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<b>Application Number:</b>	23/02196/3FULM
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<b>Application Type:</b>	Full Planning Permission
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<b>Proposal Description:</b>	Full Planning Application for the remediation of land at Doncaster Waterfront (East) and use of site for interim public open space
<b>At:</b>	Land Of Former Gas Holder Wharf Road Wheatley Doncaster DN1 2ST

<b>For:</b>	Mr Peter Wilson - City of Doncaster Council
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<b>Third Party Reps:</b>	None	<b>Parish:</b>	N/A
		<b>Ward:</b>	Town Ward

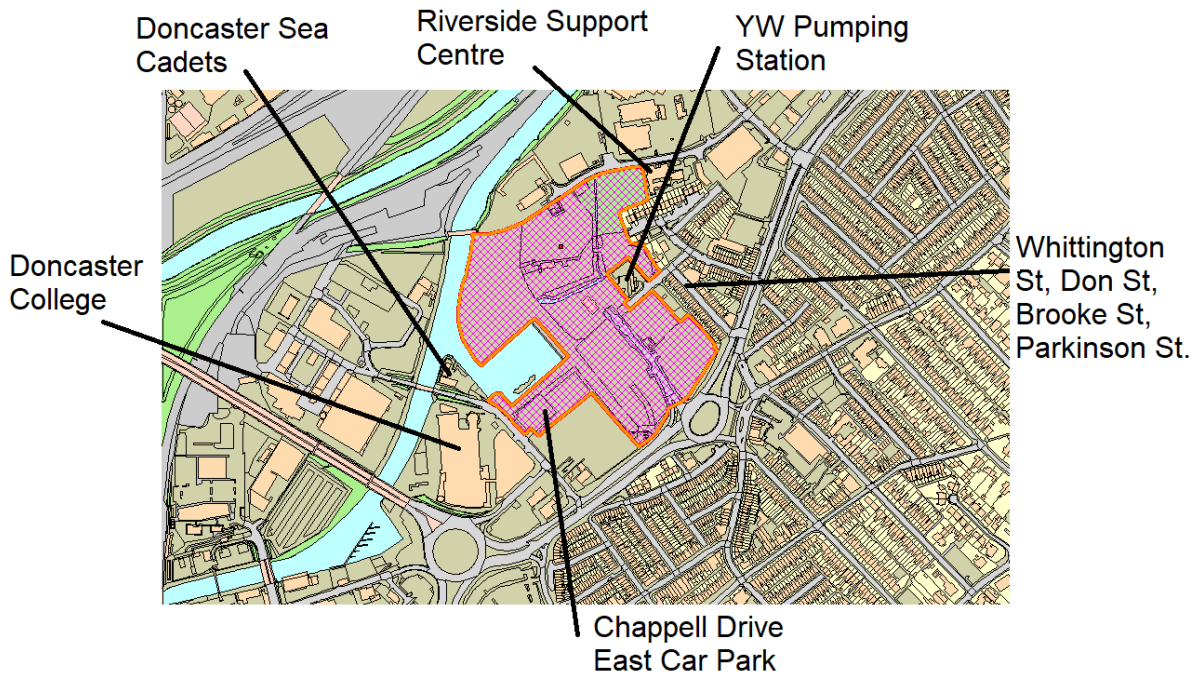
<b>Author of Report:</b>	Dave Richards
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The proposal seeks full planning permission for the remediation of c.7.7ha of land at Doncaster Waterfront (East) and subsequent delivery of public open space. The delivery of public open space will be temporary in nature, pending a further redevelopment scheme at some point in the future. The application follows the allocation of grant funding from the UK Government Levelling Up Fund.

The Doncaster Local Plan identifies the site as entirely within the Doncaster's Main Urban Area Development limits (Policy 1) and partially within the Lower Wheatley Employment Policy Area (Policy 4). It is also a 'Key Doncaster Town Centre and Main Urban Area Mixed-Use Site' (Policy 68). The method of remediating to enable the site to be 'development ready' is a sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2023).

The report shows that any harm generated by the proposal has been mitigated/outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to flood risk for the area, drainage, highway or public safety, neighbouring residential amenity or the wider character of the area - subject to suitably worded conditions.

**RECOMMENDATION: GRANT** subject to conditions



## **1.0 REASON FOR REPORT**

- 1.1 This major scale application is being presented to Planning Committee in accordance with the adopted Scheme of Delegation. The application has been submitted by City of Doncaster Council and is not considered to be minor or routine development.

