ROTHERHAM METROPOLITAN BOROUGH COUNCIL

ROTHERHAM CORE STRATEGY EXAMINATION

NOTE OF HEARING SESSION TO CONSIDER THE DRAFT MAIN MODIFICATIONS TO THE ROTHERHAM LOCAL PLAN PUBLICATION CORE STRATEGY 2013-2028

15 MAY 2014

Representing Rotherham Metropolitan Borough Council:
Andy Duncan, RMBC Planning Policy Manager
Ryan Shepherd, RMBC Senior Planning Officer
Nick Ward, RMBC Planning Officer
Helen Sleigh, RMBC Senior Planning Officer
David Edwards, RMBC Senior Planning Officer
Liz Hunt, RMBC Affordable Housing Officer
Bronwen Knight, RMBC Planning Manager

Participating:
Mr S Hawley 815537 on behalf of Tata Steel
Mr J Hobson 583687 on behalf of Fitzwilliam Wentworth Estates
Mr R Bolton 832741 on behalf of various clients
Mr M Good 757874 on behalf of the Home Builders federation
Ms C Harron 832835 on behalf of Harworth Estates
Mr S Vincent on behalf of Sheffield Council
Mr V Betts 738453 on behalf of Save Our Greenbelt Dinnington & Anston
Ms J Hodson 832669 on behalf of various clients
Dr A Tickle 738593 on behalf of the Campaign for the Protection of Rural England
Mr H Lufton 828488 on behalf of Save Our Greenbelt Rotherham Action group

Inspector’s opening remarks:
Inspector Richard Hollox opened the hearing session and explained its purpose, clarifying that the focus would be on the draft main modifications and not on re-opening debates heard at the previous hearing sessions.

The Inspector invited the council to make a brief opening statement.

Council’s opening remarks. (A. Duncan):

On behalf of Rotherham Borough Council I would like to welcome all participants to these further hearing sessions as part of the independent examination into Rotherham’s Core Strategy.
The Council broadly welcomes the proposed main modifications which will allow us to progress towards adoption of the Core Strategy and put in place a key part our Local Plan. Whilst we support many of the proposed modifications, we have reservations around the way the housing backlog is calculated and accommodated.

We have put forward an alternative approach to calculating the backlog figure which we consider to be more robust and appropriate. We remain of the view that the backlog should be accommodated across the entire 15 years of the plan rather than in the first 5 years. We have shown that delivery of the backlog within the first 5 years would require the release of many more sites for development, particularly within the Green Belt, with no realistic prospect of the backlog being addressed. This would have significant negative impacts, as highlighted in the accompanying Integrated Impact Assessment, and is not supported by a robust evidence base.

We welcome the fact that the proposed main modifications do not alter the proportions of growth to be distributed around the borough’s settlements. However recognising local residents’ concerns about loss of Green Belt, we continue to strongly support retaining a policy wording which allows for the phasing of development sites (i.e. identifying which sites should come forward first) – this would allow us to take account of the brownfield status of sites. We have shown that this approach is not contrary to the NPPF. Our communities were very clear that they supported this approach and we feel strongly that this would allow us to choose the right sites at the right time in settlements across the borough.

We accept that sufficient work has been completed to support Bassingthorpe Farm as a strategic allocation. We are aware of ongoing concerns regarding the release of this site, however communities will continue to have a say in how the area is developed through the work to refine the master plan.

Whilst we have no objection to the identification of Waverley as a Principal Settlement we continue to argue that the proposed provision of local facilities at Waverley should remain identified as a ‘local centre’ designation within the retail centre hierarchy. We do not consider that a district centre designation is appropriate or justified by a robust evidence base.

Since the hearings last October and November, the Council has made progress on a Strategic Housing Market Assessment (SHMA) with Sheffield City Council. The signing of contracts for this commission is imminent and we expect headline outputs from the work by December 2014. We have also progressed work on the Sites & Policies document with a view to consulting on a Final Draft over summer 2014.

Co-operation continues with Sheffield CC and also the Sheffield City Region which is looking at the impact of creating around 70,000 jobs in the City Region and the
effect on housing requirements.

The Council is committed to getting a plan in place and is keen to proceed to adoption of the Core Strategy and progress the Sites & Policies document to this end.

We welcome the opportunity to engage in positive discussion with the Inspector and participants throughout the hearing sessions on the proposed Main Modifications.

Thank you, Sir.

**Inspector:** The Council’s response to MM1 says that Rotherham will work with Sheffield City Council to produce jointly a Strategic Housing Market Assessment (SHMA) for the entire housing market area, not just Rotherham. Can the Council clarify this?

**A. Duncan:** Sheffield City Council have just completed their own SHMA only six months ago so during discussions with them we felt it would be inappropriate to request that Sheffield should create another SHMA for Sheffield, whilst producing a SHMA for the two authorities. Therefore we have agreed with Sheffield CC to use their data and use exactly the same methodology to produce a SHMA for the entire housing market area.

We are procuring the work from Sheffield University, who did the work for Sheffield CC, and we have confirmation from Council Members that funds have been made available for this work to be completed. The signing of contracts for this commission is imminent and we expect headline outputs from the work by December 2014.

**Inspector:** So, to summarise, you are doing one for Rotherham and using the one for Sheffield and then combining the two together by December 2014, and saying that is for the whole market area.

**A. Duncan:** Yes, that’s correct.

1. **MM1 Policy CS34: Housing Delivery and Ongoing Co-operation**

**R. Shepherd:** The Council’s position is that MM1 is more robust than the alternative MM1 Appendix, as put forward by Mr Bolton. MM1 will be more in line with the national framework and has been set out to be more effective than the MM1 Appendix. We have continued to work with our neighbours, including Sheffield, under our duty to co-operate.

**Inspector:** So to clarify the position, the housing market area involved is just for
Sheffield and Rotherham, but are there any other authorities with connections?

A. Duncan: Both Barnsley and North East Derbyshire have certain links to Rotherham. We have focused on Rotherham and Sheffield, although we have already spoken to Barnsley and North East Derbyshire and invited them to join the working group for this exercise. They have both indicated a willingness to do this.

