Examination of Doncaster Local Plan

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INSPECTOR’S NOTE NO. 13:
ACTION POINTS FURTHER TO HEARING SESSIONS
WEEKS ONE AND TWO: MATTERS 1 TO 7

Introduction

Further to the discussions at the week one and two hearing sessions, the following actions are required. I consider these to be necessary at this stage of the examination to inform my consideration of whether the Plan is sound and/or how it could be made sound by main modifications. I may decide in due course that other or different main modifications are required, including to the parts of the Plan that I refer to below.

Unless otherwise stated, each of the action points is for the Council to pursue. Where appropriate and possible, the Council may find it helpful to liaise with relevant participants in preparing its response.

Responses should be submitted to the Programme Officer by midday on Monday 2 November 2020 unless otherwise specified. They will then be published on the examination website.

I will take into account the Council’s responses to these Action Points in determining what further steps need to be taken in the examination process. If I decide that there is a need to discuss any of the responses at a future hearing session, this will be done as part of matters 8 to 16 if relevant. If I wish to discuss any of the responses and it would not be relevant to do so as part of matters 8 to 16, it is likely that I would hold an additional hearing session or sessions on one or more of the reserve days (Friday 13 November, and Monday 30 November to Wednesday 2 December 2020).

M1. Legal and procedural requirements and other general matters

Flood risk

AP1. Council to prepare a potential modification so that there is a strategic policy relating to flood risk and therefore the Plan provides a clear starting point in relation to that issue for non strategic policies that may be included in any future neighbourhood plans in the Borough1.

1 NPPF paragraphs 20-21.
AP2. Council to prepare, with input from the Environment Agency and relevant representors, a summary of the available evidence about flood risk for the Thorne North and Carcroft Common employment allocations and also the following potential reasonable alternatives:

- 462 Adwick Lane, Carcroft (58ha)
- 160 Thorne South (115ha)
- 1031 West Moor Park East (79ha)
- 013 West Moor Park North (86ha)
- 149 Nutwell South, Armthorpe (66ha)

This should take account of the Defra / Environment Agency guidance published in the examination library on 15 October and could be presented in a similar way to the table in the Environment Agency note published on 12 October. Maps of each site should be provided showing the flood zones, and other relevant information. A map or maps should also be provided showing the geographical extent of each of the six modelling areas referred to in the Environment Agency’s update note published on 12 October and indicating the location of each of the sites in relation to those areas. To be submitted by **midday on Thursday 29 October 2020.**

**Viability and developer contributions**

AP3. Council to prepare a potential modification to policy 67 and/or the reasoned justification to clarify the scale and type of development proposals that may be subject to part B of policy 67.

AP4. Council to consider whether paragraphs 15.9 and 15.10 are consistent with national policy and guidance with regard to the relationship between the viability assessment carried out to inform the preparation of the Plan and viability assessments that may be submitted in support of planning applications in accordance with policy 67.

M2. **Quantity of development needed in the Borough**

**Housing requirement**

AP5. Council to prepare a potential modification to policy 3 second bullet point so that it clearly sets out a minimum housing requirement for the period 2018 to 2035 along with the expected annual rate of delivery. At this stage of the examination, the potential modification should refer to the Council’s suggested minimum requirement of 15,640 net additional dwellings between 2018 and 2035, and an annual average delivery rate of at least 920 net additional dwellings per year.

**Employment land requirement**

AP6. Council to prepare a potential modification to the reasoned justification to policy 3 so that it refers to what the evidence supporting the Plan indicates in terms of the amount of land expected to be needed for different types of employment development, including “strategic B8”.
M3. Strategic approach

Strategic approach to employment land

Policy 2 is clear that major new employment sites will be focused in locations accessible from Doncaster main urban area and the main towns at locations attractive to the market with good access to the strategic transport network as well as Doncaster Sheffield Airport. However, policy 3 also refers to access via a range of transport modes, and helping to meet the regeneration needs of the borough. Paragraphs 4.31 and 4.33 refer to meeting employment needs in the north and west of the Borough, presumably as well as in the south and east.

The Council’s response to SQ8.4A suggests that “regeneration” means growing and diversifying the Sheffield City Region economy, increasing productivity and widening access to learning and training opportunities. However, strategic objectives 3 and 4 listed in paragraph 3.5 of the Plan suggest that regeneration involves tackling deprivation, especially in the most disadvantaged areas, and encouraging the re-use of sites and buildings. Paragraph 4.27 states that strong accessibility and connectivity between where people live and employment opportunities is particularly important for communities that have high levels of deprivation.

