

Comment

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Q1. To which document do your comments relate? Neighbourhood Plan Draft Submission Version

Q3. Please provide your comments below making clear which part of the document you are referring to (specifying relevant paragraphs, tables, figures, boxes or appendices).

Re: Dinnington Neighbourhood Plan – Regulation 16 consultation This letter provides Gladman Developments Ltd (Gladman) representations in response to the draft submission version of the Dinnington Neighbourhood Plan (DNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy. Gladman has considerable experience in neighbourhood planning, having been involved in the process during the preparation and examination of numerous plans across the country, it is from this experience that these representations are prepared.

Legal Requirements Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the DNP must meet are as follows: (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order. (d) The making of the order contributes to the achievement of sustainable development. (e) The making of the order 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). (f) The making of the order does not breach, and is otherwise compatible with, EU obligations. (g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017. National Planning Policy Framework and Planning Practice Guidance The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans. The recent Planning Practice Guidance (PPG) updates make

clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition. The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development. Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth. Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities. Planning Practice Guidance Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans. Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan. This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan. It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward. Relationship to Local Plans To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. Dinnington falls within the admirative area of Rotherham Metropolitan Borough Council and the Neighbourhood Plan will be tested against the Rotherham Core Strategy (adopted 2014) and the Site and Policies DPD (adopted 2019). Policy Cs 6 of the Core Strategy sets a housing requirement of 12,750 new dwellings between 2013 to 2028, whilst the Site and Policies document identifies specific sites as allocations to meet the Core Strategy targets. Dinnington is identified in the Core Strategy as a Tier 2 Principle Settlement for Growth, with 1,300 new dwellings directed to the three settlements in the tier, approximately 9% of the borough's requirement. The Parish Council should ensure that policies within the DNP are designed as flexibly as possible to minimise any potential conflicts with a possible Local Plan Review. A failure to include enough flexibility may affect the longevity of the DNP as conflicts will be superseded by any subsequent Local Plan. This degree of flexibility is required to ensure that the DNP is capable of being effective over the duration of its plan period and not ultimately superseded by the provisions set out in s38(5) of the Planning and Compulsory Purchase Act 2004, which states that: "if to any extent, a policy, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be)." Dinnington Neighbourhood Plan This section highlights the key issues that Gladman would like to raise with regards to the content of the DNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the DNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process. Policy HLC1: Existing Important Health, Leisure and Community Facilities Policy

HLC1 states that, 'Development involving the loss of an identified important community facility will only be permitted where it can be clearly demonstrated to the satisfaction of Rotherham MBC consultation with the Town Council' Gladman remind the Qualifying Body that it is not in the remit of the neighbourhood plan to determine planning applications as this is the sole responsibility of the local planning authority and recommend that this element of the policy is deleted or amended to state that development involving the loss of community facilities will only be supported when satisfying Rotherham MBC.

Policy NE2: Local Green Spaces This policy sets out four parcels of land to be designated as Local Green Space (LGS). In order to designate land as LGS the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as set out in the Framework. The Framework makes clear at §99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development. §99 states that: 'The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.' Further guidance is provided at §100 which sets out three tests that must be met for the designation of LGS and states that: 'The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.' The requirements of the Framework are supplemented by the advice and guidance contained in the PPG (ID37-015)2 which states, 'Paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be appropriate'. Gladman do not believe that the DNP supporting evidence is not sufficient to justify the proposed allocation of site 2, 'Leys Lane Pocket Part at the Junction of Leys Lane and Lamb Lane' as LGS. In its current context the land designated as Site 2 in Figure 3 Proposed Local Green Space appears to be agricultural land detached from the settlement of Dinnington with limited public access. Therefore, Gladman assert that the 'Leys Lane Pocket Park' proposed designation does not accord with national policy and guidance. As a result, Policy NE2 is not in accordance with basic condition (a) set out above and it is recommended that this policy is deleted. Conclusions Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the DNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Q5. Do you wish to be notified of the Council's decision under Regulation 19 of the Neighbourhood Planning Regulation 2012 whether to accept the Examiners' recommendation? (please tick)