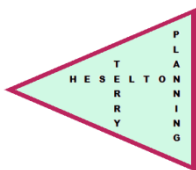


Tickhill Neighbourhood Development Plan (Examination Version)

Report of the Independent Examination

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Independent Examiner**



Terry Heselton Planning

February 2015

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Summary

I have examined the Tickhill Neighbourhood Plan as submitted to Doncaster Metropolitan Borough Council by Tickhill Town Council. The examination has been undertaken by written representations.

I conclude that the Neighbourhood Plan meets all of the statutory requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However several modifications are required to ensure that the Plan meets the four 'Basic Conditions', as defined in Paragraph 8(2) of the Schedule.

Subject to making the modifications set out in my report I recommend that the Tickhill Neighbourhood Plan proceed to referendum, and that the voting area corresponds with the Tickhill Neighbourhood Area as defined by Doncaster Metropolitan Borough Council on 2 November 2012.

1.0 Introduction

- 1.1 I have been appointed by Doncaster Metropolitan Borough Council, with the consent of Tickhill Town Council, to examine the Tickhill Neighbourhood Development Plan and report my findings as an Independent Examiner.
- 1.2 The Tickhill Neighbourhood Plan (referred to as ‘the Neighbourhood Plan’ or ‘the Plan’) has been produced by Tickhill Town Council under the provisions of the Localism Act 2011, which introduced the means for local communities to produce planning policies for their local areas. The Town Council is a qualifying body for leading the preparation of a neighbourhood plan¹.
- 1.3 The Town Council is to be commended for taking up the challenge of neighbourhood planning. This Neighbourhood Plan is the first in Doncaster to reach examination stage.
- 1.4 The Neighbourhood Plan covers the historic market town of Tickhill and the surrounding rural area in the southern part of Doncaster Metropolitan Borough. It falls within an area of Green Belt although Tickhill is inset within the Green Belt. The Neighbourhood Plan focuses primarily on ensuring that new development protects and enhances the local environment, that local facilities and employment opportunities are protected and that the vitality and viability of the town centre is maintained.
- 1.5 My report provides a recommendation as to whether or not the Neighbourhood Plan should proceed to Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by Doncaster Metropolitan Borough Council. The Plan would then be used to determine planning applications and guide planning decisions in the Tickhill Neighbourhood Area.

2.0 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that neighbourhood plans meet four ‘Basic Conditions’², together with a number of legal requirements. Neighbourhood plan examinations are narrower in scope than local plan examinations and do not consider whether the plan is ‘sound’.
- 2.2 In order to meet the ‘Basic Conditions’, a neighbourhood plan must:
 - have regard to national policies and advice contained in guidance

¹ Section 38C of the Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

² Set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

issued by the Secretary of State',

- contribute to the achievement of sustainable development,
- be in general conformity with the strategic policies of the development plan for the area of the authority (or any part of that area), and
- not breach, and be otherwise compatible with European Union (EU) obligations

2.3 In addition to reviewing the examination version of the Neighbourhood Plan I have considered a number of background documents which are listed in Appendix 1, together with five submitted representations, as part of the examination.

2.4 The general rule is that examination of the issues is undertaken through consideration of written representations, unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue (or issues) or to ensure that a person has a fair chance to put a case.

2.5 In reviewing the Neighbourhood Plan and the accompanying background documents and submitted representations, I have not identified any issues on which I require clarification. I am also of the opinion that all parties have had full opportunity to register their views and put their case forward. Neither have I seen any requests for a hearing. I have therefore undertaken the examination through consideration of written representations, supported by an unaccompanied site visit of Tickhill.

2.6 In undertaking the examination I am also required to check whether:

- the Neighbourhood Plan policies relate to the development and use of land for the designated Neighbourhood Area ³;
- the Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, it does not include provision relating to 'excluded development', and does not relate to more than one neighbourhood area ⁴,
- the Neighbourhood Plan has been prepared for an area that has been properly designated ⁵ and has been developed and submitted for examination by a qualifying body ⁶, and
- adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan ⁷.

2.7 As Independent Examiner, I must make one of the following recommendations:

- that the Neighbourhood Plan is submitted to referendum, on the basis that it meets the 'Basic Conditions' and other legal

³ Section 38A (2) Planning and Compulsory Purchase Act 2004 as amended

⁴ Section 38B (1) Planning and Compulsory Purchase Act 2004 as amended

⁵ Section 61G Town and Country Planning Act 1990 as amended

⁶ Section 38C Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

⁷ Section 38A (8) Planning and Compulsory Purchase Act 2004 as applied by the Neighbourhood Planning (General) Regulations 2012

requirements; or

- that modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the draft Neighbourhood Plan as modified is submitted to Referendum; or
- that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the 'Basic Conditions' and other relevant legal requirements ⁸.

- 2.8 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the 'Basic Conditions', that it is compatible with Convention Rights, or for the purpose of correcting errors ⁹.
- 2.9 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to then consider whether or not the Referendum Area should extend beyond the Tickhill Neighbourhood Area, and if so what the extended area should be ¹⁰.
- 2.10 I make my recommendations in this respect in the final section of this report.

3.0 Representations

- 3.1 Responses were received during the Regulation 16 Publicity period from the Coal Authority, Natural England, English Heritage, the Environment Agency, and from a member of the public.
- 3.2 **The Coal Authority** advises that although Tickhill lies within a defined coalfield, the coal resources are at such a depth that their prior extraction ahead of new surface development is not practical, and there is therefore no requirement for prior extraction in connection with new development proposals. In terms of coal mining legacy there are no recorded features in Tickhill which could present a stability risk to new development.
- 3.3 **Natural England** do not consider that the Plan poses any likely or significant risk to nationally designated nature conservation sites and does not make specific comments.
- 3.4 **English Heritage** do not wish to add to the advice given at pre submission consultation stage which it trusts have been considered during redrafting. See previous comments on three policies The representation incorporates details of local contacts and sources of information to assist identify locally important environmental assets and to help improve the environment.
- 3.5 **The Environment Agency** are pleased to see that many of the Agency's previous comments have been taken on board and makes specific

⁸ Paragraph 10(2) Schedule 4B of the Town and Country Planning Act 1990 as amended

⁹ Paragraph 10(3) Schedule 4B of the Town and Country Planning Act 1990 as amended

¹⁰ Paragraph 10(5) Schedule 4B of the Town and Country Planning Act 1990 as amended

comments on the detailed wording of a number of policies (which are considered in my review of individual policies).

- 3.6 All the above responses concern matters of detail and do not raise issues which challenge the Plans ability to satisfy the four Basic Conditions. I consider the specific points raised when considering individual policies in section seven of my report.
- 3.7 **A local resident** considers that there is too much emphasis on cosmetic issues such as the use of building materials, and not enough focus on improving road safety and providing new facilities for young people, particularly since existing facilities are outdated.
- 3.8 The resident considers the Plan proposals do not reflect the results of consultation undertaken during the preparation of the Plan, since there is only one small paragraph referring to improvements being made for youngsters, although this was one of the highest noted items in the consultation. It is further suggested that the consultation arrangements were inadequate as there has been insufficient engagement with young people.
- 3.9 I also note that this resident would like to see an independent examination of the Plan.
- 3.10 The point regarding facilities for young children is considered in section six of my report. The adequacy of the consultation arrangements is addressed in section four (see paragraph 4.16).

4.0 Compliance with Legal Requirements

(a) Plan Area

- 4.1 The Neighbourhood Plan relates to the whole of the Neighbourhood Area that was designated by Doncaster Metropolitan Borough Council on 2 November 2012, following an application by Tickhill Town Council. The application had previously been advertised by Doncaster Council and six weeks allowed for the receipt of comments.
- 4.2 The Town Council is recognised as a Qualifying Body for the purposes of preparing Neighbourhood Plans under Sections 61F and 61G of the Town and Country Planning Act 1990. The Neighbourhood Area is coterminous with the Parish boundary.
- 4.3 The relevant statutory requirements in relation to the designation of the Neighbourhood Area and the authority of the organisation preparing the Neighbourhood Plan have therefore been satisfied.
- 4.4 I am also satisfied that the Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans for the designated Neighbourhood Area in accordance with

statutory requirements.

(b) Policies for the Development and Use of Land

- 4.5 The Neighbourhood Plan sets out policies in relation to the development and use of land for the defined Neighbourhood Area, which accords with the definition of neighbourhood plans in Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended).

(c) Time Period

- 4.6 A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan clearly states on its title page that it covers the period 2013 to 2028. It therefore satisfies this legal requirement.

(d) Excluded Development

- 4.7 The Neighbourhood Plan does not include policies on excluded development such as national infrastructure, mineral or waste related development.

(e) Publicity and Consultation

- 4.8 Public consultation on the production of land use plans, including neighbourhood plans, is a legislative requirement. Building effective community engagement into the plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.
- 4.9 The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which describes in some detail the process followed in preparing the Neighbourhood Plan as well as the methods used to engage with the local community and other stakeholders. It also demonstrates how comments received from members of the public and other stakeholders have been taken into account, and how these have influenced the preparation of the plan.
- 4.10 The stages of consultation and engagement can be summarised as
- Initial Steps and Questionnaire
 - Wider Consultation
 - Public Exhibition
 - Tickhill Gala

- Pre-submission (Regulation 14) consultation on the draft Plan

4.11 I have considered the various stages of consultation undertaken prior to and during preparation of the Neighbourhood Plan with particular regard to content, openness and transparency, as well as the extent to which the Regulatory requirements have been satisfied.

