic Condition e).

viii. For the two reasons above at paragraph vi) and particularly the fact that the plan period extends to 2035, the SNDP as it stands does not demonstrate that it meets the intended housing requirement over the period to 2035. The result is that the plan does not provide a clear and unambiguous statement as to how the up-to-date housing requirement will be met and therefore Basic Condition a) is not met. As such it is appropriate that a statement is added into the SNDP confirming the housing requirement, how it is to be met and how SNDP policies will apply to it.

I recommend the following modification.

Recommendation 9	
9A	Insert after paragraph 98 new paragraph 99 to read as follows: <i>“The Neighbourhood Plan in managing development in Sprotbrough up to 2035 acknowledges the housing requirement for the village of 80 units and that this will be provided for predominantly through the greenfield housing allocation in the Doncaster Local Plan for around 80 homes north of Cadeby Road. The policies of the plan seeking to secure a high standard of housing design and other requirements of new developments in the neighbourhood plan will apply to both the allocated site and to other windfall sites.”</i>
9B	Update references to the housing requirement in paragraphs 97 and 98 to reflect the agreed position regarding the housing requirement in Sprotbrough.

Policy S4 Mix of Housing Types and Sizes

i. Policy S4 seeks to secure a mix of housing within the neighbourhood area where the housing stock is currently dominated by larger dwellings. The policy draws on evidence from the Doncaster Housing Needs Study 2019 which includes an assessment of the size of houses and which identified a need for smaller units. The Neighbourhood Plan Residents' Survey findings and consultation throughout the plan preparation also endorses the objective of Policy S4 which seeks to respond to concerns that housing in the community is dominated by larger detached dwellings of 4 or more bedrooms and that a mix of units including 1, 2 and 3 bedroom units is required to support a sustainable community.

ii. The NPPF at paragraph 61 encourages planning for a mix of housing based on the

assessment of housing need from different groups in the community and reflecting this in planning policies. Essentially that is what the Neighbourhood Plan has done. Moreover, as required in the NPPF, flexibility is built into the policy and it stresses that the mix should be based on the latest evidence of housing need. To that end the principle of the policy has regard to the NPPF and is not inappropriate in terms of Basic Condition a).

iii. The policy is in general conformity with DCCS Policy CS12 which seeks a housing mix and affordable housing. It also reflects Policy 8 of the emerging DLP. Policy S4 of the SNDP does not seek to replicate the strategic policies and instead seeks to add a local dimension. The policy is likely to contribute to a more sustainable form of development and therefore it accords with Basic Conditions d) and e).

iv. DMBC Development Management officers in their Regulation 16 representations express concern over the viability of housing developments with the policy applied because land values locally may preclude smaller dwellings. However, as more smaller dwellings can be provided at a higher density this may not be an issue. In any event, there is nothing in the wording of the policy that sets out a hard and fast requirement or proportions of smaller units. The policy merely seeks a mix of 1 and 2 bed smaller units and 3 and 4 bed family units. The policy would not preclude a developer making the financial case that a mix of housing would be unviable in the specific circumstances of the site and this would be assessed as to whether it amounted to a material consideration justifying an exception to the policy. As such I do not consider a modification is necessary.

v. Notwithstanding my view that the policy meets the Basic Conditions generally, given my conclusion above that the plan should provide clarity regarding the position in respect of housing provision, Policy S4 should make it clear that the policy applies to both any DLP allocated site and to windfall housing sites within the development limits. Clearly the policy cannot apply to individual dwelling proposals.

Recommendation 10

10	Insert the following text into Policy S4 Line 1 after the word ‘housing’: “...on all allocated and windfall housing sites should be provided.....”
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vi. With this minor modification Policy S4 and its supporting text meets the Basic Conditions.

6.9.3 Amenities

Policy S5 Protecting and Enhancing Local Community Facilities

i. Policy S5 of the SNDP seeks to identify and protect the existing community facilities of Sprotbrough and support future additional provision. In that respect the policy has regard to paragraph 92 of the NPPF which requires plans and planning decisions to similarly protect and support community facilities. The principle of the policy therefore is acceptable however there is a minor issue with the wording of the policy which changes the test in the

NPPF and weakens the policy.

ii. NPPF Paragraph 92c) introduces the concept of need for the facility and that the loss should be resisted “*particularly where this would reduce the community’s ability to meet its day to day needs*”. Policy S5 by contrast refers to there being no ‘demand’ for the facility which is not the same thing and a different test is introduced. Moreover, this clause of the policy refers only to community buildings which leaves it unclear as to whether it applies to recreation facilities also. As this means the policy is unclear and ambiguous in its application I sought clarification of the intent from SCPC in the examiner’s questions (see Appendix 1 to this report). SCPC has confirmed that the intention was that the clause regarding protection to facilities was intended to apply to both community and recreation facilities listed in the policy.

Recommendation 11	
11	Revise lines 1-2 of Policy S5 on Page 46 after the list of facilities to read: “The loss of existing community buildings <i>and recreation facilities</i> (Use Class D1) and their identified use will be resisted unless it can be demonstrated that the <i>day to day need</i> within the locality for the facility no longer exists.....”

iii. With these modifications in place the policy would better reflect the national policy and guidance seeking clear and unambiguous policy advice and would meet Basic Condition a). The policy will contribute to achieving sustainable development by ensuring the community retains and adds to its community facilities improving quality of life within the parish. It is also in general conformity with Policy CS1 of the DCCS seeking to sustain a quality of life for all residents and reflects Policy 28 of the emerging DLP which protects open space providing opportunities for formal and informal recreation and Policy 52 which looks to protect education, community and leisure facilities from loss to development. It therefore also meets Basic Conditions d) and e).

Policy S6 Local Green Spaces

i. The SNDP at Policy S6 takes up the opportunity offered in the NPPF to identify and designate Local Green Space (LGS) in accordance with paragraphs 99-101. Such spaces can only be designated at the time the neighbourhood plan is being prepared and development within them will be treated in the same way as development within the Green Belt i.e. only permitted where very special circumstances apply.

ii. The 9 sites considered and proposed to be designated as LGS (sites 3 and 6 are subdivided into 2 and 3 parts respectively) are mapped in Appendix J to the SNDP together with the results of the assessment in terms of the tests set out in the NPPF. The NPPF tests are:

- Is the green space in reasonably close proximity to the community it serves?

