WRITTEN STATEMENT OF RESPONDENT: MR CHRISTOPHER OWEN IN RESPECT OF M1: LEGAL AND PROCEDURAL REQUIREMENTS AND OTHER GENERAL MATTERS

This statement should be read in conjunction with the documents submitted by me on (i) 26 October 2018 with regard to the Informal Consultation: Draft Policies and Proposed Sites (“2018 Representation”); and (ii) 27 September 2019 with regard to the Publication Draft 2019 of the Doncaster Plan (“2019 Representation”).

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.

I am mindful that the Inspector has stated that any responses should only be in response to questions that relate to original representations and not introduce new arguments or evidence. In this regard, in order to answer the specific questions from the Inspector or aspects thereof, I have had to expand on arguments or evidence made in my original representations. All responses relate to the questions as they apply to Site 350/407. I trust under the circumstances my approach is acceptable.

Q1.2. Is there any substantive evidence to demonstrate that the public consultation carried out during the plan-making process failed to comply with the Council’s Statement of Community Involvement or legal requirements?

Paragraph 1.4 of the Council’s Statement of Community Involvement (“SCI”) states “It is important to us that all sections of the community are given the opportunity to take part in the planning process at the earliest opportunity so that decisions can take account of the range of community views and reflects, as afar as possible, the concerns and aspirations of the people affected by them.”

Table 1 of the SCI further states that the Council will “carry ... out background research that will inform the Plan”.

Contrary to these statements and the acknowledgement of the importance of consultation, the local community views have been ignored and/or have not been used to inform the decision to allocate Site 350/407 (“Site 350/407” or “the Site”) for development in the Plan. Further, such background research as may have been carried out to inform the Plan in relation to site 350/407 does not appear to have identified the Site’s current use or the severe detrimental impact of its development.
2018 Consultation regarding the Draft Plan

In 2018, DMBC issued its Draft Plan for Consultation. As recorded in the DMBC Plan: 2018 Draft Policies & Proposed Sites Consultation Summary, a petition containing 83 signatures objecting to the allocation and 30 individual letters of objections were received. An objection from a DMBC ward member was also received.

The response to these objections was broadly to state that the site was already allocated as a greenfield site for development in an earlier plan and that the recognised issues with access, capacity and loss of amenity would “have to be addressed through the planning application process” (thereby ignoring these concerns and “kicking them into the long grass”). Further DMBC’s response makes no mention of other key issues raised in many objections, namely the loss of open space and the loss of biodiversity/ impact on wildlife, or the archaeological constraints identified as a result of their own work, all significant issues which should have been factored into the consideration.

2019 Consultation regarding the Plan

Following submission of the 2019 Representation re-iterating and building on the concerns noted above, again no changes were made regarding allocation of Site 350/407 for development, or Appendix 2 of the Plan.

Despite the obvious high level of local concern and objection to development of the Site, no attempt was made either through the Plan, through engagement with the local community, or through adequate background research as to the nature and characteristics of the Site, to inform the Plan.

Specifically as noted in the 2019 Representation:

- No consultation with the community or local residents (including the local Rose Hill Residents Association) was performed to obtain their view or the concerns or aspirations of those who would be severely impacted by development of the Site; and as a result
- The site’s extensive use as a local open space by the local community (which is particularly high at the moment due to the Covid-19 pandemic) and of its proximity to the community, beauty, tranquillity, richness of wildlife, its likely archaeological value, and its recreational value has been ignored in producing the Plan.

This lack of appropriate consultation with the local community as specified in the SCI has led to insufficient weight being given to the value of the Site as a local open space of community value, its biodiversity and to the significant concerns the local community have regarding its development, particularly in relation to access issues and loss of amenity.
Conclusions

The Plan is therefore **UN SOUND** in that the required consultation with the local community has not been performed in relation to Site 350/407. Comments made by the local community have been ignored in producing the Plan and their concerns and aspirations have not been taken into account (or alternatively evidenced as having been adequately taken into account). Had such consultation been performed, the extensive use of the Site as a Local Open Space and/or part of an Infrastructure Corridor due to its location and biodiversity, would have been identified and the Site not allocated for development.

The Plan should therefore be modified to remove Site 350/407 as allocated for development. The Plan should further be modified to allocate Site 350/407 as a Local Open Space and/or part of an Infrastructure Corridor.

Q1.3. Was the Plan shaped by early, proportionate and effective engagement with communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees?

