

# Stainforth Neighbourhood Development Plan 2023-2035

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## Submission Version

A Report to City of Doncaster Council on the Examination of the  
Stainforth Neighbourhood Development Plan

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14<sup>th</sup> June 2024

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## Executive Summary

My examination has concluded that the Stainforth Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Removing reference to new housing having to reference the “distinct industrial heritage of the area”.
- Offering the opportunity for applicants to justify why their housing mix does not need to reflect “widened housing choice”.
- Only requiring the provision of new walking and cycling links through a site, where it is feasible.
- Allowing the payment of a commuted sum in lieu of on-site provision of open space on housing schemes between 10 and 20 units.
- Making it clear that the lead developer will be responsible for the submission of the masterplan for the former Hatfield Main Colliery and that the masterplan should be sent for the approval of the City of Doncaster Council.
- Widening of the list of acceptable uses of the site of the former pit head to reflect uses which have planning permission or as set out in Policy 69 of the Doncaster Local Plan.
- Removing requirements relating to the submission of biodiversity schemes which are now covered by the net biodiversity gain legal requirements.

The referendum area does not need to be extended beyond the Plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan does provide the community with the ability to allocate land for specific purposes and to prepare the policies that will be used in the determination of planning applications in its area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the policies in the Doncaster Local Plan 2015-2035. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Stainforth Town Council. A Steering Group was appointed to undertake the Plan's preparations made up of town councillors, business representatives and community representatives.
3. This report is the outcome of my examination of the Submission Version of the Stainforth Neighbourhood Development Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by City of Doncaster Council.

## The Examiner's Role

5. I was appointed by the City of Doncaster Council in April 2024, with the agreement of Stainforth Town Council, to conduct this examination.
6. For me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 45 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of the City of Doncaster Council and Stainforth Town Council, and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

7. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
  - That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum, if modified.
  - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Stainforth Neighbourhood Plan area.
9. In examining the Plan, the Independent Examiner is expected to address the following questions:
  - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
  - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and that it must not cover more than one Neighbourhood Plan area.
  - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by a qualifying body?
10. I can confirm that the Plan, only relates to the development and use of land, covering the area designated by Doncaster Council, for the Stainforth Neighbourhood Plan, on 11<sup>th</sup> June 2018.
11. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2023 up to 2035.
12. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
14. I am satisfied that Stainforth Town Council as a parish council can act as a qualifying body under the terms of the legislation.

### **The Examination Process**

15. Once I had reviewed the submitted documents, my first task was to conduct a site visit to Stainforth. That was carried out on Monday 22<sup>nd</sup> April 2024.

16. I left the M18 at Junction 5 and entered the town along Waggon Way, having driven along the B1538 in the neighbouring parish of Hatfield. I orientated myself by driving up Station Road and into Church Road before turning right into Thorne Road and crossing the railway at Kirton Lane. I then retraced my tracks, having turned around in the village of Thorne. Returning to Stainforth, I next visited South Bramwith, noting its listed buildings and crossing both the river and the canal.
17. I then spent most of my time driving around the urban area of Stainforth, visiting all the sites identified in the plan, noting the shopping parades, the green spaces and allotments and the community facilities. I also visited to each of the seven identified development opportunities sites. I visited some of the new housing that is being built up by the canal. I also crossed the railway bridge and saw the facilities at Hatfield and Stainforth railway station.
18. Having spent nearly two hours in the town, I then left the plan area again via Waggon Way, where I stopped to view the former Hatfield Main Colliery Site and I saw for myself the headstock, as well as the large distribution building, Unity Energy immediately to its north.
19. Upon my return from Yorkshire, I have prepared a document entitled Initial Comments of the Independent Examiner dated 30th April 2024. In that document, I advised the parties that I would be able to deal with the examination without the need to call for a public hearing. I asked a series of questions which were mainly directed at the Town Council but also City of Doncaster Council and I addressed some questions to Gerald Eve, who are the agents for the Unity project. I received responses from all three parties on 24th May 2024.

### **The Consultation Process**

20. A Steering Group was set up in September 2017 and it met monthly throughout the plan making process, reporting back on a regular basis to the Town Council. It also set up a dedicated website in February 2018.
21. A household questionnaire survey was conducted between December 2017 and July 2018, which were distributed at key locations such as the three primary schools, Asda supermarket and Stainforth Library. This produced 702 responses, in what was called an Issues and Options Consultation. An Issues and Options Stakeholder Forum evening was held on 27th October 2018 which was attended by local groups. This prepared the ground for an Issues and Options paper which was distributed for an informal consultation, which ran from 22nd March 2019 until 30th April 2019.
22. A call for sites was issued to identify land for potential future development and that proposed one site.

