Reference Number 05187

Submissions to Matter 1 Legal and Procedural Requirements and other General Matters.

on behalf of Messrs Crowe Platts, Lodge, Hanson and Youden.
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We act for Messrs Crowe, Platts, Lodge, Hanson and Youden who are the landowners of the following site

- Site Ref 147 Land to the North of Hatfield Lane Barnby Dun.

We are instructed to attend the examination on their behalf and to comment on the issues that affect the development of this site and the associated matters, that have been set out in our original submissions to the Doncaster Local Plan.

Our clients support the allocation of the above site and wish us to contribute at the Examination to assist in finding the plan sound with relevant modifications.

We have addressed the relevant questions in this Matter 1 and set out our comments below.
In response to the Inspectors questions:-

Q1.8. Is the Plan consistent with national planning policy that expects strategic policies to look ahead over a minimum 15 year period from adoption, or is it otherwise justified?

The plan period is expressed as 2015 to 2035. If the Plan is adopted in 2021 at the earliest then the Plan period should run for at least 15 years from that date until 2036, this is a minimum requirement [NPPF para 22].

The housing and economic land requirement should be assessed until 2036 and the Plan should ensure that there is sufficient land available to meet the requirement [including any necessary buffers].

The issue of there being a mandatory review does not alter the fact that as matters stand the Plan does not comply with the NPPF. The Plan should be clear that the period is 2015-2036 and the inclusive table within the plan on land requirements and supply should be amended accordingly to ensure the plan reads as a comprehensive document.

Q1.9. Will the approach set out in paragraphs 15.12 to 15.14 and Appendix 12 ensure that the Plan can be effectively monitored so that the extent to which its policies are being achieved will be clear?

It is important that the 5 year deliverable land supply of housing land is published in a timely manner after the end of March in every year. The publication should not only assess the supply but should also publish at the same time the details of the sites that are relied upon to constitute the supply, in order that the document is robust and capable of being checked by the industry. Lengthy delays in the publication of the information is unhelpful to all concerned and does not allow for clear and transparent monitoring of the plan, and the establishment of any shortfalls in the supply of land. In the past regular publications have not been the norm in the Borough.
Q1.11. Is the Plan consistent with national planning policy relating to the mitigation of, and adaptation to, climate change?

Site Ref 147 land to the North of Hatfield Road Barnby Dun.

This is a housing allocation for the development of 98 units on 10.11 hectares of land as defined on the Proposals Map CSD 4.3

The Council have set out in their PG11 answer that the list of sites within flood zones are set out in the summary table at Appendix PQ11. That table seeks to set out the proportion of the subject site within flood zones 1 and 3. The text indicates that there were no other sites available in the settlement due to a flood zone 3 constraint and hence the subject site is the only available development opportunity in this sustainable settlement.

This is further evidenced by Appendix E of the attached flood risk document that shows the extents of Flood Zone 3 around Barnby Dun.

The local planning process has identified that a significant area of the site lies within Flood Zone and that open uses could occupy the areas outside that zone.

The Deposit Plan CSD3 has reduced the site area from the draft version of the plan.

The Draft version of the Plan proposed the site to be 11.82 hectares with a capacity of 98 dwellings. The reduction to the site area took place between the draft plan and the deposit version and has removed some of the FR3 area. The site area is now 10.11 hectares.

The table in Appendix PQ11 does not reflect the correct areas within FZ1 and FZ3 of the now allocated site.
These areas as measured by the promoters are as follows.

- Site Area 10.11 hectares
- Area within FZ1 is 6.10 hectares
- Area within FZ3 is 4.01 hectares

The landowners have undertaken a topographical survey of the site and a flood risk assessment. This has established that the Flood Zone 1 level is 8.575m AOD. The site falls towards the north east corner and the high spot is adjacent to Hatfield Lane in the south west at 11.3 AOD. The FRA establishes, the flood envelope as shown in Appendix F of the flood risk assessment [Document attached to this at Appendix A] This flood envelope has been arrived by way of a detailed topographical survey and reliable testing methods. This data was supplied to the Planning Authority in May 2019 and it is therefore unknown why the Council has sought to reduce the boundary of the site. Clearly this is not for reasons associated with flood risk, given the detailed information supplied to them and lack of response.

Part 5 of the FRA sets out the detail of the sequential test and demonstrates that residential development is suitable in FZ1 and there would be no need for an exception test for this part of the site. Residential Development in more vulnerable zones is not proposed.

The areas outside of FZ1 are to be for open uses only.

The masterplan layout produced and Appended to this document utilises the area of the allocation within FZ1. The Suds feature to serve the development is also shown on the masterplan layout.

The allocation of the site therefore proposes development within Flood Zone 1 and on that basis is in accordance with National Planning Policy.
Q1.13. Is the Council’s viability evidence proportionate and up to date having regard to relevant national policy and guidance 32? Are the policy requirements set at a level such that the cumulative cost of all relevant policies will not undermine deliverability of the Plan?

Policy 67 of the plan deals with viability assessments at planning application stage. It is considered vital that such assessments can be made at this time, when the full technical appraisals of sites have been carried out to establish the full and realistic costs of developing the site in addition to the planning costs that will be associated with meeting the objectives of the Plan. It is often the case that the full planning contribution costs are not known until this time and certainly the full technical detail is not available at plan making stage. The Policy is generally in line with the PPG guidance paragraph: 010 Reference ID: 10-010-20180724 which specifically talks about plan making and decision taking being informed by viability and the balance to be struck between all the relevant parties. In the case of Doncaster the CIL is currently not in force, if this is brought in within the Plan period then clearly this is an added cost on development over and above S 106 site specific items. The Plan needs to retain the flexibility of a policy that allows for viability assessments at application stage to deal with the variety of changed circumstances that can arise.

The Whole Plan Viability Document SDEB48.1 has assessed site 147 Barnby Dun to be a viable development proposal including the range of policy requirements set out in the Plan. This is based on the residual land value being above the benchmark land value. The document set out the anticipated contributions and requirements, in a medium value housing area. The appraisal includes assumptions based on a developable site area of 2.8
hectares. The masterplan scheme attached to this Matter 1 shows that the open spaces and other infrastructure are located outside the FZ1 and developable area.

The assumptions made in the appraisal does not always relate to real world costs, for example the archaeology costs are simply a guess, and effectively indicates that viability testing at application stage remains a necessity.

Appendices

1 Flood Risk Assessment of Neoflood 2019

2 Masterplan