## **2.0 INTRODUCTION & PROPOSAL**

- 2.1 The site (known as “Waterfront East”) is one of the largest urban centre brownfield development sites in the UK and is a priority regeneration area for Doncaster. It is currently underutilised given its prime location – with a mix of public car parks, vacant land, and small-scale industrial uses.
- 2.2 Levelling Up Funding (LUF) has been secured to enable the site to be remediated effectively to assist in delivering the site towards a final end use. Remediation will assist in unlocking the site by making it more appealing and viable for future development. The site has potential as a large scale, mixed-use regeneration scheme, which is consistent with the allocation in the Local Plan for a mixture of flexible employment, commercial and residential uses.
- 2.3 The anticipated costs to remediate the extent and types of contamination have acted as a major blockage to the redevelopment of this key gateway site. However, the proposed scheme now benefits from an award of £8.96 million awarded to City of Doncaster Council (CDC) by the Department of Levelling Up, Housing and Communities (DLUHC). This funding is part of a larger package of three projects associated with Doncaster’s emerging City Centre Masterplan. Funding will help capsule interventions and regeneration in these keys areas which are vital for the economic resilience, productivity and health and well-being of the area. Furthermore, the Council has applied for further

funding through the South Yorkshire Combined Mayoral Authority (SYMCA) Gainshare Fund to support delivery of this project. In March 2023, the SYMCA confirmed Outline Business Case approval for the project funding.

- 2.4 The application has been subject to pre-application discussions with key stakeholders, including City of Doncaster Council departments, the Environment Agency, Forestry Commission and Ward Members. The outcome from these discussions is summarised in a Consultation document submitted with the application.
- 2.5 Since the substantive technical reports have been completed, the red line site boundary for the application site has been updated to include land up to the adopted highways along the Church Way frontage, and the extent of Whittington Street. An addendum to the various reports has been produced to describe the changes. The amendment to the red line boundary is considered to make no substantive alterations to the assessment and conclusions recommended within the technical reports.

### *Proposal*

- 2.6 The proposal seeks full planning permission for necessary remediation works to remove contaminated soil. Essentially, the site is proposed to be excavated to a depth of approximately 2m. Soils and effluent would be treated, reused/left in situ where appropriate or, alternatively, physically removed from the site and taken to a licensed waste facility. Up to 17 wells across the site will monitor groundwater quality during and post remediation.
- 2.7 The site would then be landscaped and opened to the public as interim open space. It is important to note that this would be a temporary arrangement pending the redevelopment of the site for a final end use in line with its site allocation in the Local Plan for a mixture of residential, commercial or employment related uses. The site is not designated as public open space in the Local Plan and it will not attain the status of Local Green Space as set out in the National Planning Policy Framework. The site can be closed from public use should the Council wish to assert its rights to do so.
- 2.8 The proposed works have been discussed with the Environment Agency and Council's Pollution Control team to allow a phased approach to assessing and remediating contamination across the site. This will allow for a flexible approach to addressing complex ground conditions, whilst allowing for subtle land levels to be agreed. For example, there are over buried utility infrastructure that cross the site and there are particular 'hot spots' or local ground conditions where the removal of 2m of soils may not be appropriate. There may be further minor changes to the agreed verification strategy which would be covered through individual risk assessment and verification plans agreed with statutory bodies.
- 2.9 There are existing drainage ditches which are proposed to be kept in situ at the same levels for the time being. The remediation would retain the existing land levels across the site once remediation is complete. However, this may be

subject to change in the future where the ditches are filled and remediated with clean soils to an agreed level across the site. This would be subject to a future planning application should this approach be progressed.