23. All this work, resulted in the preparation of the Pre-Submission version of the neighbourhood plan, which was the subject of a six-week consultation, known as the Regulation 14 consultation, which ran from 28th March 2022 until 9th May 2022. The neighbourhood plan was, at that stage, accompanied by a proposed neighbourhood development order, although that was subsequently withdrawn. In total, the combined consultation elicited 172 responses.
24. I am satisfied that the Town Council has actively sought the views of the local community whilst preparing this plan. The steps it has taken are clearly set out in the Consultation Statement, which accompanied this submission.

## **Regulation 16 Consultation**

25. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six-week period, between 25<sup>th</sup> January 2024 and 7<sup>th</sup> March 2023. This consultation was organised by City of Doncaster Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
26. In total, 12 responses were received, including: Doncaster Council – both the planning and the air quality teams responded, National Highways, Natural England, Sports England, Environment Agency, The Coal Authority, Historic England, Canal and Rivers Trust, Sheffield City Council, Network Rail and Gerald Eve LLP on behalf of Waystone Hargreaves Land and Hargreaves Hatfield Ltd.
27. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

## **The Basic Conditions**

28. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?

- Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
  - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?
30. On 19<sup>th</sup> December 2023, the Secretary of State published a new version of the National Planning Policy Framework, and I will be referring to paragraph numbers from that version of the document.

### **Compliance with the Development Plan**

31. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Doncaster Local Plan 2015-2035. The development plan for the plan area also includes the Barnsley, Doncaster and Rotherham Joint Waste Local Plan. However, as that plan deals with what is a “county matter” which is “excluded development”, it therefore is not relevant to this examination.
32. The City of Doncaster Council, in its response to my Initial Comments, identified the policies in the Local Plan which it considers to be the strategic policies which the neighbourhood plan is required to be in general conformity with.
33. Policy 1 sets out the settlement hierarchy across the district. Stainforth, along with Hatfield, is identified as one of the seven main towns in the district, which will be the focus for substantial housing growth and appropriate levels of employment and retail growth. Outside of the development limits, the parish is classified as being within the countryside policy area. Table 2 identifies the shopping facilities within Stainforth as being a local centre.
34. Policy 2 addresses the district’s level of growth which includes a requirement for at least 481 hectares of employment land and at least 15,640 net new homes. An area covering Duncroft, Dunsville, Hatfield as well as Stainforth, are collectively expected to deliver 1,968 new homes through allocations. The supporting text states that the policy does not rely upon neighbourhood plans allocating additional housing sites.
35. Policy 3 deals with strategic employment sites and includes a provision that developments likely to provide over 20 jobs, will be expected to seek to enter into a local labour agreement.



36. Policy 5 deals with housing allocations and it cross references specific allocations made later in the local plan, split between those that already had planning permission and those which did not.
37. Policy 7 covers housing delivery and the range of housing types to be sought, including affordable housing and the need for housing to be adaptable. Policy 10 is not a strategic policy but supports new residential development within the residential policy areas, subject to specific criteria.
38. Policy 13 requires new development to be accessible to sustainable modes of transport and sets requirements for transport plans, assessments and travel plans.
39. Policy 24 deals with hot food takeaways and states that they should be directed to local centres subject to five criteria.
40. Policy 25 is a non- strategic policy covering development in the countryside policy areas, specifically relating to conversions, new dwellings and replacement dwellings as well as residential extensions.
41. Policy 26 sets out the requirements for green infrastructure and includes specific policies for proposals which are adjacent to or near waterways including Stainforth Marina.
42. Policy 27 is a non-strategic policy protecting open space which are identified on the Proposals Map, non-designated open space as well as local green spaces. Equally Policy 28 is another non-strategic policy which set out the requirements for open space on new development.
43. Policy 36 sets out planning policy for considering proposals that affect listed buildings.
44. Chapter 12 of the Local Plan covers planning policy for Design and the Built Environment. Policy 41 covers character and local distinctiveness, encouraging innovative design and development solutions. It includes a requirement for “off the shelf designs” to be adapted to reflect local character. Policy 42 encourages good urban design and Policy 44 covers design matters relating to residential design. Similarly, Policy 46 covers the design aspects of non-residential, commercial and employment development.
45. Policy 50 encourages developments which support the health, social and cultural well-being of residents.
46. Policy 51 is a non-strategic policy which resists the loss of community facilities including those identified on the local plan’s policy map.
47. Policy 57 again is a non-strategic policy, but this time covering flood risk management and Policy 65 sets out the circumstances where developer contributions will be required.
48. Particularly relevant to this neighbourhood plan, is Policy 69 which deals with the Unity Regeneration Project, part of which falls within the neighbourhood area. It describes the required elements of the project, including the quantity of housing and employment uses, a new Marina and the regeneration of the former Hatfield colliery site which is shown on Map

18 alongside the Lay Down area, to be used for spoil associated with creating development platforms across the Unity Project.

