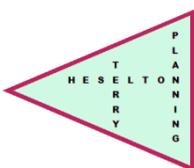


# **Draft Dinnington St John's Neighbourhood Plan (Submission Version)**

## **Report of the Independent Examination**

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**Independent Examiner**



**Terry Heselton Planning**

**27 March 2020**



## Contents

	Summary	4
1.0	Introduction	5
2.0	Scope and Purpose of the Independent Examination	6
3.0	Representations	8
4.0	Compliance with Legal Requirements	9
	a) The Qualifying Body	
	b) Plan Area	
	c) Policies for the Development and Use of Land	
	d) Time period	
	e) Excluded Development	
	f) Publicity and Consultation	
5.0	Basic Conditions	15
	a) National Planning Guidance	
	b) Sustainable Development	
	c) Local Strategic Policy	
	d) European Union Obligations	
6.0	Comments on the Plan and Its Policies	20
	a) General Comments	20
	b) The Plans Overall Approach	22
	c) Scope of the Plan/Omissions	22
	d) Introductory Chapters	24
	e) Overall Vision and Key Objectives	25
	f) Plan Policies and Supporting Text	26
	g) Monitoring and Reviewing the Plan	52
7.0	Conclusions and Formal Recommendations	53
	Declaration	54
	Appendix 1 : Background Documents	55

## **Summary**

I have examined the Dinnington St John's Neighbourhood Plan as submitted to Rotherham Metropolitan Borough Council by Dinnington St John's 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 (as amended). However a number of modifications are required to ensure that the Plan meets the 'Basic Conditions', as defined in Paragraph 8(2) of the Schedule (as amended).

Subject to making the modifications set out in my report I recommend that the Dinnington St John's Neighbourhood Plan proceeds to referendum, and that the voting area corresponds with the Dinnington St John's Neighbourhood Area as designated by Rotherham Metropolitan Borough Council on 11 July 2016.

## 1.0 Introduction

- 1.1 I have been appointed by Rotherham Metropolitan Borough Council (Rotherham MBC), with the consent of Dinnington St John's Town Council (Dinnington TC), to examine the Dinnington St John's Neighbourhood Development Plan and report my findings as an Independent Examiner.
- 1.2 The Dinnington St John's Neighbourhood Plan (referred to as 'the Neighbourhood Plan' or 'the Plan') has been produced by Dinnington TC under the provisions of the Localism Act 2011, which introduced the means for local communities to produce planning policies for their local areas. Dinnington TC is a qualifying body for leading the preparation of a neighbourhood plan<sup>1</sup>.
- 1.3 The Plan covers the entire parished area of Dinnington St John's in the southern part of Rotherham MBC, within the South Yorkshire Green Belt.
- 1.4 The former mining town of Dinnington is the principal settlement in the Parish, which also includes the small satellite hamlet of St John's. Dinnington has expanded to absorb the adjacent settlement of Throapham and is immediately adjacent to the settlement of North Anston in a neighbouring Parish. The continuous built up area of Dinnington, Throapham and North Anston is inset within the Green Belt.
- 1.5 Dinnington is located 4 miles to the east of Junction 31 of the M1 motorway and is 12 miles from Rotherham to the north and 15 miles from Sheffield to the west. It contains a mixture of older housing and modern estate/apartment developments. As well as being a significant employment centre the town provides a range of shopping and other services and facilities serving a wider catchment.
- 1.6 The Plan focuses on protecting and enhancing the local environment, maintaining the vitality and viability of the town centre, managing proposals for new residential development and encouraging the provision of new health, education, leisure and community facilities in a way that is beneficial to the local community.
- 1.7 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 Rotherham MBC. The Plan would then be used to determine planning applications and guide planning decisions in the Dinnington St John's Neighbourhood Area.

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<sup>1</sup> Section 38C of the Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and County Planning Act 1990.

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## 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 five 'Basic Conditions'<sup>2</sup>, 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 A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to 'make' the plan,
  - the making of the plan contributes to the achievement of sustainable development,
  - it is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area), and
  - the making of the plan does not breach, and is otherwise compatible with EU obligations (which remain in force until replaced by UK legislation after the end of the Brexit transition period), and
  - it does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 2.3 In addition to reviewing the Draft Neighbourhood Plan and the supporting documents submitted at Regulation 16 stage I have as part of the examination considered a number of evidence and background documents which are listed in Appendix 1. I have also taken into account representations submitted in response to the Regulation 16 Publicity, including comments submitted by Rotherham MBC, and following my invitation to Dinnington TC to comment on the Regulation 16 representations some additional comments from the Town Council. (All submitted representations, including the Town Council's additional comments, are available to view on Rotherham MBC's web site).
- 2.4 During the course of the examination I have sought written clarification on a number of factual matters from Rotherham MBC and the Town Council, including evidence to establish whether a number of Regulatory and other requirements have been satisfied.
- 2.5 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.
- 2.6 In reviewing the Neighbourhood Plan and the accompanying background documents and submitted representations, I have not identified any issues which require a public hearing to be held. I am also of the opinion that all parties have had the opportunity to register their views and put their case forward. I have therefore undertaken the examination through

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<sup>2</sup> Set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

consideration of written representations.

- 2.7 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 <sup>3</sup>;
  - the Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development', and not to relate to more than one neighbourhood area <sup>4</sup>;
  - the Neighbourhood Plan has been prepared for an area that has been properly designated <sup>5</sup> and has been developed and submitted for examination by a qualifying body <sup>6</sup>; and
  - adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan<sup>7</sup>.
- 2.8 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 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<sup>8</sup>.
- 2.9 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.<sup>9</sup>
- 2.10 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 Dinnington St John's Neighbourhood Area, and if so what the extended area should be<sup>10</sup>.
- 2.11 I make my recommendations in this respect in the final section of this report.

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<sup>3</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004 as amended

<sup>4</sup> Section 38B (1) Planning and Compulsory Purchase Act 2004 as amended

<sup>5</sup> Section 61G Town and Country Planning Act 1990 as amended

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

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

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

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

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

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### 3.0 Representations

- 3.1 Responses were received to the Regulation 16 Publicity from or on behalf of eleven local residents and sixteen organisations, namely; the Coal Authority, Highways England, Gladman Developments Ltd, Harron Homes, Historic England, HS2 Limited, JVH Town Planning (obo various clients), LEAP Multi Academy Trust, National Grid UK, Natural England, Nottinghamshire County Council, Persimmon Homes, Rotherham MBC, Severn Trent Water, Sport England, and the Theatres Trust.
- 3.2 Comments range from expressions of general support, particularly from local residents, to those challenging the ability of the Plan to satisfy the Basic Conditions.
- 3.3 **Rotherham MBC** has provided detailed comments on a range of topics and issues to assist the examination, including suggestions to improve the clarity, consistency, and practicability of certain policies and/or the supporting text. They also raise concerns about the perceived underlying negativity in the Plan and highlight elements of duplication with national and local strategic policy and the absence of adequate justification for some policies. Specific objections are made to Policies H1 (Housing Mix), NE1 (Green Belt), NE2 (Local Green Space) and BED3 (Development Contributions).
- 3.4 **Gladman Developments Ltd** objects to the proposed designation of land at Leys Lane as Local Green Space (Policy NE2) on the grounds that it does not satisfy the national policy requirements. They also suggest that the requirement in Policy HLC1 for Rotherham MBC to consult the Dinnington TC on proposals affecting important health, leisure and community facilities is inappropriate.
- 3.5 **Harron Homes, JVH Planning, and Persimmon Homes** object to the amount of prescription in Policy H1 (Housing Mix) which is considered to conflict with national and strategic local policy. They also challenge the adequacy of the supporting evidence to justify the policy requirements - a view shared by **Rotherham MBC**.
- 3.6 **Persimmon Homes** also consider Policy BED2 (Design and Infrastructure) is overly ambitious and impractical in relation to the delivery of infrastructure.
- 3.7 **LEAP and Rotherham MBC** object to the identification of Dinnington High School playing fields as Local Green Space (Policy NE2) because the land is already safeguarded through a combination of planning and legal restrictions, while designation would restrict future investment and reconfiguration of school buildings.
- 3.8 Although **Natural England** do not have any specific comments to make on the content of the Plan they confirm their agreement with the conclusions of the SEA/HRA Screening Report and the Addendum to the report which was included in the Regulation 16 Publicity.

- 3.9 **Severn Trent Water** would like to see amendments to Policies HLC2, STC1, and BED2 to ensure that Sustainable Drainage Systems (SuDS) and water efficiency measures are incorporated in the design of development. It is also suggested that Policy STC5 (Hot Food Takeaways) should ensure that proposals for hot food takeaways include measures to prevent fat, oil and grease polluting the drainage system, and that Policy NE2 (Local Green Space) should specifically recognise flood alleviation schemes as appropriate development in areas of Local Green Space.
- 3.10 **The Theatres Trust** welcomes the protection afforded to the Lyric Theatre through its identification as an important health, leisure and community facility (Policy HLC1).
- 3.11 **Local Residents** are generally supportive of the Plans proposals, although one resident objects to further development in the town due to the potential for exacerbating existing surface water flooding problems.
- 3.12 In commenting on the Plan a number of **local residents** also identify potential measures to enhance the town centre, such as pedestrianising part of Laughton Road, providing more seating and covered areas, utilising unused land, and increasing car parking provision. Other suggestions include providing free car charging points and more facilities for younger age groups.
- 3.13 Another **resident** puts forward an additional suggestion for inclusion in the proposed list of Character Buildings and Structures of Local Heritage Interest in Policy BED1.
- 3.14 **The Coal Authority, Highways England, Historic England, HS2 Limited, National grid, Nottinghamshire County Council and Sport England** have no substantive comments to make.
- 3.15 Detailed points made on specific issues and policies in the Plan by those submitting representations are considered in Section 6.0.
- 3.16 As referred to previously I have also taken into account the general comments provided by Dinnington T C on the Regulation 16 representations following my invitation to the Town Council to comment on the representations.

#### **4.0 Compliance with Legal Requirements**

##### **(a) The Qualifying Body**

- 4.1 Dinnington TC is recognised as a relevant body for the purposes of preparing Neighbourhood Plans under sections 61F and 61G of the Town and Country Planning Act 1990.

**(b) The Plan Area**

- 4.2 The Neighbourhood Plan relates to the Neighbourhood Area that was designated by Rotherham MBC on 11 July 2016, in response to an application by Dinnington TC submitted on 17 December 2015. The Dinnington St John's Neighbourhood Area is coterminous with Dinnington St John's Parish.
- 4.3 The Neighbourhood Area application and map of the proposed Neighbourhood Area were publicised on Rotherham MBC's website and through a notice in the Worksop and Dinnington Guardian. Consultation on the application ran from 20 May to 20 June 2016 and responses could be submitted through the Council's website or by email or letter.
- 4.4 Designation of the Neighbourhood Area was publicised on the Council's web site accompanied by a map of the Neighbourhood Area.
- 4.5 I therefore confirm that the requirements for preparing a Neighbourhood Development Plan under section 61G of the Town and Country Planning Act 1990 (as amended) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012 have been complied with.
- 4.6 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.

**(c) Policies for the Development and Use of Land**

- 4.7 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).

**(d) Time Period**

- 4.8 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 2016 to 2028 and therefore satisfies this requirement.
- 4.9 While the start date of the Plan precedes the present date as there is no necessity to apply the provisions of the Plan retrospectively I do not consider this creates any practical difficulty. Similarly because the Plan does not attempt to address future development needs identified in the Rotherham Local Plan there is no necessity to align the start date of the Plan with the start date of the Local Plan.

**(e) Excluded Development**

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

**(f) Publicity and Consultation**

- 4.11 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.

- 4.12 I have considered the steps taken to engage with the local community and other stakeholders 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.

- 4.13 The stages of consultation and engagement can be summarised as :-

- Initial Public Engagement/Awareness Raising (June 2016 - September 2016)
- Information/Evidence Gathering
- Ongoing Consultation and Engagement
- Draft Plan (December 2018 - February 2019)

Initial Public Engagement/Awareness Raising

- 4.14 The first step in the preparation of the Plan was an exploratory meeting held on 11 June 2016 in the Lyric Theatre to explore the level of interest in the community for preparing a neighbourhood plan. The event was advertised by posters displayed on Town Council notice boards and by a flyer delivered to every household in the Parish. A total of 40 people attended the event.