S. Vincent –Sheffield CC: We support what Andy Duncan has said. Sheffield City Council are pleased with the joint working and progress made on the SHMA with Rotherham Council. We have co-operated with other neighbours, particularly North East Derbyshire, on infrastructure requirements and the housing market, and we continue to progress matters in relation to Sheffield’s Local Plan.

Inspector: Do you feel that it is realistic that the work on the Sheffield and Rotherham SHMA can be completed by December 2014.

S.Vincent: Yes, sir. I do.

R. Bolton: The document REB16 was submitted to the Hearing as the forecast for housing requirements in the housing market area. My view is that you can’t produce a SHMA for a single district like Rotherham, when it is so close to a major employment centre as Sheffield. Councils are required to produce a SHMA for the whole area, not just individual authorities. Doncaster Council are planning for an extra 36,000 jobs over their Plan Period and so will need additional housing in Rotherham and Sheffield to provide additional workers. To fulfil that level of employment, Doncaster have said they will need to draw in around 14,000 workers from other areas. I don’t agree that a Rotherham SHMA will be sufficient on its own and should be done at City Region level. I don’t believe the Sheffield methodology was correct as it failed to take into account the connection between employment and housing. I support the MM1 Appendix as it was proposed, for the aforementioned reasons. Work has already begun at City Region level and if there is more up to date information then this should be taken into account when assessing housing need and I believe a SHMA should be undertaken at City Region level.

S. Hawley: I don’t have any comments on Part (a) of the policy, but I have some on Part (b). I have no concerns with the actions taken by the Council but I don’t think the policy deals with the delivery of housing in sufficient detail. I don’t think there is enough detail on the actions which will be taken if there is a deficit in housing delivery. The policy doesn’t include anything about a shortfall in housing delivery and the Council should place emphasis on their Sites and Policies Document to identify more housing sites, in case there is a shortfall in the first few years and then to review and revise the number of sites allocated, in order to increase the number of planning applications. The reason the framework has a buffer in the first years is so that competition and applications are encouraged in
order to increase supply.

**J. Hobson:** I thought the Council were going to produce a SHMA jointly with Sheffield. The Council seem to be producing one for Rotherham, but there is no definitive date as to when one will be completed jointly with Sheffield. I feel this should be focused on now.

With regard to Part (b) of the policy, the first contingency of increasing housing supply in the table mentions that you can look at other settlements at the same or a higher level, but there appears to be no mention of looking at lower level settlements or the same level, at the edge of those settlements. I’m not sure whether that is a drafting error or the intention of the policy drafting.

**M. Good:** We generally support Part (a), but like others, we thought it would be a SHMA for the whole area. In terms of Part (b) we felt the actions weren’t specific enough. What would Rotherham do if they found they didn’t have a five year supply? We would have liked more definitive actions to be stated, rather than just looking elsewhere for possible housing sites.

**Inspector:** Do you think there is any reason to doubt the timeframe of completing the SHMA by December 2014.

**M. Good:** It’s quite a tight timescale already. I don’t think I am in a position to give a definite answer to that, but I have worked with other authorities and there are often delays and slippage from a timescale for many and various reasons.

**Inspector:** Also, what you and others are saying is that basically the end result of putting two SHMAs together, is not the same as the end result of doing a joint SHMA for the whole area.

**M. Good:** It’s very difficult to know what the outcome will be, at this stage, but it gives us concern that you are just bolting the two together and it doesn’t seem to account for any other areas which may have an impact on the housing figures. I wouldn’t want the Council to be in a position in December where they felt they had an acceptable SHMA and yet the information from neighbouring authorities wasn’t up to date. For example, I’m not sure what stage N.E. Derbyshire are at with relation to their SHMA.

**C. Harron:** We are generally supportive of the Main Modification but one thing that arises from discussions today is what happens if it isn’t completed by the December date? There appears to be no fall-back position.

**R. Bolton:** Regarding Part (b) of the policy, we set out an alternative to Part (b), setting out what should be done if there is a shortfall in the 5 year supply, whereas
the Council have given themselves the option of looking at what will happen next year and if they think they will be alright then they don't have to do anything at all. Whereas the Framework in part 49, says if you don’t have a 5 year land supply then you must take action to bring your policies up to date to recover that 5 year supply. The insertion of details to clarify what action will be taken would probably be the best way around this. Also the policies will be read and applied by DC Officers, who may interpret them differently or very literally.

V. Betts:  Sheffield CC have a policy of not developing on their Green Belt, or green spaces. However, they expect Rotherham make up part of their housing need. Rotherham do not have to provide housing for Sheffield which would reduce the effect on Rotherham’s Green Belt.

J. Hodson:  I think we have fallen into the same trap as other people here in that we believed that there was to be a joint SHMA and not separate ones. With regard to the policy, I think the remedy for any shortfall should be far simpler and more immediate. If you’re not delivering housing, what you really need to do is to review your sites base and start releasing more sites for allocation for housing. All the other options would seem to take much longer, like reviewing the SHMA’, but what you should be doing is to release more sites in order to get planning applications from developers, get approval from the Council, and then to start building.

J. Hobson:  In the policy Part (b), there seems to be a silence on the time lag between the Core Strategy and the Sites & Policies document and this policy void has the potential to create problems with housing supply.

S. Vincent:  In response to what is the Market Area, there has always been a strong connection between Rotherham and Sheffield as a core area of the housing market area. There are other areas with connections but they are not as strong. The results of the recent SHMA by Sheffield University are that Sheffield’s market area is more constrained than was apparent previously. There is work taking place at City Region level, looking at the projected 70,000 jobs and the relevant impact on the housing market. That doesn’t necessarily mean that the housing has to be in the same districts as the employment. We are confident that the methodology for the SHMA for Rotherham, done on exactly the same basis as the Sheffield SHMA will produce a realistic outcome and this can be completed by December 2014.

Inspector:  Do you wish to say anything about the political will to achieve this?

S. Vincent:  I think there is very strong commitment from the politicians to support the Growth Plan and encourage development throughout the City Region.

N. Ward:  I agree with what Sheffield have said about this being a SHMA that
covers both Rotherham and Sheffield and looks at the employment need and housing requirements for both areas. I disagree with what Mr, Bolton said as the SHMA will cover both Sheffield and Rotherham. In relation to the comments about the 5 year supply, our intention is to present a Sites & Policies Document which shows that we have a 5 year supply.