49. My overall conclusion is that the Neighbourhood Plan, apart from where I identify otherwise, is in general conformity with the strategic policies in the adopted Doncaster Local Plan.

## **Compliance with European and Human Rights Legislation**

50. The Town Council accepted that a full Strategic Environmental Assessment (SEA), as required by EU Directive 2001/ 42/ EC, which is enshrined in law by the “Environmental Assessment of Plans and Programmes Regulations 2004” would be required. It therefore commissioned consultants, AECOM, to prepare a strategic environmental assessment.
51. A scoping report was prepared in December 2021. The three statutory consultees, namely the Environment Agency, Historic England and Natural England were consulted on that scoping. The report provided a baseline from which the neighbourhood plan could then be assessed and identified the SEA topic areas which should be “scoped in”, and it pointed to biodiversity, climatic change resilience, climate change mitigation, health and well-being, historic environment, population and housing and transport and accessibility.
52. The next stage was the production of the Environment Report which comprised the strategic environmental assessment of the neighbourhood plan. This was prepared in accordance with the normal SEA methodology, appraising the policy objectives against the SEA framework, looking at the in-combination effects and identifying the impacts on the spectrum, from significant negative through to significant positive impacts. It also looked at reasonable alternatives. The likely effects are measured against the framework’s objectives, and these were found to be primarily positive apart from minor adverse impacts in relation to flood risk and the historic environment, which were all generally dealt with by the rewording of policy. The three statutory bodies were consulted on the Environment Report.
53. Separately, Doncaster Council as the “competent authority” was required to screen the plan under the Conservation of Habitats and Species Regulations 2017 - the Habitat Regulations. This looked at whether the neighbourhood plan had the potential to have any significant adverse impacts on any European protected site, the nearest of which Thorne Moor SAC, Hatfield Moors SAC, Thorne and Hatfield Moors SPA, the River Derwent SAC and the Humber Estuary SAC, SPA and Ramsar Site. The report, which is undated, concluded that there would be no adverse impact on any of these European protected sites and an Appropriate Assessment would not be required. I was subsequently informed that Natural England was consulted on the Council’s report and agreed with its conclusions.

54. I am satisfied that the basic conditions regarding compliance with European legislation, including the 2017 introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

## **The Neighbourhood Plan: An Overview**

55. I must firstly commend the Town Council, the Steering Group and its planning consultant for the quality of the work that has been put into this neighbourhood plan exercise. Several of the policies have not required modification and in many cases the changes are not significant and many only cross-reference to the equivalent policy in the Doncaster Local Plan.
56. This neighbourhood plan aims to play a complementary role by setting planning policy within the parish, which will stand alongside the relatively recently adopted local plan which offers comprehensive strategic, non-strategic and development management policies which already cover the same areas as the neighbourhood plan.
57. Policy 69 of the local plan sets out the parameters for the Unity Regeneration Project, which will be one of the major growth areas within the district, although policy recognises the existence of the extant 2015 outline planning permission. This regeneration project incorporates large parts of the plan area.
58. The developers behind the Unity Project are clearly major stakeholders in terms of how Stainforth is to be regenerated. The town has attracted significant government funding, which will provide much of the resources to deliver some of the projects identified in the neighbourhood plan, such as the railway station enhancements and the country park. That work is being guided by the Stainforth Town Deal Board, whose members include the Unity Project promoters as well as the Town Council and the City of Doncaster. The Town Deal Board has produced its own illustrative masterplan.
59. In the main, it appears that the neighbourhood plan is working with the grain of these other planning documents and is explicitly recognises that certain matters have already been established, through the overarching planning permission granted in 2015, with its indicative masterplan. However, that masterplan does not cover significant areas within the parish that have redevelopment potential and the neighbourhood plan has sought to fill some of the missing pieces of the jigsaw.
60. The preparation of the plan this neighbourhood plan has so far taken seven years and its output has been guided by what the community has told the Town Council through its consultations. That is particularly

the case, in terms of how the plan sees the iconic pit head area being redeveloped.