- 2.10 The proposed open space works would be designed to allow temporary public use. It would be comprised of maintained grass land, trees, footpaths and lighting with links to Church Way, Chappell Drive, Whittington Street and Wharf Road in Doncaster City Centre. Various street furniture is proposed including asphalt footpaths, (in-floor) solar lighting, litter bins, benches, fishing areas, defensible boundary tree planting and grass mounds/banking. Some existing site features would be kept in situ, including drainage ditches, some limited boundary tree planting, fencing, access points and the former pumping station.
- 2.11 In terms of existing landscaping, the site does not benefit from existing trees which have good amenity value or could be maintained long term. The site has previously been surveyed and then cleared of historic vegetation growth. Remaining trees on or near the eastern boundary from Whittington Street will be retained and supplemented with additional tree planting. A total of 20 new trees are proposed to be planted across the site.
- 2.12 The site would be made accessible to the public but controlled through appropriate waypoints. Most of the site perimeter would be contained by a paladin mesh fence anticipated to be 1.2 metres high, with the exception of a 2m paladin mesh fence, principally around Chappell Drive East Car Park. This is to be retained in line with the Park Mark standard. Lockable gates at pedestrian access points are proposed, and two vehicular access gates are to be installed for maintenance/ emergency access. 2 existing CCTV cameras in the south west of the site near Chappell Drive would be retained, as well as CCTV camera on Whittington Street to the north east of the site. The potential for further CCTV coverage located on existing Council owned street furniture is being explored. At this stage their exact location is unknown. However, a Structural Engineer's Assessment is currently being undertaken and the outcome of this assessment will determine the CCTV camera location(s). Low level solar lighting is proposed along the public footpath points.
- 2.13 It is anticipated that the remediation would ideally take place in a single construction phase. The duration is anticipated to last no more than 1 year, with the site then being landscaped in line with the final masterplan proposals before being made available as public open space. There may be a delay in 'opening' the site following remediation to take account of ensuring remediation has been verified, site levels are finalised and then hard and soft landscaping works carried out. In respect of planting, this may involve some delay until the planting season (winter period) to allow dormant planting to establish in new ground conditions before the growing season.
- 2.14 Unrestricted, 24-hour public access would be provided, however Doncaster Council will reserve its right to close the area if access is required for statutory undertakers or for routine works to be carried out. It is proposed that signage will provide information on the temporary nature of the site. This signage is

likely to be deemed consent and would not require express approval under the Advertisement Regulations.

### **3.0 SITE DESCRIPTION & LOCAL CHARACTERISTICS**

- 3.1 The main site's western boundary is formed by the River Don in the north and Chappell Drive in the south; Doncaster College and a fuel filling station lie to the west of Chappell Drive. The northern boundary is formed by Wharf Road, beyond which are businesses including a recycling company. The eastern boundary is predominantly formed by residential properties, and in the north by offices. The southern boundary is formed by the A630 dual carriageway (Church Way). The site ground levels typically range from around 9m AOD (Above Ordnance Datum) to around 10.5m AOD, but falling to around 8.0m AOD along the western boundary with the River Don.
- 3.2 The site has undergone significant change and development since the 1850's, when it had a predominantly agricultural land use. The most significant development was associated with a gas works which occupied most of the southern part of the site by the turn of the century, with a further gasholder added in the northern part of the site in the late 1960's. The gas works was disused and mostly demolished by the early 2000's. The site was previously connected with the River Don, as river meanders within the site were filled in by the 1950's in the north, and the early 2000's in the south. A sewage pumping station owned by Yorkshire Water has been present within the northern part of the site since the late 19th Century, with some treatment works (settling tanks and septic tanks). A toffee factory was present in the north-east of the site.
- 3.3 Existing development surrounding the site includes Doncaster College, scrap yards and other industrial uses. In addition, the site also directly adjoins residential areas. The north of the site is bounded by the Sheffield & South Yorkshire Navigation Canal, based chiefly by the River Don.
- 3.4 There are a number of utility constraints across the site. These include utility cables and pipes, a main sewage line and drainage channels. A 'constraints plan is provided within Appendix 6 of this report.

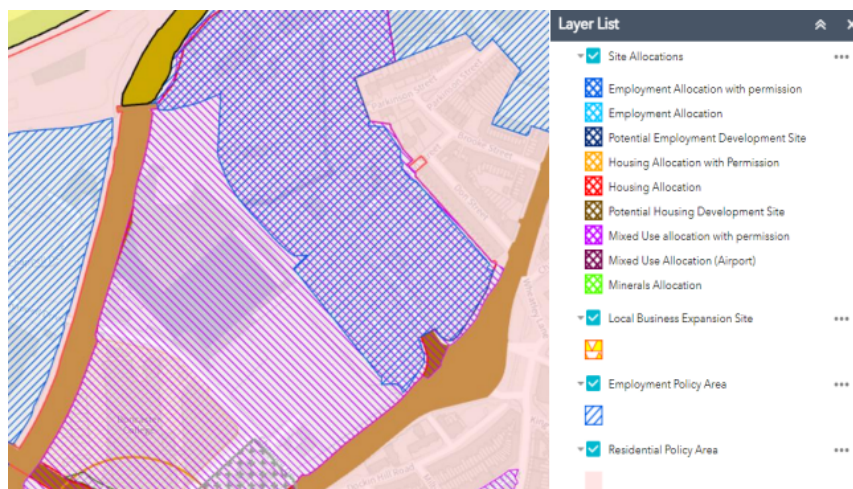
### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 There is no recent planning applications for the site which are relevant.
- 4.2 The site has undergone significant change and developments since the 1850s, when it had a predominantly agricultural land use. The most significant development was associated with the gas works, which occupied most of the southern part of the site by the turn of the century, with a further gasholder added in the northern part of the site in the 1960s. The gas works was disused and then mostly demolished by the early 2000s. A pumping station and drainage infrastructure has existed from the late 19th Century. The pumping station has local heritage interest. Further changes to the site area took place by the straightening of the River Don and the infilling of river meanders in the northern and western parts of the site

