Doncaster Local Plan Examination - Hallam Land Management (ID 05212) - Matter 1 Statement - Legal and Procedural Requirements and other General Matters

Issued  September 2020

1.1 This Hearing Statement is prepared on behalf of our client Hallam Land Management) (ID 05212). Our client seeks to respond to Questions 1.8 and 1.12 only.

M1. Legal and Procedural Requirements and other General Matters

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?

1.2 The plan period runs from 2015 to 2035; however, the plan period for land supply runs from 2018 and, in the case of housing only runs until 2033 (Table 5, page 44). This is an unnecessary complication and should be revised to ensure the plan period and supply period run from the same dates.

1.3 The Council sets out in its response to the Inspector’s Preliminary Questions (June 2020) [DMBC7] that the plan period was identified in the anticipation that it would be adopted in 2020, and therefore it would span 15 years from adoption. It also states that there is a statutory requirement to review local plans at least every five years meaning there would be reviews before the end of the 2035 plan period date and there are allocations in the plan that could deliver beyond 2035.

1.4 However, the Plan is not considered to be sound because it fails to provide an appropriate strategy in relation to housing supply, contrary to the NPPF (para. 35). Furthermore, the NPPF is explicit at paragraph 22 that “strategic policies should look ahead over a minimum 15 year period from the date of adoption...” (emphasis added). It is not anticipated that this Plan will be adopted until at least 2021, meaning the Plan period should be to at least 2036. The mixed timescales are likely to cause confusion for the reader and when monitoring during the plan period. Further to this, we note that 5-year reviews do not constitute a valid reason to not have a Plan that covers the appropriate period in the first place. Our client does not consider the approach to be otherwise justified and does not consider the Council’s response to the Preliminary Questions sound justification.
Flood Risk

Q1.12. Are the spatial strategy and allocations in the Plan, including those listed above, consistent with national planning policy relating to development and flood risk?

1.5 The NPPF directs that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)” (paragraph 155)

“Development should not be allocated or permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower risk of flooding” (paragraph 158).

1.6 The Doncaster Local Plan Topic Paper 4: Housing (March 2020) [DMBC4] states at paragraph 4.3.7:

“Flood zone sites, unless already granted permission, will not be allocated, even if this prevents a settlement reaching its housing target. This approach has been carefully considered, especially given the fact this may increase pressure on land in the Green Belt. This is because flood risk is a physical constraint which could potentially be a risk to property or life, and as such we will not seek to allow housing on land in such areas in the Local Plan, in line with national flood risk policy.” (emphasis added)

1.7 In response to the Inspector’s Preliminary Question No.11 [INSP2], the Council responded [DMBC10] with a list of seven sites which have been identified as proposed allocations for the delivery of new homes. This directly conflicts with the statement in Topic Paper 4.

1.8 Paragraph 4.3.6. of Topic Paper 4 [DMBC4] states:

“…the Borough is also constrained by flood risk, particularly to the north and east of the Borough (i.e. land outside of the Green Belt), where large swathes of land lie in flood zones 2 and 3. In 2007 and 2019 the borough was impacted by serious flooding events and approaches the matter very seriously”.

1.9 It is relevant context that the former Doncaster LPD Sites and Policies DPD (June 2014) was withdrawn, largely because of the Inspector’s concerns relating to an over reliance on sites at risk of flooding.

1.10 Following the examination of the Doncaster LDP Site and Policies DPD, the Inspector stated:

“I am not persuaded that the Council has given proper consideration to the alternatives [to developing in flood risk areas]…. In my opinion the protection of Green Belt and countryside may have been put ahead of flood risk in the weighing process and this does not give the issue of flood risk due weight.” (Paragraph 56, Final Letter Stage 1v2. [No document ref number, under Previous Examination in the EIP Library])

1.11 In the six years that have passed since then, the Council has approved planning applications on sites in Flood Zones 2 and 3 which were identified as draft allocations in the withdrawn DPD. Clearly that flies in the face of the concerns raised by the Inspector but nevertheless means that these sites are committed developments as opposed to being draft allocations. This approach does not reflect the Council’s statement in Topic Paper 4.
The preparation of the Local Plan provides an opportunity to identify sites which are suitable (NPPF paragraph 67) and contribute to the achievement of sustainable development (NPPF paragraph 16). Whilst the list of allocations in the flood zones is much shorter than previously (as most are now committed developments), the problem remains that insufficient development is directed to the areas of the Borough which are at the lowest risk of flooding.

Serious flood events have taken place in Doncaster in 2007 and more recently in November 2019. In the more recent flood event, when the risk of flooding was at its peak on 10/11/2019, seven Severe Flood Warnings and a further 17 Flood Warnings were in force in Doncaster. Analysis of these areas shows that the Plan identifies 835 homes\(^1\) are intended for sites in areas subject to a Severe Flood Warning on 10/11/2019. A further 1,932 homes\(^2\) are also identified on sites which were located in an area subject to a Flood Warning on this same date.

For wider context, 7,348 homes\(^3\) identified in the Plan relate to sites which are located in either Flood Zones 2 or 3.

We have enclosed a plan which displays the location of the allocations, sites with planning permission and the reserve sites in the context of the Flood Zones and the seven Severe Flood Warnings and a further 17 Flood Warnings from November 2019.

Notably sites 247, 396 and 147 are proposed allocations with no planning permission with a total capacity of 381 dwellings yet have Flood Zone 2 or 3 designations.

The Council’s approach to approving applications and identifying further sites in Flood Zones 2 and 3 does not reflect their statement in Topic Paper 4. Over 7,000 new homes are identified on sites in Flood Zones 2 and 3. This is a significant portion of the Council’s housing land supply which conflicts with national policy which requires local authorities to direct development away to the areas at a lowest risk of flooding.

This is particularly so when there are other sites, such as our client’s (HELAA ref: 1038) which provide suitable and sustainable locations for new housing, on land which is at the lowest risk of flooding.

**WORD COUNT – 1,128**

\(^{1}\) 542 houses from proposed allocations; 202 houses from planning permissions; and 91 houses from reserved sites.

\(^{2}\) 230 houses from proposed allocations; 953 houses from planning permissions; and 749 houses from reserved sites.

\(^{3}\) 923 houses from proposed allocations; 5,167 houses from planning permissions; and 1,258 houses from reserve sites.
Sites 147, 247 and 396 are proposed allocations within, or at least partially within, Flood Zones 2 and/or 3 which do not have planning permission.

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