61. It appears to me that the plan making progress may have been overtaken, to some extent, by the submission and subsequent approval of a planning application for the pithead area, in 2022. That approval had its own illustrative masterplan. It is clear to me that there is a difference between the vision being promoted of a community use led regeneration set out in the neighbourhood plan for the pithead area, compared to the more commercially orientated development ambitions of the Unity Project developers. Hopefully, within the parameters set by the outline permission and/or through closer collaborative working, some accommodation of the community's aspirations could be delivered, whilst recognising the fallback position, in terms of the development of the site, which is already been approved. No neighbourhood planning policy can change that.
62. A recurring theme throughout this examination has been the neighbourhood plan's considerable reliance on existing policies in the Doncaster Local Plan. These policies already apply to Stainforth. It could be construed that what many of the policies are simply proposing that development complies with policy that already applies to the area. The unnecessary duplication of existing policy is specifically identified as something that neighbourhood plans should avoid, according to Secretary of State policy.
63. In other examinations I have often recommended that such duplication should be removed. However, in this instance i have been persuaded by the Town Council's representations that it is the community's specific wish to signpost applicants and decision makers, to existing policy, which is clearly valued by the community. I have therefore, in this examination, not recommended their deletion, but rather I have gone further by cross referencing specific local plan policies. Overall, I have found that the plan has regard to Secretary of State policy and advice, especially if modified in accordance with my recommendations.
64. Similarly, I have concluded that, taken as a whole, the neighbourhood plan will deliver sustainable development. That is another of the basic conditions. It is a locally distinct plan clearly backed up by evidence, and is focused, seeking to address only the key issues which are important to the local community. It is setting clear policy of where new housing should be built and is explicitly seeking a different housing mix from what is currently available, to encourage people to remain the town by encouraging larger properties which people could aspire to live in. There are many neighbourhood plans where the desire is not to allow more larger executive style housing, but that is the strength of the neighbourhood plan system.
65. The plan encourages non car mobility and enhancements to the town's rail infrastructure. It seeks to protect valued open spaces and

community facilities and identifies key sites which it is promoting for redevelopment. It sets ambitious expectations for more jobs, housing and recreational facilities, through its allocations.

66. My recommendations, in the main, have concentrated on the wording of the individual policies. However, there will be some consequential changes needed to the supporting text to reflect my policy recommendations. It is important that the supporting text recognises the policy changes so that the plan still reads as a coherent statement of policy.
67. I will leave it to the Town Council and its consultant, to work with the planners at City of Doncaster Council to agree the changes to the supporting text when preparing the Referendum Version of the plan, which will have to be published alongside Decision Statement.

## **The Neighbourhood Development Plan Policies**

### **Policy S1: New Housing Development**

68. This policy sets 7 criteria which should be applied in the case of new housing within Residential Policy Areas and on residential allocation sites. The residential policy areas are defined in the Doncaster Local Plan. The housing allocations are made in the local plan, but also in the neighbourhood plan, in Policy SNP04. This is a prime case where the criteria cover issues which are already, to some extent dealt with in the local plan policies, but as the Town Council's response states, the policy is intended to draw these together and highlight those that are most important to the community.
69. The Secretary of State, in paragraph 16 f) of the NPPF, states that plans should avoid the unnecessary duplication of policies that apply to a particular area. I do see that a case can be made for drawing together relevant aspects of existing policy into a single policy dealing with new housing development in Stainforth. The policy does not fundamentally alter the requirements that already apply, nor do they add any local dimensions, but I place weight on the community's explicit desire to pull them together.
70. However, I consider it important to cross reference the criteria in the policy to the relevant provisions of the local plan so that the applicants and decision makers are directed to the relevant section of the Local Plan and the requirements are not unknowingly "watered down".
71. I did raise the specific question of how the Town Council would expect a design of new development could reference the "distinct industrial heritage of the area". The Town Council's response was to suggest a rewording with the implications that the applicant should be expected to produce a local character assessment. Whilst reference to such assessments is made in the supporting text in the local plan (para

12.7), the production of a local character assessment is not a Doncaster Council requirement for the submission of a planning application, as set out in its Local Validation Checklist. Nor has the council prepared any advice or supplementary guidance on how such assessments should be prepared. In my recommendation I will not be taking up that suggested wording, but I will instead propose a wording that designs should have regard to the character of existing development in the immediate vicinity of the development as well as pointing to the more comprehensive requirements set out in the local plan.