- Is the green space demonstrably special to the local community and of local significance?
- Is the green space local in character and not an extensive tract of land?

iii. Having reviewed these proposed LGS on site I have issues in respect of a number of them.

iv. In respect to LGS 1 - part of the old railway - whilst I accept that LGS do not have to be in public ownership they do have to be of particular importance to the community as green space. I am concerned that the area proposed to be designated is entirely fenced off and no public access is possible. The one section of the old track bed north from the station that is accessible is not included in the designated area. It is also not clear why the paddock area just south of the house at Sprotbrough Station and not apparently related to the historic significance of the trackbed is included. I have sought clarification from SCPC in a subsequent Examiner's question following my site visit and SCPC have responded indicating that their principal objective is to safeguard the historic significance of the station and trackbed. Whilst I agree that the LGS has historic significance to the community as the former railway and station serving Sprotbrough and that the trackbed and embankment has wildlife significance it is already proposed through policy S2 to protect it as a local heritage asset. Moreover, the site is already Green Belt and therefore protection as LGS south west of the station does not give it any greater degree of protection and the justification is weak. To designate the area as currently shown would devalue LGS both locally and more generally. There would however be justification in designating the section of cutting north from and including the station as, particularly at the north end closest to the school, there is informal public access and paths which link through to a wider area of open accessible countryside north of Nursery lane. The area also is important in landscape terms to the character of Cadeby Road as well as having historic and wildlife significance. I note from the SCPC response that the Parish Council would support this section being designated.

v. Regarding LGS 4 ('The village green') The site assessment in Appendix J states that it has no historic significance in the table entry regarding that special attribute and yet in the conclusion for site 4 it states that it has historic significance because it is in the setting of the Parish Church. In the light of this discrepancy I have asked SCPC to confirm what is correct in the Examiner's questions (see Appendix 1 to this report). SCPC has provided additional text supplied by DMBC that clarifies that, whilst the site itself does not have historic significance in its own right, it is important as it contributes to the setting of the historic Parish Church. The revised wording should be incorporated into the table in Appendix J for site 4. Having seen the site I concur that it does have importance by being in the close setting of the historic Parish Church.

vi. In terms of LGS 5 – land to the front of the Ivanhoe Public House – from my examination on site the majority of the section of this proposed LGS heading east along Melton Road is actually car park to the front of the Ivanhoe. As such a large part of it cannot serve a function as recreational space, has limited amenity value in the streetscene

and unlikely to be of wildlife value. I have sought clarification from SCPC in a subsequent Examiner's question following my site visit and SCPC have responded indicating that the aspiration is to ensure that all the land surrounding the footprint of the Ivanhoe Pub is retained as green space. They consider this 'open space' is a valuable asset which contributes to the character of the village and should be preserved. I accept that the area at the west end of the site more clearly has scope as an area of informal open space linking to the cricket pitch and could remain as LGS, possibly with the cricket pitch included as the NPPF provisions in respect of LGS do allow for playing fields to be protected as LGS. However, to include the eastern section of frontage to the pub, which other than small areas of landscaping, is entirely tarmacked car park would not be justified and would devalue the role of LGS both in Sprotbrough and generally.

vii. With respect to Site 6a, b and c on Sprotbrough Road whilst they are undoubtedly in 'reasonably close proximity' to the community and are local in character I am not persuaded that they are demonstrably special for any of the reasons set out at paragraph 100 b) of the NPPF. They are simply small pieces of amenity grassland screening a busy road which, because of their small narrow format, would have extremely limited recreational or ecological value. Moreover, because of their position they would also fail to offer peace and tranquility. The assessment at Appendix J reaches the same conclusion and, whilst it is a green space with mature trees helping to screen traffic, I do not consider the sites have the significance necessary to warrant designation as LGS. In any event treed verges are covered through policy S1(8) and therefore removing them as LGS does not mean they would not be protected. I accept that LGS 4 - the village green - is of a similar size but, in that case, it has been clarified that the site has significance to the setting of the Parish Church plus it forms a community focal point and is easily accessible and it is easy to see that space being used for informal recreational use. As sites 6a, 6b and 6c are not demonstrably special their designation would devalue LGS as a concept locally and the sites should be deleted.

viii. Policy S6 in simply setting out which sites are designated is slightly at odds with the supporting text in paragraph 122 which states that the policy protects these sites because currently it does not. In order that the policy is clear and unambiguous as required by the NPPF and PPG there is a need for a minor modification so that text and policy are consistent.

Recommendation 12	
12A	Amend the designated area of LGS 1 in the Local Green Spaces Map on page 103 to relate to the old railway cutting north east from Sprotbrough station to the Sprotbrough Copley Junior School together with its woodland margins between Cadeby Road and the agricultural land to the south. Delete the section south west of the station. Make necessary amendments to the justification in Appendix J.
12B	Amend the entry for LGS 4 (the village green) in Appendix J to confirm its significance in the setting of the Grade 1 listed Parish Church as follows:

	<p>Does it have historical significance?</p> <p>Conclusion</p>	<p><i>“The space is not historic as it and the parade of shops to the north date only from the 1960s but prior to the designation of the conservation area in 1970. A photograph from c1960 shows that previously the site was occupied by 2 storey cottages tight to the back of the pavement. The land behind is described as Shire’s Farm on historic OS maps. However, today it does contribute to the setting of the listed church as a green open space from where the church can be appreciated. It can also be considered with the church as the heart of the conservation area and the centre of the village so contributing to its character.”</i></p> <p><i>“This area therefore is a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community; and c) is local in character and not an extensive tract of land.</i></p> <p><i>It holds a particular local significance because of its contribution to the setting of the listed church, to the character of the conservation area, and for its recreational value</i></p>
12C	<p>Amend the designated area of LGS 5 in the Local Green Spaces Map on page 103 to omit the carpark ie the area of frontage to the Ivanhoe east of the western entrance on Melton Road.</p> <p>Make necessary amendments to the justification in Appendix J.</p>	
12D	<p>Delete LGS 6A, 6B and 6C from the Local Green Spaces Map on page 103 and from Policy S6 and from paragraph 121 of the supporting text.</p> <p>Make necessary amendments to the justification in Appendix J.</p>	
12E	<p>Insert after the word ‘designated’ in line 1 of Policy S6 the words “and protected”.</p>	

ix. With these modifications the policy and the proposed designations will be in accordance with Basic Condition a). Equally, as LGS form part of Green Infrastructure, the policy is also in general conformity with DCCS Policy CS17 and Policy 28 of the emerging DLP seeking to protect open space. The policy again is likely to have a strongly positive contribution to achieving sustainable development. Accordingly, the designations as modified would also meet Basic Conditions d) & e).

