Hearing Statement – Matter 16

Doncaster Local Plan

On behalf of Harworth Group

August 2020
1. **Introduction**

1.1. This is a Hearing Statement prepared by Spawforths on behalf of Harworth Group in respect of:

   Matter 16: Other Issues

1.2. Harworth has significant land interests in the area and has made representations to earlier stages of the Local Plan process.

1.3. The Inspector’s Issues and Questions are included in **bold** for ease of reference. The following responses should be read in conjunction with Harworth comments upon the submission version of the Doncaster Local Plan, dated September 2019.

1.4. Harworth has also expressed a desire to attend and participate in Matter 16 of the Examination in Public.
2. **Matter 16 – Other Issues**

**Q16.1.** Assuming that the changes suggested by the Council are made, are the definitions in Appendix 1 to the Plan consistent with those in the NPPF and will they provide sufficient clarity to ensure that all of the policies in the Plan can be effectively applied?

2.1. Harworth have no specific comments on this issue.

**Q16.1A.** Do any other parts of the Plan need to be modified to reflect the changes to the Use Class Order that will come into effect on 1st September 2020?

2.2. Harworth are concerned that the level of employment land allocated does not provide sufficient flexibility to enable the local authority to respond to the implications of Class E and Changes to Permitted Development Rights that could impact on the existing supply of employment land.

2.3. Class E will incorporate uses within classes B1a, b and c in the same use class as A1, A2 and A3 uses, and some D1 and D2 uses. As of 1st September existing buildings within the above use will be able to change to other uses within Class E without the need for planning permission, subject to any specific conditions related to the permissions they operate within. Significantly these reforms do not just relate to town centres and therefore the consequences of this greater flexibility could be significant on existing B1, a, b and c space, particularly where there are no existing controls through permissions in place.

2.4. In addition to the changes to the Use Class Order, changes in Permitted Development rights allow for vacant commercial buildings (up to 1000m2) to be demolished to make way for new housing and these are likely to lead to a greater loss of employment land to other uses.
2.5. Projecting forward previous trends for employment land losses within Doncaster are therefore likely to be unreliable. Together it is inevitable that these changes will have an implication on the availability of existing employment land and buildings which will need to be considered when determining the supply available to meet the need for additional new employment land. Harworth consider that there will be a need for further allocations/reserve sites to provide additional flexibility to ensure that the Plan can meet future employment needs whilst responding flexibly to changes as required by national policy.

Q16.2. Are there any parts of the Plan that have not been addressed by the questions set out above that are unsound?

2.6. In respect of the site selection process, Harworth have concerns relating to the weight within the Plan attributed to community consultation responses without sufficient regard to the nature of comments and whether they form material planning considerations. Whilst we have highlighted this in our response to Matter 1 in relation to Q1.3, the issue was not explicitly raised by the Inspector Questions, and as such we provide further detail relating to our concern herein.

2.7. Stage 7 of the Site Selection Methodology [SDEB46], indicates that this concluding stage includes feedback from the consultation responses to the 2018 consultation. It is not clear what weight or role this has had in the site selection process. There are a number of sites identified that have notable objections but are allocated (165/186), and other sites with a number of objections that are rejected. There are a number of sites where consultation responses are not referred to. It is not therefore possible to determine the weight attributed to consultation responses. This approach therefore lacks transparency. The Inspectors Letter in respect of the Doncaster LDF Sites and Policies Development Plan Document [OTH ** Final Letter Stage 1 v2, June 2014] paragraph 51 expressed similar concerns in relation to the Site Selection Methodology at the time.

2.8. As an example of the above, it is noted that at Reg 18 stage, site 160 was proposed for allocation but CSD 10 indicates that there was a petition with 60 signatures and 150 letters in respect of the site. Despite not being proposed for Allocation site 001, Thorne North, also received 17 objections.
2.9. Table 3 in CSD 10 A provides a summary of responses in relation to the employment sites. It is noted that this section summarises reasons for objections and not any reasons for support, which does not allow the objective consideration of all responses. The nature of objection to site 160 does not appear to be any more substantive than the objections raised in relation to site 001.