- 4.15 Subsequent to the meeting a steering group was established to undertake the preparation of the Plan comprising a mixture of Town Councillors, local residents and representatives from the business community. A dedicated webpage was also established on the Town Council's website in September 2016 in order to keep the community informed as work on the Plan progressed.

Information/Evidence Gathering

- 4.16 As work on the Plan progressed a number of task and finish (themed) groups were established to work on different aspects of the Plan including examining available evidence and identifying opportunities and priorities.

- 4.17 The steering group also engaged with local stakeholders and potential developers, and commissioned specific studies on housing needs and

design to support policies in the Plan.

Ongoing Consultation and Engagement

- 4.18 During the preparation of the Plan regular updates were provided to the community through a variety of media, including Town Council notice boards, posters displayed in local shops and Dinnington Library/Resource Centre, the Town Council's dedicated neighbourhood plan website and social media.
- 4.19 A number of specific community consultation events were also held during November/December 2017 in order to outline progress and obtain feedback on emerging ideas, policies and objectives. These comprised a manned stall/exhibition at the Annual Resource Community Day in Dinnington Resource Centre, and two drop-in events at the Lyric Theatre.
- 4.20 In order to maximise attendance the events were publicised through a flyer delivered to all households and town centre businesses, and the timings of the drop-in events included a weekday morning and an afternoon, and a Saturday morning.
- 4.21 Over 100 people attended the events and those attending were asked to fill in a short questionnaire in order to help identify local priorities and concerns, and to gauge views on potential improvements. The key findings from the 59 responses received are summarised in the Consultation Statement accompanying the submitted Plan.

Pre-submission (Regulation 14) Consultation

- 4.22 The draft Plan was published for consultation between 14 December 2018 and 18 February 2019, and a communication about the consultation was sent (by letter or email) to all consultation bodies and other stakeholders, including local retailers, developers and landowners, community groups, and (known) owners of local character buildings and proposed areas of Local Green Space.
- 4.23 I note that the minimum 6 week deadline for submitting comments was extended by three weeks to allow for an initial technical delay (of 3 days) in uploading supporting evidence documents and to allow for the Xmas holiday during the consultation period.
- 4.24 Prior to the consultation a number of community events were held to raise awareness and encourage residents to take part, namely a manned exhibition/stall at the annual Dinnington Partnership Event at Dinnington Resource Centre and 2 drop-in events at the Town Council offices attended by over 100 people. The consultation was also publicised in the usual way through posters and notices, the Town Council's website, and social media.
- 4.25 In addition to viewing the draft Plan on the Town Council's dedicated neighbourhood plan website, digital (email) and paper copies of the Plan were available on request from the Town Clerk. Comments could also be made either by email or by post to the Town Council.
- 4.26 Evidence is provided in the Consultation Statement accompanying the

submitted Plan to demonstrate how the Plan and the opportunity to comment on it has been publicised during the preparation of the Plan.

- 4.27 Details of the various organisations and individuals, including statutory consultation bodies and other stakeholders who were specifically consulted on the draft Plan are also provided in the Consultation Statement, together with a summary of submitted comments and responses to the householder questionnaire.
- 4.28 In response to the Regulation 14 consultation a total of 30 responses were received from members of the public, local organisations and other stakeholders.

#### Conclusions

- 4.29 During the preparation of the Plan it is apparent that the Town Council has placed considerable emphasis on community consultation and liaison with interested parties, and has taken positive steps to keep the local community informed of progress. This is demonstrated by the decision to advertise meetings and events by displaying posters at prominent locations and distributing flyers to every household within the Neighbourhood Area, and also by establishing a dedicated website, and through the use of social media.
- 4.30 Delegating the preparation of the Plan to a steering group, and task and finish (themed) groups, comprising Town Councillors, local residents and representatives from the business community has also ensured that the views of a wide cross section of the community have been taken into account.
- 4.31 I also note that the Regulation 14 Consultation Draft Plan was available on request in paper format (as well as online) so that those without access to digital media have not been unduly disadvantaged.
- 4.32 Taking all the above factors into account there is enough evidence to show that the consultation process as a whole was appropriate to the size and nature of the Neighbourhood Area and that reasonable steps were taken to publicise and invite comments on the Plan. The Regulation 14 requirements for consultation and publicity, including pro-actively seeking views of relevant consultation bodies, have therefore been met and in some cases exceeded, for example by extending the time allowed for submitting comments beyond the statutory minimum six week period.
- 4.33 The Consultation Statement also addresses the requirement to summarise and explain how the various issues raised by interested parties at various stages of Plan preparation have been taken into account or rejected.

#### Regulation 16 Publicity

- 4.34 The Draft Neighbourhood Plan, as amended in response to the consultation, was subsequently submitted to Rotherham MBC on 16 September 2019 together with a number of supporting documents including 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. The submitted Plan incorporates a map identifying the area covered by the Neighbourhood Plan.

- 4.35 Rotherham MBC published details of the Plan on their website, notified interested parties and 'consultation bodies' of its receipt, and provided details as to how and by when representations could be submitted on both their website and via notices placed in local newspapers and through posters displayed on Dinnington TC notice boards. As well as the online versions hard copies of the submitted documents were also made available for inspection at Rotherham MBC's main office Riverside House in Rotherham and at Dinnington Library.
- 4.36 The formal publicity stage for submitting representations covered a six week period between Thursday 7 November 2019 and Friday 20 December 2019.
- 4.37 During the course of the examination I have been made aware of a formal complaint made to Rotherham MBC about difficulties experienced by members of the public in accessing the Council's consultation website and inputting their comments. It is further contended that because of these difficulties the response to the Regulation 16 Publicity does not represent a true reflection of what the people of Dinnington wished to say.
- 4.38 While it is a matter for Rotherham MBC to investigate complaints about the Council's procedures and processes, including the operation of its consultation website, it is part of my role to independently consider whether relevant statutory, regulatory and national planning policy requirements have been satisfied, including whether the Council's arrangements for publicising the Plan proposals and providing opportunities for interested parties to make representations on the Plan are satisfactory.
- 4.39 In this regard although the Regulations do not prescribe a particular method for receiving representations Rotherham MBC, like many Councils, direct interested parties to a dedicated consultation website, as well as enabling representations to be submitted by post or email. In view of the fact that a choice of methods was available for submitting comments, regardless of whether there may have been technical or other problems accessing the consultation website I do not therefore consider anyone has been placed at a disadvantage, particularly as the Council's publicity material made it clear that it was not a requirement to submit comments via the consultation website.
- 4.40 At the same time the local community should be assured that I am fully aware of the strong level of support for the Plan within the community as 11 out of the 27 interested parties submitting comments (approximately 40%) are local residents.

#### Conclusions

- 4.41 In the light of the foregoing I am satisfied that the Regulation 16 requirements to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area, and to provide an

opportunity for representations to be submitted, 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 current 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 Guidance is set out principally in the National Planning Policy Framework (NPPF) which was revised in July 2018, and updated in February 2019. At the heart of the NPPF is a presumption in favour of sustainable development (NPPF paragraph 11) which when applied to neighbourhood planning means that communities should develop policies which shape, direct and help to deliver sustainable development (NPPF paragraphs 28 and 29).

5.3 The NPPF also requires neighbourhood plans to be in general conformity with the strategic policies contained in any development plan that covers the neighbourhood area and not to promote less development than that set out in the strategic policies for the area, or undermine those strategic policies (NPPF paragraph 29).

5.4 Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless superseded by strategic or non-strategic policies that are adopted subsequently (NPPF paragraph 30).

5.5 More detailed guidance and advice, expanding on the general policies in the NPPF has been available since March 2014 as national Planning Practice Guidance. This includes specific guidance as to 'What evidence is needed to support a neighbourhood plan?'<sup>11</sup>, and 'How policies should be drafted' 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*

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<sup>11</sup> Planning Practice Guidance para 040 Ref ID: 41-040-20160211

*area for which it has been prepared”<sup>12</sup>.*

- 5.6 I have had regard to these principles in carrying out the examination, 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.
- 5.7 Less straightforward to determine is whether a policy is distinct, and whether it reflects local circumstances. For example while it is clear that policies in the Dinnington St John's 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.
- 5.8 Taken as a whole I conclude that the Neighbourhood Plan has regard to the policies and principles embedded in the NPPF and Planning Practice Guidance. In those instances where individual policies and/or supporting text have been found to be inconsistent with national planning policy I have made specific recommendations to correct this later in the report.

#### **(b) Sustainable Development**

- 5.9 In carrying out the examination I am also required to consider whether the Plan would contribute to the achievement of sustainable development.
- 5.10 In so doing I have had particular regard to the 3 overarching and interdependent objectives established in paragraph 8 of the NPPF, namely:
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure
  - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and

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<sup>12</sup> Planning Practice Guidance para 041 Ref ID: 41-041-20140306

mitigating and adapting to climate change including moving to a low carbon economy.

- 5.11 Although the Neighbourhood Plan does not make specific provision for new development, for example through site allocations, it includes policies to manage development subject to environmental safeguards. Other policies aim to protect green space and local heritage, and to encourage the provision and/or improvement of retail, health, education, leisure and tourism facilities. These are key aspects of sustainable development, as set out in the NPPF.
- 5.12 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) Local Strategic Policy**

- 5.13 Statutory weight is given to neighbourhood development plans that are in general conformity with, and do not promote less development than, the strategic policies of the development plan for the area (NPPF paragraph 29). This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan.
- 5.14 The current development plan for the Rotherham MBC area comprises
- Rotherham Local Plan Core Strategy 2013-2028, (adopted September 2014)
  - Rotherham Local Plan Sites and Policies document (adopted June 2018)
  - Barnsley, Doncaster and Rotherham Joint Waste plan (adopted March 2012)
- 5.15 The adopted Rotherham Core Strategy (RCS) provides a spatial strategy and a range of policies to guide future development across the whole Borough Council area, including Dinnington St John's Parish.
- 5.16 The Sites and Policies document (SAPD) allocates sites for housing, employment and retail uses to meet Core Strategy growth targets and provides development management policies to guide the determination of planning applications. Both plans are supported by a Policies Map delineating the areas within which particular policies apply and identifying areas of open space and other assets considered worthy of protection.
- 5.17 Although the Neighbourhood Area is not affected by policies in the Barnsley, Doncaster and Rotherham Joint Waste (BDRJWP) to identify or safeguard locations for waste management Policy WCS7 (Managing Waste in All Developments) is relevant. This requires provision to be made for private and communal waste storage areas and recycling in the design and layout of development (excluding minor development) and measures to ensure the use of sustainable materials and construction methods.

- 5.18 As the NPPF (2019 version) postdates the policies in all three documents the NPPF takes precedence in the event of any conflict.
- 5.19 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 policies in the adopted RCS, SAPD and the BDRJWP which have been specifically identified as strategic policies within the meaning of national Planning Practice Guidance<sup>13</sup> by Rotherham MBC. These are set out in a document entitled Strategic Policies in Rotherham (January 2019) which is included as Appendix 2 in Rotherham MBC's written comments on the Submission Draft Plan.
- 5.20 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**

- 5.21 Local Planning Authorities are legally responsible for deciding whether neighbourhood plan proposals are compatible with EU obligations, (until EU Directives are replaced by UK legislation after the end of the Brexit transition period). This includes obligations under the Strategic Environmental Assessment (SEA) Directive<sup>14</sup>.
- 5.22 In circumstances where a neighbourhood plan is likely to have significant environmental effects, for example where it includes proposals to allocate land for development, it may require an SEA to be undertaken as part of the preparation process in accordance with the SEA Directive and Environmental Assessment Regulations<sup>15</sup>. Draft neighbourhood plan proposals should therefore be screened to assess whether they are likely to have significant environmental effects<sup>16</sup>. Where significant environmental effects are identified, plans should be accompanied by a full SEA report.
- 5.23 An SEA screening assessment of policies contained in the draft Plan which was carried out on behalf of Dinnington TC, concludes that the Neighbourhood Plan does not require a full SEA as no significant environmental effects are likely to occur as a result of the implementation of policies contained in the Plan.
- 5.24 All three statutory consultation bodies (the Environment Agency, Historic England and Natural England) who were consulted during the preparation of the screening opinion agree with the conclusions in the report and no concerns in relation to the screening process have been raised.