72. Criterion 3 refers to the requirements for schemes to incorporate “principles of sustainable design, promoting resource, water and energy efficiency and incorporating low carbon energy technologies where possible”. I find this ambiguous, in that it does not set out or define what specific requirements a decision maker would have to refer to assess whether a proposal meets the expectations or where they are set down. The Town Council's response was that it was seeking to “encourage” but not “require” applicants to go beyond the requirements to the Building Regulations. Whilst I can acknowledge the Town Council's aspirations, I need to clarify that the policy is encouraging applicants to adopt but not requiring higher standards than are set out in the Building Regulations. That would then mean that this element of the policy is not in conflict with the recent Written Ministerial Statement dated 13th December 2023 entitled Local Energy Efficiency Standards Update.
73. Similarly, criterion 4 could be read as seeking all properties to be meet the optional Building Regulation M4(3) compliant, which means that all houses should be built to enable full wheelchair accessibility. Such a requirement would be contrary to the requirements set out in Local Plan Policy 45 which only requires that a minimum of 5% of units on major schemes should be built to that standard. The Town Council has proposed an amended form of wording that I will be adopting as a recommended modification.
74. With these changes are considered the policy can be retained and meets the basic conditions.

### ***Recommendations***

***In 1. at the end of the first sentence, insert, “in accordance with the requirements of Policy 55 of the Doncaster Local Plan***

***In 2. after “reference” insert “and enhances” and delete all the text after “local character of housing” and insert “in the immediate vicinity as well as meeting the requirements set out in Policy 41 and where relevant, Policies 42 and 44 of the Doncaster Local Plan.”***

***Delete 3. and renumber.***

***In 4. delete “fully”***

***At the end of 5. insert “as required by Policy 42 (B)(6) of the Doncaster Local Plan”***

***In 6. after “protected” insert “as required by Policy 42(A)of the Doncaster Local Plan”***

***In 7. after “national policy and” insert “Policy 57 of the”***

***At the end of the policy, insert a new sentence “Schemes that promote resource, water and energy efficiency and incorporating low carbon energy technologies which exceed the requirements of Building Regulations are particularly encouraged.”***

### **Policy S2: Improving Housing Choice**

75. This is a locally distinct policy. It is seeking to deliver a specific outcome, through encouraging increased diversity of housing provision within the town. The drafting of the policy, by imposing a requirement on all residential developers that they “must demonstrate how they contribute to providing a wider housing choice” could potentially lead to proposals that do not widen that choice being refused planning permission. I consider the policy expectations to encourage a different mix, especially a desire to promote bungalows or larger detached and family style housing, can be retained in the policy. My modification keeps it open for an applicant to make a justified case as to why they have a particular housing mix, which could, for example, include market information.

76. I conclude that the policy is consistent with the aspirations set out in Policy 7 of the Local Plan and notwithstanding the concerns of the Unity Project developers, I do not think it will prevent housing from meeting market expectations.

#### ***Recommendation***

***At the end of the first sentence, insert “or justify why the proposal cannot deliver that widened choice of housing provision.”***

### **Policy S3: Improving accessibility for all**

77. I have no concerns with the underlying aspiration of the policy, however there will be some developments that take place in the town which may, for example, not be able, sensibly, to allow walking or cycling links through the development. For example, some infill housing sites will front directly on to the highway. I believe that the policy would benefit from a degree of flexibility through the caveat “where feasible”.

78. In terms of the second element of the policy there may also be some smaller schemes which may require the construction of a new road / access and these developments could usefully be covered by the requirement to prioritise pedestrians, cyclists or indeed those with mobility issues as set out in the second paragraph of the policy. I will

be proposing the alternative wording put forward by the Town Council in its response to my Initial Comments

**Recommendations**

***In the first paragraph, at the start of the second sentence insert “Where feasible,”***

***At the start of the second paragraph delete “major”***

**Policy S4: Station Gateway**

79. I have no comments to make on this policy, apart from clarifying the correct spelling should be “Waggon” not “Wagon”.