4.12 It is apparent that a wide variety of methods have been used to inform and engage with the local community including conventional methods such as meetings, posters displayed on notice boards and local shops and businesses, exhibitions and mail/telephone contact, as well as electronic methods such as email, the provision of a dedicated web page on the Town Councils website and social media (Facebook). Information and regular updates have also been provided using the local library and through a free monthly magazine (Tickhill Today) which is delivered to all homes and businesses in Tickhill, and which is also available in local libraries, doctors surgeries, community halls and other meeting places in the area.

Initial Questionnaire

4.13 The first step in the preparation of the Neighbourhood Plan was a questionnaire delivered to all households in the July 2012 edition of Tickhill Today. The questionnaire was intended to identify what people like and dislike about Tickhill and what new facilities/improvements they would like to see. Although there was a relatively poor response to the questionnaire the fact that analysis of the response reveals a good geographical distribution across the town means that the issues raised can be taken as reasonably representative of a cross section of local opinion. I note that the questionnaire, which identified a broad range of issues for further consideration, was accompanied by an advertising campaign and that a reasonable time (4 weeks plus a one week extension) was allowed for the submission of responses.

Follow Up Consultation

4.14 Issues and concerns identified through the questionnaire were the subject of further investigation and consultation from July 2012 onwards. This work was undertaken by a number of sub groups of local volunteers reporting to a Steering Group made up of local councillors, Resident Association members and residents. At the same time wider consultation was undertaken with community organisations, Doncaster Metropolitan Borough Council, statutory organisations, local businesses and schools.

4.15 This was followed by drawing up a draft vision and objectives for the Plan plus a series of recommendations regarding alternative options and actions to tackle issues and concerns that had been raised during the previous consultation. The Consultation Statement cites a number of examples as to how the consultation responses influenced specific policies in the Plan.

4.16 During the evolution of the Plan I also note from the Consultation Statement that representatives from the Steering Group/Sub groups visited both local schools and the local scout group to explain the

Neighbourhood Plan to young people, to consult with them and to collect ideas. Reference is made in the Consultation Statement to the fact that these were informative meetings which helped shape policy. In response to the concerns raised by a local resident I consider that this demonstrates a positive approach to engaging young people in the preparation of the plan.

Public Exhibition and Information Pack

- 4.17 The first formal public consultation on the emerging Plan was undertaken through a public exhibition held in the Parish Room over two days in February 2013. At the same time information was posted on the Town Council web site and an 'information pack' was sent to 31 local groups and organisations.
- 4.18 The exhibition was well attended having been publicised in advance using a variety of media. Over 374 separate comments were received as a result of this consultation confirming the previous issues and raising a number of new issues.

Second Public Consultation

- 4.19 A second public consultation was held in July 2013 using a stall at the Tickhill Gala to display the draft Neighbourhood Plan and related material. A very positive response was received to key ideas in the emerging Plan, and also as a result of material subsequently posted on the web site for comments.

Pre submission (Regulation 14) Consultation on the Draft Plan

- 4.20 Following consideration of all the information gathered during the previous stages of consultation the draft Plan was further amended and published for consultation on 22 August 2013. The Pre submission (Regulation 14) consultation took place between 30 August 2013 and 11 October 2013.
- 4.21 Although no specific evidence is provided in the Consultation Statement to demonstrate how the publication of the Plan and the opportunity to comment on it has been publicised I have no reason to doubt that the Plan has been well publicised, and that it was made available in a variety of formats (electronic, paper and large print versions) with copies distributed to local organisations and made available in the local library.
- 4.22 In this respect I am also satisfied that the Town Council used a variety of methods to advertise the publication of the document and to seek views on it, including pro-actively seeking views of relevant consultation bodies (as defined in the Regulations) and other stakeholders, including Doncaster Metropolitan Borough Council and adjacent local authorities and local councils.
- 4.23 Taking this and all of the previous stages into account, there is plenty of evidence to show that the consultation process was comprehensive and conducted in an open and transparent manner from start to finish, with lots of opportunities for engagement, involvement and feedback. The Regulation 14 requirements for consultation and publicity have therefore been met and in some case exceeded.

Regulation 16 Publicity

- 4.24 The draft Neighbourhood Plan, as amended in response to the consultation, and further amended in order to differentiate land use policies from aspirational policies, was subsequently submitted to Doncaster Metropolitan Borough Council. The submitted Plan, incorporating a map identifying the area covered by the Neighbourhood Plan, was accompanied by a Consultation Statement, and a Basic Conditions Statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.
- 4.25 The Consultation Statement provides details of those consulted and explains how they were consulted. It also contains a comprehensive summary of individual responses, identifying the issues and concerns raised, with a commentary as to how the points raised have accommodated in the submitted version of the Plan, or the reasons for rejecting them.
- 4.26 Doncaster Metropolitan Borough Council subsequently published details of the Plan and the accompanying documents, notified interested parties and 'consultation bodies' of its receipt, and provided details as to how and by when representations could be submitted. The formal six week publicity stage for submitting representations ended on 4 August 2014.
- 4.27 In the light of the foregoing I am satisfied that the Regulation 15 and Regulation 16 requirements for publicity have been met.

5.0 Basic Conditions

- 5.1 This section of my report considers whether the Neighbourhood Plan taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State, whether the plan contributes to the achievement of sustainable development, and whether it is in general conformity with local strategic policy. It also addresses the fourth Basic Condition which the Plan must meet, namely, that it does not breach, and is otherwise compatible with EU obligations. Each of the Plan policies is considered in turn in the section of my report that follows this.

(a) National Planning Guidance

- 5.2 National Planning Policy is set out principally in the National Planning Policy Framework (NPPF) which was published in 2012. At the heart of the NPPF is a presumption in favour of sustainable development¹¹ which

¹¹ National Planning Policy Framework (2012) para 14

when applied to neighbourhood planning means that neighbourhoods should develop plans which support the strategic development needs set out in local plans, and which plan positively to support and shape local development that is outside the strategic elements of the local plan.¹²

- 5.3 The NPPF incorporates 12 Core Principles¹³ which underpin both plan-making and decision-taking. These are summarised in paragraph 17 of the NPPF and elaborated in the remainder of the NPPF through individual policy topics such as building a strong economy, delivering a wide choice of high quality homes, requiring good design, promoting sustainable transport, and conserving the historic environment.
- 5.4 Included in the 12 Core Principles is a requirement to produce neighbourhood plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made.
- 5.5 The NPPF also (paragraph 184) requires neighbourhood plans to be ‘aligned with the strategic needs and priorities of the wider local area, and to be in general conformity with the strategic policies of the local plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date local plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans (and neighbourhood development orders) should not promote less development than that set out in the local plan or undermine its strategic policies.
- 5.6 It goes on (paragraph 185) that once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the local plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the local plan for that neighbourhood, where they are in conflict.
- 5.7 More detailed guidance and advice, expanding on the general policies in the NPPF has been available since March 2014 as Planning Practice Guidance (PPG). This includes specific guidance as to ‘What evidence is needed to support a neighbourhood plan?’¹⁴, and ‘How policies in a neighbourhood plan should be drafted’¹⁵, that is “*a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared*”.
- 5.8 I have had regard to these principles in carrying out the examination,

¹² National Planning Policy Framework (2012) para 16

¹³ National Planning Policy Framework (2012) para 17

¹⁴ Planning Practice Guidance para 040 Ref ID: 41-040-20140306

¹⁵ Planning Practice Guidance para 041 Ref ID: 41-041-20140306

since the manner in which policies are drafted and whether or not they are supported by appropriate evidence is clearly fundamental to determining whether or not individual policies and a plan as a whole satisfies the basic conditions.

- 5.9 Less straightforward to determine is whether a policy is distinct, and whether it reflects local circumstances. For example while it is clear that many policies in the Tickhill Neighbourhood Plan are driven by local circumstances and community preferences, to a certain extent some could apply to other, if not all, locations. I have taken the view that the fact that a local community has chosen to include a particular policy, reflects its awareness that the particular issue is of special importance to the locality, and this does not therefore prevent that policy from satisfying the Basic Conditions.
- 5.10 Taken as a whole I conclude that the neighbourhood plan reflects the broad principles embedded in the NPPF and PPG. In those instances where individual policies and/or supporting text have been found to be inconsistent with national policy I have made specific recommendations to correct this later in the report.

(b) Sustainable Development

- 5.11 In carrying out the examination I am also required to consider whether the Plan would contribute to the achievement of sustainable development, as described in the NPPF.
- 5.12 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of interdependent roles, namely:
- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 5.13 Although the Neighbourhood Plan does not make specific provision for
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new development, for example through site allocations, it does recognise there will be new development in the Plan area, and includes policies to manage that development. The focus is about conserving and enhancing the natural and historic environment, ensuring access to local job opportunities and facilities, and supporting the town centre. These are key aspects of sustainable development, as set out in the NPPF, which states (paragraph 9) that *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):*

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes”.*

5.14 Subject to the modifications recommended later in my report I am satisfied that the Neighbourhood Plan is capable of contributing to the achievement of sustainable development.

(c) Strategic Local Policy

5.15 Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan.

5.16 The current development plan comprises

- The Doncaster Council Core Strategy (adopted May 2012)
- The Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted March 2012), and
- Remaining ‘saved’ policies in the Doncaster Unitary Development Plan (adopted July 1998).