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<sup>13</sup> Planning Practice Guidance paras 075 – 077 inc Ref ID: 41-07/076/077 - 2019050

<sup>14</sup> European Directive 2001/42/EC

<sup>15</sup> Environmental Assessment of Plans and Programmes Regulations 2004

<sup>16</sup> Planning Practice Guidance para 011 Ref ID: 11-027-20190722

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- 5.25 A separate Habitats Regulation Assessment screening as to whether a Habitats Regulations Assessment (HRA) <sup>17</sup> was required under the Habitats Directive<sup>18</sup> was also carried out on behalf of the Town Council. Although there are no European designated sites within the boundaries of the Neighbourhood Area the screening report examined the impact of the Plan on sites located within 15km of the boundary. This concludes that no significant adverse effects on European sites are likely as a result of the implementation of the Plan and a full HRA assessment is therefore not required in order to progress the Plan further.
- 5.26 The statutory consultation body (Natural England) who were consulted during the preparation of the screening report agree with the conclusions in the report and no concerns in relation to the screening process have been raised.
- 5.27 Subsequent to the preparation of the SEA and HRA screening reports Rotherham MBC in consultation with Dinnington TC and Natural England have reviewed the HRA screening report in the light of changes to the Habitats Regulations <sup>19</sup>. These take account of recent European Court of Justice judgements which reserve consideration of mitigation measures for the appropriate assessment stage rather than the screening stage, and introduce an additional basic condition to ensure that neighbourhood plans do not breach the requirements of the Conservation of Habitats and Species Regulations 2017 <sup>20</sup>.
- 5.28 The addendum to the screening opinion, which was publicised and made available for comment at Regulation 16 stage, concludes that as there are no European sites within 15 km of the Neighbourhood Area, and no mitigation measures were included in the February 2019 screening, in part due to the fact that the Plan does not allocate sites for development beyond those identified in the SAPD, the original screening opinion remains valid.
- 5.29 No objections to the updated screening opinion have been received in response to the six week Regulation 16 consultation on the report, and Natural England have indicated as part of their response to the consultation that they are in agreement with the conclusions of the addendum.
- 5.30 I am therefore satisfied that the SEA screening report and the updated HRA screening report undertaken in accordance with the Regulations, demonstrate that neither a full SEA nor HRA report are required.
- 5.31 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 on property rights. And no

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<sup>17</sup> in accordance with Article 6(3) of the EU Habitats Directive and with the Conservation of Habitats and Species Regulations 2010 as amended.

<sup>18</sup> European Directive 92/42/EEC

<sup>19</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>20</sup> As set out in Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

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evidence has been put forward to suggest otherwise.

5.32 I therefore conclude that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and human rights requirements and therefore satisfies that 'Basic Condition'.

5.33 As measures intended to avoid or reduce the harmful effects of the plan have not been relied on in order to screen out the Plan under the Conservation of Habitats and Species Regulations 2017 the Plan also meets the additional Basic Condition introduced by the 2018 Regulations.

## 6.0 Comments on the Plan and its Policies

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 local strategic policies. Where modifications are recommended, they are highlighted in **bold print**, with any proposed new wording in *italics*.

### (a) General Comments

6.2 In commenting on the Submission Draft Plan Rotherham MBC (and other interested parties) have raised a number of general issues such as the deliverability of the Plan, duplication with national and local strategic policies, and potential conflict with Local Plan policies, as well as presentational issues such as inaccurate referencing/website links and the absence of paragraph numbering.

6.3 Concerns are also raised about the perceived 'undercurrent of negativity' in the Plan and the inclusion of specific statements and/or opinions which are not supported by accurate up to date evidence.

6.4 While the Borough Council's comments have been of considerable assistance to the examination, particular where suggested changes would improve the clarity and effectiveness of the Plan, it is concerning that the Council feel it necessary to put forward so many suggested changes at this late stage in the process. It is equally concerning that the Plan contains a number of references to the continued objection by the Qualifying Body (Dinnington TC) to the scale and nature of planned growth established in the RCS by the Local Planning Authority (Rotherham MBC).

6.5 Failure to resolve these differences prior to submission of the Plan for examination is particularly disappointing in the light of the advice in national PPG that local planning authorities and qualifying bodies should work collaboratively, sharing evidence and seeking to resolve any issues, to ensure the draft neighbourhood plan has the greatest chance of success at

independent examination <sup>21</sup>.

- 6.6 However, in considering the merits of the Plan (and objections to it) I should emphasise that my role as examiner is to decide whether changes are required in order to satisfy the Basic Conditions and not to arbitrate between different parties.
- 6.7 In so doing I am mindful of the fact that one of the purposes of neighbourhood planning is to provide local communities with the opportunity to have a say in the future of their neighbourhood. It seems to me that neighbourhood plans also provide an opportunity for communities to express opinions about what they value or do not value in the locality, and to describe the disadvantages of the area as well as the opportunities available. While I acknowledge that plans should be prepared positively if the local community wishes to draw attention to the negative aspects of the area then that is their prerogative. This must of course be balanced with the need to avoid providing conflicting messages and/or potentially inhibiting investment in the area.
- 6.8 Therefore while I agree with Rotherham MBC that the underlying negativity throughout the document does create an unfavourable impression of the area, I have confined my recommended modifications to those instances where statements or policies in the Plan would undermine local strategic policy or do not have appropriate regard to national planning policy.
- 6.9 For example although there are a number of negative statements in the Foreword to the Plan, as this is a personal opinion, which does not affect the Plan's ability to satisfy the Basic Conditions I am not recommending any changes to it.
- 6.10 I have adopted the same approach (as described in paragraph 6.6 above) when addressing concerns about the accuracy or availability of evidence to support policies and opinions expressed in the Plan, and about the practicability and deliverability of specific policies, or whether policies duplicate local strategic or national planning policy.
- 6.11 While I also agree that the introduction of paragraph numbering and cross referencing to RCS and SAPD policies would improve the usability and coherence of the Plan within the wider development plan context, it is not appropriate for me to recommend changes unless this is necessary to ensure the Plan satisfies the Basic Conditions or to improve the clarity or accuracy of the Plan<sup>22</sup>. In this respect my attention has been drawn to the fact that a number of web links in the Plan to Rotherham MBC web pages are out of date following a refresh of Rotherham MBCs website. I therefore recommend that all web links and references to evidence documents throughout the document should be checked and updated where necessary.

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<sup>21</sup> Planning Practice Guidance para 009 Ref ID: 41-009-20190509

<sup>22</sup> Planning Practice Guidance para 041 Ref ID: 41-041-20140306

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## **Recommendation 01**

**Update all website links and ensure that all references to evidence documents throughout the Plan are accurate and up to date.**

### **(b) The Plans Overall Approach**

- 6.12 The Plan acknowledges the role of Dinnington as a 'principal settlement for growth' in the adopted RCS. It also acknowledges that the scale and location of sites for housing, economic and other forms of development have been determined through the RCS and the SAPD. No attempt is therefore made to establish a local housing requirement or to allocate specific sites for development. Instead the Plan focuses on how proposals for new housing development will be managed including policies aimed at securing an appropriate mix of housing.
- 6.13 The Plan also promotes good quality design and aims to secure appropriate infrastructure provision at an early stage in development. Other policies aim to protect and enhance local facilities and improve the town centre shopping environment, to safeguard local heritage and environmental assets such as local green spaces, and to manage the potential environmental impact of development proposals (such as hot food takeaways and houses in multiple occupation).

#### Comments

- 6.14 Neighbourhood Plans are required to be prepared in conformity with the extant development plan for the area, and national Planning Practice Guidance advocates a collaborative approach to ensure the production of complementary neighbourhood plans and Local Plans<sup>23</sup>.
- 6.15 In order to ensure the Plan is fully compliant with the spatial growth strategy in the RCS my report therefore includes a number of recommendations, particularly affecting Chapter 4.1 (Housing), to remove negative references to future housing growth that may affect the ability of Dinnington St John's to satisfy the housing requirement. Additional modifications are required throughout the Plan to ensure that the Plan fulfils its role in the settlement hierarchy by contributing to development needs arising over a 'more than local' area, while supporting an appropriate range of services and facilities.

### **(c) Scope of the Plan/Omissions**

- 6.16 While the majority of local residents who responded to the Regulation 16 Publicity strongly support the Plan proposals a number of them have made additional suggestions such as providing facilities for younger/teenage age

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<sup>23</sup> Planning Practice Guidance para 009 Ref ID: 41-009-21090509

groups, carrying out more landscaping around the town, and providing more car parking, litter bins and free charging points. One local resident suggests a manned police station is needed. Others suggest ways in which the town centre could be improved for example by pedestrianising part of Laughton Road, upgrading the market area/relocating the outdoor market, providing more car parking, and providing more seating and covered areas.

- 6.17 By way of contrast another local resident objects to further housing development in Dinnington because of concerns about surface water flooding. The same resident suggests the Plan should be updated to reflect the planned closure of Dinnington College.
- 6.18 In addition Severn Trent Water consider the Plan should make it a mandatory requirement to incorporate Sustainable Drainage Systems (SuDS) and increased water efficiency measures in the design of development, and suggest amendments to a number of specific policies. They also suggest that the scope of Policy STC5 (Hot Food Takeaways) should include measures to safeguard the sewerage system from fat-based discharges.

#### Comments

- 6.19 While the Plan may be improved by incorporating some of these suggestions there is no prescription in current guidance or legislation about the range of topics or aspirations that should be covered in neighbourhood plans, or the level of detail. It is also outside my remit to recommend the incorporation of additional policies and proposals, or more ambitious objectives, which have not previously been subject to consultation during the preparation of the Plan.
- 6.20 In addition some of the suggestions made, such as the provision of traffic management measures and the provision of free car charging points, are outside the scope of the Plan which is concerned with land use issues, while others, such as the provision of a manned police station, are the responsibility of other organisations.
- 6.21 Having said that some of the potential improvements put forward are addressed indirectly through policies such as Policy HLC2 which supports the provision of new and enhanced health, leisure and community facilities and Policies STC2 and STC3 which are intended to secure the long term vitality and viability of the town centre, linked to a number of potential improvements recommended in a report commissioned by the Town Council<sup>24</sup>
- 6.22 The perceived omissions do not therefore affect the Plan's ability to satisfy the Basic Conditions and the Plan instead concentrates on addressing issues which have been identified as local priorities through consultation with the wider community.
- 6.23 No changes to the Plan are therefore recommended in direct response to

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<sup>24</sup> Dinnington Town Centre Design Support document (January 2018)

the above representations.

- 6.24 Similarly as the Plan is not concerned with establishing future housing requirements or planning for future educational provision I am unable to address the concerns raised by a local resident in this respect.
- 6.25 While some of the changes promoted by Severn Trent Water could more appropriately be addressed through higher tier plans or through the development management process my recommended changes to Policy BED 2 (Design and Infrastructure) address some of the points raised by requiring development proposals to consider the use of SuDS in appropriate circumstances and to make provision for future maintenance.

#### **(d) Introductory Chapters**

- 6.26 The Introduction to the Plan explains the background to its preparation and the role of neighbourhood planning, why the Plan has been prepared, and the process for its development and securing community approval. It also describes the planning context within which the Plan has been prepared, and the next steps in its preparation.
- 6.27 This is followed by a Spatial Portrait of Dinnington St John's describing the location, character, and historic development of the town, as well as the current social, health and economic challenges following the demise of the coal industry.
- 6.28 The text (and the Plan as a whole) is supported by a number of photographs which contribute toward the readability of the Plan. There is also a map identifying the Parish boundary.