**Recommendation**

***In 3. and 4. insert “Waggon” instead of “Wagon”***

**Policy S5: Protecting and Enhancing Open Spaces and Recreational Facilities**

80. There is a fundamental problem with the thrust of the policy as it places the onus on the Town Council to protect and enhance the open spaces of the town. The role of a neighbourhood plan policy is to guide how planning applications are to be determined. In terms of these planning matters, the role played by the Town Council is only as a consultee on planning applications and it is not a decision maker. I will be proposing the removal of the first paragraph which is unrelated to how planning applications are to be determined, but the remaining elements can be retained.
81. The policy relies upon the adopted local plan to identify the open spaces to be protected. Again, I did again question the value of having a policy that effectively duplicates existing policy which is already be protecting these open spaces. However, the Town Council did rightly point out that the elements of the policy that would justify a loss of one piece of open space is dependent upon enhanced provision being provided within the immediate area which is different to the provisions in the local plan policy.
82. In terms of new open space provision, the policy relies upon the requirements of Policy 28 of the local plan. Its inclusion as part of this policy only has the benefit of signposting applicants and decision makers to existing policy. I will propose a minor amendment to allow some schemes between 10 and 20 units to contribute financially, as reference to “new major residential development” could be interpreted as requiring direct provision as the threshold for “major schemes” is those over 10 units. It also explicitly allows such payments to be spent within the plan area, compared to the local plan which refers to the monies being spent on sites within the vicinity of the development.
83. I have no concerns regarding the final elements of the policy.



### **Recommendations**

**Delete the first paragraph.**

**In 2) insert at the end of the policy “and in the case of schemes of between 10 and 20 family houses, a commuted sum toward the improvement of open space provision in Stainforth will be expected”**

### **Policy S6: Protecting and Enhancing Local Community Facilities**

84. The plan identifies 5 community facilities to be protected. The accompanying map also included the Greyhound Stadium and three primary schools. The Town Council clarified that it does not wish to cover these facilities through its neighbourhood plan policy. I have since been provided with an amended map which removes these facilities.

85. The policy deviates from Policy 51 of the local plan in that it does not refer to a building’s continued fitness for purpose. It also requires any community re-provision to be within Stainforth and should be in an accessible location for access on foot or by cycle. That does not raise any issues in terms of the basic conditions.

### **Recommendation**

**Insert the revised Map 3 removing the 3 primary schools and the Greyhound Stadium**

### **Policy S7: Hot Food Takeaways**

86. In effect, this policy merely duplicates the restrictions on the location of new hot food takeaways to local centres as well the other criteria in Policy 24 of the local plan. However, the community clearly sees this policy as helping to address the town’s health issue in its neighbourhood plan and it specifically identifies on the proposals map the areas where such uses will be supported in principle. In not deleting this policy as unnecessary duplication, I am placing great weight on the community’s desire for its neighbourhood plan to be seen to be addressing this health issue.

### **Policy S8: Development Opportunity Sites**

87. This policy identifies seven sites which are prime candidates for redevelopment/ regeneration. The Town Council has chosen not to actually allocate them, as it does not wish to unduly constrain the development potential by allocating sites for specific purposes.

88. One of the sites is a local plan allocation, another is covered by the Unity Project planning permission and the remainder are within Residential Policy Areas or within areas defined as a local centre and hence all have a supportive policy context. I recognise value that can

be conferred by highlighting the sites which the community is promoting for development, reflecting the outcome of the public consultation. I do not see the criteria proposed to be unreasonable and the appropriate use is identified as “potential appropriate end uses”.

89. Therefore, the proposed policy can be retained without modification apart from the substitution of the enlarged Map 5.

### *Recommendation*

#### ***Insert enlarged version of Map 5***

### **Policy S9: Former Hatfield Main Colliery Holistic Approach to Development**

90. The area the subject of this policy covers several parcels of land which are shown enclosed within the blue line on Map 6. It includes a housing allocation at the western end of the site, the former pithead area which will be covered by Policy SNP02 and which is also the subject of a planning permission granted in 2022 under reference 22/01934 /OUTM, for the erection of 36,378 square metres of B1, B2 and E(g) development and up to 2,787 square metres of community, leisure and commercial uses within Class E, F1 and F2, plus two areas which are allocated for employment uses as per Policy SNP03, as well as a new Country Park area to the north, as required in Policy SNP01.
91. The most easterly part of the employment allocation is the subject of the overarching Unity Project planning permission approved under reference 15/01300/OUTA. That part of the site is shown on the illustrative masterplan, as the Lay Down area, which is a former tip area which will be used to provide materials to create level development platforms across the whole of the Unity development. The Lay Down area is required to be the subject over a scheme of restoration and aftercare by way of a planning condition which must be submitted by 31st May 2027. The developers of the Unity Project have confirmed that the rate of extraction of material from this area is dependant upon market demand for the other plots across the whole regeneration area and this will dictate the timescale for when parts of the site become available.
92. The proposed Country Park is predominantly outside the area of the Unity planning application, although it does appear that a small slither may fall within that area shown as the Lay Down area but that may be a question of misinterpreting the plan’s mapping.
93. I appreciate that the Country Park is a key element to the plan’s open space strategy and is identified in the Town Deals Masterplan, which whilst not part of the development plan, is the key to being able to access Government funding, through the Town Fund and the money set aside for the Country Park, I understand, needs to be spent by

