WRITTEN STATEMENT OF RESPONDENT: MR CHRISTOPHER OWEN IN RESPECT OF M13: NATURAL AND BUILT ENVIRONMENT

This statement should be read in conjunction with the documents submitted on (i) 26 October 2018 (“2018 Representation”); and (ii) 27 September 2019 (“2019 Representation”) (together, “My Representations”).

Introduction

I am a layperson with no experience or knowledge of planning issues or examinations such as this. In responding to the Inspector’s questions, I have tried to answer as fully as possible and provide a response to the specific question raised in the context of my objection to the allocation of Site 350/407 as suitable for development in the Plan.

Request to the Inspector:

I believe it would be helpful to the Inspector to carry out a visit to the Site if at all possible in order to fully understand the character of the Site, its location, the biodiversity of wildlife it supports, and the access issues associated with it. A site visit will, I trust, illustrate and add flesh to the points made in My Representations and in these responses to your questions and help in informing the Inspector’s decision regarding the treatment of this Site in the Plan.

Response to the Inspector’s Questions

Q13.1. Is policy 28 justified and consistent with national policy and will it be effective in ensuring access to high quality open spaces and opportunities for sport and physical activity? In particular:
   a) The approach to open spaces defined on the Policies Map and open space policy areas in parts A and D.
   b) The approach to non-designated open spaces in part B, and the Council’s suggested changes relating to conservation areas and the setting of designated heritage assets.
   c) The Local Green Spaces defined on the Policies Map and the Council’s suggested change to list them in paragraph 10.17.

Policy 28 would be justified and consistent with national policy if applied rigorously and consistently.

Policy 28 provides a rigorous framework and set of requirements, specifically that “the Council will protect open spaces which provide important opportunities for formal and informal recreation as well as those which provide a social, cultural and ecological role.” There is no ambiguity in this Policy being an over-riding and specific requirement on the Council to protect open spaces. Site 350/407 fulfils the specific criteria set out in Policy 28 for protection being an open space which provides important opportunities for informal recreation and a social and ecological role to the local community.
The allocation of Site 350/407 for development is contrary to NPPF, paragraphs 97a) and 97b) and paragraph 10.18 of the Plan because:

a) it will result in permanent loss of an open space which provides significant benefit to the community;

b) the local community does not support the development of this Site¹ ²;

c) the land is not surplus to requirements. It is used by the local community as a valuable green open space in an area which DMBC recognises is deficient in open space³;

d) the loss resulting from the proposed development will be unable to be replaced by equivalent or better provision in terms of quantity or quality in a suitable location;

e) the loss of such an ecologically rich site in this location (on a wildlife corridor, and adjacent or close to Local Wildlife Sites and near an SSSI) is not justified by the alleged need for development; and

f) the loss of such a site cannot be adequately compensated for as there can be no replacement of the diverse benefits the Site delivers to a variety of users through other means. There is no biodiversity or other net gain which can be achieved or compensated for by destroying a biodiverse site in this location.

The Plan, if prepared soundly and in accordance with NPFF and the Plan’s own policies, would have resulted in the recognition that the Site has all the characteristics of a Local Green Space and therefore should, as required by PDFF paragraph 99, have been designated as such in the preparation and updating of the Plan. In this regard, the Site fulfils all the relevant criteria set out in NPPF for designation as a Local Green Space as:

a) it is in close proximity to the community it serves;

b) it is demonstrably special to the local community;

c) it holds particular local significance due to its use as a green open space used by the community for at least the past 25 years⁴ because of:
   a. its beauty. Please see photographs attached to my response to MIQ6 and as attached at Appendix 1 to this document;
   b. its recreational value. The Site contains existing footpaths and bridleways and is widely and regularly used for recreation by the local community, birdwatchers, dog-walkers and horse-riders;
   c. its tranquillity. The Site is bounded on three sides by Local Wildlife Sites/ the Racecourse and a railway line which also acts as a wildlife corridor, with a quiet residential area on the other. The site is free of man-made interference such as power lines, vehicle or artificial noise and lighting. The Site is considered a local beauty spot⁵;

¹ See https://www.thestar.co.uk/news/doncaster-beauty-spot-could-be-built-after-sell-fear-residents-51739
² As recorded in the 2018 Consultation Summary, a petition containing 83 signatures and 30 individual letters of objections were received, together with an objection from a DMBC ward member. The Site Selection Methodology noted that there were “a notable number of objections to the allocation of this site”.

