Matter 1: Legal and Procedural Requirements and other General Matters

Monitoring

Q1.9. *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?*

It is essential that appropriate measures are in place to monitor the delivery of housing sites to ensure that there is not a shortfall at any point during the plan period. 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. A lack of a 5 year housing land supply should be a trigger and highlighted as such in the document.

There are no specific timeframes or triggers within the Draft Local Plan for undertaking or requirement for completion of a review. Criterion e) of the monitoring text on page 184 only states that the Council need to determine if there is any need to undertake a partial or full review of the Local Plan rather than undertaking one. The Council therefore runs a real risk of under delivering if they do not undertake a review if a short fall is occurring. The text within the ‘Monitoring’ section of the Draft Local Plan needs amending to comply with paragraph 33 of the NPPF. Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and this should be embedded in to policy.

Strategic policies and neighbourhood plans

Q1.10. *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?*

Our client, the Sandbeck Estate, is a landowner in Tickhill which is identified with Policy 3 and being a Service Town or Larger Village in respect of level and distribution of growth when setting out how the Council aim to meet the Local Plan’s Spatial Strategy.

The introduction of the Localism Act (2011) allows 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.
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.

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.” The Tickhill Neighbourhood Plan was adopted in 2016 and adopted in the context of the previous Core Strategy 2012 and so proposes no housing allocations. As such, the Neighbourhood Plan was made prior to setting the strategic policies of this Draft Plan as the first sufficiently weighted details on the strategic policy for this Local Plan was the Publication Draft – dated September 2019 and issued several years after the adoption of the Neighbourhood Plan.

Whilst we acknowledge that the strategic growth for Tickhill should be addressed through the Local Plan, not the Neighbourhood Plan, it is considered that the strategic need is not being addressed through the proposed housing allocations. The Local Plan needs to go further to meet the OAHN by allocating more housing sites, particularly for Tickhill due to the Council confirming in PQ6 that it considers that the housing requirement for each designated neighbourhood area should be zero “because the Local Plan identifies sufficient sites overall to meet its housing allocation requirements and does not rely on neighbourhood plans making housing allocations to contribute to achieving the overall Local Plan housing allocation requirement”. We disagree with the statement that housing allocation requirements for Tickhill have been met in the Draft Plan. Please see our comments to Matter 4 in respect of Green Belt for further comment in respect of meeting the strategic objectives of the Draft Plan in Tickhill.

Additionally, it is essential that the Council build in sufficient flexibility for Neighbourhood Plans adopted prior to examination to allow for strategic changes in accordance with S38(5) of the 2004 Planning and Compulsory Purchase Act and paragraph 13 of the NPPF. However, for settlements such as Tickhill, where the Green Belt boundary restricts settlement growth, such growth needs to be made available via the adoption of the new Local Plan, be that through allocations and / or reserve sites.

Furthermore, it must be made clear in the Draft 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. 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.”.