2.10. CSD 10, 3.57, in response to 'how were the issues raised taken into account', states in reference to Employment Allocations – there was notable objection to the proposed employment site at Bradholme, Thorne Site 160. The site was rejected as an allocation in the Publication version of the Plan and replaced with a similar site at Thorne (Site 001). Given that site 001 was objected to even though it was not a preferred allocation, and the nature of those objections, it is not clear how this issue influenced the final site selection which de-allocated site 160 and replaced it with site 001.

2.11. Harworth are concerned that greater weight was given to the number of objections rather than whether the objections form material considerations.

Table 3 CSD 10.1 points to the Site Selection methodology for more information. With regards to site 001:

SDEB 46 states “As with all the potential sites in the M18 Corridor, this site fails the flood risk sequential test as it is within Flood Zone 3. It also scores similarly to the other sites through the Sustainability Appraisal process. It is currently designated as Countryside Policy Area by the UDP Proposals Map. Core Strategy Policy CS3: Countryside also applies as it continues to protect the countryside to the east of the borough through Countryside Protection Policy Area. It provides an excellent job creation opportunity in the north of the borough and it will complement the successful existing industrial estates to the north of Thorne. There is an outline planning application pending for employment uses. The site has support through the Informal Consultation on the Local Plan which took place in September – October 2018 (see Draft Policies and Proposed Sites Consultation Summary for further information). The Doncaster Employment Land Review suggests that if allocated 50% of the site could be developed in the plan period (36.8ha). Due to the extension of the plan period this would now equate to 70% of the site could be developed in the plan period. The majority of development could be for B8 and some for B2 (85/25% split)”

2.12. SDEB 46 States for site 160 “As with all the potential sites within the M18 corridor, this site fails the flood risk sequential test as it is within Flood Zone 3. It scores similarly to the other sites through
the Sustainability Appraisal process. It is currently within Countryside Policy Area as designated by the UDP Proposals Map. Core Strategy Policy CS3: Countryside also applies as it continues to protect the countryside to the east of the borough through Countryside Protection Policy Area. It is classified as ‘Green’ in HELAA – attractive to the market. There is a requirement for flood mitigation and the creation of wildlife habitats and the developer can address this through the masterplan/design statement. The Informal Consultation on the Local Plan in September – October 2018 produced a number of consultation responses in opposition to this site - see Draft Policies and Proposed Sites Consultation Summary for further information. The allocation of this site would exceed the supply of employment land for this plan period. Sites other than this one have been chosen for allocation in order to provide a balanced distribution of employment land across the Borough.” (underlining Spawforths emphasis).

2.13. Reviewing the conclusions within SDEB 46 in the context of CSD 10 A, the key differences resulting in the replacement of site 160 with site 001 relates to the number of consultation responses in opposition to the site. The number of responses in this case appears to have outweighed the nature of objections, since as considered under Matter 8 the performance of the two sites within the SA, the Flood Risk – Sequential Test, and access considerations favours site 160 over site 001.

2.14. Harworth note that subsequently, in response to Regulation 19, two petitions in relation to site 001 have been received, 289 letters of objection, as well as individual letters of objection. The council’s response considers that SDEB 46 sets out the council’s reasoning for sites being allocated or rejected.

2.15. Harworth consider that the site selection process has been undermined by the weight of objection rather than material planning considerations. The site selection process is not justified and not consistent with national planning policy.

Proposed Change

2.16. To overcome the objection and address soundness matters, the following changes are proposed:

- Review the amount of employment land allocated to provide for flexibility in response to implications of Class E and changes to Permitted Development Rights.
• Review the approach to site selection and site selection methodology and ensure that there is clarity in terms of weight attributed to consultation responses and key material considerations.

• The allocation of site 001 is unsound as demonstrated in Matter 1, 3, 8 and 16. Site 160 performs better sequentially based on the latest flood information, and better within the Sustainability Appraisal with particular regard to access, aligning with the Plans strategy. Site 160 should be reinstated as the strategic employment allocation in Thorne North.