³ As stated in the Planning Brief issued by DMBC in relation to the Site in 2020: https://www.rightmove.co.uk/commercial-property-for-sale/property-70529618.html

⁴ The Site was previously farmland but this use was discontinued around 25 years ago.

⁵ https://www.thestar.co.uk/news/doncaster-beauty-spot-could-be-built-after-sell-fear-residents-51739
d. the richness of its wildlife. DMBC’s Planning Brief recognises this stating that “the site will be supporting quite a wide range of wildlife”\textsuperscript{6} and notes that a full ecological assessment of the Site is required as there may be protected species on the Site. The extent of wildlife is also demonstrated by comments by local residents who have reported wildlife such as deer, woodpeckers, foxes and bats on the Site; and
e. is local in character. The Site feels local in nature being bounded on three sides by Local Wildlife Sites and a wildlife corridor/ railway line, and on the remaining side by the Rose Hill estate.

The Site therefore fulfils all the necessary criteria for designation as a Local Green Space under the Plan. DMBC has not explained why this designation has not been used when, for example, in its response to PQ41, DMBC has designated three Sites as local open space for similar reasons to those that apply to the Site, namely:

- Close community proximity;
- Good connectivity;
- Area is not an extensive tract of land;
- ‘Feels local in nature’; and
- Well-defined boundary.

The above criteria demonstrably apply to the Site and, taken together with the Site’s present use as an asset of community value and use, its location adjacent to a Local Wildlife Site and an SSSI/ wildlife corridor, the high potential for archaeological remains, and the Site providing a visually appealing buffer between the existing development and the above, mean it should have been designated as a Local Open Space (or Local Wildlife Site) under the Plan. Not to do so is contrary to NPPF, paragraphs 99 and 100, and the Plan.

In summary, if applied rigorously and consistently, Policy 28 would be effective and consistent with national policy. However the requirements of Policy 28 are not being applied by in the Plan in relation to Site 350/407 and therefore the Plan is neither consistent with national policy nor internally consistent with its own Policy 28.

\textsuperscript{6} Paragraph 7.10 of the Planning Brief
Q13.2. Are policies 30, 31 and 32 consistent with national policy and will they be effective in protecting and enhancing biodiversity and geodiversity?
In particular:

a) The requirement in policy 30 for all proposals to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough’s ecological networks.
b) The approach in policy 31 to internationally and nationally important habitats, sites and species.
c) The approach in policy 31 part A, policy 32 and Appendix 8 to protecting local wildlife and geological sites and features.

Are the Council’s suggested changes to policy 31 part C and paragraph 10.40 necessary to make the Plan sound?

Policies 30 and 31 are justified and consistent with national policy although some strengthening of the Policies is required as noted below.

Sites and/or habitats should not be seen in isolation from the networks that link them, and the strong linkages that exist when sites abut, are adjacent to, or close to Local Wildlife Sites, SSSIs and wildlife corridors. In this regard, NPPF paras 170(d) and 174 consistently puts habitats and networks together and stresses the important of their linkage. Further, the Lawton Review’s principles of ‘bigger, better, more and joined’ habitats and the Government’s Nature Recovery Network proposals should be given importance in outlining the over-arching policy. Accordingly:

- There should be an over-riding requirement for the protection and enhancement of open spaces to, as a minimum, maintain and ideally increase the total area of valuable habitat in the Borough.
- The protection of, and increased linkage of, existing areas of habitat such as ‘ecological stepping stone sites’, ‘wildlife corridors’ and ‘Nature Improvements Areas’ to create coherent and continuous ecological networks should be enshrined in the policies.
- A recognition of the vital importance of ecological networks and connectivity in sustaining sites and addressing the impacts of climate change should be enshrined in the Plan.