Policy S7 New Retailing Facilities and Car Parking in Sprotbrough Village.

i. Policy S7 of the SNDP seeks to support proposals for new shops and facilities in Sprotbrough village centre where they enhance the vitality and viability of the local shopping parade and seeks to resolve issues of highway safety as a result of parking congestion. Inasmuch as paragraph 91 and 92 of the NPPF encourage planning policies to promote and support strong neighbourhood centres the thrust of Policy S7 has regard to national policy. Policy CS7 of the DCCS on retail and town centres would characterise the village shopping parade as a neighbourhood centre and allows the development of retail

and other uses appropriate to this level of the retail hierarchy and which support the vitality and viability of these centres. Policy 24 of the emerging DLP allows a wider range of town centre uses in lower order centres. Accordingly, the Policy would also be in general conformity with the development plan, both adopted and emerging.

ii. On the one hand seeking to encourage local retail and service provision close to homes will contribute to more sustainable development. However, there is a tension in Policy S7 with sustainable transport objectives, (also identified by DMBC Highways officers in their Regulation 16 representations), in that the aspect of the Policy encouraging additional public car parking for the neighbourhood centre could simply encourage more people to use cars for local trips rather than walking or cycling which is the stated objective of the plan in Policy S12.

iii. In circumstances where new development is taking place (covered in the second section of Policy S7) it is reasonable that this should not exacerbate parking congestion and does provide off street facilities and in respect of any such provision it is helpful that the design advice in the last 2 sentences of the policy is retained. However, in respect of new public car parking, the plan already acknowledges that additional capacity would be difficult to achieve. Coupled with this, the focus of the NPPF in paragraph 106 is on improving the quality of parking so that it is convenient, safe and secure alongside measures to promote accessibility for pedestrians and cyclists. If Paragraph 3 of the policy was expressed in these terms it may be acceptable but as worded it will not contribute to sustainable methods of transport and is therefore contrary to Basic Condition d) and should be deleted and the title to the policy adjusted to reflect the subheading for the section of 'Local Retailing and Services'. I acknowledge the plan is seeking to respond to concerns expressed by the community regarding traffic and parking congestion and if SCPC still wish to pursue additional parking provision by making more effective use of existing areas by agreement with landowners as indicated in paragraph 126 this could be pursued as a community project. Indeed, Community Project No 4 already seeks to do this. This is more appropriate than formally incorporating a less sustainable objective into the neighbourhood plan itself.

Recommendation 13	
13A	Retitle policy S7 – “New Local Retailing and Services in Sprotbrough Village Centre”
13B	Delete the first and second sentences of paragraph 3 in Policy 7
13C	Revise the last two sentences of paragraph 3 to read: “<i>This parking provision should be designed sensitively....conservation area. Schemes should incorporate....public realm and also incorporate electric charging points if power is available</i>”.
13D	Add to the end of Paragraph 126 the following text: “<i>...and will be pursued as a community project (See Appendix B Project 4)</i>”

6.9.4 Economy

Policy S8 Supporting Small Scale Business Development

- i. Policy S8 in supporting development for new small-scale business and employment opportunities subject to criteria has regard to section 6 of the NPPF seeking to build a strong competitive economy and encouraging sustainable economic growth. The Policy sets clear criteria to assess proposals against, which is in line with paragraph 81 of the NPPF.
- ii. The policy is in general conformity with the growth and regeneration strategy at policy CS2 of the DCCS and the employment strategy set out in Policy CS5. It also supports the economic and employment strategy of the emerging DLP.
- iii. The Policy in promoting local employment opportunities that enable people to live and work locally is likely to contribute to sustainable living.
- iv. The only minor modification required to the policy is that it is clear from criterion 2 where there is an 'and' at the end of the clause that all the criteria in the policy are to apply and therefore the word 'and' should be added at the end of criteria 1, 2, 3 and 4.

Recommendation 14	
14	Insert the word “and” at the end of criteria 1, 2, 3 and 4 in Policy S8.

- v. With this minor modification the policy meets Basic Conditions a), d) and e).

Policy S9 Home Working

- i. Policy S9 supports home working where permission is required provided that local amenity and character are protected. As with Policy S8, this Policy generally has regard to the NPPF policy to encourage sustainable economic growth. The development plan both adopted and emerging does not specifically cover home working but encouraging this small scale of economic activity within the home, particularly in the light of developments with the pandemic is in general conformity with the development plan. Promoting local employment that enables people to live and work locally is again likely to contribute to sustainable living. Accordingly, the Policy meets the Basic Conditions and there is no need for any changes to it.