- 4.3 There has been a number of investigation works within the site over the last 20 years which has established a wide range of contamination. This includes gasworks related contamination (tar, spent oxide), elevated concentrations of PAHs, cyanide and heavy metals. Plumes of hydrocarbon and chlorinated solvents were noted in parts of the site. Further evidence of coal, slag, ash, and spent oxide, together with coal tar and hydrocarbons were identified in the south-eastern and northern parts. Samples of groundwater taken were found to have elevated levels of PAH, phenol, BTEX, TPH, metals and some inorganic compounds (ammonium, total cyanide and sulphate). There has been some limited remediation of the site, in the north-west in 1988 and the south eastern section in 1998. Further remediation was consented and carried out in 2001, 2004 and 2013.
- 4.4 A request for a screening opinion was submitted under ref. 23/00317/SCRE. The Council, acting as the Local Planning Authority, confirmed the proposal does not fall as an EIA development and that an Environmental Statement was not required to be submitted as part of the proposed development.
- 4.5 An application (ref. 23/01843/FUL) for a Battery Energy Storage Facility on part of the site was refused in 2023 for a host of reasons, including flood risk, lack of community consultation, impacts to water quality, and due to the incompatibility with the site allocation in the Local Plan. This application is only relevant insofar in that it is a recent decision but offers a different set of proposals which are not relevant to the current application.

## 5.0 SITE ALLOCATION

- 5.1 The site is entirely within Doncaster's Main Urban Area Development Limits (Policy 1) and partially within the Lower Wheatley Employment Policy Area (Policy 4). It is also a 'Key Doncaster Town Centre and Main Urban Area Mixed-Use Site' (Policy 68). Figure 1 below sets out the relevant extract of the Doncaster Local Plan supporting Policies Map:



**Figure 1. – Extract from Doncaster Local Plan Policies Map**

## 5.2 National Planning Policy Framework (NPPF) 2023

- 5.3 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 2 reiterates planning law in that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 55 and 56 sets out that the LPA should consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions and obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraph 101 states planning policies and decisions should promote public safety by anticipating and addressing possible malicious threats and natural hazards. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.
- 5.7 Paragraph 109 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.8 Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9 Paragraph 123 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.10 Paragraph 124 c) states substantial weight should be given to using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land,
- 5.11 Paragraph 125 states Local Planning Authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs
- 5.12 Paragraph 135 states planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.13 Paragraph 139 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

5.14 Paragraph 172 states where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. Paragraph 173 states when determining any planning applications, local planning authorities should however ensure that flood risk is not increased elsewhere.

5.15 Paragraph 159 requires new development to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed.

5.16 Paragraph 180 e) states planning policies and decisions should contribute to and enhance the natural and local environment, including preventing new and existing development from being put at unacceptable risk from land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

5.17 Paragraph 189 states planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks



arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

5.18 Paragraph 190 confirms where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner

5.19 Paragraph 194 states the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

5.20 Doncaster Local Plan (2021)

5.21 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Doncaster Local Plan (DLP) (adopted 2021) and the Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) (adopted 2012).

5.22 Policy 1 sets out the Settlement Hierarchy for the City. It seeks to concentrate growth at the larger settlements of the City with remaining growth delivered elsewhere to support the function of other sustainable settlements and to help meet more local needs taking account of existing settlement size, demography, accessibility, facilities, issues and opportunities. Policy 1 confirms the application site falls within Doncaster Main Urban Area at the top of the settlement hierarchy

5.23 Policy 2 establishes the Council's strategic aims. At least 481 hectares of employment land is needed over the plan period (2015-2035) to help grow and diversify the Sheffield City Region (which Doncaster is part of) economy, increase productivity, meet regeneration needs, and widen access to learning and training opportunities. The identified land will accommodate business, light industry and manufacturing and distribution and warehouse uses to meet future employment needs on sites with good access to the Strategic Transport Network which are attractive to market investment and which can be accessed via a range of transport modes. New retail, leisure, office, cultural and tourist developments in accordance with the defined Network of Centres. Doncaster Town Centre will be the main location for offices and commercial uses, further

education, regional retailing centre, transport hub, civic uses and range of leisure uses.