With regard to the existing or revised Policies 30 and 31, these will only be “effective in protecting and enhancing biodiversity and geodiversity” if national policy and other requirements of the Plan, and the principles set out in the Plan, are followed.

Policies 30 and 31 and paragraphs 174, 175 and 177 of NPPF are not being followed with specific reference to Site 350/407 and are therefore not being effective in:

a. protecting and enhancing biodiversity;
b. delivering a net gain for biodiversity;
c. protecting, creating, maintaining and enhancing the Borough’s ecological networks; and
d. protecting local wildlife sites.
Contrary to NPPF, paragraph 170, development of the Site - which is a location that provides and enhances biodiversity, is a much-valued characterful and beautiful site, and is part of an existing ecological network - will not contribute to the natural and local environment and will destroy or significantly degrade an existing ecological network and its connectivity making it less resilient to current and future pressures. Development of the Site will not provide a net gain for biodiversity.

Contrary to NPPF, paragraph 174, development of the Site, a local wildlife-rich habitat which is part of an existing ecological network, will not protect or enhance the biodiversity of the area and will result in a net loss for biodiversity.

**Policy 30**

Contrary to Policy 30, the Plan proposes development of the Site which:

- Does not and will not deliver a net gain for biodiversity as it destroys a site which has biodiversity value and is adjacent to a LWS/SSSI and is part of/adjacent to a wildlife corridor.
- Does not enhance ecological networks and in fact, does the opposite by destroying/degrading the existing network and its connectivity; and
- Does not maintain, strengthen or bridge gaps in the ecological network. Again, the proposal does in fact the opposite by destroying/degrading part of the network.

Further, paragraph 10.36 of the Plan sets out five key recommendations regarding “establishing a network of core areas of habitat that are robustly linked together through habitat corridors resilient to environmental change and human pressure”. Development of the Site ignores and goes against all five of these key recommendations:

- “to improve management of existing wildlife sites”. Development of the Site will, as recognised in DMBC’s Planning Brief for the Site, result in “damage caused by additional visitor pressure from people living on the adjacent site”;
- “to increase the size of existing wildlife sites”. As shown in Appendix 1, the existing Local Wildlife Site of Red House Plantation is effectively contiguous with the Site due to growth of vegetation and trees. The Local Wildlife Site should be increased in size by including the Site. The Site is a rich biodiverse habitat which should be more appropriately allocated as a Local Wildlife Site rather than for development;
- “to improve the connections between sites”. Development of the Site will degrade/destroy the existing wildlife corridor which the Site forms part of/is adjacent to;
- “to create new sites”. As noted above, the existing characteristics of the Site are such that it should form part of the existing adjacent Local Wildlife Site; and
• “to reduce the pressure on wildlife by improving the wider environment”. Destruction of such a rich biodiverse site will do nothing to reduce the pressure on wildlife in the Borough. Development of the site will also not improve the wider environment and will simply serve to destroy a much-valued green open space which is widely used by the local community and supports a rich variety of wildlife.

Paragraph 10.36 continues “National planning policy requires development to be sustainable and compensate for damage to the environment as well as expecting the natural environment to function as an integrated network of habitats.” The development of the Site will not result in sustainable development, will not compensate for the damage to the environment, and will destroy/degrade an existing integrated network of habitats.

Policy 31

Contrary to Policy 31, the Plan proposes development which:

• Will harm the adjacent Local Wildlife Sites due to its close proximity to two such sites, and its location on a wildlife corridor;
• Will likely harm protected species;
• Will harm a biodiverse area with an important location on an existing ecological network.
• Will be unable to be compensated for through “appropriate mitigation”.
• Will not protect, restore, enhance and provide appropriate buffers around wildlife and geological features and aim to link these to the wider ecological network;
• Will not be accompanied by any conceivable long-term management plan that can adequately compensate for the loss of local wildlife or habitat; and
• Is unjustified in that no demonstration has been provided that the need for this development outweighs the value of any features to be lost.

e) What is the purpose of policy 32?