6.9.5 Natural Environment and Improving Accessibility

Policy S10 Protecting Local Landscape Character

- i. This section of the plan describes the local landscape character and Policy S10 seeks to protect that character and significant views of the landscape around the village. Inasmuch as the NPPF in section 15 encourages plans to protect and enhance valued landscapes

and recognise the intrinsic character and beauty of the countryside the Policy has regard to the NPPF and the principle of the Policy therefore meets Basic Condition a).

ii. However, as stated already, the NPPF requires plans to be clear and unambiguous and to be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. This section of the plan requires developers to have regard to significant views and to demonstrate in Landscape and Visual Impact Appraisals how these views are impacted. However, as discussed above, whilst these views are mapped and named in Appendix K they are not assessed as to their importance or significance to landscape character. Therefore, it would be very difficult for developers to comply with the last part of Policy S10 or for decision makers to apply results with any kind of consistency. If this section of the Policy is to be retained there is a need for Appendix K to be strengthened by clearly setting out what is significant about the views in the same way as the significance of local heritage assets is set out in Appendix G. As already stated, I gave SCPC the opportunity to provide that assessment in the Examiner’s clarifying requests and they have submitted further assessment and taken the opportunity to amalgamate the previous views (which were previously very similar) into 4 key views. Having assessed these views on site I agree with the decision to amalgamate the significant views into 4 key groups and can confirm that the revised entries for Appendix K, attached at Appendix 3 to this report, do justify the significance of these views and provide sufficient information for a developer to be clear on what is important about them.

iii. However, the last paragraph of the Policy also raises two other issues that brings it into conflict with Basic Condition a). First the requirement in the last sentence that proposals located in the Green Belt should be accompanied by a landscape and visual impact assessment adds to the tests on Green Belt development set out in the NPPF which is inappropriate. The Green Belt is not primarily a landscape planning tool and the addition of this requirement, whilst it may be appropriate where the development impacts on a significant view, is not appropriate just because a development is sited in the Green Belt. This requirement needs to be deleted.

iv. Secondly, as already pointed out in respect of a number of other policies in the plan – SNDP policies must be expressed clearly and unambiguously and the use of the word ‘overlook’ in the first line of the last paragraph to Policy S10 is insufficiently clear. This part of the Policy is intended to apply to development that sits within these views or would be visible in these significant views and that is what should be referred to in the Policy.

Recommendation 15	
15A	Add the replacement Appendix K describing significant views at Appendix 3 to this report in place of Appendix K currently in the plan.
15B	Delete the words ‘or are located in the green Belt ‘from the penultimate line of Policy S10.

15C	Reword the first line of Policy S10 to read: “Any development on sites which <i>sit within or would be visible in these significant views must be.....</i>”
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v. With these modifications the Policy will be in accordance with Basic Condition a). Policy CS16 of the DCCS part D seeks to support development which enhances the Borough’s landscape and trees whilst Policy 34 of the emerging DLP requires development to take account of the quality, local distinctiveness and the sensitivity to change of distinctive landscape character areas and individual landscape features. Policy S10 adds local detail to these strategic policies and is in general conformity with them. The requirement to carry out a landscape and visual impact assessment in Policy S10 is consistent with emerging DLP Policy 34 although, to ensure compliance, the requirement should be added to DMBC’s local validation checklist if not already included. The policy, in protecting local landscape character, is likely to have a strongly positive contribution to achieving sustainable development. Accordingly, the Policy also meets Basic Conditions d) & e).

Policy S11 Wildlife

- i. Policy S11 identifies the key habitats of wildlife importance which are priorities for conservation and enhancement and sets out what is expected of development schemes to protect and enhance biodiversity.
- ii. The NPPF at section 15, particularly paragraph 174 encourages plans to promote the conservation, restoration and enhancement of priority habitats and pursue measurable net gains for biodiversity which Policy S11 has had regard to.
- iii. Policy CS16 of the DCCS sets out the principles for strengthening ecological networks whilst Policy 31 of the emerging DLP sets out the principles to ensure biodiversity is protected. The policies in the adopted and emerging development plan are detailed and specific in their requirements. Policy S11 is complementary to them and in general conformity but seeks to focus on the locally important issues.
- iv. The only modification that needs to be made to the Policy is to make a small correction in the last part where it refers to development protecting existing wildlife using ‘buildings’. Neither the NPPF nor the development plan policies restrict the need to consider only buildings and indeed existing wildlife is equally, if not more, likely to be present on land whether or not buildings are present.

Recommendation 16	
16	Insert in Policy S11 Last paragraph Line 2 after the words ‘using the’ the words “site (land and buildings)”.....

v. With this minor modification the Policy will meet Basic Conditions a) and e). The protection and enhancement of biodiversity will also have a strongly positive contribution to sustainability and therefore Basic Condition d) is also met.

Policy S12 Improving Accessibility

i. The final policy of the plan (Policy S12) seeks to encourage developments to secure the use of sustainable travel options in Sprotbrough. In that respect the principle of the policy has regard to section 9 of the NPPF and is complementary to its policy objectives.

ii. However again, as with other policies, the NPPF and PPG require policies to be clear and unambiguous. Policy S12 does not wholly meet this requirement as the first clause uses the term ‘where appropriate’ in line 3. This does not provide clear guidance to developers as it will not be clear when it is appropriate and as a result is likely to lead to uncertain outcomes. New development should be expected to include linkages to the existing sustainable transport network wherever opportunities exist and not ‘where appropriate’.

iii. Policy CS9F of the DCCS states that proposals will be supported which improve the number and quality of opportunities for walking and cycling both as part of the highway and as part of the wider green infrastructure network whilst Policy 14 of the emerging DLP requires that development make appropriate provision for access by sustainable modes of transport. Policy S12 is therefore in general conformity with the adopted plan and reflects the direction taken in Policy 14 of the emerging DLP by setting out the local requirements for pedestrian and cycle accessibility.

iv. Requiring development to make provision for pedestrian and cycle access to the sustainable transport network will contribute to the achievement of sustainable development.

Recommendation 17

17	Remove the words ‘where appropriate’ in line 3 of Policy S12 and replace with the words “<i>where opportunities exist....</i>”
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v. With this modification Policy S12 will be clear and unambiguous and will meet Basic Condition a), d) and e).

6.10. Addressing Non Planning Matters

6.10.1 Neighbourhood plans by law can only include matters relating to the development and use of land and, whilst section 10 of the SNDP dealing with traffic issues around speeding, parking and unsuitable vehicle use makes this clear, the fact remains that the section remains formally a part of the SNDP.

6.10.2 To avoid confusion as to the weight to be applied to these matters the whole section after the first introductory paragraph should be relocated to Appendix B.

