



Doncaster Council

Report

22nd August 2023

To Members of Planning Committee

DONCASTER COUNCIL – ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS ON FLOOD RISK; DEVELOPER AND TECHNICAL REQUIREMENTS; LOSS OF COMMUNITY FACILITIES AND OPEN SPACE; AND LOCAL LABOUR AGREEMENTS

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Phil Cole	All	No

EXECUTIVE SUMMARY

1. This report notifies Members of the Planning Committee of the recent adoption of the four new Supplementary Planning Documents (SPDs) on Flood Risk; Technical and Developer Requirements; Loss of Community Facilities and Open Space, and Local Labour Agreements.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

3. Members of Planning Committee are recommended to:
 - i) Note the contents of this report.
 - ii) Note that the newly adopted Flood Risk; Technical and Developer Requirements; Loss of Community Facilities and Open Space; and Local Labour Agreements Supplementary Planning Documents are material considerations when determining planning applications.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

4. The four SPDs will be helpful for applicants, agents/developers local businesses and outside investors wanting to develop in Doncaster, by providing clear and comprehensive guidance regarding the implementation of a number of Local Plan policies. They set out what will need to be taken into account when submitting planning applications.

BACKGROUND

5. The Doncaster Local Plan states that some of its policies or will be supported by SPDs. The four SPDs explain to developers, landowners and applicants how to apply national and local policy.
6. The SPDs support and build upon the following Local Plan policies:
 - Flood Risk SPD – Local Plan Policy 57: Flood Risk Management;
 - Technical and Developer Requirements SPD – this covers topics included in a number of Local Plan policies;
 - Loss of Community Facilities and Open Space SPD – Local Plan Policy 27: Protecting Open Space and Non Designated Open Space, and Policy 51: Protection of Education, Leisure and Community Facilities;
 - Local Labour Agreement SPD – Local Plan Policy 3: Employment Allocations.

The role of the four Supplementary Planning Documents

7. Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing SPDs. There is also guidance on their role in the Government's Planning Practice Guidance on Plan Making. In summary SPDs:
 - must relate to adopted plans (providing more detailed advice or guidance)
 - do not form part of the Development Plan;
 - cannot introduce new policies into a Development Plan;
 - are a material consideration in decision making;
 - must not add unnecessarily to the financial burdens on development; and,
 - must not conflict with the adopted development plan

Why is there a need for the four Supplementary Planning Documents?

8. The need for, purpose and content of each SPD is summarised below:

Flood Risk SPD

9. Over two fifths of Doncaster City Council administrative area is located within areas of medium to high risk of flooding from both the river Don and Trent catchments and Local Plan Policy 57: Flood Risk Management builds upon national policy to address this use. The Flood Risk SPD supports Local Plan Policy 57 explaining how to apply national and local policy on managing flood risk and the approach that planning applications need to take. It covers how to assess the flood risk for a site and how to undertake a Sequential Test and an Exception Test. It also addresses how to apply a site-specific sequential approach to layout and design, and how to undertake a site specific flood risk assessment.

Technical and Developer Requirements SPD

10. This SPD clarifies the expectation of the Council in relation to technical matters that need to be taken into account when submitting planning applications. There are a number of topics including: affordable housing; education contributions, health impact assessments, pollution, contamination, drainage, public rights of way, and refuse. It also advises on assessments that may need to be carried out and submitted alongside planning applications. This SPD adds further detail to a number of Local Plan policies.

Loss of Community Facilities and Open Space SPD

11. Both national and local policy look to protect valued facilities and services especially those that assist in a local community meeting their day to day needs. The SPD builds upon Local Plan Policy 27: Protecting Open Space and Non Designated Open Space and Policy 51: Protection of Educations, Leisure and Community Facilities. It clarifies the expectations of the Council when planning applications could result in the loss of such facilities. The SPD seeks to define community facilities and includes matters to consider when proposing the loss of a community facility or open space.

Local Labour Agreements SPD

12. Within the City of Doncaster, there is a need to support and promote the employment, upskilling, training and development of local people and businesses. Local Plan Policy 3: Employment Allocations seeks to secure local labour agreements for employment developments that proposes 20 or more jobs, this SPD therefore provides advice and assistance to applicants and developers to achieve that support.