5.17 The Joint Waste Plan would appear to have no relevance for the Tickhill Neighbourhood Development Area.

5.18 The adopted Core Strategy sets out a number of strategic policies to guide future development in the wider local area. As it is relatively up to date the NPPF requires the Neighbourhood Plan to be closely aligned with and to be in conformity with the strategic policies and priorities in the Core Strategy and plan positively to support them¹⁶. As the Core

¹⁶ National Planning Policy Framework (2012) para 184

Strategy post dates the NPPF its policies take precedence in the event of any conflict.

5.19 Core Strategy policies relevant to the Neighbourhood Plan area are

- CS1 Quality of Life
- CS2 Growth and Regeneration Strategy
- CS3 Countryside
- CS4 Flooding and Drainage
- CS5 Employment Strategy
- CS7 Retail and Town Centres
- CS9 Providing Travel Choice
- CS11 Housing Renewal and Regeneration
- CS14 Design and Sustainable Construction
- CS15 Valuing our Historic Environment
- CS16 Valuing our Natural environment
- CS17 Providing Green Infrastructure
- CS18 Air, Water and Agricultural Land
- CS19 Renewable Energy

5.20 Of less relevance is the Doncaster Unitary Development Plan (DUDP) which was adopted as long ago as July 1998. Policies in the Plan were automatically saved for a three year period until 27 September 2007 under the provisions of the Planning and Compulsory Purchase Act 2004. A number of policies were then extended beyond that date by Direction of the Secretary of State in September 2007. These remain in force until replaced by new development plan policies and are still part of the 'development plan' for the area, although less weight may be attributed to them owing to the period of time which has elapsed since they were first adopted.

5.21 While the Core Strategy supersedes policies specifically identified in the DUDP as 'strategic' policies there are a number of remaining 'saved' policies that have not been replaced by Core Strategy policies, or only partially superseded. A number of these are hybrid policies which while performing a development management function also contain strategic elements which meet the definition of strategic policy set out in PPG.¹⁷

5.22 Those which I consider to be relevant, or partially relevant, to the Tickhill Neighbourhood Plan area are

- EMP8 Business Uses
- EMP9 Financial and Professional Service Use
- ENV1 Green Belt (and policies ENV3, ENV5, ENV6, ENV7, ENV10, ENV13, and ENV14 for controlling development in the Green Belt)
- ENV20 Parks and Gardens of Special or Local Historic Interest
- ENV25 Conservation areas
- ENV32 Listed Buildings
- ENV53 Design of New Buildings

¹⁷ Planning Practice Guidance para 076 Ref ID: 41-076-20140306

- PH9 Residential Policy Areas (and policies PH10, PH 11 and PH12 for controlling development in Residential Policy Areas)
 - SH1 Development in Small Town and District Shopping Centres
 - SH4 Frontage Development in Shopping Centres
 - RL1 Open Space Policy Areas
- 5.23 There are also a number of non strategic ‘saved’ DUDP policies that are modified or superseded by the Neighbourhood Plan policies.
- 5.24 In assessing whether the Neighbourhood Plan is in general conformity with strategic policies contained in the development plan for the area I have referred to adopted Core Strategy policies and where relevant DUDP policies that remain in force. There are no emerging Local Plan policies to consider.
- 5.25 A number of modifications are necessary for the Neighbourhood Plan to be in general conformity with the above strategic policies. These are set out in the *Comments on the Neighbourhood Plan* section of my report.

(d) European Union Obligations

- 5.26 Planning Practice Guidance¹⁸ indicates that Local Planning Authorities (when deciding whether a neighbourhood plan should proceed to referendum or whether or not to ‘make’ a plan) are responsible for deciding whether neighbourhood plan proposals are compatible with EU obligations, including obligations under the Strategic Environmental Assessment (SEA) Directive¹⁹.
- 5.27 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require an SEA to be undertaken as part of the preparation process, in accordance with the SEA Directive. Draft neighbourhood plan proposals should therefore be screened to assess whether they are likely to have significant environmental effects²⁰. Where significant environmental effects are identified plans should be accompanied by a full SEA report.
- 5.28 Tickhill Town Council wrote to Doncaster Metropolitan Borough Council in August 2013 seeking an opinion as to whether an SEA was required in connection with the preparation of the Plan. Doncaster Council’s assessment, which included consideration as to whether a separate assessment was required under the Habitats Directive²¹, establishes that the Neighbourhood Plan does not require an SEA. (The screening form dated 4th September 2013 is attached as an appendix to the Consultation Statement).

¹⁸ Planning Practice Guidance para 031 Ref ID: 11-031-20150209

¹⁹ European Directive 2001/42/EC

²⁰ Planning Practice Guidance para 027 Ref ID: 11-027-20150209

²¹ European Directive 92/42/EEC

- 5.29 The screening appears to have been undertaken in accordance with the SEA Directive and Environmental Assessment Regulations²².
- 5.30 The three statutory consultation bodies comprising English Heritage, the Environment Agency and Natural England were consulted during the preparation of the screening report and following its publication, in accordance with the Regulations.
- 5.31 All three bodies have confirmed in writing that they agree with the conclusion of the screening report that no negative significant effects will result from the implementation of the policies and that it is unnecessary to undertake a full SEA.
- 5.32 No objections in relation to any of the above matters were received during the Regulation 16 'publicity' stage.
- 5.33 Although an equalities impact assessment has not been undertaken the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics. And no evidence has been put forward to suggest otherwise.
- 5.34 I am therefore satisfied that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and Human Rights requirements and therefore satisfies that 'Basic Condition'.

6.0 Comments on the Neighbourhood Plan

- 6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of my report, particularly whether individual policies and supporting text have regard to national policy, and whether they are in general conformity with strategic policies in the adopted Core Strategy, and 'saved' DUDP policies. Where modifications are recommended, they are highlighted in **bold print**, with any proposed new wording in *italics*.

(a) Introductory Sections

- 6.2 The introductory sections of the Neighbourhood Plan comprise an overall vision and objectives, a description of Tickhill, and an explanation of the background to the preparation of the Neighbourhood Plan, supported by a map (Map 1) which identifies the Parish boundary, the built up area of Tickhill and the surrounding countryside which is covered by Green Belt. While these opening sections are informative and provide the background to the policies that follow an opportunity has been lost to tell the story

²² Environmental Assessment of Plans and Programmes Regulations 2004

- behind the plan, to identify priorities and to explain/justify the approach taken in the plan.
- 6.3 More crucially it would be more logical and greater clarity could be achieved as to how the vision and objectives in the plan have been arrived at if the introductory sections started by establishing the background to the plan, including the planning context within which it has been prepared, followed by identifying the key issues and challenges before setting out the vision and objectives to address these challenges.
- 6.4 I acknowledge there is no prescription in national planning policy, Planning Practice Guidance and neighbourhood plan regulations regarding the format and content of neighbourhood plans. However because I have reservations about the extent to which some policies have been justified in the Plan (see commentary on land use policies below) I feel it is important that the introductory part of the Plan addresses the limitations of some of the evidence.
- 6.5 I have previously commented on the comprehensive nature of the Consultation Statement accompanying the submitted Neighbourhood Plan. It seems to me that a partial restructure of the first part of the Plan, and strengthening of the justification, could be achieved by incorporating material from the Consultation Statement in summary form. This could cover background evidence/demographic information about the area, community engagement, and key issues, plus a summary of how the Plan contributes to sustainable development.

Recommendation 01

Reorganise the introductory sections of the plan to incorporate additional background evidence/demographic information about the area plus a brief summary of the key issues identified through community engagement, and incorporate a summary of how the plan contributes to sustainable development. These sections should precede the 'Vision and Objectives' in the Plan.

- 6.6 Reference is made in the second paragraph on page 9 to the fact that the plan has been divided into two parts. These comprise land use policies which will be delivered through the mechanism of the planning system plus an annexe of accompanying policies which require negotiation and cooperation with other organisations to be implemented.
- 6.7 Plan making at the local level will inevitably focus on wide ranging aspirations of the community, some of which may be non land use based. Where neighbourhood plans incorporate non land use policies and aspirations it is important that these are clearly distinguishable from the land use and development policies that will be used to inform the decision making process. Putting them in a separate annexe is a practical response to this issue and one which I would commend to other Qualifying Bodies.

- 6.8 For clarification my report does not consider the non land use policies in the annexe as these are technically not part of the Neighbourhood Plan.
- 6.9 On a minor point the two photographs presented on page 9 would not seem to have any particular relevance and could be replaced with more appropriate photographs in the final version of the plan, although that is a matter for the Town Council.

(b) General Approach

- 6.10 The Neighbourhood Plan does not attempt to establish an appropriate level of future housing or employment growth or identify specific sites to accommodate future growth. Rather it focuses on how new development will be managed, relying primarily on infill development to cater for future needs.
- 6.11 The overall approach to growth and development is generally consistent with the growth and regeneration strategy in Doncaster Metropolitan Borough Council's Core Strategy, which identifies Tickhill (paragraph 2.20) as a town which will see *"only modest development within existing settlement limits, including a quality urban infill, environmental improvements and an enhanced District Centre"*.
- 6.12 The focus on conserving and enhancing the character of the town is also consistent with the description of Tickhill in the Core Strategy (paragraph 3.32) as an attractive market town with a high quality historic centre which would have 'low benefit from change', and where new development would further erode the historic character.
- 6.13 Policies in the Plan to ensure access to job opportunities and local facilities, and to protect and enhance the town centre, also conform with strategic policies to support the role of the town as a middle order settlement serving a wider catchment area.