Recommendation 18	
18A	Relocate the text of section 10 after paragraph 176 amended as below to Appendix B.
18B	Retitle Section 10 “Addressing Non Planning Matters” and add the following text to the end of Paragraph 176: “...and are set out in an appendix to the Neighbourhood Plan (Appendix B). The Appendix includes community projects which the Parish Council propose to implement in order to help resolve these issues”.
18C	As the current Appendix B List of Community Projects deals exclusively with traffic matters retitle as “Appendix B Addressing Non Planning Matters – Speeding, Parking and Unsuitable Vehicle Use”.
18D	In the Executive Summary on page 4 - last line - delete the word ‘section’ and replace with the words “...appendix to the Plan (Appendix B)”

6.11 Implementation

6.11.1 Section 11 of the Plan is a factual statement of how the plan will be implemented. It raises no issues in respect of the Basic Conditions and there is no need for any change to it.

6.12 Monitoring and Review

6.12.1 At section 12 of the SNDP the SCPC sets out the approach to monitoring of the plan and states that it expects to review the plan every 5 years.

6.12.2 Paragraph 187 in referring to the review process could be interpreted as meaning that only consultation is required to make amendments to the plan. This is potentially misleading and the paragraph should be extended to make it clear that any review will be carried out according to the procedures for reviewing plans applying at the time. I therefore recommend that the following modification is made to the text.

Recommendation 19	
19	Add to the end of paragraph 187 the following text: “and the process of review will follow the procedure for reviewing neighbourhood plans in place at that time in Neighbourhood Planning Legislation and the National Planning Practice Guidance.”

6.13 Consulting the Community: A Key Principle

6.13.1 As with many neighbourhood plans the SNDP seeks to encourage developers of major developments to carry out pre-application community consultation in the interests of more efficient and effective planning as set out in the NPPF. The proposal is set out as a principle rather than a policy and SCPC should be aware that compliance may be inconsistent. However, I note that it is backed up by a similar requirement in DMBC's Local Validation Checklist at section 25. The Validation Checklist requirement could be strengthened by referencing where Neighbourhood Plans have a requirement in place (as with Sprotbrough) but as this does not raise any matter relating directly to Basic Conditions compliance and is beyond my remit in examining the plan I make no formal recommendation.

7. Other Matters

7.1 Appendices

7.1.1 The Plan includes a large number of appendices some of which provide important evidence but some which add little to the plan and could be deleted. As already discussed Appendix A is one such as it merely repeats information already in the Consultation Statement. I leave the decision with DMBC and SCPC whether to delete this as it does not raise an issue as regards the Basic Conditions.

7.1.2 However, in respect of Appendix E which defines affordable housing, I consider that this should be deleted. It is referenced from Paragraph 106 but as the text there already states that affordable housing is defined in the NPPF (a widely available document) there is no need for the plan to include the definition in full, particularly when the plan has little to say about affordable housing. Moreover, there is a danger in quoting the definition from national policy that, should it change, the incorporation of the definition in the plan would simply lead to confusion. In any event, advice in the PPG confirms that planning decisions are made considering a hierarchy of policy documents from national policy in the NPPF to local policy in Local and Neighbourhood Plans. It is not necessary to replicate statements in different levels of the hierarchy if they are already satisfactorily covered.

Recommendation 20

20	Delete Appendix E in its entirety, remove the reference to it in paragraph 106 of the plan and renumber the appendices accordingly.
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7.2 Typographical and Formatting Corrections

7.2.1 There are a number of typographical / grammatical errors in the plan which ought to be corrected. In addition to proposing modifications to ensure the plan meets the Basic Conditions the only other area of amendment that is open to me as the examiner is to

correct such errors. I have identified these in Appendix 4 and in modifying the plan as set out above and finalising it for the referendum these typographical amendments should be made.

Recommendation 21

21	Make typographical and grammatical corrections as set out in Appendix 4 at the end of this report.
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8. Referendum

8.1 Subject to the recommended modifications set out above being completed, it is appropriate that the Sprotbrough Neighbourhood Development Plan should proceed to a Referendum.

8.2 I am required to consider whether the Referendum Area should be synonymous with the Sprotbrough Neighbourhood Area or extended beyond it.

8.3 The Neighbourhood Area covers most of the administrative area of Sprotbrough and Cusworth Parish but excludes the northern section of the parish around Cusworth and two small areas at the eastern end of the parish off York Road. Given the scale and nature of the plan and the fact that the policies are focused on issues affecting Sprotbrough and would not affect residents either in the Cusworth section of the parish or indeed adjoining parishes to any significant degree I do not consider that extension of the area would be warranted.

8.4 Accordingly, I consider that it is unnecessary to recommend any other referendum area than the Neighbourhood Area and no representations have been submitted seeking any alternative approach.

Recommendation 22

22	I recommend to Doncaster Metropolitan Borough Council that the Sprotbrough Neighbourhood Development Plan, modified as specified above, should proceed to a referendum based on the Sprotbrough Neighbourhood Area as approved by the Borough Council on 11 December 2018.
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**Peter D Biggers MRTPI AIHBC
Independent Examiner
11 March 2021**

Appendix 1 – Clarifying Questions and Information Requests put to DMBC and Sprotbrough & Cusworth Parish Council During the Examination

Questions and Information Requests to Parish Council

1. Is policy S3 intended to cover all infilling as well as just garden and backland development? The title to the section at Paragraph 92 suggests that is the case but the title to the policy is more restricted. Please confirm.

SCPC - Policy S3 is intended to cover all infilling as well as just garden and backland development

2. In the section on Housing at paragraph 97 and 98 the plan reviews the current housing position in the emerging Doncaster Local Plan and the proposed site allocation in Sprotbrough. Whilst I understand that the Plan is based on the adopted Doncaster Core Strategy in terms of the assessment for Basic Condition e) (general conformity with the strategic policies of the development plan) the plan throughout also considers the policies of the emerging plan and it is clear that the intention is to ensure as far as possible that the plan aligns with the emerging Local Plan. In respect of housing however the Plan having reported the proposed allocation makes no comment on it. Can I confirm that the Parish Council accepts the principle of the allocation accepting that it may change in size and extent as the Local Plan completes its path to adoption?