Public Consultation

13. The draft SPDs were published for public consultation from 20 March 2023 to 28 April 2023. The documents were published on the Council's website, and made available for inspection at the Council's Civic Office during normal office hours. Interested parties, including everyone on the Planning Policy database and those listed in Appendix A of the Statement of Community Involvement, Ward Members and Parish and Town Councils were notified of the consultation. The consultation was also advertised using an advert in the press and a post on Twitter.

14. There were 17 responses to the public consultation, including from statutory consultees, members of the development industry and members of the public. Some of the organisations/individuals responded to more than one SPD. A Consultation Statement was prepared that summarised the comments raised and how these were addressed.

Flood Risk SPD

15. The SPD received nine responses. The majority of the points raised were seeking amendments to address clarification. Most of the comments received were from the Environment Agency which sought clarification and suggested amendments for issues such as the process for assessing flood risk (Figure 1 in the SPD), the sequential test, and residual risk zones. Amendments through additional text were made to a number of paragraphs in the SPD including emphasising the requirements of the Sequential Test

and with details about EA Hazard Mapping and breach assessments. The Canal and River Trust asked that additional wording should be included to state that site-specific flood risk assessments should be provided for sites vulnerable to flooding from artificial sources. Additional text was added to address these concerns. An individual sought clarification on when a Level 2 SFRA will be completed. However this is an issue for the local plan evidence base.

Technical and Developer Requirements SPD

16. A total of 13 responses were received. The majority of the changes made to the draft were for the purpose of clarifying points that had been made, so as to avoid potential confusion over issues or to add additional detail. Comments from City of Doncaster Council Street Scene sought some additional wording on the importance of public open space and how and when it is incorporated into design and layout. Relevant paragraphs in the SPD have been amended to incorporate those changes. Comments from the Environment Agency also sought additional wording so to provide clarification when and how to obtain permission from the EA for connections to main rivers and when they will grant a permit regarding the discharge of sewage effluent or contaminated surface water. A new paragraph has also been added to consider water quality namely source protection zones. Other minor amendments have been made to address Environment Agency concerns.

Loss of Community Facilities and Open Space SPD

17. The SPD received six responses and has been amended to respond to Sport England's comments that any loss of a playing field needs to meet paragraph 99 of the National Planning Policy Framework 2021.

Local Labour Agreements SPD

18. Only two replies were received on this SPD and both had no comments to make.

Transitional Developer Guidance

19. In light of the adoption of four more SPDs, the Transitional Developer Guidance from April 2022 has been reviewed, updated and republished with the date of July 2023. The document will be revised again when further SPDs are published.

OPTIONS CONSIDERED

20. The following options are proposed for consideration by members of the Planning Committee.

- **OPTION 1 (RECOMMENDED)** – Use the adopted Supplementary Planning Documents on Flood Risk; Technical and Developer Requirements; Loss of Community Facilities and Open Space; and

Local Labour Agreements as material considerations in helping to determine planning applications.

- **OPTION 2 (NOT RECOMMENDED)** – Do not use the adopted Supplementary Planning Documents on Flood Risk; Technical and Developer Requirements; Loss of Community Facilities and Open Space; and Local Labour Agreements as material considerations in helping to determine planning applications.

REASONS FOR RECOMMENDED OPTION

21. The adoption of the SPDs provide much needed clarity for both officers and applicants and help ensure consistency in approach both in submitting and determining planning applications. .

22. The use of the Flood Risk SPD in helping to determine planning applications is recommended for the reasons summarised below:

- It clarifies the expectations of the Council with regards to flood risk and planning applications;
- It assists the Council in addressing and adapting to climate change;
- It ensures that the residual risks to people and property are properly managed;
- It helps to demonstrate the Council's commitment to its declaration of a Climate and Biodiversity Crisis and provide a mechanism to help secure more sustainable development in Doncaster;
- It makes it clear what process applications have to go through prior to submission;
- It reduces the risk of legal challenge by demonstrating flood risk is being properly considered;
- It provides an additional way to demonstrate national and local planning policy is being followed;
- It provides a level playing field for developers;
- It gives certainty to applicants/agents/developers regarding the Council's expectations;
- It reduces the risk of applicants and agents not completing and complying with flood risk processes and procedures thus preventing planning decisions from being delayed allowing them to be determined more expediently.