(c) Land Use Policies and Supporting Text

- 6.14 The land use policies part of the plan incorporates sections concerning the town centre, highways and traffic, design, housing, supporting and developing community life, the natural environment, conserving and enhancing the historic environment, and flooding and drainage. Each is accompanied by supporting text explaining the background and providing a context and justification for each of the policies.

Town Centre

- 6.15 The centre of Tickhill accommodates a range of retail and related uses which are much valued by the local community although affected by a

high volume of through traffic. In this respect I note that unsatisfactory conditions for pedestrians was highlighted through consultation on the emerging plan. Town Centre policies are therefore intended to preserve and promote the vibrancy of the town centre.

Core Business Area

- 6.16 Reference is made (paragraph 4 page 10) to a Core Business Area (CBA) which is identified on Map 2.
- 6.17 Core Strategy Policy CS7 (Retail and Town Centres) identifies Tickhill Town Centre as a District Centre. The identification of the CBA in the plan therefore satisfies the commitment given in paragraph 4.30 of the Core Strategy that *“all town centre boundaries, primary shopping areas, primary and secondary shopping frontages will be defined within subsequent development plan documents (including the proposals map), as well as the range of uses that will be supported within them”*
- 6.18 However although the delineation of the CBA is critical to the operation of town centre policies no explanation is given as to the criteria used to define the area, nor the context within which it has been defined.
- 6.19 A number of saved DUDP employment and employment related policies are relevant to Tickhill. The defined CBA supersedes the ‘Commercial Policy Area’ identified in the DUDP and referred to in DUDP policies EMP8, EMP9, SH1 and SH4. I also note that the boundary of the CBA differs from the boundary of the Commercial Policy Area in a number of respects. This is to be expected as the Commercial Policy Area boundary was defined as long ago as 1998 and there will have been many changes in circumstance since that time, including changes of use and the redevelopment of premises. This is confirmed by visual inspection during my unaccompanied site visit.
- 6.20 While I have no reason to doubt that the CBA boundary is the most appropriate definition of Tickhill Town Centre, and I note that no objections or representation have been made to the proposed boundary, some reference to the above factors would be appropriate.

Recommendation 02

Include an explanation regarding the delineation of the CBA boundaries and the context within which it has been defined, with reference to both the Core Strategy and the Commercial Policy Area in the former DUDP which it replaces.

- 6.21 **Policy TC1 (Quality of the Environment)** is intended to secure improvements to the character and appearance of the town centre, including the public realm and the safety and convenience of pedestrians. As an overarching policy it has regard to national policy which promotes good design as a key aspect of sustainable development and also aims to conserve and enhance the historic environment. It also reflects Core

Strategy Policy CS1 (Quality of Life) which promotes improvements to the quality of life by (inter alia) supporting proposals which enhance the local area, create healthy, safe places, and are place specific in their design.

- 6.22 However in order to ensure that the policy is clear and unambiguous (in line with PPG advice ²³) some minor amendments are desirable to improve the clarity of the policy wording.
- 6.23 First consideration should be given to more accurately describing the area to which the policy will apply by replacing 'vicinity' which is a relatively vague expression with more precise wording. For example, the policy could apply to all land/premises adjoining the town centre or be restricted to land/premises adjacent to the main approach roads. For absolute clarity reference could also be made to the CBA 'as defined on Map 2'.
- 6.24 Second reference to 'through' may prove to be a hostage to fortune since it may not be appropriate for all proposals to seek improvements to the public realm.
- 6.25 Third it should be made more explicit as to whether the 'improvements' referred to in the last sentence of the policy refer to the public realm or to the enhancement of the character and appearance of the area.

Recommendation 03

- a) **Replace 'vicinity' with a more accurate description of the area to which the policy is intended to apply.**
- b) **Substitute 'including' for 'through'**
- c) **Clarify whether the 'improvements' referred to in the last sentence of the policy refer to the public realm or to the enhancement of the character and appearance of the area.**

- 6.26 Subject to the above modifications Policy TC1 meets the Basic Conditions
- 6.27 **Policy TC2 (Town Centre Uses)** aims to maintain the vibrancy of the town centre by resisting proposals that would reduce the existing proportion of retail uses in the centre. While this has regard to national policy by promoting a competitive town centre environment and also reflects the intentions behind Core Strategy Policy CS7 (Retail and Town Centres) to maintain and enhance the viability of the Boroughs Town Centres I have two concerns.
- 6.28 First, the policy is at odds with paragraph B) of Core Strategy Policy CS7 which indicates that maintaining the vitality and viability of shopping centres 'will involve widening the range of uses and encouraging convenient and accessible shopping, service and employment facilities.....' and Para D) which supports leisure, entertainment, employment and tourist uses in town centres.

²³ Planning Practice Guidance para 041 Ref ID: 41-041-20140306

- 6.29 Second, no evidence has been produced to justify why maintaining the existing retail – non retail split is appropriate, for example in terms of recent retail losses and trends, potentially vulnerable units, impact on vitality etc. I acknowledge the policy would undoubtedly provide a more precise mechanism for assessing whether future proposals are acceptable or not than the Core Strategy policy and extant DUDP Policy SH4 which although stipulating that ‘proposals should not detract from the character and viability of the shopping centre or create an unacceptable length of non retail frontage’ does not provide guidance as to how proposals will be assessed. However the fact that Policy TC2 appears popular and is not subject to objection, (judging by the response to consultation on the draft plan), is not in itself sufficient justification for the approach taken.
- 6.30 While a number of policies in the plan are justified on the evidence of strong local support, where policies such as Policy TC2 introduce specific thresholds, standards, or ‘quantifiable mechanisms’, it is important that they are supported by ‘proportionate and robust evidence’ to explain the intention and rationale of the policies in line with PPG guidance²⁴. I am particularly mindful of the fact that Policy TC2 would create a situation where future proposals would be judged against an inflexible threshold which would not allow changing circumstances to be taken into account.
- 6.31 As Policy TC2 conflicts with local strategic policy and no evidence has been put forward to justify the thresholds proposed in the policy, contrary to Planning Practice Guidance, I recommend it be deleted in order to satisfy the Basic Conditions.

Recommendation 04

Delete Policy TC2.

Policy TC3 (Upper Floors Above Shops and Businesses) and Policy TC4 (Residential Accommodation in the Town Centre)

- 6.32 These policies have regard to national policy by recognising the role that residential development can play in ensuring the vitality of centres. Policy TC4 also recognises the need to balance the retention of residential accommodation with the need to promote a competitive centre and a diverse retail offer. Widening the choice of housing and facilitating job creation are key aspects of sustainable development.
- 6.33 The policies contribute toward the broad Core Strategy objectives and more specific objectives set out in Core Strategy Policy CS1 (Quality of Life) by providing job and housing opportunities. They also generally conform with the Core Strategy by safeguarding the vitality and viability of the shopping centre (in line with Core Strategy Policy CS7) while

²⁴ Planning Practice Guidance para 040 Ref ID: 41-040-20140306

promoting the re-use of empty housing and facilitating mixed use development (Core Strategy Policy CS11 Housing Renewal and Regeneration).

- 6.34 The policies therefore meet the Basic Conditions although in the interests of clarity the policy wording could be improved in each case area by cross reference to Map 2 which defines the extent of the town centre within which the policies are intended to apply.

Recommendation 05

Insert reference to ‘the town centre as defined on Map 2’ in Policy TC3 and Policy TC4.

TC5 (Security of Business premises)

- 6.35 Policy TC5 strikes a balance between security which it is acknowledged is important for the viability of the centre, and the desirability of safeguarding the character and environment of the town centre (particularly within the conservation area). The policy therefore has regard to separate strands of national policy which promotes high quality design as a key aspect of sustainable development while stressing the need to support existing business sectors.
- 6.36 The policy reflects principles established in Core Strategy policies CS1 (Quality of Life), CS7 (Retail and Town Centres) to safeguard the vitality and viability of centres, CS 14 (Design and Sustainable Construction) to provide high quality design which avoids negative effects on neighbouring uses or the environment, and CS15 (Valuing Our Historic Environment) to preserve, protect and enhance the historic environment.
- 6.37 It also complements DUDP extant policies ENV25 (Development in Conservation Areas), ENV32 (Protection of Listed Buildings) and ENV56 (New Shop Fronts or Alterations to Existing Ground Floor Frontages).
- 6.38 The policy therefore meets the Basic Conditions and no modifications are recommended.

TC6 Site of Former Public Toilets.

- 6.39 The policy is intended to ensure the sensitive conversion/redevelopment of this site in a key location by retaining the existing limestone perimeter walls. This is a very locationally specific policy which reflects the principles established in Core Strategy Policy CS1 (Quality of Life) and Core Strategy Policy CS14 (Design and Sustainable Construction), by ensuring place specific and locally distinctive design. It conforms with Core Strategy Policy CS15 (Valuing Our Historic Environment) by ensuring that future proposals preserve and enhance the heritage significance of an historic market town. It also complements DUDP saved Policy ENV25 (Development in Conservation Areas).

- 6.40 However there is potential conflict between the policy wording, which requires the restoration of the perimeter walls, and the accompanying justification/explanatory text which refers to the fact that the public toilets are too expensive to restore and the site should be sensitively redeveloped. (This is also at odds with the provisions of Policy DE3 – Protection of Limestone Walls). The policy wording/text should be reworded to ensure consistency of approach which should either be to retain (and restore) the existing limestone walls or to recycle the limestone blocks.