2026. The inclusion within the neighbourhood plan will mean that it is part of the development plan.

94. Whilst there is a general recognition of the benefits of having a master plan, which will ensure the proper integration of the key elements, representations have been submitted on behalf of the Unity developers to this policy. They argue that the plan does not properly recognise the fact that there is an extant planning permission covering, for example, the former main colliery site, which it could be argued, is not consistent with the neighbourhood plan's aspirations for that part of the site. That is particularly pertinent to the specific policy covering the pithead site in Policy SNP02 which is referred to as a mixed-use community area. I will return to that matter under that policy.
95. I believe that the main thrust of the policy is to secure the master planning of the area within the blue line, which covers those areas outside, as well as those within, the Unity masterplan area, including those where planning permission has been granted and others which are only the subject of a neighbourhood plan allocation.
96. I agree that the policy does have a value in establishing an expectation for adopting a holistic approach to the planning of these different parcels of land, to secure a comprehensive and coherent development over what will possibly take over a decade or more to achieve.
97. The policy also seeks to make specific allocations for the 4 areas but that is also done with the respective allocations policies, Policies SPN01-04. I will be recommending the removal of the first and final paragraphs of the policy, so that this policy solely addresses the need for a comprehensive area wide masterplan for the area delineated in blue on the Proposal Map.
98. To be an effective policy, I propose that the drafting should make it explicit as to who is expected to prepare the masterplan, and in this case, I have been advised that it should be the lead developer - Waystone Hargreaves. I also believe that the policy should have a trigger as to when the masterplan should be prepared. I recommend that it should be produced before the submission of development proposals for constituent elements of the site come forward, apart from the pithead colliery section of the site. The reason for that part's exclusion is that the outline planning permission has been granted with its own illustrative masterplan, which has been already approved and reserved matters can be submitted for any time up to 2033. That effectively has pre-empted this policy requirements for that part of the site.
99. The policy states that the masterplan must be prepared in collaboration with various parties, however there can be no compunction on any party, such as a stakeholder, to engage with that process and it would be unreasonable for that collaborative exercise to be frustrated by a party's failure to engage with the promoters of the

masterplan. I propose to refer to the fact that the master plans should be prepared in consultation with the various parties, but also make it explicit that the master plan should be approved by the City of Doncaster Council as the local planning authority.

### **Recommendations**

**Delete the first and third paragraph**

**In the first sentence of the second paragraph after “development proposals” insert “apart from any reserved matters submission pursuant to outline planning application 22/01934/OUTM” and in the second sentence, delete “exercise” and replace “collaboration” with “by the lead developer, in consultation with”.**

**At the end insert “and that proposed masterplan should be submitted for the approval of the Local Planning Authority.”**

### **Policy SNP01: Stainforth Country Park**

100. I accept the principle of the creation of country park on that part of the site which lies beyond the area which has outline planning permission and does not form part of the Unity masterplan. The possible addition to the area's green infrastructure is recognised in supporting text of Policy 69 in the local plan and is shown within the site allocation MIX03 from the local plans policy map.
101. I have no concerns regarding the required elements, however I believe that reference in section C to “a community area sited near the headstock” could be clarified and I have been advised that it is referring to an outdoor event space that can be used for multiple uses, as set out in the Town Council's response to my Initial Comments question.

### **Recommendation**

**In C. replace “area” with “outdoor events space”**

### **Policy SNP02: Community use redevelopment of the former pithead site**

102. It appears that this is the one area where there is a clear divergence between the aspirations of the Town Council and the expectations of the landowner/ developer. This is evidenced by the policy's proposal to allocate the site for “a mix of community uses”. It identifies a range of uses that would be supported by the policy namely social, community, recreational, heritage plus small-scale business, and other uses appropriate to the setting, location heritage of the area”.
103. However, the planning permission granted provides for a different scale and mix of development providing for 35,000 square metres minimum of B2, B8 and Class E uses which would have previously fallen within Use Class B1, with only 2,700 square metres of community, leisure and commercial uses. It may well be that the planning permission overtook the neighbourhood plan making process, but the existence of that planning

permission is a very material consideration in establishing a legitimate expectation as to what can be built on the site, notwithstanding the results of community consultation.