Whilst policy 2 refers to the strategic transport network, the table under policy 3 and paragraph 4.29 seem to suggest different approaches towards the A1(M) and the M18/M180. The Plan does not seem to clarify which junctions on the A1(M), M18 and M180 are locations where employment development would be attractive to the market, and accessible by a range of transport modes from Doncaster main urban area, the main towns and other locations that have high levels of deprivation and/or are in need of regeneration.

Strategic approach to housing development

Policy 2 sets out a clear settlement hierarchy, and states that at least 50% of new homes will go to the Doncaster main urban area, approximately 40% to the main towns and about 10% to the service towns and villages. There is no need for these proportions to be repeated in the table under policy 3. Furthermore, I do not consider at this stage of the examination that using the figures in that table for the number of new homes in the main urban area, main towns, and service towns and villages to inform decisions on planning applications would be justified or effective. If the figures need to be referred to in order to justify how the housing allocations made in the Plan were chosen, then they could be included in paragraphs 4.40 to 4.48 with an appropriate explanation.

The Council clarified during the hearing session on 16 October that the housing allocations included in tables H1 and H2 of the Plan and designated on the Policies Map are expected to deliver the following numbers of new homes in the period 2018 to 2035:

- Main urban area: 7,182 (45%)
- Main towns: 6,355 (40%)
- Service towns and villages: 2,382 (15%)
The Council’s response to SQ4.1 states that attempting to predict where windfalls might come forward is difficult and that to attempt to do so would be an unreliable exercise. Notwithstanding that caveat, the analysis provided suggests that the proportion of windfalls that may come forward in the main urban area could be around 18%. Therefore, it seems unlikely that windfalls would increase the overall proportion of new homes built in the main urban area between 2018 and 2035 above 45% of the total in the Borough.

AP7. Council to prepare potential modifications to address the employment and housing land issues referred to above and ensure that policies 2 and 3 are clearly written, unambiguous, and consistent with each other so that it is evident how a decision maker should react to development proposals\(^2\). The modifications should clarify which parts of the table under policy 3 are intended to be policy, and which are reasoned justification. The figures in the table below policy 3 for the percentages and numbers of new homes in the main urban area, main towns and service towns and villages should be deleted. To be submitted by **midday on Thursday 29 October 2020.**

AP8. Council to prepare potential modifications to include (in the reasoned justification) a summary of the actual distribution of new homes between the top three tiers of the settlement hierarchy that is expected between 2018 and 2035 on the allocations made in the Plan. This should also include an explanation of how this relates to the proposed distribution between those tiers proposed in policy 2\(^3\), along with any implications for monitoring and keeping the Plan under review.

**M4. Green Belt**

*Development in the Green Belt*

AP9. Council to clarify whether policy 2 part 6 relating to infill development in villages in the Green Belt (ie covered by Green Belt policy) is intended to also apply in some circumstances to development in the Green Belt outside the development limits of villages inset from the Green Belt. Council also to consider whether the definition of a small gap in an otherwise built up frontage is justified and whether the policy is flexible enough to allow for other forms of infill development in a village other than that which fronts the highway and is in a gap that has a width of less than 20 metres. Council to prepare potential modifications to policy 2 part 6 and/or the reasoned justification as appropriate.

*iPort, Rossington*

iPort is one of the UK’s largest logistics developments including a rail freight intermodal container facility serving all UK ports and the channel tunnel. Paragraph 16.123 states that the site continues to be washed over Green Belt reflecting the very special circumstances that supported its development as well as the site still being a long way from completion. However, given the size of the site, and the national, regional and local significance of the development

\(^2\) NPPF 16d.

\(^3\) At least 50% of new homes will go to the Doncaster main urban area, approximately 40% to the main towns and about 10% to the service towns and villages.
proposed, it is important that the Plan sets out a clear and positive approach to facilitate its delivery in a sustainable way.