#### Comments

- 6.29 These introductory chapters are clearly written and informative. They provide the background to the Plan and help to develop a sense of place.
- 6.30 A small number of changes are required to improve the clarity and accuracy of the text.
- 6.31 First, as pointed out by Rotherham MBC the final sentence in paragraph 5 on page 9 is factually incorrect as Green Belt boundaries have already been determined through the adopted SAPD and it is misleading to imply that there may be scope to adjust the boundaries. Expressing continuing opposition to the approach taken in the adopted Rotherham Local Plan is also at odds with the requirement to prepare plans in general conformity with local strategic policy. The sentence should therefore be deleted.
- 6.32 Second, the reference to EU regulations and Directives in paragraph 6 on page 9 should be qualified by reference to the fact that these will be replaced by UK legislation after the end of the Brexit transition period.
- 6.33 Third, the reference to Dinnington St John's in paragraph 3 on page 11 should clarify that the Neighbourhood Plan covers the entire Dinnington St John's Parish.

## Recommendation 02

- a) Delete the last sentence in paragraph 5 on page 9
- b) Insert '*until these are replaced by UK legislation after the end of the Brexit transition period*' at the end of paragraph 6.
- c) Insert '*Parish*' after 'Dinnington St John's' in paragraph 3 on page 11.

## (e) Overall Vision and Key Issues

- 6.34 The overarching vision of the Plan is to actively improve the wellbeing of residents of Dinnington St John's Parish by implementing key strategies in relation to changing housing needs; accessible health, leisure and community facilities; employment and education opportunities; vibrant shops and an attractive town centre; a high quality natural environment; and a high quality built environment and supporting infrastructure.
- 6.35 The vision is informed by twelve key issues where, based on available evidence, it is considered there is the most pressing need for action and where the Plan can have the greatest impact.

### Comments

- 6.36 The key issues and the overall vision capture the concerns and priorities identified by the local community during the preparation of the Plan. They are relevant to the local area and demonstrate how particular local issues have influenced the overall approach in the Plan.
- 6.37 In my view the link between particular issues and specific policies in the plan would have been clearer if the key issues had been developed into a set of objectives. While I appreciate that the bullet points listed at the beginning of each individual (topic) chapter under the heading 'Where are We Now' serve the purpose of objectives these do not necessarily correspond with the key issues previously identified. It would also have been more logical to separate the land use related issues from the non land use related issues such as 'encouraging the use of apprenticeships' in bullet point 4 on page 13 and 'addressing littering, dog, fouling and pollution' in bullet point 6 on page 13. However as there is no prescription in the NPPF, National Planning Practice Guidance or neighbourhood plan regulations regarding the format and content of neighbourhood plans I make no recommendations in this respect.
- 6.38 However I do recommend modifications to ensure the Plan fully reflects national planning policy and Dinnington's status as a principal settlement for growth (in the RCS), by acknowledging that future development must meet more than local needs. For example, as drafted the issues described in the first two bullet points in section 3.0 on page 12 ignore Dinnington St John's contribution toward meeting the Borough wide housing requirement through the indicative provision of 1300 dwellings in Dinnington (including Anston and/Laughton Common) in the RCS.

### **Recommendation 03**

- a) In the first bullet point in Section 3.0 on page 12, replace 'that is proportionate to the size of Dinnington and retains its' with '*whilst retaining Dinnington's*'
- b) In the second bullet point replace 'the changing needs of local people' with '*changing needs, including the needs of local people*'
- c) In the third bullet point delete 'to the local community'

### **(f) Plan Policies and Supporting Text**

- 6.39 The Plan Policies part of the Plan is grouped into six themes: Housing; Health, Leisure and Community Facilities; Education, Employment and Skills; Shops and the Town Centre; Natural Environment; and Built Environment, Design and Infrastructure.
- 6.40 Each theme is introduced by a summary of current issues and perceived needs (where are we now) and a summary of aspirations and objectives (where do we want to be) followed by a commentary on issues and challenges.
- 6.41 Where policy interventions are proposed the individual land use policies are accompanied by supporting text and justification, which precedes the policy in each case. For ease of reference policies are presented in an outlined box to distinguish them from the supporting text and justification.
- 6.42 Two of the six themed chapters also incorporate non land use related policies or 'Community Actions' that the community would like to achieve.

#### Comments

- 6.43 The rationale and justification behind each policy is relatively easy to follow although as referred to previously it would have been helpful to provide a clearer link between the key issues identified in section 3.0 of the Plan and specific policies by articulating a series of objectives to address particular issues. This does not however affect the Plan's ability to satisfy the Basic conditions.
- 6.44 While the Plan recognises that a clear distinction should be made between land use policies (which will be used to inform the decision making process) and 'non planning related policies', the manner in which the 'Community Actions' are presented does not make them sufficiently distinguishable from the land use policies. The titles of the Community Action boxes are also illegible due to the choice of font colours and background colours. I therefore recommend making appropriate changes.
- 6.45 I also agree with Rotherham MBC that greater clarity could be achieved in the final paragraph on page 14 by referring to the fact that proposals for development must take into account all relevant development plan and national planning policies, as well as Neighbourhood Plan policies.

#### **Recommendation 04**

- a) In chapter 4.0 (Plan Policies) ensure the land use policies are distinguishable from the 'community actions' by using different colours for the respective borders and/or using a colour highlight for the land use policies**
- b) Change the font colour and/or the background colour of the 'community action' title boxes to ensure the text is legible**
- c) Insert '*together with Local Plan and national planning policies*' after 'policies contained in it' in the final paragraph on page 14.**

#### **4.1 Housing**

- 6.46 The introduction to the housing chapter expands on some of the key issues identified in section 3.0, and provides further information about the scale of planned growth in Dinnington St John's and the implications for the local community.
- 6.47 In response to concerns raised by Rotherham MBC (and others) I have considered the extent to which the opinions expressed in the Plan are factually correct and/or supported by appropriate evidence. Where appropriate I recommend the deletion or amendment of statements which potentially undermine established local strategic policy, for example by overlooking Dinnington's role as a principal settlement for growth which is expected to contribute toward Borough wide development needs.
- 6.48 Two further corrections are required to clarify (in paragraph 1 on page 15) that identifying the scale and location of additional housing land is outside the scope of the Plan, and to correct the definition of windfalls (in paragraph 6 on page 17) in line with the definition provided in the glossary in the NPPF.
- 6.49 While I appreciate the 'community action' on page 18 is not intended to provide a framework for decision making, it is not clear what purpose it is intended to serve, or how it would influence development management decisions which are the responsibility of Rotherham MBC. Promoting a size limit on windfall development is also illogical as this may inhibit brownfield sites and regeneration schemes coming forward, something which the Town Council is keen to promote. Since no justification has been provided for a 10 dwelling windfall cap I recommend this 'community action' be deleted.

#### **Recommendation 05**

- a) Delete 'but the scale of the proposed housing is considered by many to be too great' in the second bullet point on page 15**
- b) Insert '*identified need including*' after 'choice of housing to support' in the fourth bullet point**
- c) Insert '*identified need including*' after 'housing that meets' in**

the fifth bullet point

- d) In line 1 of paragraph 1 on page 15 replace 'consider the amount, type, and location of housing' with '*influence the type and design of new housing development*'
- e) Delete paragraph 5 on page 16
- f) In paragraph 5 on page 16 delete the first sentence and replace 'Additional concerns are its impact' at the beginning of the second sentence with '*The community is however concerned about the impact of development on the character of the Parish and*'
- g) In paragraph 2 on page 17 delete 'whereas the Parish is home to about 5% of the Borough's population'
- h) Delete paragraphs 3 and 4 on page 17
- i) Amend the definition of windfall sites in paragraph 6 on page 17 to '*Sites not specifically identified in the development plan*'
- j) Delete paragraph 3 on page 18
- k) In paragraph 4 delete 'nor support' in the first line and delete the penultimate sentence.

#### **Recommendation 06**

**Delete the 'community action' on page 18**

6.50 **Policy H1 (Housing Mix)** aims to ensure that new housing developments provide an appropriate mix of housing in terms of size, type and tenure, with particular emphasis on providing smaller homes for young families and older people due to a perceived shortfall in one and two bedroom properties. Schemes of more than 10 dwellings are required to meet a 33% target in this respect and to restrict 4 or more bedroom properties to no more than 50% of new homes. A further policy strand encourages the provision of suitably located homes for people with disabilities, particularly within reach of public transport, services and town centre facilities.

#### Comments

- 6.51 Satisfying the housing needs of different groups within the community is one of the key objectives in national planning policy (NPPF paragraph 61). The provision of a range of homes to meet the needs of present and future generations is also one of the key attributes of the social objective of sustainable development.
- 6.52 However the policy is not consistent with local strategic policy and other elements of national planning policy and I generally concur with the points put forward by local house builders and Rotherham MBC in their Regulation 16 responses in this respect.
- 6.53 First, by concentrating on the housing needs of Dinnington Parish residents the policy ignores the needs of other residents living within the Borough wide catchment, and those moving into the area. This approach conflicts with RCS Policy CS7 (Housing Mix and Affordability) which requires

- proposals to take account of identified housing need across the entire housing market area and consequentially the policy does not accord with the requirement in national planning policy for neighbourhood plans to support the delivery of Local Plans (NPPF paragraph 13).
- 6.54 As the policy approach is also at odds with the role of Dinnington St John's as a 'principal settlement for growth' in the adopted RCS the policy should be amended to ensure that the identified housing needs of the wider community are taken into account as well as the needs of the local community.
- 6.55 Second, by establishing precise quotas for different dwelling sizes the policy lacks the flexibility to respond to changing market circumstances in comparison with the approach in RCS Policy CS7, and contrary to the approach advocated in national planning policy (NPPF paragraph 11a).
- 6.56 Third, while there is nothing wrong in stating a community preference for the provision of smaller homes, the level of prescription in the policy, which restricts the provision of larger homes, is not justified by the supporting evidence. While it is not necessary for neighbourhood plans (and supporting evidence) to satisfy tests of soundness evidence should be robust and proportionate. In this case undue reliance has been placed on 2011 census data which is somewhat out of date and restricted to analysis of local circumstances.
- 6.57 While I also reject the alternative market-demand based approach advocated by house builders, since national planning policy emphasises that policies should be informed by assessment of housing need rather than demand (NPPF paragraph 60), it is important that development proposals are considered in relation to the most up to date evidence on housing need. I therefore recommend that the Strategic Housing Market Assessment (SHMA) referred to in RCS Policy CS7 should be the starting point, although as referred to in national Planning Practice Guidance this may be supplemented with more up to date and locally specific evidence<sup>25</sup>.
- 6.58 Unless the policy is able to respond to changing market circumstances and changing needs there is also the possibility it may inhibit the delivery of planned development, resulting in Dinnington St John's failing to meet its identified housing requirement.
- 6.59 I also agree with Rotherham MBC that it is impractical to apply the policy to smaller residential schemes. While it would not normally be appropriate to introduce specific thresholds without providing third parties with the opportunity to comment, I am mindful of the fact that in this case part c) of the 'submitted' policy, is already subject to a 'more than 10 dwelling' threshold. However I recommend a threshold of 'ten or more dwellings' which corresponds with the nationally established definition of 'major residential development' used for development management purposes rather than a 'more than ten dwellings' threshold.
- 6.60 I appreciate these changes dilute the broad policy objectives but as drafted

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<sup>25</sup> Planning Practice Guidance para 103 Ref ID:41-103-20190509

the policy does not satisfy the Basic Conditions. In any case, as pointed out by Harron Homes, since neighbourhood plan policies can only supersede existing non-strategic policies in a local plan, in view of the conflicting approach between Policy H1 and the Core Strategy on this issue RCS Policy CS7 (which is a strategic policy) would take precedence (NPPF paragraph 30).

- 6.61 Consequential amendments are required to the accompanying justification to ensure a consistent approach and to clarify where statements are based on robust evidence or community aspirations.