Recommendation 06

Amend the policy wording and the supporting text to clarify whether the existing limestone walls should be retained and restored in situ as part of any future development proposal or whether the limestone blocks should be recycled as part of any redevelopment proposal.

- 6.41 Subject to the above modification the policy is in general conformity with the Core Strategy, has regard to national policy and contributes to sustainable development by seeking improvement in the quality of the built environment.

Highways and Traffic

- 6.42 Traffic speed, through traffic, road safety and car parking were amongst the most important and frequently raised issues during the preparation of and consultation on the plan. The Neighbourhood Plan recognises that the responsibility for resolving and/ or mitigating many of the conflicts and issues lies outside land use planning, but nevertheless incorporates a strategic **Policy HT1 (Safety and Traffic Improvements)** to provide guidance for developers and organisations responsible for traffic management.
- 6.43 In my view this is an appropriate and realistic approach since securing road/pedestrian safety and traffic improvements has regard to national policy to improve the conditions in which people live, work and travel and will contribute significantly to wider sustainability and health objectives.
- 6.44 The policy also conforms with development principles established in the Core Strategy to improve travel choice particularly proposals which improve the number of and quality of opportunities for walking and cycling (CS9), to protect and enhance the historic environment (CS15) and to improve the quality of life (CS1).
- 6.45 The policy therefore meets the Basic Conditions and no modifications are recommended.

Design

- 6.46 The Plan contains a suite of 7 policies to influence the design of new buildings and extensions to buildings, to promote sustainability in building design, and to secure improved access to buildings for all.
- 6.47 The policies are preceded by an assessment of local character and vernacular, including design issues identified during preparation of the Plan, which provides the context and justification for the policies.
- 6.48 However the reference to housing issues, including the absence of 'local need' statistics, in paragraph 4 of this introductory section seems inappropriate and potentially confusing within the context of design issues. It also duplicates the reference to the same issues in the later section concerning new build housing. I therefore recommend that these references are deleted in the interests of clarity.

Recommendation 07

Delete references to housing and local housing need issues in the fourth paragraph of the introductory text which precedes the design policies

- 6.49 **Policy DE1 (New Building)** has regard to national policy by promoting designs which respond to and make a positive contribution to local character and history. This is a key aspect of sustainable development.
- 6.50 The policy also reflects principles established in Core Strategy Policy CS1 (Quality of Life) and Policy CS14 (Design and Sustainable Construction) in relation to place specific, locally distinctive design and the protection and enhancement of the built environment.
- 6.51 The policy therefore meets the Basic Conditions and no modifications are recommended to the policy wording.
- 6.52 However the supporting text includes a reference to an emerging policy (Policy SP24 Residential Design) in Doncaster Council's (now withdrawn) Sites and Policies Development Plan Document. As this policy has no status the reference should be deleted.
- 6.53 At the same time I am mindful that other documents such as the 'South Yorkshire Residential Design Guide 2011' (adopted by Doncaster Metropolitan Borough Council as SPD), and the Doncaster Metropolitan Borough Council 'Residential Backland and Infill development SPD' (November 2010) may also be relevant in considering future planning applications.
- 6.54 Rather than refer to specific guidance which may be subject to replacement and review with the passage of time the plan could be future proofed by incorporating a general cross reference to SPD/design guidelines which are in force at the time of considering future proposals.

Recommendation 08

In the accompanying text to Policy DE1 delete the reference to Doncaster Metropolitan Borough Council’s Residential Design Policy SP24 and substitute the following: “Proposals should also reflect the most up to date design guidance adopted by Doncaster Metropolitan Borough Council”.

Policy DE2 (Building in Large Gardens)

- 6.55 Loss of local character particularly as a result of infilling in large gardens has been identified as a key issue through the consultation process. National policy enables local communities to deliver specific policies for their local area, including resisting inappropriate development in residential gardens where this would cause harm to the local area ²⁵.
- 6.56 While there is a lack of empirical evidence to support the policy such as an analysis of spaces and green gaps that have been lost over time or to identify remaining gaps that may be vulnerable to infilling, I have taken into account the strong level of support for the policy plus the fact that no objections have been raised by any individual during the preparation of the Plan.
- 6.57 The policy also reflects the approach in Core Strategy Policy CS1(c) (Quality of Life) by ensuring the protection and enhancement of the built environment, including green spaces.
- 6.58 While I am satisfied in the light of the above that the policy meets the Basic Conditions it is not clear as to the precise area within which the policy will apply. This could be overcome by either listing specific roads to which the policy applies or more accurately by identifying the areas/locations specifically to be protected on a Map.

Recommendation 09

Incorporate a map within the plan identifying the precise boundaries of the area within which policy DE2 is intended to apply.

Policy DE3 (Protection of Limestone Walls)

- 6.59 Policy DE3 has regard to national policy by seeking to sustain and enhance significant local heritage assets, which will contribute toward both the quality of the built environment and toward peoples quality of life – two of the key aspects of sustainable development.
- 6.60 The policy also conforms with Core Strategy Policy CS15 (Valuing Our Historic Environment) to preserve and enhance areas of heritage significance, particularly those elements which contribute to the distinctive identity of the Boroughs historic market towns (including Tickhill).

²⁵ NPPF para 53

- 6.61 The policy therefore meets the Basic Conditions and no modifications are recommended.

Policy DE4 (Sustainability in Building)

- 6.62 The policy aims to ensure that decision makers balance the desirability of creating sustainable buildings with the maintenance and enhancement of the character of the local area which has been identified as an important local issue.
- 6.63 Although general controls and guidance are provided in Core Strategy Policy CS14 (Design and Sustainable Construction) it is appropriate to ensure that specific local emphasis is given to these considerations through neighbourhood plans, particularly to avoid the negative impacts of development.
- 6.64 The policy is in general conformity with the Core Strategy, has regard to national policy and contributes to the achievement of sustainable development. It meets the Basic Conditions.
- 6.65 In their response to the Regulation 16 Publicity the Environment Agency draw attention to the fact that it is not clear whether flood resilience measures (as referred to in the text accompanying Policy DE4) will be required for all developments or restricted to Flood Zones 2 and 3 or areas at risk from surface water flooding. I would have thought it unreasonable to require such measures for all developments and agree that in the interests of clarity the text should be amended

Recommendation 10

Amend the text accompanying Policy DE4 to clarify that the requirement to incorporate flood resilience measures is restricted to development within areas with a medium – high probability of flooding (Flood Zones 2 and 3) or areas at identified risk from surface water flooding.

Policy DE5 (Accessibility and Adaptations)

- 6.66 Policy DE5 has regard to national policy by ensuring that new development caters for the needs of different groups in the community, including older people and people with disabilities and also that new designs create safe and accessible environments. It contributes to sustainable development by widening choice in homes and improving the conditions in which people live and work.
- 6.67 The policy reflects one of the objectives of the Core Strategy to ensure that all residents have access to the very best life opportunities, and meets the provisions of CS1 (Quality of Life) in this respect by ensuring that applicants and decision makers are aware of current legislative and regulatory requirements regarding accessibility for all.

- 6.68 Although the policy does not add to existing statutory requirements it provides a useful signpost to ensure full compliance with related legislation, particularly as the plan is also promoting increased building sustainability through Policy DE4.
- 6.69 I have to say however that the effectiveness of the policy is undermined by a number of inaccurate references to current legislation and associated guidance in both the policy wording and accompanying text.
- 6.70 First, references to 'Part M (as updated) of the Disability Act 2010' should be to Part M of the Building Regulations for England and Wales 2010 (as amended). It would also be helpful to refer to Approved Document M 'Access to and Use of Buildings', this being one of a number of 'Approved Documents' approved by the Secretary of State to give practical guidance about how to meet the requirements of the Building Regulations.
- 6.71 Second, my understanding of the legislation it is that it is the Equality Act 2010 which brings together and harmonises existing equalities legislation including the Disability Discrimination Act 1995, and which also provides guidance on the definition of disability. It should also be noted that approval of proposed works by a Building Control body does not necessarily indicate compliance with duties introduced by the Equality Act 2010 which are much wider in scope since service providers and employers are required to make reasonable adjustment to any physical feature which might put a disabled person at a substantial disadvantage compared to a non-disabled person, which goes beyond the scope of Approved Document M.
- 6.72 Third, the advice given in the last sentence of the text accompanying the policy is not strictly in line with the guidance given in 'Approved Document M' regarding alterations to listed and other historic buildings. This states that *"the aim should be to improve accessibility where and to the extent that it is practically possible, always provided that the work does not prejudice the character of the historic building, or increase the risk of long-term deterioration to the building fabric or fittings. The need to conserve the special characteristics of such historic buildings must be recognised. They are a finite resource with cultural importance"*.
- 6.73 I am also mindful of the fact that precise references to legislation and guidance in policies can very quickly become outdated, for example the 2010 Building Regulations are already subject to the 2013 Amendments. In order to future proof the document it may be better to refer to 'current building regulation/guidance and other statutory requirements' in policy wording. The accompanying text may provide more detailed information about relevant legislation/guidance which is in force at the time of writing if desirable.
- 6.74 If one of the intentions behind the policy is to ensure that applicants observe access requirements then I would have thought it also appropriate to draw attention to the desirability of obtaining specialist advice such as from building control officers, Local Authority conservation and access officers, access groups and English Heritage where

appropriate.