**AP10.** Council to prepare a plan showing a potential Green Belt boundary around the iPort development that would be justified if I were to conclude that there are exceptional circumstances to remove the site from the Green Belt. To be submitted by *midday on Thursday 29 October 2020.*

**AP11.** Council to consider whether the identification of iPort as an allocation with planning permission whilst retaining the site in the Green Belt would be effective in positively supporting the delivery of a large employment allocation and nationally significant infrastructure project in the context of national policy, including NPPF paragraphs 80, 81, 104(e) and 143-145. Council to prepare a potential modification setting out a strategic policy for the development of the site to be considered if I were to conclude that the site should be removed from the Green Belt and/or that such a policy were needed to ensure that the Plan is sound. To be submitted by *midday on Thursday 29 October 2020.*

*Existing businesses wishing to expand into the Green Belt*

**AP12.** Based on representations made about the Plan under regulation 20, Council to prepare a list of existing businesses that consider that it is essential for land to be removed from the Green Belt in order for them to invest, expand and adapt. For each such business, prepare a brief summary of the expansion plans along with a map indicating the location of the existing site and the land that they consider needs to be removed from the Green Belt. Council to consider whether, in any of those cases, there may be exceptional circumstances to justify changing the Green Belt having particular regard to any benefits that the expansion would be likely to deliver during the Plan period and the impact on Green Belt purposes. To be submitted by *midday on Thursday 29 October 2020.*

**M5. Housing supply**

*Housing supply for the plan period 2018 to 2035*

**AP13.** Council to prepare potential modifications to Table 5 to refer to a minimum requirement of 15,640 net additional dwellings between 2018 and 2035 and the following components of supply:

- Allocations with planning permission on 1 April 2018: 9,289
- Other sites with planning permission on 1 April 2018: 585
- Allocations without planning permission on 1 April 2018: 6,630
- Windfalls: 3,000
- Total supply expected 2018 to 2035: 19,504

The figures referred to above are those that were discussed at the matter 2 and 5 hearing sessions which should be included at this stage of the examination, although that does not mean that I have yet reached a final conclusion.

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4 NPPF 80.
**AP14.** Council to prepare a potential modification to paragraphs 4.70 to 4.86 to reflect potential modifications to Table 5 and other parts of the Plan prepared in response to other Action Points and to ensure that it provides clear reasoned justification for the housing supply identified in the Plan.

**AP15.** Council to prepare a potential modification to the Table under paragraph 4.86 so that it provides figures for the total supply for each settlement from sites listed in Tables H1(A) to H1(O) and H2(A) to H2(Q) (as well as references to those tables) along with a total figure at the bottom of each column consistent with those included in Table 5 (as modified).

*Five year housing land requirement and supply*

**AP16.** Council to prepare a potential modification to paragraph 4.83 and other parts of the Plan as necessary so that it sets out the five year housing land requirement and supply as at 1 April 2019 and reasoned justification for this including an explanation of how it will be calculated throughout the Plan period. In so doing, consideration should be given to whether any changes are needed to the five year supply identified in SDEB27 in light of the discussions at the matter 5 hearing session including about lead in times and build rates on some sites.

*Housing trajectory*

**AP17.** Council to prepare a potential modification to Figure 3 as set out in DMBC15.1 but to take account of the potential modifications to express the housing requirement as a single figure of 15,640 for the period 2018 to 2035 expected to be delivered at an annual rate of 920 dwellings per year, and any other changes to the figures required as a consequence of other Action Points.

*Policy 2 part 5*

**AP18.** Council to prepare a potential modification to part 5 of policy 2 so that the sentence before clause A reads “If the Council is unable to demonstrate a five year supply of deliverable housing sites in the Borough as a whole, residential development will also be supported …”, or similar. Clause C should be modified to delete “adverse”, and clause E should be deleted in its entirety. The word “and” should be added at the end of clause C and deleted from the end of clause D.

**M6. Housing development requirements**

*Site specific requirements for housing allocations without planning permission*

**AP19.** Council to prepare a potential modification to policy 6 so that the third paragraph states that proposals relating to the housing allocations without planning permission should “have regard to the development requirements set out in Appendix 2 and the indicative number of new homes set out in Tables H2(A-Q) and Appendix 2”, or similar. Consider whether that paragraph also needs to refer to such proposals being in accordance with other policies in the Plan.
AP20. Council to prepare potential modifications to Appendix 2 so that the indicative number of new homes is stated for each site and the requirements include reference to any site specific design guidance (planning brief, supplementary planning document, masterplan, etc) that either exists or the Council expects to be required.

AP21. Council, in liaison with Historic England, to prepare a potential modification to the requirements for site 133 Nicholas Road, Thorne so that it is effective in ensuring that development protects or enhances the setting of the conservation area and non-designated heritage assets.

Delivery the necessary range of housing

AP22. Council to prepare a potential modification so that policy 8 part A states that “housing developments will be required to deliver a mix of house size, type and tenure to address as appropriate needs and market demand, having regard to the Council’s latest Housing Needs Study and other robust evidence”, or similar. Consider whether Annex 4 should be retained in the Plan, and if so whether paragraphs 6.7 to 6.9 should be modified to give an indication of how frequently it is expected to be updated.