23. The use of the Technical and Developer Requirements SPD in determining planning applications is recommended for the reasons summarised below:

- It assists applicants and agents in understanding the expectations of the Council in relation to technical matters that need addressing through planning applications;
- It gives certainty to applicants/agents/developers regarding the Council's expectations;
- It gives an additional way to demonstrate national and local planning policy is being followed
- It reduces the risk of applicants and agents not addressing relevant technical matters that need to be addressed in their proposals thus preventing planning decisions from being delayed allowing them to be determined more expediently;
- It signposts applicants and agents to more detailed guidance and

advice from respective teams within the Council or external organisations and bodies where applicable;

- It provides a level playing field for developers.

24. The use of the Loss of Community Facilities and Open Space SPD in helping to determine planning application is recommended for the reasons summarised below:

- It assists in supporting and protecting the day to day needs of residents and workers in Doncaster by contributing to creating sustainable communities and ensuring a good quality of life;
- It gives certainty to developers regarding the Council's expectations.
- It reduces the risk of legal challenge by demonstrating that the loss of facilities is being properly considered;
- It gives an additional way to demonstrate national and local planning policy is being followed;
- It helps to define community facilities and includes a non-exhaustive list;
- It assists applicants and agents in understanding the process an application must go through when it could involve the loss of a community facility or open space thus preventing planning decisions from being delayed allowing them to be determined more expediently;
- It provides a level playing field for developers.






25. The use of the Local Labour Agreements SPD in helping to determine planning applications is recommended for the reasons summarised below.

- It assists the Council in supporting local people to secure training, upskilling and job opportunities within the City;
- It helps support businesses to employ local people who are have the skills for jobs within the City;
- It helps support the Council in helping to address and reduce deprivation across the City;
- It helps the Council to reduce economic inactivity;
- It gives certainty to developers regarding the Council's expectations;
- It assists applicants and agents in understanding the process for preparing and implementing a local labour agreement thus preventing planning decisions from being delayed allowing them to be determined more expediently;
- It provides a level playing field for developers.


IMPACT ON THE COUNCIL'S KEY OUTCOMES

26. The use of the Flood Risk SPD, Technical and Developer Requirements, Loss of Community Facilities and Open Space SPD and Local Labour Agreements SPD as a material planning consideration in determining planning applications is considered to impact on Doncaster Council's key outcomes as follows:


Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – negative	Neutral or No implications
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			overall	
 Tackling Climate Change	✓			
<p>One of the effects of climate change is an increased risk of flooding due to changes arising from more frequent incidents of extreme weather. It is important that the residual risks to people and property are properly managed, therefore the Flood Risk SPD seeks to alleviate, minimise and manage flood risk.</p>				
 Developing the skills to thrive in life and in work	✓			
<p>The Local Labour Agreement SPD assists the Council in supporting and promoting the employment, upskilling, training and development of local people and businesses both through the construction and implementation stages of employment proposals. Partnership working is promoted with learners, employers and communities and aspirations are raised with local people to upskill and secure local job opportunities.</p>				
 Making Doncaster the best place to do business and create good jobs	✓			
<p>All of the SPDs will help to stimulate development by expediting planning decisions and providing clarity to developers on the Council's expectations on a number of planning issues. They will help the planning system by ensuring that developments meet and deliver any technical requirements necessary to deliver positive social, economic and environmental impacts. The Local Labour Agreement SPD will assist in helping businesses to provide good quality jobs for local people.</p>				
 Building opportunities for healthier, happier and longer lives for all	✓			
<p>The planning system plays a crucial role in creating sustainable communities and a good quality of life. Part of that role is to ensure there is access to and the protection of open space, public rights of way and community facilities. The design of new developments also plays a part in healthy happy communities – elements such as landscaping, biodiversity and trees and hedgerows all contribute to the overall attractiveness of a site and deliver places that people want to live.</p>				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			
<p>The planning system plays a crucial role in creating sustainable communities and a good quality of life. Part of that role is to ensure there is access to and the protection of open space, public rights of way and community facilities. The design of new developments also plays a part in healthy happy communities –</p>				