The comments about Paragraph 49 of the NPPF, which itself refers to Paragraph 47, is in relation to the presumption in favour of sustainable development before a plan is in place.

**R. Shepherd:** With reference to comments made about compliance with the NPPF, we have policy CS33 about the presumption in favour of sustainable development already in the plan. We have tried to avoid repetition of the NPPF as this is not required in Local Plans, as the NPPF stands on its own merits. We have suggested minor amendments to MM1 which are set out in our response to the Inspector. This would amalgamate two criteria to show that we are producing a SHMA for the entire housing market area. For clarification, we are not proposing to produce a SHMA for Rotherham and then another joint SHMA for Sheffield and Rotherham.

**A. Duncan:** To try and give some re-assurance here, I can confirm that the Council Members have approved funding for the work to be completed by Sheffield University. The University has agreed a project plan that will deliver the headlines of their findings at the beginning of December 2014.

**R. Bolton:** Can we have assurance that the work of Sheffield University will include the employment requirements of other authorities and in particular, Doncaster’s requirement for 14,000 additional jobs, meaning that at least 6,000 houses need to be provided in Rotherham.

**N. Ward:** In response, the new SHMA will take into account requirements for employment and other inter-related matters.

**Inspector:** Looking at Barnsley’s representation on the MM1 Appendix, part 2 of point (d). They state they cannot agree that it would be legal or enforceable for Rotherham to produce a SHMA that required other authorities to supply additional housing for Rotherham’s needs. They do not think it is correct that Rotherham Councillors can approve a SHMA to decide on the housing requirements of neighbouring authorities.

**R. Shepherd:** The policy as worded in MM1 Appendix, does suggest that Rotherham can set requirements for other authorities, so we agree with the comments made by Barnsley.

**Inspector:** In Signet Planning’s response to MM1, they mention the setting of a
timeframe for the SHMA but I think we have dealt with that by introducing the date of December 2014.

Signet are also requesting the insertion of the words “within or on the edge of” should be included for the same tier and lower tier settlements. Would you be happy by substituting the word “at” instead of “within or on the edge of”?

J. Hobson: if that was consistently applied throughout, then yes, we would.

2. MM2 Overall Strategy, including housing numbers and Bassingthorpe Farm (if to proceed, should it be by way of broad location or strategic allocation?)

Inspector: With reference to the table on page 16, according to my mathematics that adds up to a total of 17,140, which includes the backlog with the Regional Strategy figures added in.

R. Shepherd: Yes, essentially, we have updated the table with the figures suggested by the Inspector, rounded up from 17,133 to 17,140, and included Bassingthorpe Farm as a strategic allocation. We have made a couple of amendments to Waverley, which were required in view of other Main Modifications.

There is a response which comments that the Bassingthorpe Farm figures have been increased. In answer to that, the Bassingthorpe Farm numbers have not been increased.

Ibstock Brick’s response talks about the additional need for employment land and increased targets. We disagree with their response and consider that the plan is clear regarding the employment land requirement.

We agree with the response of Victrex that their name need not be included in the wording on Bassingthorpe Farm.

Inspector: Therefore I suggest the wording should end after the word “contamination” and the remainder struck out.

H. Sleigh: We agree that would improve the wording.

R. Shepherd: The Council has undertaken a Strategic Green Belt Review that has included the Bassingthorpe Farm area. Also Mr. Hobson’s submission has indicated that there is other evidence in support of this.

Inspector: You said that the expectation from Bassingthorpe Farm has not increased but the Rotherham Urban Area and Bassingthorpe figure appears to have increased from 5,450 to 7,000.
**R. Shepherd:** That is the figure for the whole Rotherham Urban Area and shows the uplift in figures from other sites in the Urban Area, but the Bassingthorpe figure has not increased.

**J. Hobson:** We are strongly supportive of the new wording which we think provides clarity and the inclusion of the strategic allocation for Bassingthorpe. We think it adds value to the Plan and allows for the project to proceed to delivery, with a planning application in due course. One problem is regarding the map which we think it may be too precise about the requirements for the planning application at this stage. We have considered the benefits and constraints in the concept framework and believe that the mitigations we are putting in place will be acceptable. We are therefore willing to work with the Council on a new form of words for this part of the Main Modification.

**Inspector:** I would like to leave the Hearing with all agreed wording already in place and not have to wait any longer for further discussions between the parties.

**J. Hodson:** We have got a new number for housing, but the Council hasn’t changed the distribution, other than increasing the amounts at a flat rate for each settlement. They haven’t taken the opportunity to allow for sites which may be more deliverable in certain areas and instead have just increased the numbers by the same percentage in each settlement, or settlement group. Wouldn’t it also be more flexible to put the figures as a range, rather than a precise figure?

**Inspector:** The table does say at the top that these are the “approximate” number of dwellings. Will it be better if we put the words “Indicative Housing Provision” at the top of the table? This will confirm they are only indicative and not set in stone. And also “Indicative Employment and Retail Provision”; would the Council agree to that?

**R. Shepherd:** That is the intention of the figures involved so yes we would agree.

**R. Bolton:** I welcome the point clarifying the Indicative Housing Provision. I do have some concern about the ability to deliver the housing figures in the Rotherham Urban Area. If unable to get the delivery in the Urban Area you should be able to go to the main settlements in the hierarchy to make up any shortfall. But the Core Strategy states you could only look at settlements in the same tier or above. There is no settlement in the same category, or a higher category than the Main Urban Area, so it gives the impression you cannot look anywhere else if there is a shortfall in the Main Urban Area. Perhaps this could be worded differently to allow movement down the hierarchy.

**R. Shepherd:** In response to that, if you read on in the Core Strategy wording, it does state that having considered the same and higher categories of settlement,
then you can move to lower settlement categories.

