1.8  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?

1.8.1  The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the full plan period. The plan period of the Doncaster Local Plan runs from 2015-2035. The base date for the Local Plan is 1 April 2015 however all information relating to land supply within the Local Plan is taken from 1st April 2018.

1.9.  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?

1.9.1  Whilst we support the intention to ensure flexibility across the plan period, outlined within paragraphs 15.12 to 15.14. The Local Plan must be clearer on the approach taken to monitor the progress of the Local Plan and undertake reviews when appropriate.

1.9.2  We do not consider that the measures outlined within paragraphs 15.12 to 15.14 provide an appropriate arrangement to ensure proper monitoring and corrective action is taken should it become apparent that a shortfall in housing provision is occurring. The only reference to a potential review is contained on page 184 which states:

"Determine if there is any need to undertake a partial or full review of the Local Plan"

1.9.3  As currently worded, this monitoring and review requirement is not a Policy requirement. In addition, there are no specific timeframes or triggers for undertaking or requirement for completion of a review. This means that the Council has no specific imperative to do anything but consider the need to undertake a review and there is a risk that this is never completed. It is therefore suggested that in order to be as effective as possible, a review mechanism should be contained in a policy within Chapter 15 ‘Implementation and Monitoring’ to set out a far more robust approach than what is currently suggested. Specifically, the triggers for the review need to be meaningful, have teeth and contain an end date that is in the control of the Council and be in accordance with paragraph 33 of the NPPF.

1.9.4  In short, such a policy is essential to ensure that the current situation, with the last review of site allocations occurring some 23 years ago. In the interest of effectiveness and compliance with national policy.
1.10. Does the Plan set an appropriate framework, and allow an appropriate role, for neighbourhood plans having regard to current progress in their preparation in the Borough? In particular:

a) Does the Plan appropriately identify “strategic policies”?

b) To be effective, is it necessary for the Plan to be modified to include a housing requirement for each designated neighbourhood area?

1.10.1 These statements are prepared on behalf of my client, Miller Homes in respect of their land interests at Grange Farm Doncaster. The site is located adjoining the Main Urban Area of Doncaster, and is directly adjacent to Edenthorpe but within the Armthorpe Neighbourhood Plan boundary. There was a hybrid application (reference: 12/02133/FULM) for 264 plots (detailed, phase 1) and outline for up to 300 plots (phase 2) on the land - up to 564 plots in total both of which were submitted in 2012. There were no technical constraints as to why the site could not be delivered – the rationale behind its DMBC ‘disposal’ was understood to be because it fell within the Armthorpe Neighbourhood Plan boundary. It falls outside of both DMBC Green Belt, Flood Zone 2 and 3 and represents a sustainable growth option in the context of the NPPF. We understand it is not the purpose of the EiP to consider discounted sites, however in reviewing this site it points to a fundamental flaw in the Local Plan leading to key questions of soundness and NPPF compliance.

1.10.2 The Local Plan does not currently set an appropriate framework for Neighbourhood Plans. It is ineffective and inconsistent with the NPPF and planning law. Whilst targets for each neighbourhood area may be helpful, it is essential that DMBC build in sufficient flexibility for Neighbourhood Plans adopted prior to EiP to allow for strategic changes in accordance with S38(5) of the 2004 Planning and Compulsory Purchase Act and paragraph 13 of the NPPF.

1.10.3 Clearly the introduction of the Localism Act (2011) allowed Parish Councils and community groups from the community, called Neighbourhood Forums, to formulate Neighbourhood Development Plans and Orders, to guide and shape development in a particular area. From inception it is enshrined within the concept of Localism that these plans and orders must have regard to national policies and not override, but work underneath Local Strategic Policies, setting out policy on non-strategic matters. This is more recently set out at paragraph 13 of the NPPF.

1.10.4 When defining the distinction, paragraph 21 of the NPPF specifies that strategic policies should be limited to ‘those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed’ (Our emphasis).

1.10.5 Housing need, for example is a key strategic policy along with settlement hierarchy and housing supply (which we will discuss in our other matters statements). We are happy that the DMBC Local Plan is sufficiently clear on this point.
1.10.6 Yet, in a situation where growth is required by the Local Authority within a Neighbourhood Planning Area paragraph 30 of the NPPF states: "Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies." (Our emphasis).