SCPC - Paragraphs 97 and 98 of the neighbourhood plan reviews the current position relating to housing in the neighbourhood plan area noting the proposed allocation Site 929: Land north of Cadeby Road, Sprotbrough. The neighbourhood plan, whilst is based on the current adopted development plan, seeks to align as far as possible with the emerging Local Plan. This plan is currently being examined and the Parish Council has made representations relating to the proposed policies and site allocations as part of the examination process. The Parish Council accepts that the allocation may change as part of the examination process including its size and extent. The Parish Council contends that the processes are separate and the neighbourhood plan conforms with the current adopted development plan and therefore meets Basic Condition e).

3. Policy S2 requires a developer to understand and respond to the significance of the locally important undesignated heritage assets. Whilst most of the descriptions in Appendix G enable this, those for Nos 5, 7, 8, 10 and 18 do not explain the significance as clearly as other entries. In order that this element of the policy S2 can meet Basic Condition a) and provide clear guidance to developers it needs to be backed up by greater evidence within Appendix G for these buildings. I am therefore offering SCPC the opportunity to provide this justification for asset nos 5, 7, 8, 10 and 18 and provide me with an amended version of Appendix G. As DMBC Conservation has raised a similar point re No 18 I would anticipate that this would be done in conjunction with advice from DMBC. The kind of discussion for Asset No 17 which clearly sets out the significance is what I would expect.

SCPC - Doncaster Council has provided the following text (at Appendix 2 below) to address the concerns raised in question 3 in relation to historic assets. The Parish Council confirms agreement with the text and has updated the photographs for assets 5, 7, 8, and 10 on the advice of Doncaster Council officers. The text and updated photographs are shown in the table below. (see Appendix 2 below)

4. Policies S1 and S10 require a developer to demonstrate how significant views in Appendix K have been taken into account. However, Appendix K only identifies these views by photograph and location but provides no assessment of why they are important or how they contribute to landscape character other than in respect of the view discussed in paragraph 153 of the plan. In order that this element of the 2 policies can meet Basic Condition a) and provide clear guidance to developers the policies need to be backed up by greater evidence within Appendix K. I am therefore offering SCPC the opportunity to provide this justification for each view and provide me with an amended version of Appendix K. This can be done in the form of a simple 'strapline' below each view setting out why it is special to landscape character and what are the elements that are important to protect. I would anticipate that this would be done in conjunction with advice from DMBC. The kind of discussion in the first part of paragraph 153 is what I would expect in respect of each view.

SCPC - The Neighbourhood Plan Steering Group together with their planning consultant have reviewed the views listed in Appendix K and have produced a revised version below (See Appendix 3 below). Some views were similar so have been grouped together with more than one photograph used to show the extent of the view. It is thought this provides stronger evidence as to why each view is important and contributes to the landscape character. This is in line with the landscape character evidence produced by Doncaster Council (Ecus Landscape Character Capacity Study (2006) and Green Belt Review (Arup, 2017).

The Ecus Landscape Character Capacity Study (2006) identifies the area around Sprotbrough as falling within the C2 Cadeby to Adwick Limestone Plateau. The C2 landscape is elevated and dips gently to the east and more steeply at an escarpment to the west. It is a strongly rural landscape with intensive arable fields and occasional pasture.

The field pattern is bounded by hedges in varying condition. Some are dense especially next to roads and others fragmented or missing altogether. Some smaller scale field patterns exist around village settlements.

Settlements consist of the compact historic stone built nucleated villages along with industrial brick-built 20th Century mining villages with associated spoil tips. Other industrial influences include limestone quarries.

The views identified in Appendix K (See Appendix 3 below) set out the key views within this wider landscape which have unique features which should be protected within the neighbourhood plan.

It is intended that the maps within Appendix K will be updated to be similar to those in the submission plan. In light of restrictions on office-based working this cannot be currently achieved therefore an indicative map has been set out below that identify each view set out in the table.

5. In Appendix J – LGS- justification – Site 4 states under Historical Significance that it is not significant but the conclusion at the end of the site 4 entry states that it has historic significance as it is within the setting of the church. Can the council confirm which is correct? In the event that I am able to make a site visit in due course I will also reach my own view on this.

SCPC - Doncaster Council has provided the following text to address the concerns raised in question 5. The Parish Council confirms agreement with the text.

Suggested alterations to the wording of Site 4 text is incorporated into Recommendation 12 above.

6. (Additional clarifying question asked subsequently)

In Policy S5 is it the intention that the protection given in the section of the policy after the listing of facilities should apply to recreation facilities as well as community buildings?

SCPC - It is intended that the protection given in the section of Policy S5 after the listing of facilities should apply to recreation facilities as well as community buildings. We propose that the wording of the paragraph after the list of community buildings and recreation facilities should state;

The loss of existing community buildings (Use Class D1) and recreation facilities and their identified use will be resisted.....

Questions to Doncaster Council

1. The Plan and supporting submission documentation refer to the designation of the Neighbourhood Area initially as being in February 2016 but the application from the Parish Council was only made in April 2016. Please confirm what the correct initial Neighbourhood Area designation date is as DMBC's letter confirming designation is undated!

DMBC - Sprotbrough Parish Council submitted their request for Designation on the 22nd April 2016. It was not the Administrative boundary, publicised for 6 weeks public consultation (expiry Monday 20th June 2016). Internal decision-making process was then carried out with the formal decision letter been sent dated 20th September 2016. The Council apologies for any confusion in not attaching this version with the initial Examination documents.

2. I note from the EIP web pages that the DLP examination is in its final stages. In terms of question 2 to the Parish Council above please can DMBC confirm where the matter of the Sprotbrough housing requirement and proposed allocation currently sits – Is the requirement of 95 broadly agreed and likely to be incorporated in the final plan? Was the allocation north of Cadeby Road contentious? – Are there unresolved objections regarding it that the Inspector is still considering? It would be useful to have this information in order to understand the housing provision context for Sprotbrough in the period to 2035.

DMBC - The requirement for Sprotbrough was 95 over 15 years, with an allocation for 80 made on Site 929. However, as the Local Plan has progressed through the examination in public, two things have happened. Firstly, it appears the Inspector wants us to make allocations to cover the whole period to 2035; secondly that the housing requirement in the Local Plan should reflect the allocations (as long as the overall target is met, and the respective tiers broadly meet their requirements, which they both do). Therefore, as it stands there is a Main Modification which will list Sprotbrough's housing requirement as 80, to reflect the allocation of Site 929 and we have not been required to allocate anything further. The applicants believe they can deliver more units and Local Plan policy could support this subject to design etc.