**Inspector:** Can I suggest we include the wording “At lower tier settlements”?

**H. Lufton:** I am speaking on behalf to the Save our Green Belt group. Bassingthorpe Farm has now been made a Strategic Allocation instead of a Broad Location for Growth, effectively bringing it forward in the Plan period by about five years. There would appear to be no justification for this and I can only assume that it is due to the housing supply figures not being at the right levels. This is a major change to the Local Plan and should have been fully consulted upon. I assumed that when the Hearing opened the Inspector would say at the beginning there would not be any discussions about sites, including Bassingthorpe Farm. Whilst I respect that position, I cannot accept that such a major change as making a Strategic Allocation of Bassingthorpe Farm can be put through at this stage. Page 21 introduces a new map of Bassingthorpe Farm which has not been included before. Earlier maps just showed blobs of areas with no definitive markings. This new map shows housing numbers and is done on an OS background, showing all the suggested allocations. I do not accept that this is necessary as the public has not been given an opportunity to be consulted on this. It is not a good thing for planning and it is not a good thing for the residents of Rotherham.

**Inspector:** Mr Lufton, for clarification the Main Modification states that “IF Bassingthorpe Farm goes ahead, should it be as a Broad Location for Growth, or, a Strategic Allocation”. We spent a considerable amount of time looking at and debating Bassingthorpe Farm at the previous Hearings and I don’t think we should continue debating the issue at length again. We looked at the constraints, opportunities and possible mitigation issues and spent almost a full day on an accompanied site visit looking around the site. I remember distinctly when we had finished debating last time, I asked around the room if there were any other matters to be discussed on Bassingthorpe Farm and the silence was deafening.

**H. Lufton:** When we look at areas of green space, the Council describes Bassingthorpe Farm as a “wide gap” and seems to be applying more importance to small gaps than to wide gaps. It seems to me that if they wish for development of this area, surely they should look at development of a section of the site, rather than taking the whole area out of the Green Belt.

**Inspector:** Again, the Main Modification asks the question “If Bassingthorpe Farm goes ahead, should it be as a Broad Location for Growth, or, a Strategic Allocation. Could you let me have your view on that question?

**H. Lufton:** Our view is that it should go ahead as a Broad Location for Growth.

**Inspector:** Thank you. I now have your comments on that matter and if it is to go ahead you would wish it to be a Broad Location for Growth.
**V. Betts:** We can’t find that the new housing targets have been based on need, as we believe it should be. We think the housing targets should be reduced now, as windfalls can now be included in the targets, where we understand there was some doubt about this before.

**J. Hobson:** In response to Mr Lufton’s comments, Bassingthorpe Farm has been subject to major consultation with the public and the democratic process. The whole process has now been short-listed for an RTPI award on the basis of the decision making process it has been through.

**J. Hodson:** With relation to the comments on windfalls, I understand the Planning Guidance indicates that you can include windfalls in your calculations for your 5 year supply, but not in your Local Plan making calculations. I believe it’s for developments under ten units. Although I’m not sure which paragraph of the Guidance it is.

**Inspector:** Thank you. Could you please get back to the Programme Officer with the paragraph number of the Planning Guidance.

**R. Bolton:** In the table about employment and housing figures are we talking about the actual allocations or are we saying that the figure can be amended or discounted to take account of things such as windfalls etc. I think this needs more clarity.

**C. Harron:** As requested, we have produced a note to discuss here with you as we have not reached agreement with the Council about employment and retail areas at Waverley. These are in the table on page 16 of the Main Modifications, and on page 20. We have tried to agree a figure for employment land at Waverley with the Council, but we have failed to agree and as requested have put forward this note of our suggestions. We are looking for more flexibility as the land owner has more knowledge of what is likely to come forward and be deliverable. (Then discussed the figures in the note with the Inspector).

**Inspector:** I will have to give the Council the opportunity to comment on this.

**R. Shepherd:** Firstly can I point out that this isn’t a Main Modification. We talked previously about achieving a Statement of Common Ground but we didn’t receive anything from Harworth Estates until Christmas Eve 2013 and the Inspector’s preliminary findings were issued on January 6th 2014. So we were given little time to consider this. There is a document in the Examination Library, ED69, which sets out the Council’s position on this. We do accept these figures may change and we have said they are indicative and will depend on planning applications coming forward.
**Inspector:** I will take on board all the comments made and consider whether any further modification is required.

**C. Harron:** Can I just add that we discussed this at the previous Hearings as a matter for a statement of common ground but we haven’t had any correspondence from the Council since then. We don’t think the figures as they stand are deliverable. We are looking for more flexibility and perhaps the figures would be better shown as ranges, rather than distinct numbers.

**R. Shepherd:** We had set out our position in the document ED69, so the Council felt that the onus was on Harworth Estates to respond to this, which they didn’t do until just before Christmas 2013, as mentioned before. We do not think there is a need to amend the Core Strategy as there is sufficient flexibility already in the Plan.

**Inspector:** I will take on board all the comments made and give them full consideration so that I can decide whether any comments need to be made in my report.

The Inspector then made a note of the position on the figures.

**A. Tickle:** We would like to give strong support for the comments made by Mr Lufton and point out the difficulties of the local community to engage with the planning process. We feel that it should stay as a Broad Location for Growth, rather than being added at this late stage as a Strategic Allocation. We question whether it is effective and whether is can achieve the speed of delivery required. Our main concern is the bypass of full consultation by making it a Strategic Allocation at this late stage.

**H. Lufton:** Mr. Hobson, representing the landowner, supports the Strategic Allocation, because it allows them to move ahead with more certainty. However, the land will remain in the same place and can be developed at any time in the future. For example if there is more housing needed in thirty years time, it would still be there and could be developed then, so there is no need for it to be a Strategic Allocation.

**H. Sleigh:** The settlement hierarchy was produced for the Core Strategy following the details in the Regional Strategy which said that Dinnington was a Principal Town. Mr Betts said earlier that the housing figures for Dinnington were not based on need. We have distributed the additional housing figures as a flat rate across the settlement hierarchy. From the last Hearings in October and November 2013, it was proposed that Bassingthorpe Farm become a Strategic Allocation. Bassingthorpe Farm has always previously been promoted and assessed as a Broad Location for Growth and extensive consultation has been undertaken on many occasions and we came into the Examination in Public Hearings with Bassingthorpe
as a Broad Location for Growth. An IIA has been undertaken and extensive work has been carried out in preparation of many supporting documents. We have done extensive consultation and feedback reports that are in the public domain. This site is essential to the housing in Rotherham and we intend to take it forward as soon as possible if it is agreed as a Strategic Location.