As evidenced in the response to Q1.2 above, the answer is “no”. There was no “early, proportionate and effective engagement” with the local community or with local organisations (such as the Rose Hill Residents Association) in relation to the allocation of Site 350/407 for development. The prior consideration required by the Plan was not performed.

In this regard, under the heading “Proposals involving the loss of open space”, paragraph 10.18 of the Plan reads: “National Planning Policy states that ‘existing open space, sports and recreational buildings and land, including playing fields, should not be built on, without prior consideration. Development proposals resulting in the permanent loss of the open space will be therefore be required to: demonstrate the land provides no benefit to the community and the local community supports alternative proposals ….”” [Emphasis added]

As noted in the response to Q1.2 above and as set out in the 2018 and 2019 Representations, the development proposal – which will lead to a permanent loss of the open space - totally ignores the fact that:

- Site 350/407 is an open space used extensively by the local community and which provides significant benefits to them; and that
- The local community supports an alternative proposal of non-development of the Site and designation as a Local Open Space.

Paragraph 10.19 of the Plan continues: “The Council will resist any development proposals resulting in the permanent loss of open space, especially in deficient areas.” The Bessacarr area is one which DMBC recognises is densely populated (over 14,000 residents) and DMBC’s 2013 Green Spaces Audit
recognises that the Bessacarr community profile area is assessed as being “deficient in 4 out of 5 open space typologies (informal open space, formal open space, public parks and allotments)”.

Further evidence that no consultation with the community has been carried out is set out in the following from a 2020 news report on the proposed sale of the site from local councillor, Mr Nick Allen: “Local people should have been at the heart of this decision and they have been ignored .... I’m disappointed that locals couldn’t have a significant input into this advert [referring to DMBC’s advert to sell the Site] .... There are other places in Doncaster which are more appropriate for development.”

No such “careful consideration” through “early, proportionate and effective engagement” as required by the Plan has therefore been performed in relation to shaping the Plan with regard to the Site.

Conclusions

The Plan is therefore UN SOUND in that the required consultation with the local community in an area deficient in open space has not been performed in relation to Site 350/407. Further as a result of this lack of consultation, the allocation of this Site for development in the Plan has ignored the significant benefits that the land provides to the local community and that the local community supports the alternative of allocating the Site as a Local Open Space and/or part of an Infrastructure Corridor.

The Plan should therefore be modified to remove Site 350/407 as allocated for development. The Plan should further be modified to allocate Site 350/407 as a Local Open Space and/or part of an Infrastructure Corridor.

Q1.5. Did the sustainability appraisal consider and compare reasonable alternatives as the Plan evolved, including for the broad spatial distribution of housing, economic and other development? Was the Plan informed by the findings of the sustainability appraisal?

NPPF, paragraph 8 states that “achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).” The third of these objectives is “environmental.... – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

---

1 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](https://www.rightmove.co.uk/commercial-property-for-sale/property-70529618.html)
The allocation of Site 350/407 does nothing to meet the environmental objective of sustainable development. In this regard, NPPF, paragraph 170 states that “planning policies and decisions should contribute to and enhance the natural and local environment” by, amongst other things, “minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.

There is no evidence that the sustainability appraisal considered reasonable alternatives with regard to the Site. In this regard, it should be noted that the response to the 2018 Draft Consultation by DMBC stated that “the site has been assessed via the site selection methodology (including full Sustainability Appraisal) and performs strongly” [emphasis added]. This statement is not correct.

The only strong “positive” criteria for the Site identified in the sustainability appraisal is “affordability”, i.e. it is a large site which absent other issues could support development. The size of a site should of course not be the major criterion driving whether or not a site is suitable for development. The decision should be taken based on a balanced assessment of all factors relating to a site’s sustainability.

In this regard, the sustainability appraisal includes two “significant negatives”, i.e. as defined in the document³, “the proposed option/policy detracts significantly from the achievement of the objective”, as follows:

- As recognised in the Plan, the Site has “a high potential for the survival of significant archaeological remains associated with Roman period pottery production and associated settlement, agriculture and pottery production”. Destruction of such significant archaeological remains is not sustainable. The sustainability appraisal further states⁴ “there are 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.” This issue has been ignored in allocation of the Site for development.

- The sustainability appraisal also states that the Site is “located within 10m of a surface water body so potential for significant negative effects against this Objective (14Bii) ....” This issue has been ignored in allocating the Site for development.