With regards to the Green Belt, the Inspector has not indicated he has any issues with the proposed site and has agreed the Main Mods consultation with this site included. There have been objections in the past and some locals preferred other sites but we think it is fair to say that overall it is not overly contentious. Representations were made at Publication Stage of the Local Plan; however, nothing was raised in the hearings.

Appendix 2 – Revised Appendix G Entries for Local Heritage Assets

(As provided by DMBC for the Parish Council – Revised photography was also provided for these assets and also for asset No 11 (stone boundary walls in Newton Conservation Area). These photographs should be used in revising the plan but are not reproduced here.)

5. Manor House The Manor House (formerly Manor Farm) building is a 2 storey rendered building with Welsh slate roof. It is thought to date from 1769 if the stone in the garden inscribed with this date (pictured) is assumed to be the original datestone. The house has an L shape plan with a further 2 storey return to the right hand side which is believed to have once been servants' quarters. The narrow space in between has now been infilled. It is believed that at one time it had three storeys and large cellars with vaulted ceilings but the top floor was removed and the cellar sealed after it ceased being a farm in the 1930s. The present single storey building to the rear is modern and replaces an L shape range of ancillary buildings associated with the farm. To the east there was originally a large U shape farm complex of narrow span barns with a covered foldyard at the centre. This is now occupied by the dwellings of Manor Gardens cul-de-sac although the tall, rebuilt limestone wall on the main road is the surviving vestige of these buildings.

The Manor House on Main Street is of local historic significance as the substantial farmhouse of a large farm complex that historically occupied this part of the village.

7. Park House Park House is situated on Park Drive, immediately to the east of St Mary's Church. The house is a traditional 2 storey cottage set back from the main road. It is constructed of random course limestone and has a symmetrical front elevation around a central doorway with fanlight above and 6 over 6 sash windows on the first floor. To the left is a modern garage opening and a pedestrian entrance within the remnant of a limestone wall. Historically, this was the last house in the village before entering the grounds of Sprotbrough Hall and estate from the west. There is a stone column and squared coursed limestone wall on which a pedestrian gate was hung which is all that remains of the elaborate entrance gates and piers to the hall grounds. A historic but undated photograph shows this feature. To the rear of the house is the surviving ranges of grouping of agricultural buildings around a courtyard which suggests this was possibly the home farm of the hall. The house and gates have local evidential and historic significance for its associations with the hall.

8. Newton Farmhouse This building is prominent from the field to the east of Newton which is crossed by a public footpath. It provides a landmark to the hamlet of Newton. It is of architectural and historic local interest. The farmhouse looks outwards on to the surroundings fields, and its three storeys announces it as being the key farm of the settlement. It is from the 18/19th century and is white rendered with a clay pantile roof and stone coped gables, with brick chimney stacks at the ends. It is of three bays, the front door being centrally placed and has a decorative trellised porch with bay windows to either side. Above these are three vertically proportioned window openings on the first floor level and squarer windows on the second floor. All windows are modern replacements but the originals are most likely to have been small paned

timber vertically sliding sashes, which would have made the building even more imposing.

10. Cartshed to 1 Newton Lane

Attached to the side of 1 Newton Lane is a four bay cart-shed. It is a historic reminder that farming has been carried out at Newton for centuries. It is a rare survivor of an agricultural building still largely in its original form. It is a single storey structure with coursed limestone rubble walls to its solid sides and three massive stone pillars to its open side supporting a roof of pantiles with stone slate eaves courses with a hip to the side away from 1 Newton Lane. It is right in the heart of the hamlet and adjoins the only vehicular route into Newton so marks this entry.