**V.Betts:** Regarding the housing figures, I did not mention Dinnington when I said about the new housing figures not being based on need.

**Inspector:** That’s right, you didn’t.

**H.Sleigh:** My apologies.

**H.Lufton:** I found a number of references to the Green Belt Review in the documents but haven’t been able to find the document anywhere.

**H.Sleigh:** A Strategic Green Belt Review has been undertaken and is available for public viewing. A further more detailed Green Belt Review is being carried out on Bassingthorpe Farm on behalf of Mr Hobson using the same methodology.

**H.Lufton:** I have not been able to find the map recently produced on O.S. base map, in any previous documents published.

**H.Sleigh:** All documents and maps produced have been publicly available during the consultation period of the Main Modifications.

**Inspector:** So the outcome is that it has been publicly available for some time.

**Mr. Jones:** (Not on list of attendees, but allowed to speak as had done so at previous Hearings.) The public consultation which took place was not considered by the public to be a consultation, but more of a done deal. I’m pleased to see the wording in the Main Modifications now says “IF” Bassingthorpe Farm is to proceed, whereas before it has always been seen as a certainty.

### 3. MM3 The housing requirement including the extent of the backlog and the provision for it (first 5 years or throughout the plan period?)

**N. Ward:** While it is accepted that it is generally desirable to address any backlog in the first five years, in this case it is not possible, nor desirable due to the size of that backlog compared to that of the overall requirement.

The National Planning Guidance is not policy; it is guidance only. It does anticipate that it will not always be possible to address all of the backlog in the first five years. How the issue of backlog is addressed must always be a judgement and fact sensitive.
This is the problem of the size of the backlog compared to the size of the overall requirement coupled with the fact that any new contributions to the five year supply will have to come from new allocations with the associated lead in times.

While the existing five year supply includes a good proportion of sites already in the pipeline, e.g. existing permissions, any additional sites contributing to the five years, over and above those already identified, would have to come from newly allocated sites with their associated lead-in times.

Dealing with the backlog over five years results in an increase in the five year requirement of 3,850 compared to the figures shown in the Housing & Economic Growth Background Paper (KSD07). All of this will need to be dealt with by newly allocated sites.

The SHLAA data shows that there are simply not enough sites that are potentially deliverable (assuming that they were removed from the Green Belt) i.e. the available evidence does not support this approach. I would therefore suggest that a plan which included this approach would not be sound as there would be no robust evidence supporting it.

**Inspector:** Can I go back to the original Policy CS6, Meeting the Housing Requirement. You say that sufficient land will be allocated in the Sites & Policies DPD, to meet Rotherham’s requirements of 850 net additional dwellings per annum, or 12,750, for the period 2013 to 2028, plus any shortfall in the delivery of that target. Can I ask for clarification

**A. Duncan:** The Council’s view is that if we accept the basis of the 850 per year target and backlog against the RSS target from 2004 to 2008, then the backlog against 850 per year from 2008 to 2013, you get to the figure of 15,600.

**Inspector:** In the Council’s submission, we are looking at four different scenarios. (The different scenarios were discussed by the Inspector and N.Ward, but we have these in writing.)

**N. Ward:** Yes sir. There are four different scenarios showing the backlog being dealt with over 5 years and then over the plan period of 15 years. However, I still don’t believe it is realistic to address the backlog within 5 years and there is a danger we would just be setting ourselves up to fail.

**Inspector:** I think it was Barnsley who said that looking at the average completions over the last few years, the figure is only 450. Rotherham Council are saying it’s a challenge to get from that figure to 850, but it’s even more of a challenge to get it even further up. Looking at the figures, if we divide 15,600 by the plan period this would equal 1,040 per annum in each of the 15 years.
R. Bolton: I believe the plan is not appropriately prepared or based on the relevant issues. Our support for the plan was based on the view that it could be made sound with amendments and an early review. I refer to a recent court case where it was found that you couldn’t rely on the RSS figures from 2006. I suggested a paragraph to be included on page 4 of my submission to the Inspector. Meeting the backlog over the plan period may be more achievable that addressing it over 5 years. But Barnsley, for example, are recording 1,000 completions per year and I would suggest that we are in the same market as Barnsley.

M. Good: We broadly support the figures in the Main Modifications and would have an issue if the figure came down. We would support addressing the backlog over 5 years. I think to let the Council off for mistakes made in the past would be very concerning, so the backlog should be addressed within 5 years.

V. Betts: With regard to the backlog, I believe that if the Council can show the backlog is not needed to be made up, due to there being no need for the housing, then the Council does not need to address the backlog.

J. Hodson: We support the figures in the Main Modification and do not wish to dilute the figures.

H. Lufton: This is talking about the difference between a real backlog and a notional backlog. The notional backlog we have here is not a true backlog as people will find another option such as migrating to another district.

S. Hawley: We support dealing with the backlog in 5 years.

J. Hobson: We support the figure of 17,133 figure and want the backlog to be dealt with in 5 years.

R. Bolton: Support the 17,000 figure as the right level, based on the fact that we can’t rely on the RSS figures as they are out of date and those figures would need to be examined again to find the current up to date evidence which could be relied upon for future projections of housing requirements.

C. Harron: I feel the backlog should be addressed in 5 years.

A. Tickle: Support the Council in trying to address the backlog over a longer period. This would be more realistic and achievable, without the additional impacts on heritage and the environment.

S. Vincent: We are comfortable with either 17,000 or 15,000. Although if the lower target is taken forward we would want sufficient safeguarded land to be identified to meet the higher target if required. We agree that the backlog should
be dealt with over a longer and more realistic period. Anything more, we think, would be destined to fail.

**A. Duncan:**  As I understand it, the headline 850 Core Strategy target is not subject to a Main Modification. If you find the 850 target acceptable, then we see it as logical to follow the suggested plan to address the backlog from 2008 against the 850 per year requirement which is based on 2008-based household and population data. We also point to some of the submissions made, for example, by the Highways Agency which has reservations about meeting the backlog target in 5 years and the impact this would have on infrastructure. Likewise the comments in the IIA about the effects of the increase in housing provision in the first 5 years. And Barnsley’s comments which are supportive of our position.