Policy 32 is an important policy in the Plan as it stresses the requirements set out in PPG, namely the important contribution to ecological networks and nature’s recovery made by Local Wildlife Sites, and the wider benefits they provide such as public access and climate mitigation. As stated in PPG Paragraph: 013 Reference ID: 8-013-20190721 “National planning policy expects plans to identify and map these sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.”

Policy 32 also recognises that the knowledge and assessment of Local Sites changes over time and that as noted in paragraph 10.43, DMBC “will work to continuously collect and record environmental information and assess sites against the Local Site selection guidelines. The conservation value of existing Local Sites as well as non-designated sites may change over time and it is expected that new sites will come forward for designation whilst others will need to be removed from the series. It is therefore necessary for the Local Site series to be updated, using the Local Site selection guidelines, to ensure that all sites
can be demonstrated to be of substantive biodiversity and geodiversity interest. Any site that can be shown to meet the Local Sites selection guidelines will receive the same level of protection as a designated site but may not be shown on the Policies Map until it is updated.”

There should therefore have been a review of the sites allocated for development in the Plan under Appendix 8 as required by Policy 32 in order to identify whether a site meets the selection criteria for a Local Wildlife or Geological Site. The fact that this has not been done undermines the Plan as it means that potentially sites which should be designated Local Wildlife or Geological Sites are being allocated for development.

As noted earlier, the Site fulfils one or more of the criteria for selection as a Local Wildlife Site. The basis for the Site being allocated for development appears to be based on its circumstances from around 25 years ago when farming on the land ceased. The circumstances of the Site have changed significantly since then and that the current amount of biodiversity on the Site renders it no longer suitable for development. If this were a new site coming up for consideration for development, it would not be allocated as suitable. The list of Local Wildlife Sites should therefore be updated to include this Site in order to be consistent with Policy 32 and its requirements.

Q13.3. Are the requirements of policy 33, relating to woodlands, trees and hedgerows, justified and consistent with national policy?

Yes. However development of the Site will result in “significant adverse impact upon public amenity or ecological interest” relating to trees and hedgerows which cannot be compensated for through replacement planting. Development of the Site is therefore inconsistent with Policy 33.

Q13.5. Are policies 35 to 41 and appendices 9 and 10 consistent with national policy? Along with particular requirements relating to specific sites, do they set out an effective and positive strategy for the conservation and enjoyment of the Borough's historic environment?

Policy 40 is consistent with national policy.

The inclusion of the Site as suitable for development is however inconsistent with national policy and Policy 40. According to DMBC’s own archaeological survey (see Appendix 2) there are “five monuments within the site .... all associated with Iron Age to Roman activity” and there are “major archaeological constraints” regarding the “suitability of the site for allocation” of development7. In addition, “remains associated with the Roman pottery industry and associated settlement are part of a wider industrial and agricultural landscape within this area considered to be of Regional archaeological significance.” The report notes that “the potential for the survival of buried archaeological remains is considered to be high” and concludes that “this site has a high potential for the survival of significant archaeological remains associated with Roman settlement, agriculture and pottery production. Further consideration should be made of its capacity for housing development.”

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7 https://dmbcwebstolive01.blob.core.windows.net/media/Default/Planning/Documents/Policy%20Monitoring/SA/Appendix%20-%20Sites%20350-399.pdf
It should also be noted that the site selection report\textsuperscript{8} produced to inform the Plan stated there were “significant negative effects for sites ... 350; 407; .... on archaeology ... and there may be a major archaeological objection to the allocation of these sites as they contain known archaeological remains of National or Regional significance where there has been little or no previous development or disturbance on the site and the likely survival of heritage assets is considered to be moderate or good.”

Given the above, Policy 40B has not been followed in allocating this Site for development in the Plan.

Paragraph 11.36 of the Plan further states that “The Council believes that archaeological and historic remains should not be needlessly destroyed and their presence is a material consideration in applications for new development”. This requirement has been ignored in the allocation of the Site for development.

Accordingly whilst Policy 40 is in accordance with national policy, allocating the Site in the Plan for development is inconsistent with national policy and Policy 40.

\textsuperscript{8} Housing and Employment Site Selection Methodology and Results Report, paragraph 6.3.8