#### **Recommendation 07**

- a) **Combine the Introductory sentence in Policy H1 with part a) of the policy, replace 'needs, of all residents of the Parish' in line 1 with '*housing needs, including the needs of local residents*', and replace all the text after 'sizes, type and tenure' up to the end of the sentence with '*based on the most up to date SHMA available, supplemented by a more up to date assessment of housing need, including local housing need, if appropriate*'.**
- b) **Delete part b) and part c)**
- c) **Insert an additional paragraph immediately before the final paragraph as follows '*Housing for those with a disability and smaller homes for young families, young people and older people will be supported*'**
- d) **In the final paragraph replace 'will be supported especially where it is suitably' with '*should preferentially be*'**

#### **Recommendation 08**

- a) **In line 3 of paragraph 6 on page 18 insert '*including the needs of*' after 'existing and future needs'**
- b) **In line 1 of paragraph 7 replace 'some evidence' with '*a concern*'**
- c) **In line 1 of paragraph 1 on page 18 replace 'This provides clear evidence' with '*Based on the available data and community consultation during the preparation of the Plan there is a perception that*'**
- d) **Delete paragraph 2**
- e) **In line 1 of paragraph 3 replace 'means' with '*suggests*' and delete 'change' after 'developments need to'**
- f) **In line 1 of paragraph 4 replace 'in particular to give priority to' with '*particularly supports*'**

- 6.62 Subject to the above modifications the Policy meets the Basic Conditions.

6.63 **Policy H2 (Houses in Multiple Occupation)** establishes the planning and development requirements for proposals to create or extend houses in multiple occupation (HMOs). Proposals will be expected to avoid causing harm to the visual character and appearance of the building, neighbourhood and street scene, and to avoid unacceptable impacts on residential amenity. Another policy strand requires adequate provision to be made for refuse storage and car and bicycle parking. The policy also supports the introduction of an Article 4 Direction by Rotherham MBC in order to control the conversion of family homes into HMOs.

Comments

- 6.64 Policy H2 reflects the emphasis in national planning policy to promote healthy and safe communities (NPPG paragraph 91) and contributes toward the social and environmental objectives of sustainable development. The policy also generally conforms with principles established in SAPD Policy SP11 (Development in Residential Areas) to protect residential amenity and the health and well being of the local population, and with SAPD Policy SP55 (Design Principles).
- 6.65 Although the policy is not positively written, and therefore out of step with national planning policy guidelines, as the intention is to safeguard established residential areas from negative impacts associated with a particular type of development the approach taken is in this case acceptable.
- 6.66 Following my request for clarification on the amenity space, refuse storage and car and bicycle parking standards referred to in part d) of the Policy I have been referred to Parking Good Practice Guidance <sup>26</sup> adopted by Rotherham MBC in 2014 and the Residential Design Guide <sup>27</sup> adopted as a Supplementary Planning Document (SPD) in 2015. However after reviewing these documents it is apparent that there are no car or bicycle standards applicable to HMOs, which is a sui generis use. I am also mindful of the fact that the amenity space standards in the Residential Design Guide are not applicable to proposals involving changes of use or extensions to existing buildings.
- 6.67 Amendment is therefore required to part d) of the policy to remove the references to amenity space and car and bicycle parking standards, and to clarify the precise name of the document providing refuse storage facilities standards. It would also be advisable to future proof this reference.
- 6.68 I also recommend deleting the final paragraph of the policy and incorporating the text in a 'community action' as suggested by Rotherham MBC, as the intention to support the introduction of an Article 4 Direction by Rotherham MBC is aspirational in nature and relates to a proposed action on the part of the Town Council rather than a policy to control the use or development of land. The reference to 'the Plan supports' should also be changed to 'the community supports' in order to avoid creating the

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<sup>26</sup> Rotherham Transport Assessments, Travel Plans, and Parking Good Practice Guidance (October 2014)

<sup>27</sup> South Yorkshire Residential Design Guide (January 2011, adopted as SPD July 2015)

impression that this is a land use policy, and to be consistent with the wording of other 'community actions'.

- 6.69 A consequential change to the wording of the 'community action' on page 23 is also required.
- 6.70 In view of the explanation provided by Rotherham MBC, that it is not possible to demonstrate how many people on the council housing waiting list would like to live in the Parish, the statement in paragraph 5 on page 21 that there is not enough Council housing available to accommodate everyone on the Council housing waiting appears to be inaccurate and should be deleted.

#### **Recommendation 09**

- a) In line 1 of part d) of Policy H2 delete 'amenity space' and 'and car and bicycle parking' and insert '*facilities*' after 'refuse storage'
  - b) In line 2 replace 'agreed Rotherham MBC standards' with '*standards in the adopted South Yorkshire Residential Design Guide SPD, or subsequent replacement document.*'
  - c) Delete the final paragraph of the policy, incorporate the text into an additional 'community action', and replace 'The Plan' with '*The community*' in line 1
  - d) Replace 'The Plan' with '*The community*' in the 'community action' on page 23
  - e) In line 2 of paragraph 5 on page 21 delete 'in part due to that there is not enough council housing in Dinnington to accommodate everyone on the Council housing waiting list'
- 6.71 Subject to the above modifications the Policy meets the Basic Conditions.

#### **4.2 Health, Leisure and Community Facilities**

- 6.72 The availability of local health, leisure and community facilities is identified in the Plan as a key issue for the future health and well being of the community. However Rotherham MBC have raised a number of concerns about unsubstantiated evidence and the accuracy of some of the conclusions reached about the availability of local facilities in the introduction to chapter 4.2.
- 6.73 As my independent inspection corroborates the evidence presented by Rotherham MBC I recommend a number of amendments to the introductory text in order to provide a more balanced assessment.

#### **Recommendation 10**

- a) Replace the second bullet point on page 24 with '*Some of the*
-

*existing facilities are dated or have fallen into disrepair'*

- b) Delete the third bullet point
- c) Replace 'will' with 'may' in line 7 of paragraph 1 on page 25
- d) In line 13 insert '*Although the School of Swimming and Fitness in Brooklands Way provides a range of facilities,*' before 'Dinnington is the most'

6.74 **Policy HLC1 (Existing Important Health, Leisure and Community Facilities)** resists development proposals that result in the loss of important community facilities identified in the policy unless it can be demonstrated that the facility is surplus to requirements, it is replaced by equivalent or better provision, or the development is for alternative sports and recreational provision the need for which clearly outweighs the loss.

6.75 **Policy HLC2 (New and Enhanced Health, Leisure and Community Facilities)** supports the provision of new facilities which if possible should provide integrated services, encourage public transport and non car born journeys, and which respect the character of the area. Particular support is given to the provision of new or enhanced medical facilities and a new leisure centre.

6.76 **Policy HLC3 (Assets of Community Value)** encourages proposals that support the longevity of designated assets of community value and resists proposals that would result in the loss of designated assets, unless it can be demonstrated that the existing use is not viable.

#### Comments

6.77 The need to guard against the unnecessary loss of valued facilities and services and to plan positively for the provision of shared spaces, community facilities and other local facilities which enhance the sustainability of communities and residential environments are fundamental principles embedded in national planning policy (NPPF paragraph 92), and RCS Policy CS29 (Community and Social facilities). The provision of accessible local services that reflect current and future needs and support communities' health, social and cultural well-being are key attributes of the social objective of sustainable development.

6.78 However, while I understand the desire to identify and protect facilities which are particularly valued by the local community through the Neighbourhood Plan I am not convinced that Policy HLC1 or Policy HLC3 provide any additional benefit to existing higher tier policy namely, SAPD Policy SP62 (Safeguarding Community Facilities), and SP63 (Loss of Public Houses).

6.79 In this respect while only a small number of community facilities in Dinnington St John's, such as Dinnington Comprehensive School and St Leonards's Church, are identified on the Local Plan Policies Map the Policy SP62 wording makes it clear that other community facilities, including sport and recreational facilities, which are not identified on the Policies Map, will be similarly safeguarded.

- 6.80 In addition, although I do not necessarily agree with Rotherham MBC that SAPD Policies SP62 and SP63 are strategic policies which therefore take precedence over neighbourhood plan policies (because in my view they perform a primarily development management function), I am mindful of the fact that they provide a stronger level of protection and incorporate more robust marketing and other tests than the proposed Neighbourhood Plan policies.
- 6.81 I have considered the alternative approach suggested by Rotherham MBC to clarify in the policy wording that the provisions of SAPD Policy SP62 applies to the specific community facilities identified in Policy HLC1, but as no justification is provided for the selection of particular facilities the status of other facilities in the Parish would be unclear. In any case SAPD Policy SP62 would arguably provide a greater level of protection for 'non listed' facilities.
- 6.82 I therefore recommend deleting Policy HLC1 and Policy HLC3 and making consequential changes to the accompanying text, including listing the most important facilities in the Parish (as identified in Policy HLC1) which are intended to be protected by SAPD Policy SP62. The facilities listed should be numbered and cross referenced to a map in order to clarify their precise location. Additional explanation should be provided regarding the role of SAPD Policy SP63 in resisting proposals involving the loss of public houses.
- 6.83 No specific changes are required to Policy HLC2 other than clarifying the meaning of the phrase 'active travel' in part b) of the Policy, which otherwise satisfies the Basic Conditions.
- 6.84 In making this recommendation I reject Gladmans assertion that there is no justification (in the first part of the Policy) in requiring Rotherham MBC to consult the Town Council on planning applications and that the Town Council has no remit to determine applications. While the second part of their objection may be accurate, as there is no suggestion that Rotherham MBC would be bound to follow Town Council recommendations or comments, I see nothing wrong in them being named as a consultee. In point of fact Rotherham MBC has specifically endorsed this approach in their comments on Policy HLC1.

### **Recommendation 11**

- a) Delete Policy HLC1**
- b) Amend the accompanying text to explain that all health, leisure and community facilities in the Parish are protected by SAPD Policy SP62, and/or SAPD Policy SP63, and list the most important facilities that are intended to be protected (as identified in Policy HLC1) for information**
- c) Number the individual facilities and identify them on a map using corresponding numbering and at a scale which enables their location to be clearly identified.**

### **Recommendation 12**

- a) **Replace 'active travel' with '*pedestrian/cyclist movement*' in part b) of Policy HLC2**

### **Recommendation 13**

#### **Delete Policy HLC3**

### **4.3 Employment Education and Skills**

- 6.85 Two minor corrections to the text are required to ensure consistent wording in the sub heading 'Where are we now' at the beginning of each chapter and to correct a typographical error on page 34.

### **Recommendation 14**

- a) **Insert '*now*' after 'Where are we' in the subheading at the beginning of the chapter on page 30**
- b) **Replace 'its means this' with '*this means*' in line 1 of paragraph 3 on page 34**

### **4.4 Shops and Town Centre**

- 6.86 Two minor corrections to the text are required on page 35 to ensure consistent wording in the sub heading 'Where are we now' at the beginning of each chapter and to correct a typographical error in the chapter heading which should be numbered 4.4 not 1.4.

### **Recommendation 15**

- a) **Replace '1.4' in the chapter heading with '4.4'**
- b) **Insert '*now*' after 'Where are we' in the subheading at the beginning of the chapter on page 35**

- 6.87 **Policy STC1 (Maintaining and Enhancing the Role and Attractiveness of Dinnington Town Centre)** supports proposals which will enhance the attractiveness, vitality and viability of the town centre as the primary location for retail, leisure, community and other appropriate town centre uses.

#### Comments

- 6.88 Dinnington Town Centre is identified in RCS Policy CS12 (Managing Change in Rotherham's Retail and Service Centres) as a designated Town

Centre where proposals will be expected to contribute toward improving the range of retail and service provision, reduce vacancies and improve townscape and landscaping. The Town Centre boundary is defined in the SAPD which incorporates policies to control retail and other development within main shopping areas (Policy SP19), and designated primary and secondary shopping frontages (Policy SP20 and Policy SP21).

- 6.89 However, while Policy STC1 reflects national planning policy objectives to ensure the vitality of town centres and support the role that town centres play at the heart of local communities (NPPF paragraph 85) it provides no additional guidance to that already provided by Policy CS12, and as pointed out by Rotherham MBC it contains no locally specific elements.
- 6.90 It is also not clear how it would operate in conjunction with SAPD policies for controlling development in town centres and defined shopping frontages.
- 6.91 While I do not necessarily agree with Rotherham MBC that SAPD Policies SP19, SP20 and SP21 are strategic policies which therefore take precedence over neighbourhood plan policies (because in my view they perform a primarily development management function), I am mindful of the fact that those policies provide more detailed guidance and a more robust framework for development management decisions than Policy STC1.
- 6.92 In order to avoid creating uncertainty for decision makers I therefore consider the policy intentions would be better suited to a 'community action' rather than a development management policy.