- 6.75 I also note that the Environment Agency, in their response to the Regulation 16 Publicity, raise concerns that there are potential conflicts between the need for level access under current legislation and the aspiration for floor levels to be raised in areas at risk of flooding, as referred to in the text accompanying Policy DE4 (see paragraph 6.65 above). It is further suggested that this is a matter for the Town Council to consider. However I disagree since the reference to raising levels is not a policy requirement in the plan, rather it is one of a number of wide ranging measures which the Town Council wish to promote, and which decision makers would need to take into account in considering future proposals in order to achieve an appropriate balance between competing priorities depending on the circumstances of each particular case.

Recommendation 11

- a) **Delete the second part of Policy DE5 from “the opportunity....” onwards and substitute “*applicants will be expected to comply with practical guidance produced by the Secretary of State as to how the requirements of the building regulations and equalities legislation should be met in relation to achieving access for all.*”**
 - b) **Amend the supporting text to correct inaccurate references to the Building Regulations, Equality Act, and guidance issued by the Secretary of State.**
 - c) **Incorporate additional guidance in the supporting text to encourage applicants to seek specialist advice on access requirements.**
- 6.76 **Policy DE6 (Extensions and Alterations)** supports extensions and alterations to buildings provided proposals complement and enhance the main building and its setting, and are proportionate to its scale and size. As no indication is given otherwise the policy applies to proposals both within and outside the built up area, including buildings within the Green Belt. (Parts or all of a number of non strategic saved DUDP Green Belt policies are therefore superseded).
- 6.77 Policy DE6 has regard to national policy, including national Green Belt policy. It contributes to sustainable development by widening choice and supporting improvements in the conditions in which people live and work while reflecting the need to seek positive improvements in the built environment.
- 6.78 The policy conforms with Core Strategy Policy CS1 (Quality of Life) by promoting ‘attractive place specific designs which work with their surroundings, which enhance the environment, and which are fit for purpose’. It complements CS14 (Design and Sustainable Construction) by providing more specific local guidance on the design of extensions and alterations.

- 6.79 The policy also complements DUDP Policy ENV53 (Scale and Appearance of New Development) which requires the scale and appearance of new development to have regard to its wider visual impact, and supplements DUDP Policy ENV54 (Alterations and Extensions to Buildings) by providing specific guidance on the scale and size of extensions. It is a matter for Doncaster Council to determine which parts of ENV53/54 are superseded by Policy DE6 since a similar situation arises to that where there is a degree of overlap between Core Strategy and saved DUDP policies, when (as referred to in Appendix 3 of the Core Strategy) the Core Strategy policy takes precedence.
- 6.80 Additional guidance is provided in the accompanying text concerning alterations to historic buildings in the Conservation Area and to listed buildings, although this is not translated into policy and therefore carries less weight than Core Strategy policies, or DUDP policies which remain in force.
- 6.81 The supporting text includes a reference to an emerging policy (Policy SP23 Residential Extensions and Domestic Alterations) in Doncaster Council's (now withdrawn) Sites and Policies Development Plan Document. As this policy has no status the reference should be deleted. The plan could however be future proofed by incorporating a more general reference to guidance that may be produced in the future.

Recommendation 12

In the text supporting Policy DE6 delete reference to Doncaster Metropolitan Borough Council Policy SP23 (Residential Extensions and Domestic Alterations) and incorporate the following: *"Proposals should also reflect the most up to date guidance adopted by Doncaster Metropolitan Borough Council in relation to residential extensions and domestic alterations"*.

- 6.82 Subject to the above modification the policy and supporting text meet the Basic Conditions.
- 6.83 **Policy DE7 (Surface Water Run Off)** is intended to ensure that future development proposals do not exacerbate existing flooding problems. The policy applies to both brownfield and greenfield sites and is supported by the Environment Agency, who would also like to see developers required to reduce surface water run-off wherever possible.
- 6.84 The policy is cross referenced to a virtually identical Policy F1 (Building Development), which provides more detailed background information and justification. As this situation could be confusing for both decision makers and for applicants I recommend deleting one of the policies. In this respect it seems to me that the policy sits more comfortably in the section dealing with infrastructure/managing flooding rather than a section dealing

with the design of buildings.

Recommendation 13

Delete Policy DE7 and incorporate a cross reference to Policy F1 in the introductory paragraphs in the design section.

Housing

- 6.85 The plan aims to support high quality residential infill within existing development limits, there being no requirement for significant housing growth in Tickhill which is identified as a conservation town in the Core Strategy where there would be 'low benefits associated with change' (Core Strategy paragraph 3.32).
- 6.86 The main issues and concerns focus on ensuring that new housing is in keeping with the existing character of individual neighbourhoods and achieving good design.
- 6.87 **Policy H1 (New Building)** repeats Policy DE1. I feel the duplication is unnecessary and potentially confusing to both decision makers and applicants. As the policy is intended to apply to all new development, not just housing, I recommend deletion of Policy H1 as the policy sits more comfortably within the design section which applies to all new development. A cross reference in the text to Policy DE1 would be sufficient.

Recommendation 14

Delete policy H1 and incorporate a cross reference to policy DE1 in the text.

- 6.88 **Policies H2-H5** provide detailed guidance on the form and design of new housing that will be acceptable in four different character areas, based on character assessments of those areas. The general intention is to preserve and enhance the distinctive character of all four neighbourhoods.
- 6.89 The policies have regard to national policy by promoting good design which responds to local character and history and adds to the overall distinctive character of the local area. By protecting and seeking positive improvements in the quality of the built environment they contribute to the achievement of sustainable development
- 6.90 The policies generally conform with Core Strategy policy by:-
- providing detailed, locally specific guidance which will 'enhance the quality of place through place specific design, protect and enhance the built environment, and achieve locally distinctive design standards' (CS1 Quality of Life)

- promoting high quality design which will ‘make a positive contribution to achieving the qualities of a successful place (CS14 Design and Sustainable Construction), and
 - contributing to ‘the distinctive identity of an historic market town’, particularly within the conservation area, and ‘supporting, protecting and/or enhancing heritage significance’ (CS15 Valuing Out Historic Environment).
- 6.91 The policies are also generally compliant with DUDP Policy ENV25 (Development in Conservation Areas) which remains an extant policy. It is a matter for Doncaster Metropolitan Borough Council to determine which parts of ENV25 are superseded by Policies H2, H3 and H4 since a similar situation arises to that where there is a degree of overlap between Core Strategy and saved DUDP policies, when (as referred to in Appendix 3 of the Core Strategy) the Core Strategy policy takes precedence.
- 6.92 On the whole the policy requirements for residential development in each of the character areas are appropriately justified and clearly defined in each case subject to the following reservations.
- 6.93 First, it is not clear precisely which areas the policies apply to, nor from the policy wording whether Policy H5 applies to land outside the conservation area but within the built up area or whether it applies to the whole of the remainder of Tickhill Parish. This can easily be rectified through the incorporation of a map defining individual policy areas, and by minor amendment to H5. It is presumed from the reference to ‘development within existing development limits’ in the first sentence of the first paragraph of the Housing section that the policy is intended to exclude land outside development limits where Core Strategy and saved DUDP Green Belt policies will apply.
- 6.94 Second, although policies H2, H3 and H4 specify particular dwelling sizes, in terms of the number of bedrooms per dwelling, no particular justification is provided for this, and it is acknowledged in the accompanying text that no housing need information is available. In any case as character area H2, which is characterised by relatively high density, smaller properties, is the only character area where it is proposed to restrict new properties to 1-3 bedroom dwellings I would have thought that design considerations would tend to ensure that this characteristic continues.
- 6.95 Third, the requirement for proposals to ‘be of a size, scale and height appropriate to its location and the size of the plot’ in each of the policies may in certain circumstances conflict with the requirement for proposals to ‘have a footprint of the back garden at least the size of the footprint of the building, including garage’. As the second criteria is rather inflexible, is not appropriately justified and does not enable any allowance to be made for individual circumstances, for example where there may be an over-generous front garden, it should be deleted.
- 6.96 For the purposes of clarity I also agree with the Environment Agency suggestion that since the Policy H4 ‘Castle, Mill Dam and Lindrick’
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character area is at higher risk of flooding than other localities attention should be drawn to the need for proposals to demonstrate their acceptability through both sequential testing (and the exceptions test if necessary) and a site specific flood risk assessment.

Recommendation 15

- a) **Incorporate a map within the plan identifying the precise boundaries of the character areas within which policies H2 – H5 are intended to apply**
- b) **In the heading to Policy H5 after ‘Remainder of Tickhill’ insert “ *(Inside existing built up limits)*”**
- c) **Delete references to bedrooms per dwelling in policies H2 – H5,**
- d) **Delete the requirement for proposals to ‘have a footprint of the back garden at least the size of the footprint of the building, including garage’, and**
- e) **In the text accompanying Policy H4 (The Castle, Mill Dam and Lindrick) delete ‘appropriate flood risk tests have been passed’ and substitute “*flood risk sequential test and exception test (where appropriate) have been passed and a site-specific flood risk assessment must be submitted with the planning application*”**

6.97 Subject to the above modifications the policies meet the Basic Conditions.

Supporting and Developing Community Life

- 6.98 The plan also aims to safeguard local employment opportunities through **Policy CL1 (Local Employment)** and retain local facilities through **Policy CL2 (Allotments)** and **Policy CL3 (Open Spaces)**, reflecting the emphasis in Core Strategy Policy CS1 (Quality of Life) on securing economic prosperity and job opportunities, enhancing the quality of place and protecting existing amenities.
- 6.99 However the desirability of protecting existing employment sites in **Policy CL1 (Local Employment)** must be balanced with the more flexible approach to employment land advocated in both national planning policy and Core Strategy Policy CS5 (Employment Strategy).
- 6.100 While Part C) of Core Strategy Policy CS5 supports the retention of local employment sites this is qualified by reference to circumstances when alternative uses might also be acceptable, including specialist uses which cannot be located elsewhere or which includes a mix of commercial and community uses with clear additional benefits. These alternative uses could include specialist retail uses (such as car showrooms), training facilities, and some leisure/community facilities (paragraph 4.13 of the Core Strategy refers).