**R. Bolton:** The Council are suggesting the RSS was wrong, but the RSS requirement was for a higher level of provision to accommodate some of the housing requirement for Sheffield. I am just concerned that we are so close to the plan being found unsound.

**A. Duncan:** In fact, the figures for Rotherham were actually reduced in the following years. We believe that to introduce a figure of about 2,000 a year would simply be setting us up to fail, as it would be unachievable. And if we failed to achieve the target it would put us in a Plan Review process which would lead to further delays in the allocation of sites. The Council has a Final Draft Sites & Policies Document ready to go to consultation in the summer. The Council is clearly committed to getting a plan in place as soon as we can. All the detailed arguments about the figures are in our submission.

**V. Betts:** Sheffield’s overspill was quoted by Mr Bolton as a reason to increase the housing figures for Rotherham. But we no longer need to take Sheffield’s overspill. In fact, we are closer to the backlog figure moving back to zero.

Adjourned for lunch.

4. **MM4 Policy CS3: Site sustainability criteria including phasing and the status of previously-developed (brownfield) land**

**Inspector:** I have suggested something we might include against criterion (e): "Quality of design and its respect for heritage assets and the open countryside including Areas of High Landscape Value". Is everybody happy with that. (Yes). Right then.

There’s another point made about flooding. I thought an extra criterion (k) which might read. “Ability to avoid or suitably reduce the risk of flooding”.

**A. Duncan:** We’ll see what effect that would have.
**Inspector:** In view of all the differing opinions about phasing, I just wondered if a compromise might be provided. Purely a suggestion for discussion. "(a) Status as previously developed (brownfield land)" then if we could add to that "and the desirability, in principle, of re-using it in preference to greenfield land". Anyway, I put those forward for discussion.

Would the Council now like to give their response and the response to any comments made on MM4?

**R. Shepherd:** We set out in our response that the phasing policy should be maintained and is not at odds with the NPPF. We support the use of brownfield land as initially proposed. We’re aware of the local communities’ wishes to use brownfield land first. We note the submission from the Environment Agency relating to flooding, with which we have no problem. There was a suggestion about including reference to sustainable development, but we feel we already have reference to that in the Core Strategy.

**Inspector:** Comments were made on this by Mr Good at the previous Hearing Sessions. Can you point me to where in the NPPF it states that phasing is acceptable?

**R. Shepherd:** I don’t think you will find a direct reference to “phasing” but there are many other parts which talk about the effective use of land and encouraging the re-use of previously developed land. Can I say that we are looking for a plan that is robust and clear. We were clear about our policy on phasing and have seen other examples where phasing has been acceptable to some Inspectors.

**Inspector:** Hypothetically, if we have a greenfield site versus a brownfield site and they were both very similar but no-one wanted to develop the brownfield site, would it be acceptable to stop the development of the greenfield site?

**R. Shepherd:** Our intention was not to stop the development of all greenfield sites. Each case would have to be dealt with on its merits. We aren’t suggesting a policy which would bring forward all brownfield sites ahead of greenfield sites and each case would be viewed as its circumstances determined.

**Inspector:** (The Inspector then wrote and read out a change of wording to be considered by those attending).

There followed a discussion about the availability of the Council’s comments on the Main Modifications, during which some people said they were unaware of the process where the Council was making representations by responding to the Inspector on the Main Modifications.
**A. Duncan:** The Council made clear that the Main Modifications were drafted on behalf of the Inspector and the Council responded to the Main Modifications and then made these publicly available.

**R. Bolton:** I’m unclear as to how the policy is going to work. It appears the Council is saying don’t put the housing figures up, because they are not achievable, but we still want the ability to stop sites coming forward.

**M. Good:** We couldn’t find anything about phasing policy in the NPPF, as there is nothing in there about it. A phasing policy would surely stop deliverable sites coming forward if they are sustainable. A phasing policy would be against the Government’s requirement to increase the supply of housing.

**R. Bolton:** There shouldn’t be a phasing policy because surely the Council wouldn’t stop the delivery of sustainable sites because there were other brownfield sites available.

**Inspector:** Mr. Bolton, are you happy with the original Main Modification?

**R. Bolton:** Yes.

**J. Hodson:** I support the Main Modification as it stands. I think for the Council to hold back sites which are sustainable, in favour of other sites which may not be, would be at odds with national policy. I don’t agree that any phasing policy should be adopted.

**H. Lufton:** Is the idea to totally replicate the NPPF according to the developers? Or, shouldn’t we make this plan for Rotherham’s local needs and requirements?

**V. Betts:** The NPPF does state the purpose of the Green Belt is to encourage development on previously used land.

**A. Tickle:** The NPPF does talk about phasing in Paragraph 47 where it talks about 5 years housing supply and then years 6 to 10 and if possible, years 11 to 15, which seems to be a phased approach, and we strongly support the Council’s view on this. In regard to your suggested change modification of point (a), we support that.

**M. Good:** Just a point of clarification. I didn’t say that brownfield sites are bad, just that those brownfield sites should be able to deliver in accordance with the national framework. We keep referring to the NPPF because it is one of the tests of soundness. That your plan must be consistent with the NPPF.
Inspector: One thing I do notice, is that it talks about “Due weight will be accorded to each one, i.e. criteria, in the particular circumstances of each case”. It’s not beyond the bounds of possibility that we have a brownfield site and because of the particular circumstances, a lot of weight should be given to that status. And the same thing could be said of proximity to public transport. It’s a case of according the right amount of weight to each criteria depending on the particular circumstances. In effect, it is what Planning is all about.

J. Hodson: The development of brownfield sites is not seen as a bad thing at all. In fact it is a good thing. The point is that it’s not the be all and end all of sustainable development. The greatest need seems to be to build homes that people can live in. But I can’t understand why the Council, with massive under delivery, would want to use a policy which would prevent the delivery of sites.