elements such as landscaping, biodiversity and trees and hedgerows all contribute to the overall attractiveness of a site and deliver places that people want to live. One of the effects of climate change is an increased risk of flooding due to changes arising from more frequent incidents of extreme weather. It is important that the residual risks to people and property are properly managed. Therefore the Flood Risk SPD seeks to alleviate, minimise and manage flood risk thus reducing the risk and impact of flooding emergencies.

 Nurturing a child and family-friendly borough	✓			
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Access to green spaces and relevant community facilities have proven benefits for people’s mental health and personal well-being. The Technical and Developer Requirements SPD and Loss of Community Facilities and Open Space SPD will help secure and retain open spaces such as parks and community facilities such as youth centres, nurseries and community centres. This then allows children, young people and families access to activities and learning, wellbeing and opportunities for physical activity.

 Building Transport and digital connections fit for the future				✓
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N/A

 Promoting the borough and its cultural, sporting, and heritage opportunities				✓
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N/A

Fair & Inclusive				✓
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In line with the corporate approach for compliance against the Equality Act 2011 due regard must be shown across all activity within the Council. As the adoption of the four SPDs is a high level strategic decision there are no detailed impacts on any people, groups or individuals on which to base a due regard statement.

LEGAL IMPLICATIONS [Officer Initials SC Date 2.8.23]

27. SPDs are prepared by a Local Planning Authority to build upon and provide more detailed advice or guidance on adopted Local Plan policies and they must therefore be consistent with those policies. They do not form part of the development plan and cannot introduce new policies nor add unnecessarily to the financial burdens of development, but SPDs (once adopted) are material considerations to be taken into account in determining

planning applications. The four SPD's have recently been adopted and therefore can be attributed weight as a material consideration in planning decisions.

FINANCIAL IMPLICATIONS [Officer Initials C S Date 24.07.23]

28. This report is to notify Members of the Planning Committee of the recent adoption of the four new Supplementary Planning Documents (SPDs) on Flood Risk; Technical and Developer Requirements; Loss of Community Facilities and Open Space, and Local Labour Agreements. There are no financial implications directly associated with this decision.

HUMAN RESOURCES IMPLICATIONS [Officer Initials D K Date 25/07/2023]

29. There are no direct HR implications in relation to this report.

TECHNOLOGY IMPLICATIONS [Officer Initials E T Date 26.07.23]

30. There are no technology implication in relation to this report

RISKS AND ASSUMPTIONS

31. There are no direct risks identified from this decision. To the contrary, providing clarity through the adoption of SPDs puts the Council in a much better position in terms of challenges to decisions via Appeals where applications may be refused. As set out in the main body of this Report, the SPDs will also help provide upfront certainty for the development industry and help guide successful planning applications

CONSULTATION

32. As set out above, the adopted SPDs have been subject to full public consultation in line with the Regulations and the Council's Statement of Community Involvement.

33. Following the public consultation, the Portfolio Holder for Finance, Traded Services and Planning was briefed via email on 21 July 2023.

BACKGROUND PAPERS

- Flood Risk Supplementary Planning Document – Adopted August 2023 ([Flood Risk SPD](#))
- Technical and Developer Requirements Supplementary Planning Document – Adopted August 2023 ([Technical and Developer Requirements SPD](#))
- Loss of Community Facilities and Open Space Supplementary Planning Document – Adopted August 2023 ([Loss of Community Facilities and Open Space SPD](#))
- Local Labour Agreement Supplementary Planning Document – Adopted August 2023 ([Local Labour Agreement Supplementary Planning Document](#))
- Flood Risk, Technical and Developer Requirements, Loss of

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

SPD – Supplementary Planning Document.

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