

Client - Briefing

Implication of
Doncaster Sites
& Policies DPD
Inspector's
Findings

DLP BRIEFING NOTE 169

Prepared by
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Further Opportunity for Land Promotion in Doncaster after Inspector finds Sites & Policies DPD Unsound

On 17th June 2014 the Inspector's letter to Doncaster Metropolitan Borough Council was published on their website in respect of the emerging Sites and Policies Development Plan Document (DPD).

This is an important decision as it clearly states that a DPD, even if it is in accordance with a recently adopted Core Strategy (2012), can be unsound if it can be demonstrated that the evidence base is out of date. A key point which emerged were from submissions by DLP on behalf of various clients, highlighting more recent evidence which showed a mismatch between the CS dwelling requirement and that needed to meet the employment policies in the CS.

Inspector's Conclusions

The Inspector found a number of aspects of the submitted DPD to be unsound and not legally compliant, although he is satisfied that the Duty to Co-operate has been satisfied. The following are his main conclusions:

1. The DPD is not based on an **objective assessment of the need for housing** as is required by the NPPF.

The adopted Core Strategy was based on RS housing requirements which do not in themselves assess need and, in any event, could not be considered to be up-to-date. These figures had not been reviewed since the Core Strategy was examined in the pre-NPPF era and no review is imminent.

DLP (SPRU) were the only participant to draw the Inspector's attention to the recent evidence which suggested that the Core Strategy housing requirement would not support the Council's objectives in terms of job creation. It was this evidence which led the Inspector to the conclusion that the DPD provisions are not justified by the evidence base, and as such the DPD would be ineffective in delivering the Core Strategy objectives and would be inconsistent with national guidance. He also highlighted that by basing the housing requirement on the Core Strategy requirement, the DPD could be found to be not lawful.

2. The Inspector also found the Sustainability Appraisal and site selection methodologies employed by the Council were flawed leading to confusion as to the **reasons for site selection**.

The Inspector considered that policy and physical constraints should not be considered at the same time. In particular the application of the NPPF tests for land at risk of flooding should not have been considered collectively with Green Belt, countryside and brownfield/greenfield issues. It was this approach which led the Inspector to consider that the DPD was not legally compliant, justified or consistent with national guidance. Of particular note:

- The Inspector stated that the exceptions test is not that it would be preferable to locate development in areas of highest flood risk but that it should be impossible to do otherwise (para. 45).
- The Inspector did not consider the Council had given due consideration to the alternatives of development in the countryside or even in the Green Belt (para. 26).
- All policies should be re-assessed to bring them in-line with national guidance, and misleading designations, such as Countryside Policy Protection Area and Public Safety Zones which imply a degree of protection which does not exist, should be removed.

3. The Inspector does not recommend that the Council move onto the second stage hearing as this would be abortive and a waste of resources. He sees progressing by way of Main Modifications to present significant difficulties, and provides the following suggestion as a way forward:
- **withdraw** this DPD;
 - prepare a Strategic Housing Market Assessment (SHMA) which addresses the need for market housing as well as for affordable housing in the HMA;
 - bring forward a **partial review** of the Core Strategy which takes account of any changes in the housing requirement and of up-to-date evidence on the balance of jobs and housing, and which brings the Core Strategy policies into line with the NPPF; and
 - bring forward a **revised and simplified version of this DPD** (either as a separate document or jointly with the reviewed Core Strategy as a Local Plan) based on the reviewed Core Strategy housing requirement, revised SA/site selection processes and NPPF compliant policies.

Implications

The consequences of the Inspector's findings are:

- There is the potential that the new evidence will **require additional housing sites** (according to neighbouring authority Sheffield City Council, this work has been received by the Council and is due to be published soon).
- Notwithstanding the overall level of provision required, it is clear that the Council will need to **reappraise sites in light of the Inspector's very strong comments regarding flood protection**. In my opinion this will result in a different distribution to that in the present DPD which did seek to deliver large numbers of housing in locations at risk from flooding. It is now likely in DLP's opinion that the Council will need to undertake a **Green Belt review** as part of this additional work and give serious consideration to the sustainable qualities of Green Belt sites compared to other alternative locations for development.
- The extent to which any revised DPD would remain in accordance with the Core Strategy (particular the distribution proposed in Policy CS2) is, in our view, questionable. The Inspector in his recommendations does not go as far as to recommend the review of the proposed distribution in the CS as well as the housing numbers. Nevertheless the fact that the distribution that has resulted from the CS distribution has been found unsound must decrease the weight one may attach to Policy CS2.
- Whichever option the Council chooses to take this matter forward, there will clearly be an **opportunity to promote alternative sites as sustainable locations for future development**.

Conclusions

The Inspector's recommendations to the Council therefore present a further opportunity to promote land for development in the Doncaster MBC administrative area. The Strategic Planning Research Unit at DLP Planning Consultants has considerable experience at promoting land through the development framework on behalf of landowners and developers.

If you wish to utilise this expertise and discuss how these findings may affect land in which you have an interest, please do not hesitate to contact our Sheffield office and a member of our team will be happy to advise you further.

If you require more information or would like to discuss the issues mentioned in further detail please contact:

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