The sustainability appraisal also notes the loss of biodiversity as a “negative”. Had a proper assessment of the Site been carried out, this would have been a further “significant negative”. As recognised in the Plan and as noted in the 2019 Representation, “the site has biodiversity value and forms part of a wider network of connected and biodiverse greenspaces”. The presence of dense grassland, flowers, trees, scrub and hedgerows on the Site, and its location on a wildlife corridor and proximity to an extensive areas of woodland/ Local Wildlife Site and SSSI, mean that it will likely be a habitat for protected and other species. The development proposal of the nature and scale set out in the Plan would lead to the loss of most of the trees and other vegetation on the site.

---

³ Table 4.4, Sustainability Appraisal of the Doncaster Plan 2015 - 2035: Publication Version
⁴ Paragraph 6.38, SDEB46
and the consequent harm to ecology and biodiversity cannot be adequately mitigated or compensated for by a landscaping scheme or other measures. The development of this Site would therefore materially harm the biodiversity of the area contrary to national planning policy which seeks to conserve and enhance biodiversity\(^5\). The alternative of conserving and enhancing the biodiversity on the Site and its current use as an open space was not considered during the sustainability appraisal.

As noted in the 2019 Representation, development of the Site will lead to significant loss of amenity, including significant traffic problems, to existing (and future) residents as the constraints on access to the Site itself mean it is completely unsuited to a development of a further 170 multi-occupancy dwellings. The development of the Site will double the size of the estate to over 300 dwellings and lead to, as the Plan recognises, “the concentration of outbound traffic at peak times …. result[ing] in excessive queuing on Rose Hill and potential unacceptable queuing and delays for motorists.” Such development therefore will not meet the needs of present and future generations, result in a well-designed and safe built environment, and support the local communities’ well-being (as required by NPFF, paragraph 8(b)).

As stated in the 2019 Representations, the Site has value as an open space, is a haven for wildlife adjacent to a Local Wildlife Site, is part of a wildlife corridor, contains significant archaeological remains and will give rise to significant access problems and loss of amenity if developed – and yet none of these issues appear to have been adequately considered as part of the sustainability appraisal. It is therefore not clear that the Plan has been informed by the sustainability appraisal.

**Conclusions**

As set out in the 2019 Representation, the development of the Site is not consistent with national policy as development of the Site is not sustainable for the reasons set out above (e.g. major archaeological constraints, impact on biodiversity, other issues identified during the sustainability appraisal). The sustainability appraisal/ Site Selection Methodology placed insufficient weight on the negative impacts identified therein in its assessment of the Site as suitable for development. The Plan was therefore not informed by the findings of the sustainability appraisal with regard to Site 350/407.

An inadequate sustainability appraisal has therefore been performed in relation to Site 350/407 and no alternatives, reasonable or otherwise, were considered in relation to this Site during its preparation. The Plan is therefore **UN SOUND** with respect to this Site.

An appropriately performed sustainability appraisal would have identified the Site as inappropriate for development and a Local Open Space and/or part of an Infrastructure Corridor. The Plan should be amended accordingly.

---

\(^5\) NPFF paragraph 118
Q1.11. Is the Plan consistent with national planning policy relating to the mitigation of, and adaptation to, climate change?

As noted earlier, NPFF, paragraph 8 sets out “an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Whilst the Plan contains many policies and statements regarding the importance of climate change in shaping the Plan and permitted development, these policies (together with those which stress the importance of green infrastructure and local open spaces) appear to have been ignored when it comes to the allocation of Site 350/407 for development.

In this regard:

- Paragraph 10.12 of the Plan notes that “The impacts of climate change are far reaching, with one of the simplest solutions being the incorporation of additional tree planting within new developments to alleviate temperature fluctuations and improve flood storage capacity. The additional tree planting will contribute toward achieving a low carbon borough by aspiring toward a tree canopy cover of 20% from 12.2% in 2018.” Destruction of a site which supports a large number of trees already and expecting new developments to replace such destruction through new planting is not a sustainable policy.

- The 2019 Representation makes it clear that development of Site 350/407 will lead to the destruction of a green space, preservation of which is important in combating climate change. Development of Site 350/407 is therefore contrary to many policies set out in the Plan (e.g. Policies 27, 28 and 33), all of which are important planks supporting the national policy on climate change set out in the NPFF.

Conclusions

By the inclusion of Site 350/407 as allocated for development, the Plan has not been positively prepared and is UNSOUND with regard to the policies on climate change.

In order to be consistent with the national policies on climate change, the Site should not be allocated for development and should be designated as a Local Open Space and/or part of an Infrastructure Corridor, and the Plan should be amended accordingly.