1.10.7 There are a number of instances in the borough where Neighbourhood Plans have been adopted prior to setting the strategic policies. One example being the Armthorpe Neighbourhood Plan adopted on the 22nd November 2018 which is relevant to my client’s site and the focus of these comments. Within the Doncaster Local Plan Housing Topic Paper dated March 2020 it states at paragraph 4.3.10 in respect of Armthorpe that “The Local Plan will reflect the sites proposed in the Neighbourhood Plan and will not make additional allocations in this location.” (p.33). With the Armthorpe defined as the Neighbourhood Plan boundary.

1.10.8 There are a number of points to make.

1.10.9 The Armthorpe Neighbourhood Plan was developed and adopted in the context of the previous 2012 Core Strategy for Doncaster. It began in late 2013, undertook its own site selection process to allocate the sites DMBC understood were required of Armthorpe at the time before being adopted on 22nd November 2018. The first sufficiently weighted details on the strategic policy for this Local Plan was the Publication Draft – dated September 2019 and issued some 10 months after the adoption of the Neighbourhood Plan.

1.10.10 Instead of objectively reviewing the need for additional growth in the NP area – irrespective of its position adjacent to the Main Urban Area, the Neighbourhood Plan Area was simply listed as a “Constraint” 1 to any additional growth. Beyond this comment there is no evidence that DMBC have contacted and asked Parish Councils and Neighbourhood Forums to review these Neighbourhood Plans in light of the latest strategic policies to address this point prior to EiP. This points to a fundamental flaw in due process.

1.10.11 Secondly, it is clear that Neighbourhood Planning should not be a constraint to strategic growth. This therefore raises a question over the ability of the Doncaster Local Plan to set the strategic policies for Neighbourhood Plans to follow in accordance with the NPPF. It currently appears as though the reverse has occurred.

1.10.12 We have significant concerns that the Armthorpe Neighbourhood Plan is undermining the Council’s Strategic policies. As explained in our other matters statements, housing need, housing supply and strategic approach all require planning for additional new homes adjacent to the Main Urban Area of Doncaster on evidenced deliverable sites such as my client’s.

1.10.13 In short, there is a conflict with national policy highlighted by my client’s site and it has not been addressed.

1.10.14 To rectify this point of consistency with the NPPF evidence must be shown by the council to demonstrate objective site selection methodology (please also refer to comments within Matter statement 5).

---

1 DMBC Local Plan housing Topic Paper March 2020 p.33
1.10.15 Secondly, it must also be made clear in the DMBC Local Plan that Neighbourhood Plans will not undermine the strategic policies in the plan and that where there are any areas of conflict the latest adopted DPD will take precedence when determining applications. This must be made explicit.

1.10.16 Planning law is clear on this point. S38(5) of the 2004 Planning Compulsory Purchase Act states: “If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”

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

1.12.1 No. The Councils Topic Paper 2: Flood Risk and Housing and Employment Site Selection Methodology and Results Report describe how the policies and proposals in the plan were informed by evidence around flood risk, including a strategic flood risk assessment.

1.12.2 National Policy requires Local Planning Authorities to locate development in areas with a low probability of flooding. In particular, the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding. Paragraph 157 of the NPPF requires Local Planning Authority applies a sequential approach in allocating land for development in order to steer development to areas with the lowest risk of flooding.

1.12.3 Despite this clear national directive and indeed their own site selection methodology, DMBC have entirely overlooked sequentially preferable sites such as the Land at Grange Farm. The land was noted within the 2015 assessment as only the 3.63Ha area in Flood Zone 3a requiring an exception test. This area was excluded from the net developable area as seen within the Vision Document appended to this document - with the remainder Flood Zone 1.

1.12.4 The application 12/02133/FULM made this clear, yet it was not carried forward to stage 2, instead housing allocations on sites within flood risk were taken forward, as outlined within the Inspector’s MIQ document at page 8. For example, all of the Reserve sites involve development on flood zones, including site allocations such as reference 147 and 784. This raises significant concerns regarding the robustness of the site assessment methodology, premature discounting of sites and highlights the insufficient evidence base.

3 DMBC Level 1 Strategic Flood Risk Assessment results November 2015 site ref 239
Matter 1 – Legal Compliance, procedural requirements and other general requirements

1.12.5 To address this point we would require an updated evidence base demonstrating that my client’s site has been considered and the reasons why it was not chosen before other sites with greater flood risk in the context of the other points made within our Matters Statements i.e. the presence of an evidenced deliverable site adjacent to the Main Urban Area of Doncaster given the housing shortfall.