AP23. Council to consider whether a modification is required to policy 8 and/or the reasoned justification to explain how the negative figures for the number of affordable homes for some settlements are intended to be taken into account in the application of parts B and C of that policy.

Standardised or “off the shelf designs”

AP24. Council to prepare a potential modification to policy 42 part B so that it reads: “Where an applicant wishes to utilise standardised or ‘off the shelf’ designs they should, where necessary, be adapted to complement or re-interpret local character, or make them more distinctive by developing an appropriate locally inspired new identify and appearance for the development”, or similar. Consider whether any cross reference is needed to part E, as that clearly applies “in all cases”.

Housing design standards

AP25. Council to consider whether the reference to taking account of “physical constraints” in the penultimate paragraph of policy 46 when considering exemptions to the requirements of parts A, B and C (space standards, accessible and adaptable homes, and wheelchair adaptable homes) is sufficiently clear so as to be effective, and consistent with national guidance. Consider whether paragraph 12.30 of the Plan provides adequate reasoned justification, consistent with national policy.

AP26. Council to prepare a potential modification to paragraphs 12.26 and 12.29 to alter or delete references to an “application being rejected based on” non-compliance with policy 46.
Green infrastructure, open space and landscaping

**AP27.** Council to prepare a potential modification to policy 27 part A and reasoned justification to delete references to “green infrastructure masterplans”. Consider whether any cross references are needed to the design tools referred to in policy 43 part C with an explanation of how those tools are expected to address green infrastructure.

**AP28.** Council to consider whether the proposals in policy 29 parts B and C to base commuted sums for improving existing open space in the vicinity of the development on 15% of the residential land value are justified and would be effective, including with regard to the potential impact of the economic viability of development.

**Healthcare infrastructure**

**AP29.** Council to consider whether the reference in policy 51 part D to healthcare infrastructure implications being “considered and addressed” is sufficiently clear such that it can be effectively applied by applicants and decision makers. Furthermore, consider whether this part of the policy is justified in paragraphs 13.4 and 13.5.

**New education facilities**

**AP30.** Council to prepare a potential modification to policy 53 part B to clarify what is meant by “significant housing proposals”. Paragraph 13.15 refers to “20 or more family units”.

**Noise pollution**

**AP31.** Council to prepare a potential modification to policy 55 part B to refer to Appendix 11 and make clear how the noise standards are intended to be used to inform noise assessments and determine any mitigation that may be needed to ensure that the new development is appropriate for its location and that noise will not give rise to significant adverse impacts on health and quality of life.

**M7. Specific types of housing**

**Housing development in the countryside**

The final paragraph of part D of policy 2, along with the associated paragraphs denoted by *, **, and ***, and the size limits for individual schemes/sites and cumulative growth limits set out in the table below policy 3 are intended to set out the Plan’s approach to residential development in the Countryside on land adjacent to the development limits of a Defined Village.

**AP32.** Council to consider whether this approach is justified, consistent with national policy, positively prepared and sufficiently clear to be effective. In particular:

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5 NPPF 180.
a) What types of development is the policy intended to apply to that would not be addressed by NPPF paragraphs 71 and 77 relating to entry level exception sites and other rural exception sites.

b) Whether the size limits for individual schemes/sites are justified and needed to safeguard the character and appearance of the village and surrounding landscape, or whether that could be effectively achieved through the application of criteria similar to those in parts A to C of policy 2 part 5 and/or paragraph * which defines an “appropriate location”.

c) Whether the cumulative growth limits are actually needed to ensure that the overall spatial strategy for the Borough is not compromised.

d) Whether the reference to “exceptional circumstances” is clear and justified, given that it has a particular meaning in relation to development in countryside areas that are designated as Green Belt.

e) Whether the requirement to demonstrate “clear community support” is justified and could be effectively assessed.

f) The implications for neighbourhood plans which would have to be in general conformity as it is part of a strategic policy.

**Gypsies, travellers and travelling showpeople**

**AP33.** Council to prepare a potential modification to the last sentence of paragraph 6.22 so that it clearly sets out what the evidence shows in terms of the need for additional accommodation for gypsies and travellers and travelling showpeople over the plan period and how that is expected to be met without the need for any new sites being allocated.

**AP34.** Council to delete the final sentence of new paragraph 6.23 suggested as a main modification in DMBC15.1 referring to traveller sites reverting back to the Green Belt in a future review of the Plan if they are no longer being used for that purpose.

**William Fieldhouse**

INSPECTOR
23 October 2020