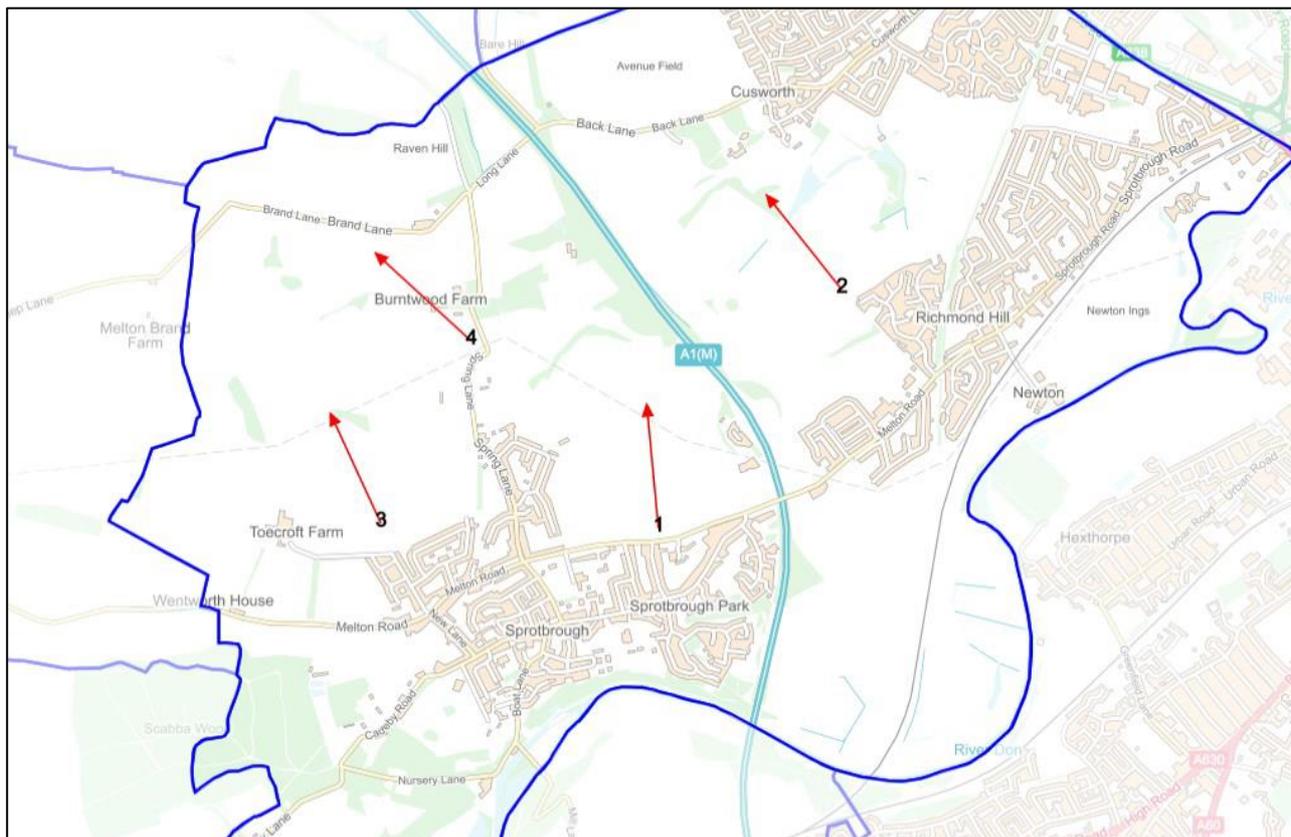
18. Newton Arms Public House

The Newton Arms Public House was opened in 1938. It is considered to have architectural and historic local interest. Similar to the Ivanhoe it was built at a time of the advent of popular travel by motor car when new type of pubs emerged, the Improved Pub or Roadhouse. It is also tied in with the expansion of housing along Sprotbrough Road creating a 'local' for this new neighbourhood.

Its architecture is relatively simple and is almost streamline in nature with the building set back from the road to presumably provide space for parking to further encourage the motorist but which is now used as a beer garden. The building is of two storeys and in red brick with stone detailing in the form of stringcourses, heads to openings and kneelers. It has quite an elaborate roof with Westmorland slate in diminishing courses. It is symmetrical with a central two storey projection with a steeply pitched gable and single storey wide curved bay windows to either side whose roofs join to the central projection providing a canopy for the doorways in between. The upper part of the central projection has recently been clad in wood that slightly detracts but hopefully could easily be removed to return it to its original appearance, but care has been taken to leave stone detailing exposed. Windows have also been replaced at some time and it is likely that this would originally have been 'Crittall' windows (thin metal framed windows) that would have further added to the streamline feel of the building and whose reinstatement would be welcomed.

Appendix 3 - Revised Appendix K Entries for Significant Views

(In response to the invitation to provide justification for protecting key views the Parish Council and their consultants have taken the opportunity to group some of the views together as many were similar. The revised wording to be inserted in Appendix K of the Plan is below. Revised photography from each viewpoint was also provided which should be incorporated in revised Appendix K but the photos are not reproduced here.)



Map 1

1. North of Melton Road

The land is predominantly rural and open in character, with a strong countryside feel. The area contains open land which is generally devoid of built form. There are long distance views to the north of the Grade 1 listed Cusworth Hall and its wider historic park setting which should be preserved.

The Doncaster Council Green Belt Review 2017 (Arup) (p128) states 'the openness of the landscape at this point, the large blocks of woodland and strong countryside character mean the General Area is considered to have a high sensitivity to development'.

2. North of Clifton Drive towards Cusworth Hall

The land is predominantly rural and open in character and has a strong countryside feel. The area contains open land which is generally devoid of built form. There are extensive long-distance views towards the Grade 1 listed Cusworth Hall and its wider historic park setting which should be preserved.

The Doncaster Council Green Belt Review 2017 (Arup) (p127) states 'the openness of the landscape at this point, the large blocks of woodland and strong countryside character, mean the General Area is considered to have a high sensitivity to development'.

3. North of Ambleside Crescent

The land is on the edge of the village and is predominantly rural and open in character and has a strong countryside feel. The area contains open land which is generally devoid of built form. There are extensive long distance views to the north towards Scabba Wood and Melton wood.

The Doncaster Council Green Belt Review 2017 (Arup) (p124) states that this 'General Area contains land which is predominantly rural and open in character, with a strong countryside feel. The eastern edge of the General Area contains open land which is generally devoid of built form. Given the openness of the landscape at this point, the large blocks of woodland and strong countryside character, the General Area is considered to have a high sensitivity to development'.

4. West of Spring Lane

The panorama looking west from the first right hand bend on Spring Lane is probably the finest outlook from the edge of Sprotbrough village. From an elevated position there are long distance views. It is a scene enjoyed not only by residents but also by motorists, cyclists, and walkers leaving or entering the village. Motorists and others often pull off the bend at the edge of the field to take photographs; sunsets are often stunning, early morning offers a different scene with the low sun in the east casting long shadows across the fields towards Toecroft Farm beyond to High Melton Church and Melton Brand Farm in the distance. In the near foreground is a semi-wild area with large scattered overgrown limestones.

The Doncaster Council Green Belt Review 2017 (Arup) (p124) states that this 'General Area contains land which is predominantly rural and open in character, with a strong countryside feel. The eastern edge of the General Area contains open land which is generally devoid of built form. Given the openness of the landscape at this point, the large blocks of woodland and strong countryside character, the General Area is considered to have a high sensitivity to development'.

Appendix 4 - Recommendation 21 –Table of Typographical and Formatting Corrections		
Page	Location	Correction
8	Figure 1 Top Row Right	Delete the words “we are here” Reason - the preparation process has moved on
28	Paragraph 77 Line 2	Replace the words ‘Map 5’ with the words “ <i>Map 6</i> ” Reason: Incorrect map reference.
28	Paragraph 79 Line 2	Delete the word ‘principle’ and replace with the word ‘ <i>principal</i> ’ Reason: to correct spelling.
46	Policy S5 Line 8 of the policy on this page	Reword the line to read: “...development should provide for the appropriate level of <i>parking provision for cycles and cars</i> Reason: so that the sentence makes grammatical sense.
53	Paragraph 144 Line 1	Insert capitals to all the words in the term ‘Area of Special Landscape Value’ Reason: this is a formal designation of the UDP.
53	Paragraph 147 line 2	Insert the word ‘ <i>is</i> ’ after the first word ‘This’ Reason: so that the sentence makes grammatical sense.