- 6.101 National planning policy²⁶ suggests policies should be flexible enough to “*accommodate needs not anticipated in the plan to allow a rapid response to changes in economic circumstances.*” It also states “*Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*”²⁷ The same principle can be applied to established employment sites, particularly where it can be demonstrated that there is no demand for employment use on the site and/or the existing business is no longer viable.
- 6.102 I therefore recommended that the policy be amended to better reflect national and local strategic policy. It would also be helpful to identify the ‘local employment sites’ affected by the policy on a map in accordance with Core Strategy paragraph 4.12.

Recommendation 16

- a) In Policy C1 insert reference to “***unless it can be demonstrated that there is no demand for employment use and/or the existing business is not viable, and proposals for alternative uses comply with higher tier development plan policy***” after ‘protected from alternative uses’.
 - b) Incorporate a map identifying the ‘local employment sites’ which are intended to be protected by the policy.
- 6.103 Subject to the above modification the policy meets the Basic Conditions by facilitating sustainable economic growth and reflecting both local strategic (Core Strategy) and national planning policy which support existing business sectors while ensuring flexibility in the use of employment land to meet changing circumstances.
- 6.104 The proposed retention of existing allotments and open spaces through **Policy CL2 (Allotments)** and **Policy CL3 (Open Spaces)** supports the objectives of Core Strategy Policy CS1 (Quality of Life) and also contributes to the maintenance and potential enhancement of Tickhills Green Infrastructure network. Policies CL2 and CL2 are therefore in general conformity with Core Strategy Policy CS17 (Providing Green Infrastructure). They also have regard to national planning policy objectives to promote healthy communities and conserve and enhance the natural environment both of which are key aspects of sustainable development.
- 6.105 In addition to safeguarding existing allotments Policy CL2 provides a firm

²⁶ Para 21 NPPF

²⁷ Para 22 NPPF

commitment to supporting proposals for additional sites, which is justified in the supporting text on the basis of identified demand. The reference in the text to the neighbourhood plan allocating land for this purpose is however inappropriate as no sites have yet been identified or secured. Reference to a future planning application or neighbourhood plan review would be more appropriate.

- 6.106 For the purposes of absolute clarity the boundaries of individual allotments and protected open spaces (as referred to in the map legend) should be more precisely defined on Map 3, and the policies should refer to the fact that protected sites are defined on Map 3. Different notation should also be used for allotments and open space as they are covered by different policies.
- 6.107 Policy CL3 is less ambitious than Policy CL2 and while providing a firm commitment to supporting proposals which will enhance existing open spaces it stops short of supporting proposals for additional open space.
- 6.108 I also need to address a representation to the plan made in response to Regulation 16 publicity, which considers that inadequate attention has been paid to the provision and improvement of existing open space, particularly facilities for children.
- 6.109 As previously referred to in section 4(e) I consider that more than adequate consultation, publicity and opportunity for comment has been provided on this issue. What remains to be resolved is whether the policy response in the plan is also appropriate in terms of meeting the Basic Conditions, bearing in mind that it is not my role to 'test' the overall plan nor individual policies and accompanying evidence for soundness.
- 6.110 In this respect I have already concluded that the plan has regard to national planning policy and generally conforms with local strategic policy as regards quality of life issues, the provision of green infrastructure, and the maintenance/enhancement of open space.
- 6.111 Although there is no assessment of existing quantitative or qualitative deficiencies in play space provision available I note that the non land use part of the plan acknowledges (on page 43 'Accompanying Policies and Proposals') that there are existing deficiencies in the provision of certain community facilities as well as the scope for improving existing facilities, particularly facilities for children. There is also a positive response through the inclusion of non land use policies supporting measures to rectify drainage problems at the existing recreation ground and to increase recreational opportunities for young people.
- 6.112 I am also mindful of the fact that additional or enhanced open space provision cannot be achieved without adequate funding, and that opportunities for securing Section 106 or CIL funding in Tickhill are likely to be very limited due to the small amount of development anticipated.
- 6.113 I therefore reject the suggestion that the plan is inadequate in terms of its approach to open space provision, and that this might prevent it satisfying the Basic Conditions.

- 6.114 Although the plan proposals are realistic in terms of what can be achieved I consider that the high level of community support for maintaining and improving children's play facilities does justify keeping this issue under review. Subject to the availability of funding, proposals for additional facilities could be brought forward through a future plan review if necessary, consistent with the approach taken to allotment provision. However as it is beyond the scope of the examination to explore the merits of including additional policies or widening the scope of any of the plans policies I make no recommendations in this respect.
- 6.115 In considering Policy CL3 I note that some (but not all) areas of open space identified on Map 3 are currently protected as 'open space policy areas' through DUDP Policy RL1 (Protection of Open Space Policy areas) which is not superseded by the Core Strategy and currently remains in force. These are identified on the DUDP Proposals Map. Other areas of open space, such as casual play space or areas of visual or environmental amenity, are protected by DUDP Policy RL2 (Protection of Non Designated Open Space) if development proposals would have an adverse effect on the use of the open space. (These are not identified on the DUDP Proposals Map presumably because it was impractical to identify smaller sites)
- 6.116 Policy CL3 therefore effectively combines and supersedes parts of DUDP Policies RL1 and RL2, by increasing the number of identified open spaces that will be protected. It is also wider in scope than DUDP Policy RL1 by supporting proposals to enhance existing open spaces. Unlike the DUDP policy however it does not recognise that there may be circumstances where development of open space may be desirable, for example where there may be overall community benefits such as allowing partial development on a site to secure funding for enhancement of the remainder or where alternative provision of equivalent or enhanced standard elsewhere is preferable.
- 6.117 In order to ensure a degree of flexibility should circumstances change and in order to avoid potential conflict with Core Strategy and extant DUDP policies it would be advisable to add a caveat to the policy to enable open space to be developed in exceptional or other circumstances.

Recommendation 17

- a) In Policy CL2 insert "***as defined on Map 3***" after 'allotment sites'.
- b) In the text accompanying Policy CL2 delete 'which the Neighbourhood Plan will allocate' and insert "***which will be brought forward either through a planning application or a future Neighbourhood Plan review***".

Recommendation 18

In Policy CL3

- a) insert ***“and children’s play spaces as defined on Map 3”*** after ‘playing fields’, and consequentially delete ‘and’ and insert a comma after ‘sports grounds’,
- b) insert ***“unless there are exceptional or other circumstances in accordance with higher tier development plan policies”*** after ‘will be protected from development’.

Recommendation 19

In Map 3 define the boundaries of individual allotment sites and open space sites referred to in the legend and use a different notation for allotment sites so that they are distinguishable from open space sites.

- 6.118 Subject to the above modifications Policies CL2 and CL3 meet the Basic Conditions.

Natural Environment

- 6.119 As well as seeking to conserve and enhance the built environment, the plan contains a group of policies to protect the general environment of both the town and the surrounding countryside, while supporting farming and promoting opportunities for countryside recreation. I note that Tickhill is inset within the Green Belt which is protected by a number of higher tier policies in the Core Strategy and extant DUDP policies. The text could usefully refer to the fact that proposals within the Green Belt will also need to meet relevant Green Belt policies in higher tier documents such as the Core Strategy and saved DUDP policies which remain in force.

Recommendation 20

Insert a reference in the introductory text to clarify that proposals within the Green Belt will also need to meet national Green Belt policy and Green Belt policies in higher tier development plan documents such as the Core Strategy and saved DUDP policies which remain in force.

- 6.120 **Policy NE1 (Energy Economy)** supports renewable energy proposals provided they do not detract from the general and historic environment. The policy generally conforms with principles established in Core strategy Policy CS19 (Renewable Energy), which also recognises the need to safeguard against significant impacts on the built and natural environment (Core Strategy paragraph 7.11 and Policy CS19 part C).