#### **Recommendation 16**

- a) **Delete Policy STC1 and incorporate the text into an additional 'community action'**
- b) **Replace 'Development' in line 1 with '*The community supports*'**
- c) **Delete 'will be supported' in line 3**

- 6.93 **Policy STC2 (Enhancing the Character, Attractiveness, Safety and Accessibility of Dinnington Town Centre)** identifies a number of planning and environmental considerations, such as improving the public realm and ensuring development is well designed, which proposals must satisfy in order to demonstrate how they would contribute to enhancing the town centre. Another policy strand requires proposals to have regard to the Dinnington Town Centre Design Support document (DTCDSD).

#### Comments

- 6.94 By promoting the achievement of well designed, safe, inclusive and accessible places the policy contributes toward fundamental objectives in national planning policy (NPPF paragraph 127). The achievement of a well-designed and safe built environment, contributes to the social and environmental objectives of sustainable development. The policy also generally conforms with design principles set out in SAPD Policy SP55.

- 6.95 My only reservation is that it may be unrealistic to expect all development proposals, for example extensions to existing premises, to satisfy all the policy considerations, particularly by improving the public realm and/or the town centre environment. I therefore recommend the policy wording is qualified by reference to 'where appropriate'. I appreciate this will dilute the effectiveness of the policy because it will need to rely on the judgement of decision makers, but as drafted the policy does not provide a practical basis for decision making.
- 6.96 Two minor amendments are also required to clarify the meaning of 'legibility' in part c) and to correct the date of the DTCDSD.

#### **Recommendation 17**

- a) Insert '*and where appropriate,*' after 'character of the Town Centre' in line 2 of part a) of Policy STC2**
- b) Replace 'legibility' with 'accessibility' in part c)**
- c) Replace '2017' with '2018' in the last line of the policy**

- 6.97 Subject to the above modifications the Policy meets the Basic Conditions.
- 6.98 **Policy STC3 (Shop Front Design in Dinnington Town Centre)** is intended to ensure that proposals for new or replacement shop fronts are visually attractive and enhance the street scene while paying attention to crime prevention and community safety issues. Proposals are also required to comply with guidance set out in the Dinnington Town Centre Design Support document (DTCDSD) produced by consultants on behalf of the Town Council and Interim Shop Front Design Guidance produced by Rotherham MBC.

#### Comments

- 6.99 The policy has regard to national policy by promoting high quality designs which will help create active street frontages (NPPF paragraph 91) and achieve well designed places. NPPF (paragraph 125) specifically recognises the role neighbourhood plans can play in identifying the special qualities of each area and explaining how this should be reflected in development. The achievement of a well-designed and safe built environment, contributes to the social and environmental objectives of sustainable development. The policy also complements the design principles established in SAPD Policy SP59 (Shop Front Design).
- 6.100 While there is a degree of overlap between Policy STC3 and SAPD Policy SP59 this is not so significant that it is likely to cause difficulties for decision makers, and the reference to shop front guidance in the DTCDSD provides a local context.
- 6.101 My only reservation concerns the status of the DTCDSD which has not been formally considered by Rotherham MBC, and which is subject to a difference of opinion between Rotherham MBC and the Town Council

regarding the extent to which Rotherham MBC has been engaged during its preparation. I also note that Rotherham MBC do not necessarily agree with all of the recommendations in the DTCDSD.

- 6.102 I therefore consider it is both inappropriate and impractical to expect development proposals to strictly conform with the DTCDSD guidance, particularly since it is just one of a range of policies and guidance documents which decision makers will need to take into account. The phrase 'have regard to' which is used in Policy STC2 would be preferable to 'conforming to' in this respect.
- 6.103 I also agree with Rotherham MBC that it would be beneficial to cross reference the policy to extant SAPD policy and to ensure accurate references, titles and dates of supplementary guidance documents are provided.
- 6.104 As Rotherham MBC are currently preparing a Supplementary Planning Document to update and replace their Interim Shop Front Guidance it is also important to future proof the policy in this respect.

#### **Recommendation 18**

- a) In part e) of Policy STC3 replace 'conforming' with '*having regard*'
- b) Replace 'Shop Front Design Guide Section' with '*Section 5 Shop Front Guidance*'
- c) Insert '*Centre*' after 'Dinnington Town'
- d) Replace '(2017)' with '(2018)'
- e) In part f) replace '(2016)' with '(2006) or any subsequent replacement document'
- f) In line 12 on page 38 replace '(2017)' with '(2018)'
- g) In line 17 replace '(2016)' with '(2006)'
- h) Insert a reference in the accompanying justification to the fact that proposals will also be required to conform with the provisions of SAPD Policy SP59 (Shop Front Design).

- 6.105 Subject to the above modifications the Policy meets the Basic Conditions.
- 6.106 **Policy STC4 (Shops Outside Dinnington Town Centre)** has two principle objectives, first to avoid development that would have a significant adverse effect on local shops unless the benefit of the development outweighs the impact, and second to prevent the loss of local retail facilities unless it can be demonstrated that there is no demand for the facility or its continued use is not viable. Proposals for new shops outside the town centre will be supported subject to relevant sequential and impact assessments required in national planning policy and local strategic policy and subject to environmental, amenity and transport considerations.

Comments

- 6.107 By supporting the provision of local shopping facilities and ensuring that established local shops are retained for the benefit of the community the policy reflects the national planning policy objective to help promote strong, vibrant and healthy communities with accessible services.
- 6.108 It also generally conforms with the provisions of RCS Policy CS29 (Community and Social Services) which emphasises the importance of retaining and enhancing community and social facilities which are important to quality of life, health and wellbeing.
- 6.109 However as local shopping facilities (outside the Town Centre) fall within the scope of SAPD Policy SP62 (Safeguarding Community Facilities) I am mindful of the fact that there is a degree of inconsistency between the two policies.
- 6.110 First, SAPD Policy SP62 provides a more robust framework for considering whether or not existing retail premises are viable or not, for example by requiring applicants to produce evidence such as property prices, market values and the terms and conditions of any lease on offer.
- 6.111 Second, this includes more stringent marketing requirements such as a 12 month marketing period in comparison with the 6 months required in Policy STC4.
- 6.112 As no evidence has been produced to justify a shorter marketing period and in order to avoid conflict for decision makers I recommend that the marketing element of Policy STC4 should replicate the requirements set out in the higher tier policy. In my experience and based on current market conditions 12 months is a more realistic period to allow for marketing.
- 6.113 While policies should preferably be self contained I am in this case taking the unusual step of recommending the policy be cross referenced to a policy in another planning document in order to avoid a weaker approach to managing proposals involving loss of retail facilities.
- 6.114 Part a) of the Policy should also refer to a 'significant adverse impact; rather than an 'adverse impact' to be consistent with the wording in the first line of the policy, and also because most proposals may otherwise fall within the scope of this part of the policy since arguably all proposals for development have an adverse impact on their surroundings.

**Recommendation 19**

- a) In part a) of Policy STC4 replace 'an adverse' with '***a significant adverse***'
- b) In part b) replace 'for at least 6 months for shopping purposes at a price commensurate with market values' with '***in accordance with the requirements set out in Policy SP62 (Safeguarding Community Facilities) in the adopted Rotherham Sites and Policies Document, or any subsequent replacement policy***'

6.115 Subject to the above modifications the Policy meets the Basic Conditions.

6.116 **Policy STC5 (Hot Food Takeaways)** is intended to address concerns about the impact of hot food takeaways on the health and wellbeing of young people by precluding the provision of hot food takeaway facilities within 800 metres of a school or college, except within defined shopping centres.

Comments

6.117 By resisting the provision of hot food takeaway outlets close to schools and Dinnington College the policy reflects health and community wellbeing objectives in both national planning policy and local strategic policy. It also complements and provides a more local context to SAPD Policy SP22 (Hot Food Takeaways), while recognising the importance of maintaining the vitality and viability of defined shopping centres by specifically excluding the defined town centre from the provisions of the policy.

6.118 The policy is supported by a mixture of national and local data extracted from published reports and research documents (in a separate evidence document), and clearly enjoys a strong level of local support. However while there is a reasonable case for avoiding locations close to educational establishments (outside defined shopping centres), I have reservations about the practicability of and justification for the way the policy is intended to operate.

6.119 For example, although the policy provides a precise mechanism for assessing whether future proposals are acceptable or not, the 800 metres 'straight line exclusion zone', appears to be an arbitrary threshold. Where policies introduce specific targets, standards, thresholds or 'measurable criteria' it is important that they are supported by 'proportionate and robust evidence' to justify the intention and rationale of the policies in line with Planning Practice Guidance<sup>28</sup>.

6.120 In addition, while the evidence cited in the supporting text suggests that pupils and students are resistant to walking more than 800 metres to access a takeaway no explanation or justification is provided as to why this has been converted into a 'straight line' measurement in the Policy.

6.121 Notwithstanding the above I acknowledge that these considerations must be balanced with the fact that the proposed threshold has been subject to consultation during the preparation of the Plan, and is supported by partner organisations, including Rotherham MBC. On the basis of the available evidence however I recommend substituting an '800 metre walking distance' measurement for a 'straight line' measurement. This should not present any practical difficulty for the operation of the policy given the availability of point to point measuring technology.

6.122 The policy could also be made more locally specific by referring to

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<sup>28</sup> Planning Practice Guidance para 040 Ref ID: 41-040-20160211

- Dinnington Town Centre' rather than 'a defined town, district or local centre'
- 6.123 In addition minor changes are required to correct inaccuracies in some of the references made to development plan documents in both the policy wording and supporting text, to ensure the policy is future proofed, and to provide a cross reference to emerging guidance on this topic which is being prepared by Rotherham MBC.
- 6.124 In considering whether the policy satisfies the Basic Conditions I am also required to consider representations submitted by Severn Trent Water who would like to protect the existing sewerage system by ensuring that new hot food takeaways provide fat, oil and grease 'separators'. However as this is a spatial policy which is intended to manage the location of hot food takeaway outlets I do not agree that it would be appropriate to include detailed development management considerations.

#### **Recommendation 20**

- a) **Insert '*walking distance*' after 'within 800 metres' in line 2 of Policy STC5**
  - b) **Delete 'in a straight line' in line 3**
  - c) **In line 4 replace 'a defined town, district or local centre as specified' with '*Dinnington Town Centre as defined*'**
  - d) **In line 5 insert '*Plan*' after 'Local' and replace 'Rotherham Local Plan' after 'satisfy' with '*the provisions of*'**
  - e) **Insert the following at the end of the sentence '*in the Rotherham Sites and Policies Document or any subsequent replacement policy*'.**
  - f) **Delete 'and Policy SP 62 in the Local Plan' in line 4 of paragraph 4 on page 42**
  - g) **Replace the sentence immediately preceding Policy STC5 with '*This approach is supported by health and welfare partners, and Rotherham MBC who are preparing a Supplementary Planning Document to address this issue across the whole Borough*'**
- 6.125 Subject to the above modifications the Policy meets the Basic Conditions.

#### **4.5 Natural Environment**

- 6.126 A typographical correction is required in the Introduction on page 43.

#### **Recommendation 21**

**Replace 'provide' with '*provides*' in line 2 of paragraph 1 of the Introduction on page 42**

6.127 **Policy NE1 (Green Belt)** supports the continued designation of the open countryside around Dinnington as Green Belt within which there will be a strong presumption against development that would conflict with the purposes of the Green Belt.

Comments

6.128 The continued maintenance of areas of Green Belt is a long established aim in both national planning policy and local strategic policy.

6.129 However while the policy generally reflects the broad intentions of higher tier policy the second part of the policy in particular, by introducing a presumption against development, conflicts with the approach to managing proposals for development in the Green Belt articulated in the NPPF. For example, NPPF paragraph 145 states that the construction of buildings, other than the exceptions identified, is inappropriate in the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF paragraph 143). In addition, the only presumption in national planning policy is the presumption in favour of sustainable development (NPPF paragraph 11).