R. Bolton: Previous Council cases show that other Councils had a SHLAA (Strategic Housing Land Availability Assessment) in place when their phasing policies were accepted. This is not the case in Rotherham. I’d like more clarity on how the policy would work, so we can come to a form of words that would be acceptable.

N. Ward: Mr. Bolton talked about phasing being used to stop development on greenfield sites but this would not be a moratorium on development, which we all have previous experience of. Phasing would not only be about brownfield sites, it could also be about things like infrastructure which was not ready. What the Council is seeking is the ability to phase sites if that is appropriate and necessary. Each site would have to be dealt with on its own merits, taking into account its sustainability. This would have to be dealt with in the Sites & Policies Document.

H. Sleigh: Paragraph 5.2.12 gives the details of the sustainability appraisal and Green Belt Review that was undertaken to explain the exceptional circumstances. Also, the criteria in the policy should not include Areas of High Landscape Value, as there are areas where we may use sites that are in or on the edge of Areas of High Landscape Value. So the boundaries of some of the Green Belt and Areas of High Landscape Value will have to be amended following detailed examination of the landscapes. We accept the comments of English Heritage on this Main Modification, to include reference to historic environment, heritage assets and the open countryside.

Inspector: So you’re saying that additional wording shouldn’t be included.

H. Sleigh: Yes, that the additional wording shouldn’t be included but that we do accept English Heritages suggestion on the change of wording in their response to the Main Modification.
5. MM5 Policy CS30: Low Carbon & Renewable Energy Generation and supporting text

M. Good: The Government spokesman, Steven Williams, says energy will be dealt with through building regulations and not planning. The Government is clearly intent on pushing through this legislation, making the policy much less applicable.

V. Betts: Certain sites are well away from main transport routes and so would contribute to carbon emissions and pollution.

D. Edwards: The Council does not agree with the objection made by the HBF. The support from others for this Modification is noted.

The Council considers that the Main Modification to Policy CS30 acknowledges the leading role of building regulations in setting national standards for reducing reliance on carbon for energy.

The Council has specifically amended Policy CS30 taking into account the Housing Standards Review, indeed in advance of the Government’s recent response to this Review.

The purpose of the revised wording to Part 1 of Policy CS30 is to promote good planning by striking an appropriate balance between minimising energy requirements and maximising energy efficiency alongside the national standards to be set via Building Regulations.

The Policy is not advocating local standards that would contradict or add to a Building Regulations approach. It does refer to developments being required to meet carbon compliance targets as defined in Building Regulations as a minimum. However, the wording allows opportunity to encourage (but not require in local standards) the use of renewable, low carbon and decentralised energy adopting the long and widely held principles of the energy hierarchy of energy minimisation > energy efficiency > low carbon and renewable energy production.

This would actively minimise burdens on new developments by pushing consideration of energy down the hierarchy, and thus minimising costs, by considering ways to minimise energy use before seeking increased energy efficiency before seeking new low carbon and renewable energy production.

Any measures to achieve greater energy planning would take account of need and viability but in advance of full clarification of the Government’s approach it is considered particularly appropriate to retain Part 1 as proposed and evaluate any further translation via the Sites and Policies document.
At the previous hearings, Mr Good, on behalf of the HBF, did suggest Part 1 be amended to read the “Council will encourage developments to reduce carbon dioxide emissions”. This has been considered but it remains the Council’s view that specific reference to the energy hierarchy and the encouragement that will be given to renewable, low carbon and decentralised energy, will lead to the submission of more effective planning applications.

**Inspector:** That concludes our discussions on MM5 as no-one has anything to add.

6. **MM6 Housing trajectories**

**It was agreed this item would be dealt with later on, after MM8.**

7. **MM7 Bassingthorpe Farm – broad location or strategic allocation? Similar to item 2 above**

8. **MM8 as MM7**

Both MM7 and MM8 dealt with together.

**Inspector:** On MM8, I think this was your point Mr Hobson. I have looked at this again and wonder whether the wording is too prescriptive and I suggest a redraft of the wording by adding at the end of the last sentence in the second paragraph of MM8 – “to a limited extent”.

**J. Hobson:** Yes, I would agree with that.

**A. Duncan:** Yes, that would be acceptable.

**H. Lufton:** I just wanted to clarify a point I made this morning about Bassingthorpe Farm being available in 25 to 30 years. I did not intend that to be a flippant remark about the need for housing although housing needs will change over the years. I’m suggesting there are alternatives to Bassingthorpe Farm and to take such a large piece of land out of the Green Belt would not be the right thing to do. The Concept Framework is ongoing and evidence is being developed in line with the Concept Framework. But does this evidence mean that the scheme should go ahead as noted at page 14 of the Concept Framework. I don’t think the evidence is robust enough and just because a large amount of evidence has been produced, doesn’t mean the scheme should go ahead.

**V. Betts:** The consultation document states that Dinnington East will be removed from the Green Belt and accommodate 3,000 plus houses. How can this happen before the Sites & Policies Document is consulted upon? This was shown in the 2011 map.
A. Duncan: MM7 refers to two Broad Locations for Growth. The Modification stated there will be one Broad Location for Growth, i.e. Dinnington East, as Bassingthorpe Farm has been made into a Strategic Allocation. The 2011 map showed all the sites in Dinnington East which were suggested at that time. Since then, after further consultation, the sites have been refined down, and were consulted on again, showing a lower number of sites.

V. Betts: But the Strategy states that Dinnington East will be removed from the Green Belt.

Colleague of V. Betts: Can you just give me a straight yes or no answer. Does the document say that Dinnington East will be removed from the Green Belt?

R. Shepherd: It says that Dinnington East will be removed from the Green Belt as defined in the Sites & Policies Document.

Colleague of V. Betts: So you’ve just contradicted what was said in the paper.

MM6 Housing trajectories

N. Ward: There are two trajectories in the Main Modifications, both at with the 17,133 target, either dealing with housing backlog in 5 years, on page 29, or in 15 years, on page 31. Both take into account the 20% buffer, brought forward. Page 2 of the Council’s response to this modification looks at the 15,600 backlog over 15 years, with the 20% buffer included in the first 5 years. The table on page 3 can be deleted as it contains some errors in the figures.

Ms. Hodson made a suggestion that as time has moved on now, then the table should be moved forward. I am not sure if this would be appropriate as the table covers the plan period.