- 6.121 The policy has regard to national planning policy which promotes a reduction in greenhouse gas emissions through energy improvements and efficiencies, including renewable energy initiatives, provided the impacts are within acceptable levels. It will also contribute to the achievement of sustainable development by assisting the move toward a low carbon economy.
- 6.122 Policy NE1 meets the Basic Conditions and no modifications are recommended.
- 6.123 **Policy NE2 (Recreation in the Countryside)** supports opportunities for outdoor recreation provided associated structures blend into the countryside, are accompanied by appropriate screening and are compatible with the purposes of the Green Belt.
- 6.124 **Policy NE3 (Tree planting)** resists the loss of mature trees and encourages more tree planting. **Policy NE6 (Mineral Railways)** seeks to utilise former railways as multi user trails, and **Policy NE8 (Creation of Wildlife Corridors)** aims to exploit development proposals to restore or create wildlife corridors, including planting new hedgerows.
- 6.125 **Policy NE7 (Infrastructure in the Countryside)** acknowledges that the countryside may be affected by infrastructure proposals and requires the impact to be mitigated through appropriate landscaping.
- 6.126 These are positive policies which have regard to national planning policy which promotes the development of healthy communities and the conservation and enhancement of the natural environment. They generally conform with Core Strategy objectives to ensure that residents, visitors and workers have the very best life opportunities, including access to recreation facilities, and to ensure that the built and natural environment is conserved and enhanced for the enjoyment of all. The policies also generally conform with Core Strategy Policies CS 1 (Quality of Life), CS16 (Valuing our Natural Environment) and CS17 (Providing Green Infrastructure).
- 6.127 Policies NE2, NE3, NE6, NE7, and NE8 meet the Basic Conditions and no modifications are recommended.
- 6.128 Similar considerations apply to **Policy NE4 (Sites of Nature Conservation Interest)** which aims to identify and secure the designation of sites which are locally important for nature conservation purposes.
- 6.129 This policy also compliments DUDP Policy ENV41 (Sites of Regional/Local Nature Conservation Value) which protects sites of regional and local importance for nature conservation value.
- 6.130 To avoid confusion between different tier development plan documents it would be more appropriate to use the same terminology as the Core Strategy i.e. 'local wildlife (or geological) sites' when referring to sites of local nature, wildlife or scientific interest. Reference to the 'development'
-

of nature conservation sites is also potentially misleading and could be replaced with reference to the identification and management of nature conservation sites.

Recommendation 21

Replace the wording in Policy NE4 with “*The identification, designation and management of local wildlife sites will be sought*”.

- 6.131 Subject to the above modification the policy meets the Basic Conditions.
- 6.132 **Policy NE5 (Farming)** aims to support farm diversification activities, particularly the sale of local produce. This accords with national policy to support the rural economy and Core Strategy objectives and Policy CS1 (Quality of Life) to support healthy local economies and ensure access to sustainable local job opportunities.
- 6.133 However the policy implies that the construction of new buildings related to farm diversification (and the sale of local produce) is acceptable in principle contrary to both national and local strategic Green Belt policy in Core Strategy Policy CS3 (Countryside) and DUDP Policy ENV3 (Control of Development in the Green Belt). While there may be instances where it is possible to demonstrate the very special circumstances to overturn green belt policy it is not appropriate to establish this principle in a general policy. Amendment to the policy is therefore required in order to meet the Basic Conditions.
- 6.134 I also note an error in the accompanying text which refers to a non land use policy MP4 (Promotion of Local Produce), which should be MP3.

Recommendation 22

- a) In Policy NE5 insert “*provided this can be achieved through the conversion of existing premises in accordance with Green Belt policies in higher tier development plan documents*” after ‘vehicular traffic’, and delete ‘Further any construction should be in materials which match existing structures and screening should be planted where appropriate’.
- b) Change the reference to Non Land Use Policy MP4 in the accompanying text to Policy MP3.

- 6.135 Subject to the above modification the policy meets the Basic Conditions.

Conserving and Enhancing the Historic Environment

- 6.136 This section of the Plan recognises the towns rich history and wealth of

heritage assets including locally important buildings as well as listed buildings and archaeological sites. **Policy HE1 (Heritage Assets)** promotes the maintenance, conservation and improvement of these heritage assets, including sites and buildings outside the Conservation Area. The policy has regard to national planning policy which recognises the desirability of conserving and enhancing the historic environment which contributes to wider sustainability objectives. It also complements the approach in Core Strategy Policies CS1 (Quality of Life) and CS15 (Valuing Our Historic Environment).

6.137 With regard to non listed buildings the text accompanying the policy refers to the fact that ‘amendments to planning applications will be sought to improve the appearance of such buildings’. Although in practice the retention and enhancement of features on non listed buildings can only be achieved through a process of negotiation and encouragement the policy will ensure that the local heritage significance of any building affected by development proposals will be taken into account when considering future applications.

6.138 The policy meets the Basic Conditions.

Flooding and Drainage

6.139 The introductory section to the flooding/drainage policies provides background information concerning the nature of flood risk in Tickhill and expresses support for measures being put in place to resolve identified flood risk problems. I concur with the view expressed by the Environment Agency that for absolute clarity it should be acknowledged in the Plan that current flooding problems are mainly as a result of surface water flooding attributable to lack of capacity in storm water drains, and that only a small area following the course of Paper Mill Dyke to the west of the Castle falls within an area with medium-high probability of flooding due to overtopping of an existing watercourse.

6.140 **Policy F1 (Building Development)** is intended to ensure that future development proposals do not exacerbate existing flooding problems. The policy applies to both brownfield and greenfield sites and is supported by the Environment Agency, who would also like to see developers required to reduce surface water run-off wherever possible.

6.141 The policy has regard to national planning policy by ensuring that surface water run-off from development is adequately controlled and that new development does not increase flood risk elsewhere, thereby contributing toward the achievement of sustainable development.

6.142 However the policy does not conform with Core Strategy Policy CS4 (Flooding and Drainage) which requires proposals on brownfield sites within flood risk areas, or on brownfield sites larger than 1 hectare, to achieve a reduction in surface water run off, whereas Policy F1 seeks only to ensure that development does not increase existing run off rates, irrespective of the size of the site, whether the proposal affects a brownfield or greenfield site or whether it is located within a flood risk

area.

- 6.143 Although I accept sites over 1 hectare are extremely unlikely to come forward for development in Tickhill, and the policy difference is therefore inconsequential in this respect, I note that the south western part of the town falls within an area with medium – high probability of flooding where redevelopment proposals could come forward. Other areas are also affected by surface water flooding due to inadequate capacity of the drains. Some adjustment to the policy is therefore required to bring it in line with local strategic policy.
- 6.144 The response to the Regulation 16 Publicity also confirms that while the Environment Agency support Policy F1 the Agency would also wish to see a reduction in run-off from brownfield sites.

Recommendation 23

- a) **In the text preceding Policy F1 insert reference to the fact that current flooding problems in Tickhill are generally attributable to lack of capacity in storm water drains, although some properties along the course of Mill Dyke to the west of the Castle, which fall within an area with medium-high probability of flooding, are at risk through overtopping of the watercourse.**
- b) **In Policy F1 insert a new sentence after ‘existing formal drainage system’ as follows; “*Within identified flood risk areas, including areas prone to flooding through inadequate capacity of existing drainage infrastructure, a reduction in surface water run-off on brownfield sites will be required*”.**

- 6.145 Subject to the above modifications the policy meets the Basic Conditions.
- 6.146 **Policy F2 (Land Management)** encourages the use of land management techniques which will help to reduce and/or manage flood risk and which protect a principal aquifer.
- 6.147 While this aspiration is consistent with national and local strategic policy regarding flood risk and the protection and more efficient use of water resources (Core Strategy Policy CS4 - Flooding and Drainage and Policy CS18 - Air, Water and Agricultural Land) it adds nothing to those policies in terms of additional controls or safeguards.
- 6.148 The policy is also slightly confusing because it is attempting to deal with two separate issues namely flood risk and the protection of a principal aquifer.
- 6.149 As no further information or guidance is provided in the accompanying text regarding the scale and/or significance of these issues nor the type of land management techniques and measures that could appropriately be deployed, I have to say the policy would not achieve a better degree of

protection than that already being achieved by higher tier policies.

- 6.150 On balance I therefore recommend that the policy be deleted and converted to background text.

Recommendation 24

Delete Policy F2 and incorporate as an aspiration within the accompanying text.

7.0 Conclusions and Formal Recommendations

Referendum

- 7.1 I consider the Neighbourhood Plan meets the relevant legal requirements and subject to the modifications recommended in my report it is capable of satisfying the four 'Basic Conditions'.

- 7.2 Although there are a significant number of modifications the essence of the policies would remain, providing a framework, for managing future development proposals and protecting and enhancing the local environment.

I therefore recommend that the Neighbourhood Plan should, subject to the recommended modifications, proceed to referendum.

Voting Area

- 7.3 I am also required to consider whether the Referendum Area should be extended beyond the Tickhill Neighbourhood Area. As the impact of the policies, both collectively and individually, is likely to be focused on the built up area of Tickhill and to a much lesser extent on the surrounding countryside area, with minimal impact on land and communities outside the defined Neighbourhood Area I consider the Neighbourhood Area to be appropriate. No evidence has been submitted to suggest that this is not the case.

I therefore recommend that the Neighbourhood Plan should proceed to a Referendum based on the Neighbourhood Area as approved by Doncaster Metropolitan Council on 2 November 2012.

Declaration

In submitting this report I confirm that

- I am independent of the qualifying body and the local authority.
- I do not have any interest in any land that may be affected by the Plan and
- I possess appropriate qualifications and planning and development experience, comprising 40 years experience in development management, planning policy, conservation and implementation gained across the public, private, and community sectors.

Examiner Terry Raymond Heselton BA (Hons), DiP TP, MRTPI

Dated 20 February 2015

Appendix 1 :

List of Documents referred to in connection with the examination of the Tickhill Neighbourhood Development Plan

- Examination Version of the Tickhill Neighbourhood Plan
- National Planning Policy Framework
- National Planning Practice Guidance
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012)
- The Environmental Assessment of Plans and Programmes Regulations (2004)
- Doncaster Metropolitan Borough Council adopted Core Strategy (May 2012)
- Doncaster Unitary Development Plan remaining 'saved' policies
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment Screening Opinion
- Neighbourhood Area map
- Five representations received during the publicity period

I also accessed Doncaster Metropolitan Borough Council's website pages relating to planning policy during the course of the examination.