6.130 Since, in the event of conflict, national planning policy and local strategic policy take precedence over neighbourhood plan policy the second part of the policy serves no useful purpose. The supporting text should instead explain the role of SAPD policies and Rotherham MBC's Green Belt Supplementary Planning Guidance, which is currently being updated, in controlling proposals for development in the Green Belt.

6.131 As the remaining part of the policy does not provide a basis for development management decisions it would be better suited to a 'community action' rather than a land use/development policy.

6.132 I also recommend changing the reference to 'The Plan supports' to 'The community supports' in order to avoid creating the impression that this is a land use policy, and to be consistent with the wording of other 'community actions'.

6.133 A number of minor corrections are required to the supporting text to ensure the Plan accurately reflects national planning policy.

**Recommendation 22**

- a) **Delete Policy NEC1 and incorporate the text into an additional 'community action'**
- b) **Replace 'The Plan' in line 1 with '*The community*'**
- c) **Delete 'Within the Green Belt there will be a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affects its open character'**
- d) **Insert '*one of the*' after 'national designation' in line 2 of paragraph 1 on page 44**
- e) **Insert '*very*' after 'are only allowed in' in line 5**

- f) **Replace the last sentence in paragraph 3 on page 44 with *'Proposals for development in the Green Belt will be considered on the basis of adopted SAPD Policies (SP2 – SP10) and Rotherham MBC's Green Belt Supplementary Planning Guidance, which is currently being updated and will be replaced with a Supplementary Planning Document'*.**

- 6.134 **Policy NE2 (Local Green Spaces)** aims to protect a number of green areas and open spaces in the Parish which have particular local significance, by ruling out development other than in very special circumstances.
- 6.135 Four sites are identified for special recognition and protection, namely Dinnington High School Playing Fields, Leys Lane Pocket Park, Lodge Lane Recreation Ground and an area of incidental open space on the corner of High Nook Road and Keats Drive.
- 6.136 Additional information and justification for each of the sites is provided in a supporting evidence document which identifies individual site characteristics and analyses the local significance and value of each of the sites to the local community.

#### Comments

- 6.137 The desirability of identifying and protecting Local Green Space is recognised in national planning policy subject to meeting stringent conditions set out in paragraph 100 of the NPPF and taking account of supporting Planning Practice Guidance on Local Green Space designation.
- 6.138 The protection of locally significant open spaces also contributes toward the overriding objective of RCS Policy CS22 (Green Space) 'to protect and improve the quality and accessibility of green space available to the local community'.
- 6.139 The three NPPF paragraph 100 conditions which must all be satisfied are that the green space is;
- in reasonably close proximity to the community it serves
  - demonstrably special to a local community and holds a particular local significance, and
  - local in character and not an extensive tract of land.
- 6.140 In considering whether individual designations satisfy the NPPF conditions and other NPPF and Planning Practice Guidance requirements I have taken into account representations submitted by Gladmans, the LEAP Multi Academy Trust and Rotherham MBC in response to the Regulation 16 Publicity. I have also reviewed the evidence presented in the Local Green Spaces Supporting Evidence document (May 2019).
- 6.141 Based on the analysis presented in supporting evidence and my own observations I am satisfied that all four sites satisfy the three criteria.
- 6.142 First, three of the sites are situated immediately adjacent to the built up area, or in the case of Leys Lane Pocket Park within walking distance of

the built up area (and therefore within close proximity) and therefore satisfy the first criteria.

- 6.143 For clarification, Leys Lane Pocket Park has been incorrectly identified as an area of agricultural land in Figure 3 on page 29. As such it has attracted a misplaced objection from Gladmans on the grounds that it does not satisfy the criteria necessary for designation. My assessment considers the merits of the site which is located further north at the junction of Leys Lane and (the B6463) Lamb Lane, which comprises a mixture of woodland and an open grassed area with picnic facilities.
- 6.144 Second, although I have reservations about the extent to which individual sites have particular local significance or are demonstrably special to the local community, for example in the case of playing fields, I accept that it is a legitimate aspiration to protect land that is particularly valued by the local community and that the local community is best placed to determine which are the most important green spaces in this respect.
- 6.145 Third, while it is a moot point as to what constitutes a site that is local in character it is apparent that all of the sites primarily serve the local community, and self evident that none of the sites are extensive in nature particularly in comparison with the scale of the built up area.
- 6.146 However, my attention has been drawn to the fact that all four sites are already afforded significant protection through Green Belt and extant development plan designations and policies, or a combination of both. For example Leys Lane Pocket Park and Lodge Lane Recreation Ground fall within the South Yorkshire Green Belt.
- 6.147 Lodge Lane Recreation Ground is also protected through SAPD Policy SP 62 (Safeguarding Community Facilities) as a 'sport or recreational facility not identified on the Local Plan Policies Map'.
- 6.148 Land at High Nook/Keats Drive falls within the scope of SAPD Policy SP38 (Protecting Green Space) as 'an incidental area of green space, not specifically identified on the Policies Map, but which make a significant contribution to the character of residential areas' where development will not normally be permitted.
- 6.149 Dinnington School Playing Fields are protected by virtue of being part of the school campus identified on the Policies Map as a community facility which are protected by SAPD Policy SP62 (Safeguarding Community Facilities).
- 6.150 In any case Local Green Space policy is not necessarily the most appropriate way to protect recreation open space and playing fields since, in comparison with the more flexible approach in SAPD Policy SP62, Policy NE2 does not recognise that there may be circumstances where future development may be desirable. This could for example be where allowing partial development on a site may facilitate overall community benefits such as securing funding for enhancement of the remainder, or where alternative provision of equivalent or enhanced standard elsewhere is preferable.

- 6.151 A similar point was made by the LEAP Multi Academy Trust in their representations who are concerned that designation of the playing fields as Local Green Space could restrict the ability of the Trust to reconfigure the school buildings and the playing fields at a future date, potentially inhibiting its ability to attract future investment.
- 6.152 In considering the merits of the proposed designations I am also mindful of the guidance in Planning Practice Guidance<sup>29</sup> on Local Green Space which suggests that where land is already protected by another designation consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space.
- 6.153 As no specific reasons or benefits have been put forward, such as whether 'appropriate' forms of development in the Green Belt might harm the character of the proposed Local Green Space, there does not appear to be any justification for an extra level of protection to that already provided by extant policies.
- 6.154 I therefore recommend the policy be deleted with consequential amendments and deletions to the supporting text where this is no longer relevant.

### **Recommendation 23**

- a) **Delete Policy NE2 and Figure 3**
- b) **Replace paragraph 2 on page 45 with '*As these sites are already protected through policies in the Rotherham Local Plan the Plan does not seek to duplicate these.*'**
- c) **Delete paragraphs 3 – 6 inclusive on page 45**
- d) **Delete paragraphs 1 and 2 on page 46**

- 6.155 **Policy NE3 (Biodiversity)** encourages development proposals which conserve, enhance and create biodiversity, (including networks), particularly where they conserve and enhance significant habitat types and local wildlife sites.

#### Comments

- 6.156 Policy NE3 reflects national planning policy which includes the conservation, restoration, and enhancement of priority habitats and ecological networks among its environmental objectives (NPPF paragraph 174). Enhancing the natural environment and helping to improve biodiversity are key attributes of the social and environmental objectives of sustainable development.
- 6.157 The policy also generally conforms with principles established in RCS Policy CS 20 (Biodiversity and Geodiversity) and SAPD Policy SP23 (Conserving and Enhancing the Natural Environment)
- 6.158 While I agree with Rotherham MBC that an opportunity has been missed to

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<sup>29</sup> Planning Practice Guidance para 011 Ref ID: 37-011-20140306

address the threats and challenges facing locally important features such as Throapham Common and ancient woodlands this does not prevent the policy satisfying the Basic Conditions. And for the reasons explained previously (in paragraph 6.19 above) it is outside my remit to recommend expanding the scope of policies to meet more ambitious objectives, which have not previously been subject to consultation during the preparation of the Plan.

- 6.159 However I am not convinced that the policy as drafted provides an effective mechanism for considering development proposals or for securing biodiversity objectives. Substituting 'supports' for 'encourages' would provide a marginally more effective framework for considering development proposals in this respect.
- 6.160 Taking all these factors into account, and subject to the above change, I am satisfied the policy will not compromise development management decisions, which will also be informed by higher tier policies.

#### **Recommendation 24**

**Replace 'encouraged' in line 2 of Policy NEC3 with '*supported*'**

#### **4.6 Built Environment, Design and Infrastructure**

- 6.161 In reviewing the summary of current issues (Where Are We Now) and aspirations (Where Do We Want to Be) at the beginning of chapter 4.6 I have taken into account the concerns raised by Rotherham MBC about the un-evidenced opinions expressed in the first four bullet points on page 50.
- 6.162 My recommended changes are intended to ensure the content of the bullet points focuses on factual statements by removing or amending any emotive comments.

#### **Recommendation 25**

- a) Replace 'Inadequate' in the first bullet point on page 50 with '*Increasing pressure on existing*'
- b) Insert '*Increased awareness of the*' at the beginning of the second bullet point
- c) Replace 'Design and layout of development are sometimes not' in the third bullet point with '*The community attaches high priority to achieving designs and layout of development which are*'
- d) Delete the fourth bullet point

- 6.163 **Policy BED1 (Dinnington Character Buildings and Structures of Local Heritage Interest)** aims to resist development that harms the historic significance and setting of a number of local heritage assets that are

identified in the policy. Where development is acceptable the policy requires proposals to take into account the character, context and setting of local heritage assets, and identifies a range of planning and design considerations that should also be taken in to account. An additional policy strand requires proposals to be accompanied by a heritage statement which considers the impact of the proposal on the character and setting of the asset.

#### Comments

- 6.164 Identifying and managing those parts of the historic environment valued by local communities, but which do not qualify for conservation area or listed building status (designated assets) is an important element of the heritage protection system. This can take the form of Local Lists of non designated assets prepared by Local Planning Authorities incorporating any such assets which have been identified by neighbourhood planning bodies <sup>30</sup>.
- 6.165 Since Rotherham MBC does not have a formal Local List of non-designated heritage assets at the present time there is no reason why locally valued features, buildings, structures and spaces should not be protected through the Neighbourhood Plan. This approach is recognised through recent changes in national Planning Practice Guidance <sup>31</sup>.
- 6.166 Additional information and justification for each of the proposed designations is provided in a supporting evidence document which identifies individual site characteristics and analyses the local significance and value of each of the sites to the local community.
- 6.167 The local heritage assets identified in the Policy have also been subject to consultation at both Regulation 14 and Regulation 16 stage. While there has been no objection to the proposed designations from either the local community or other third party interests, Rotherham MBC have raised concerns about five of the proposed designations as part of their response to the Submitted Plan at Regulation 16 stage.
- 6.168 In reviewing the evidence supporting the proposed designations I am satisfied that a consistent methodology has been followed based on Historic England guidelines and good practice advice<sup>32</sup>. The proposed designations also appear to satisfy the criteria for local listing set out in SAPD Policy SP45 (Locally Listed Buildings). As I am not in a position to judge the merits of individual designations and only very limited evidence has been put forward in support of the Council's concerns there is no basis for me to recommend changes to the proposed list.
- 6.169 A member of the public also suggests that the Plan should include 'Dinnington College' as an additional local heritage asset, and similar considerations, as above, apply.
- 6.170 In any case I have reservations about including an additional local heritage asset at this late stage in the process since interested parties, including the

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<sup>30</sup> Planning Practice Guidance para 040 Ref ID: 18a-040-20190723

<sup>31</sup> Planning Practice Guidance para 040 Ref ID: 18a-040-20190723

<sup>32</sup> Local Heritage Listing (Historic England Advice Note 7 May 2016)