The Inspector then led a discussion about the figures and clarified what the trajectories represented in terms of inclusion of backlogs and buffers.

J. Hodson: As we are now two years into the period I think what has happened in those two years should be reflected in the future trajectory. As the adoption of the Core Strategy will be two years on from these trajectories, I think they should be moved forward.

N. Ward: The details of what has happened so far will be shown in our Annual Monitoring Reports, but I don’t think there is a need to change the details in the Core Strategy.

R. Bolton: I have no problems with the information provided. The trajectory and
the lines will change as the plan progresses.

**Inspector:** Does anybody wish to comment on Barnsley’s response?

No-one wished to comment.

9. **MM9 Policy CS7: Housing Mix and Affordability**

10. **MM10 Policy CS7: Explanation**

(MM9 and MM10 were addressed together)

**L. Hunt:** We took advice and looked at working up more clarity on the contributions for affordable housing. Self-build will be exempt from this. The process of negotiation on affordable housing is still included on the grounds of viability.

**Inspector:** Can I point out the letter from Mr Shepherd which refers to ED47, giving further information on affordable housing.

**R. Bolton:** The amount of £10,000 seems arbitrary, but this may have been clarified now. On Residual Land Values (RLV), RICS guidance talks about there being a general uplift in value for the owner and developer.

**J. Hodson:** The Government’s direction on affordable housing looks at whether there is a disproportionate burden on small sites.

**L. Hunt:** In Rotherham it is more likely that the burden is on larger developments, so this was taken into account when the figures were set for Rotherham. The Residual Land Values in Rotherham have been based on developers reporting land values and then benchmarking these against appropriate comparisons.

**Inspector:** How will the last bullet point on page 34 be extended?

**L. Hunt:** We suggest something like: “Residual Land Values will be benchmarked against other land transactions within the locality, or other agreed areas, to give an agreed benchmark per hectare”.

**J. Hodson:** If there is not enough money to go round, then the development may fail. I think we need another bullet point for the other costs like Section 106 and CIL.

**A. Duncan:** The Council could live with a fairly general wording about: “Other known development costs”.

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Inspector: I will have a look at this and try to reach an appropriate form of wording.

H. Lufton: Where is the certainty in Bassingthorpe Farm about the affordable housing?

J. Hobson: Detailed viability scenarios have already been drafted by DTZ consultants and are available for viewing on the website.

H. Sleigh: Can I just confirm that the Bassingthorpe Farm viability statement is LEB36 in the Examination Library.

11. MM11 Policy CS8: Explanation

Inspector: Is everybody happy with this?

Yes

12. MM12 Update of Map 5

R. Shepherd: Our suggested changes are in accordance with the revised housing figures we have put forward in our response to other main modifications.

C. Harron: If the Waverley employment hectares are changed, then this need to be changed on the map as well.

13. MM13 Waverley: Local Service Centre or District Centre

R. Shepherd: We don’t believe that Waverley should be a District Centre as this is not justified by robust evidence; its services are spread out and do not come together to warrant a single District Centre.

C. Harron: We have made representations on this matter which are submitted for consideration. The uses on the site will change over time and the owners would like the flexibility to be able to support planning applications for mixed uses.

14. MM14 Policy CS9 particularly the re-location of uses ill-suited to their surroundings

Inspector: The Council supports this Main Modification?

R. Shepherd: We accept this.
15. **MM15 Policy CS23 particularly the encouragement of suitable new uses for vacant, under-used and derelict and historic buildings**

**Inspector:** The Council also supports this Modification. There is a representation from English Heritage which says a number of buildings in the Town Centre are in disrepair. I also have a question about what is happening with the Guest and Chrimes building.

**B. Knight:** Rotherham United Football Club lease the site of Guest & Chrimes and they are currently in discussions with English Heritage about how to bring it back into use.

16. **MM16 Policy CS22: Green Space – criterion for addressing gaps in provision**

No comments were made regarding this item

17. **MM17 Policy CS26: Minerals – updating and clarification**

No comments were made regarding this item

18. **MM18 Policy CS14: Accessible Places and Managing Demand for Travel: Transport Assessments**

No comments were made regarding this item

19. **MM19 Policy CS32: Infrastructure Delivery and Developer Contributions: Infrastructure Delivery Group and Infrastructure Delivery Forum**

**R. Shepherd:** The Council support this Modification and with regard to the comments made in the submission.

**H. Lufton:** The MM2 policy proposal lists eight requirements for planning permission. The Council are pushing forward with this and I feel that the Council has very vague criteria which will allow planning permission to be granted.

**A. Duncan:** The Infrastructure Delivery Study looked at the Borough-wide requirements for infrastructure and this is publicly available for viewing to the public.

20. **MM20 Policy CS17: Passenger Rail Connections – Explanatory text concerning High Speed 2 rail line**

**R. Shepherd:** We take on board the comments from C. Harron on safeguarding.
The HS2 line may be finalised by the end of this year. The Council would be happy to amend the wording to remove the word “Provisional” and remove the last sentence.

**C. Harron:** That is not quite acceptable to us. The Government haven’t issued safeguarding for Phase 2 yet, but we don’t want any safeguarding yet as this may stifle development before the final decision has been made on the route.

**R. Shepherd:** The Council would be happy with an amendment which made support for HS2 more general, without safeguarding land.

### 21. Addendum to Integrated Impact Assessment: Assessment of Main Modifications

**H. Sleigh:** Natural England is not totally supportive. (Natural England’s representation and the Council’s response were then read out). The Council’s consultants, Jacobs, are proposing to send a letter to Natural England to respond to this and the Council proposes amendments to the wording to show that Habitats Regulations Assessment Scoping was carried out appropriately.

### 22. Correspondence between Inspector and Council via the Programme Officer

**Inspector:** The correspondence between myself and the Council was to have been put on the website and I hope that everyone has been able to view them, if required.

No one said they had been unable to view them.

**Inspector’s Closing Statement:**

I now declare the Hearing closed and would like to thank everyone for their patience and conduct during the Hearing.

The Inspector indicated that he intended to get the draft of his final report to the Council for fact checking by the end of June.