104. I have received representations suggesting that the policy, if retained in its current form, would not meet the basic condition e) regarding general conformity with the strategic policies in the local plan, namely Policy 69 in that it is proposing a reallocation of land which is already the subject of a strategic allocation. It has been pointed out that this is contrary to Secretary of State policy, which states that the neighbourhood plans should not reallocate sites that are allocated through strategic plans. It is argued that the list of acceptable uses is more limited than set out in Policy 69 as it excludes a training centre and energy related development and associated education, technological and research facilities.
105. The response of the Town Council is that it does not see the range of uses that would be supported “to be a closed list and other uses would be given consideration”. However, one of the main attributes of the neighbourhood planning policy, as promoted by the Secretary of State, is that a neighbourhood plan policy should be drafted with sufficient clarity so that a decision maker can apply it consistently and with confidence when determining planning applications.
106. I therefore propose to amend the emphasis of the policy to bring it into closer alignment with Policy 69 and the uses already benefiting from planning permission, but also recognising that if proposals come forward in line with the community’s aspirations, they will be supported. I believe that this allows the policy to be retained, albeit in modified form and the policy will also need to be retitled.
107. A neighbourhood plan cannot dictate what documents should accompany a planning application as that is the role of the Local Validation Checklist. Rather than require the submission of a Heritage Statement, the policy can require proposals to demonstrate how the design reflects the industrial heritage of the former colliery pithead area. Similarly, the requirement for an ecological assessment and mitigation plan has been superseded by the requirements for most development to deliver a minimum of 10% net biodiversity gain.

### **Recommendations**

***Retitle policy “Former Hatfield Main Colliery Pithead Site”  
Replace the first paragraph with “Site SNP02, as shown on the policies map, is allocated for a mix of employment / industrial uses as set out in Policy 69 D of the Doncaster Local Plan. In respect of item 4 of that policy, “Other uses”, these could include a training centre and energy related development and associated education, technological and research facilities as well as social, community, recreational, leisure and heritage uses.”  
In the second paragraph, delete “via a heritage statement”***

### **Delete paragraph 3**

#### **Policy SNP03: Employment Allocation - Land between Kirton Lane and Railway Line**

108. Both areas of this allocation form part of what is described in the outline planning permission as the Lay Down area.
109. I have no concerns regarding the proposed future use of the area for employment development. Reference to a local labour agreement is already set out in the local plan. There is no reason why the need for that agreement should not be highlighted, but it cannot be “required”. The local plan refers to a local agreement being “sought”.
110. In terms of the requirements for enhancements to biodiversity, as already mentioned, any proposal will need to be subject to achieving a minimum of 10% net biodiversity gain and does not need to be a component of a policy as it is a legal requirement in any event.

#### **Recommendations**

***In C. replace “required” with “sought”***

***Delete the Development Requirement related to Biodiversity***

#### **Policy SNP04: Housing allocation – Land off Waggon way**

111. I was initially concerned that this policy could countenances a lower number of dwellings if it “would assist the delivery of a better design solution”. If allocation sites do not achieve their approximate housing capacity, this could have implications in terms of the overall delivery of housing numbers from allocated sites. It could be argued that it is contrary to the strategic local plan expectation, which is set out in Policy 42 of the local plan, that requires that “new development will be expected to optimise the potential of a site and make the most efficient use of land”. I believe that good design can be an expectation, in its own right, and that it is not necessarily linked to achieving a higher or lower number of units. Also, the housing figure of 210 dwellings is expressed as an approximate number.
112. However, I note that the wording is based on the wording of Policy 5 of the Doncaster Local Plan which is a strategic policy and I have therefore changed my view and accept that the second paragraph can be retained.
113. Within the Development Requirements, reference to Biodiversity can now be removed. In the design section, having regard to my changes to Policy S1, remove “and the distinct industrial heritage of the area”.
114. Beyond these matters, I am satisfied that the policy meets the basic conditions.

#### **Recommendations**

***In the Development Requirements, remove reference to biodiversity and in the Design section, delete “and the distinct industrial heritage of the area”***

## The Referendum Area

115. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Stainforth Neighbourhood Plan as designated by Doncaster Council on 11<sup>th</sup> June 2018 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## Summary

116. I congratulate Stainforth Town Council on reaching a successful outcome to the examination of its neighbourhood plan.

117. This is a locally distinctive plan which deals with the issues that are important to the community building as it does on the strategic policies of the Doncaster Local Plan and harnessing the regeneration potential, as part of the Unity Regeneration Area.

118. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test, and that it is appropriate, if successful at referendum, that the Plan be made.

119. **I am therefore delighted to recommend to City of Doncaster Council, that the Stainforth Neighbourhood Development Plan, as modified by my recommendations, should proceed, in due course, to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS  
John Slater Planning Ltd  
14<sup>th</sup> June 2024