- landowner, have not previously been consulted or had the opportunity to comment on the proposal.
- 6.171 As referred to previously, the purpose of the examination is to assess whether the Plan as submitted satisfies the Basic Conditions. Whether or not the Plan is amended to incorporate additional policies and/or suggestions put forward at Regulation 16 stage does not affect its ability to satisfy the Basic Conditions and I cannot therefore support this proposal.
- 6.172 That is not to say the building does not have merit and might not qualify for designation at some future date or for inclusion in a Local List which Rotherham MBC intends to produce in the future.
- 6.173 Modification is however required to the policy wording to ensure compliance with national planning policy which indicates that heritage assets should be conserved in a manner appropriate to their significance (NPPF paragraph 184). As drafted, by resisting proposals that harm the historic significance of local heritage assets (in paragraph 2) the policy elevates the significance of locally designated heritage assets to that of designated heritage assets (NPPF paragraph 195).
- 6.174 In comparison NPPF paragraph 197 makes it clear that the impact of proposals that directly or indirectly affect the significance of non-designated assets should be considered by balancing the scale of any harm or loss and the significance of the heritage asset.
- 6.175 The policy should also be drafted in a more positive way including making reference to conserving and enhancing local heritage assets.
- 6.176 It is otherwise generally consistent with national planning policy on the conservation and enhancement of the historic environment (NPPF paragraphs 185 and 197) and local strategic policy in RCS Policy CS23 (Valuing the Historic Environment) and SAPD Policy SP45 (Locally Listed Buildings)
- 6.177 In line with Planning Practice Guidance it is not only important that the meaning of policies and proposals is clear and unambiguous but also that the areas to which they apply are identified in sufficient detail to be of use for development management purposes. I therefore recommend that the heritage assets listed in the policy should be identified on a Policies Map, delineating either the building footprint or the site curtilage, as appropriate. Individual local heritage assets should be numbered in both Policy BED1 and the accompanying map, using corresponding numbering.
- 6.178 I also agree with Rotherham MBC that it is not appropriate to use current occupiers trade names as part of the descriptions of the heritage assets listed in the Policy, which may change over time, as it is the building and its address that is significant.
- 6.179 In the last part of the Policy a minor change is required to correct a typographical error and clarify that the requirement to produce a heritage statement applies to structures as well as to buildings.
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### Recommendation 26

- a) **Replace paragraph 2 of Policy BED1 with '*Development proposals will be supported which conserve or enhance the heritage significance and setting of a Character Building or Structure*'**
- b) **In line 1 of paragraph 5 replace 'and Building' after 'Dinnington character' with '*Building or Structure*'**
- c) **Number the individual buildings and structures listed in Policy BED1, identify them on a map (or maps) using the same numbering, and ensure individual building footprints, or site curtilages where appropriate, are legible**
- d) **Delete the names of existing occupiers/businesses from the addresses/descriptions**

6.180 Subject to the above modifications the Policy meets the Basic Conditions.

6.181 **Policy BED2 (Design and Infrastructure)** aims to ensure that new development proposals will support the creation of inclusive and healthy communities by establishing specific design and planning criteria against which proposals will be considered, including maximising opportunities for interconnection between different part of the town and the Town Centre, and providing an integrated network of walking and cycling routes. The policy criteria also include a requirement to reinforce local distinctiveness and to provide attractive, safe, secure and accessible buildings and spaces. Another policy strand promotes the front loading of infrastructure provision in association with new development.

#### Comments

6.182 The policy reflects two of the fundamental objectives of national planning policy to ensure that new development creates well designed buildings and a sense of place. By setting out clear design requirements, it accords with the expectation in paragraph 125 of the NPPF that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. Fostering a well designed and safe environment and protecting and enhancing the built environment are key attributes of the social and environmental objectives of sustainable development.

6.183 The policy also generally conforms with principles established in the SAPD Policy SP55 (Design Principles) and supports RCS Policy CS1 (Delivering Rotherham's Spatial Strategy) by elaborating on some of the specific requirements established in Policy CS1 for the development of around 700 new dwellings east of Dinnington.

6.184 However, I have a number of reservations about the clarity and practicability of the policy wording as a suitable mechanism for managing development proposals.

- 6.185 First, as pointed out by Rotherham MBC, the detailed policy criteria duplicate elements of SAPD Policy SP55 for example by including a range of considerations such as the scale, mass, and height of development. I also note there is some repetition of other Dinnington Neighbourhood Plan policies. For example by maximising opportunities to enhance the Town Centre criterion d) has similar objectives to Policy STC2.
- 6.186 While this is not normally good practice because it introduces the possibility of ambiguity and uncertainty for decision makers I am satisfied that in this case there is no conflict between the different policies. It is also helpful to have relevant planning and development criteria set out in a single policy. I therefore make no recommendations in this respect.
- 6.187 Second, as there is no explanation as to how proposals will be assessed against individual policy criteria which are worded in a very imprecise way I make a number of recommended changes to improve the clarity of the policy wording and provide a more robust framework for the operation of individual criteria.
- 6.188 In response to representations made by Severn Trent Water I also recommend including reference in the policy criteria to incorporating Sustainable Drainage Systems (SuDS) in the design of developments, including making provision for future maintenance, since SuDS are recognised nationally as having an important role in ensuring that existing infrastructure has the capacity to accommodate future growth.
- 6.189 Third, I agree with Persimmon Homes and Rotherham MBC that the second part of the policy does not provide a realistic basis for development management decisions because it overlooks viability issues and takes no account of the practicalities of delivering different types of infrastructure, such as open space or educational facilities, at appropriate stages in the development.
- 6.190 However, I am also mindful of the fact that the Government, in response to public concerns, has signalled its intention to introduce legislation and to provide additional funding to enable the provision of infrastructure at an earlier stage in the development process. While this does not justify a different approach to infrastructure provision at the present time my recommended changes are intended to provide a better balance between the community's aspiration to front load infrastructure provision and the practical and financial challenges of achieving this.

#### **Recommendation 27**

- a) In line 1 of part 1 of Policy BED2 replace 'will embrace the role they can play in supporting' with '*should support the creation and maintenance of*'**
- b) In line 3 replace ' assessed against the following' with '*expected to*'**
- c) In criterion a) delete 'design and layout that'**
- d) In criterion b) replace 'provision' with '*provide*' and replace**

network with '*networks*'

- e) In criterion c) replace 'provision' with '*provide*'
- f) In criterion e) delete 'of' after 'design' and insert 'to' after 'spaces they create'
- g) In criterion f) insert '*provide*' before 'suitable infrastructure' and replace 'to address its needs' with '*,including SuDS, and address*'
- h) In criterion g) insert '*incorporate*' before 'adequate measures' and insert '*SuDS*', after 'open spaces'
- i) In criterion i) delete 'they'
- j) In line 4 of part 2 of Policy BED2 replace 'in place preferably prior to development taking place, but at a minimum' with '*delivered at the earliest practicable stage in development, including*'

6.191 Subject to the above modifications the Policy meets the Basic Conditions.

6.192 **Policy BED3 Development Contributions** underpins the principle of securing contributions towards new infrastructure from development projects. It is also intended to ensure that the views and priorities of the Town Council are taken into account when securing and allocating funding.

Comments

6.193 The provision of infrastructure which mitigates the impact of development and reflects a community's needs are fundamental principles embedded in national planning policy and key attributes of the economic and social objectives of sustainable development. The policy also generally conforms with local strategic policy aimed at securing appropriate contributions toward new infrastructure provision (RCS Policy CS 32 Infrastructure Delivery and Developer Contributions).

6.194 In order to overcome Rotherham MBC's concerns that the policy, as drafted, could restrict its ability to negotiate section 106 contributions, I suggest removing the 'local priorities' element from the first part of the policy, and incorporating this as a separate part of the policy. It would also be helpful to clarify that the Town Council is only responsible for prioritising and spending that element of CIL receipts which are apportioned to Local Councils, including the neighbourhood plan element.

6.195 I also recommend future proofing the wording, as spending priorities may change over time. This would be consistent with the reference in the second part of the policy to 'confirming what local priorities are'.

6.196 While I do not share the Council's concern that the wording implies that the policy applies to all applications, including small scale developments, it would be clearer if the phrase 'where appropriate', were given more prominence. In any case I note that RCS Policy CS 32 does not distinguish between different types or scales of development.

6.197 Consequential changes are required to the accompanying justification

which should reflect the fact that Rotherham MBC have withdrawn their Community Infrastructure Levy Regulation 123 List following changes in the Infrastructure Levy Regulations, and clarify the role of Rotherham MBC and the Town Council in relation to developer contributions.

- 6.198 In this respect although Town Councils have no powers to require developers to consult with them at pre-application stage the second part of the policy sets out a reasonable expectation that they would do so, in order to ensure that discussions with the Local Planning Authority are better informed.

### **Recommendation 28**

- a) In the first part of Policy BED3 replace 'Within new developments, contributions' in line 1 with '*Where appropriate, contributions from new development*', delete 'identified above as local priorities', and delete 'where appropriate and' in line 3
- b) Insert a new paragraph '*The local community has identified a number of local priorities for spending its share of Community Infrastructure Levy receipts, which are identified above, and which will be kept under review*'
- c) Insert an additional paragraph after paragraph 1 on page 56 '*New infrastructure to support planned growth, including growth in Dinnington Parish, will be funded through a combination of planning obligations, Community Infrastructure Levy receipts, and other mechanisms negotiated by Rotherham MBC. An assessment of existing infrastructure capacity and future requirements is provided in the Infrastructure Delivery Schedule in the RCS (RCS Appendix A)*'
- d) Delete paragraph 2, including all bullet points, on page 57
- e) Delete the first sentence in paragraph 3
- f) Replace the second sentence with '*The Town Council has identified a number of local priorities for investment through developer contributions*'

- 6.199 Subject to the above modifications the Policy meets the Basic Conditions.

### **(g) Monitoring and Reviewing the Plan**

- 6.200 The land use policies are followed by a section summarising the Town Council's approach to monitoring the effectiveness of the policies and measures contained in the Plan. The intention is to assess the impact of policies against a number of (yet to be determined) 'success measures', based on performance against both national and Borough averages.
- 6.201 A full review of the Plan is intended to be carried out every five years or to coincide with future reviews of the Rotherham Local Plan.

- 6.202 National Planning Practice Guidance recognises the importance of ensuring that neighbourhood plans are deliverable and the Town Council are to be commended for their commitment to ongoing monitoring and review of the Plan, and their ambition to publish an Annual Monitoring Report.

## **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 'Basic Conditions'.
- 7.2 Although there are a number of modifications the essence of the policies would remain, providing a framework, for managing future development proposals and conserving 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 Dinnington St John's Neighbourhood Area.
- 7.4 As the impact of the policies and proposals contained in the Plan, which does not include any land allocations, is likely to have 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 Referendum based on the Dinnington St John's Neighbourhood Area as designated by Rotherham MBC on 11 July 2016.**

## **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 45 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            27 March 2020

**Appendix 1 :**

**List of Documents referred to in connection with the examination of the Dinnington St John's Neighbourhood Development Plan**

- Submission Draft Dinnington St John's Neighbourhood Plan (September 2019)
- Basic Conditions Statement (August 2019)
- Consultation Statement (June 2019)
- Strategic Environmental Assessment Screening Report and Habitats Regulation Assessment Screening Report (February 2019)
- Addendum to the Strategic Environmental Assessment Screening Report and Habitats Regulation Assessment Screening Report
- Local Green Spaces Supporting Evidence (May 2019)
- Housing Need and Characteristics Supporting Evidence (March 2019)
- Character Buildings and Structures of Local Heritage Interest Supporting Evidence (July 2019)
- Hot Food Takeaways Supporting Evidence (September 2019)
- Dinnington Town Centre Design Support document - Supporting Evidence (January 2018)
- National Planning Policy Framework (2019 version)
- 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) (as amended)
- The Environmental Assessment of Plans and Programmes Regulations (2004)
- The Conservation of Habitats and Species Regulations 2017 (as amended).
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
- Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted March 2012)
- Rotherham Local Plan Core Strategy (adopted September 2014)
- Rotherham Local Plan Sites and Policies document (adopted June 2018)
- Rotherham MBC Statement of Representations Procedure
- Rotherham Local Plan - Strategic Policies in Rotherham (January 2019)

- South Yorkshire Residential Design Guide (January 2011)
- Rotherham MBC Transport Assessments, Travel Plans, and Parking Good Practice Guidance (October 2014)
- Representations received from eleven local residents and from or on behalf of 16 organisations during the Regulation 16 Publicity period

I also accessed Rotherham MBC's planning policy web pages and Dinnington TC web pages during the course of the examination.