- 5.24 Policy 4 seeks to retain the application site for employment development. In this case the site has not been used for employment development for a significant period of time and its contaminated state is deterring re-development opportunities.
- 5.25 Policy 13 relates to sustainable transport within new developments. Part A.6 states that proposals must ensure that the development does not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network. Developments must consider the impact of new development on the existing highway and transport infrastructure.
- 5.26 Policy 22 confirms Main Town Centre Uses, including retail, leisure, office, cultural and tourist developments, will be located according to the 'Network of Centres' defined by Policy 1 and Policy 2. Proposals within centres (as defined on the Policies Map) will be assessed against Policy 23.
- 5.27 Policy 23 confirms proposals for development in town, district and local centres, outside of any defined 'primary shopping area', will be acceptable in principle for a wider range of Main Town Centres Uses, such as restaurants, pubs, hotels and cinemas and financial and professional services. Non-town centre uses will be resisted unless it can be demonstrated that they will not negatively impact upon the vitality and viability of the town centre, with particular regard to the amenity of existing businesses and residents. The proposal complies with this policy.
- 5.28 Policy 26 states that the Council will protect, maintain, enhance and extend or create Doncaster's green infrastructure (GI), including landscapes, ecological networks, natural environment, open spaces, public rights of way, geodiversity, and biodiversity. All proposals of 1 hectare or more will be required to show how the development contributes to the existing GI or how it will create or enhance existing GI.
- 5.29 Policy 29 relates to ecological networks and that proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the City's ecological networks
- 5.30 Policy 30 relates to valuing biodiversity and geodiversity and advises that internationally, nationally, and locally important habitats, sites and species that will be protected through a number of principles. Policy 30 states that proposals must achieve a 10% net gain in biodiversity.
- 5.31 Policy 32 relates to woodlands, trees and hedgerows. Proposals will be supported where it can be demonstrated that woodlands, trees and hedgerows have been adequately considered during the design process, so that a significant adverse impact upon public amenity or ecological interest has been avoided. There will be a presumption against development that results in the loss or deterioration of ancient woodland and/or veteran trees.

- 5.32 Policy 33 focuses on landscape and states that where development proposals will most likely result in a significant impact on the Borough's landscape, the proposals should assess the potential impact (including cumulative impact) and propose how any negative effects will be minimised.
- 5.33 Policy 34 values and conserves Doncaster's historic environment. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the heritage significance and setting of the Borough's heritage assets (including locally identified undesignated heritage assets), and especially those elements which contribute to the distinct identity of the Borough. Proposals and initiatives will be supported which identify, promote and secure the long term future of Doncaster's heritage assets.
- 5.34 Policy 35 seeks to understand and record the historic environment. Planning applications require the submission of sufficient information to gain an understanding of the potential impact that the proposals will have on the significance of any heritage assets or historic environment likely to be affected.
- 5.35 Policy 37 protects Conservation Areas. It confirms proposals should not detract from the heritage significance of a conservation area by virtue of their location, layout, nature, height, density, form, scale, materials or design or by the removal of trees, the loss of important open spaces or other important landscape features, or through adverse impact on key views and vistas (Part B). Proposals will be supported where it can be demonstrated that they will enhance or better reveal an element which can contribute to the character and appearance of the conservation area (Part C).
- 5.36 Policy 39 states that development affecting other archaeological assets will need to demonstrate how any benefits will outweigh harm to the site.
- 5.37 Policy 41 relates to character and local distinctiveness and states that development proposals will be supported where they recognise and reinforce the character of local landscapes and building traditions; respond positively to their context, setting and existing site features as well as respecting and enhancing the character of the locality. Developments should integrate visually and functionally with the immediate and surrounding area at a street and plot scale.
- 5.38 Policy 42 relates to urban design and states that new development will be expected to optimise the potential of a site and make the most efficient use of land whilst responding to location, local character, and relevant spatial requirement and design standards.
- 5.39 Policy 47 seeks to create safe and secure places and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Developments will be supported which are designed in a way that reduces the risk and fear of crime.

- 5.40 Policy 48 states that development will be supported which protects landscape character; protects and enhances existing landscape features and provides high quality hard and soft landscaping scheme which includes fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 5.41 Policy 50 states that development will be required to contribute positively to creating high quality places that support and promote healthy communities and lifestyles, such as maximising access by walking and cycling.
- 5.42 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality.
- 5.43 Policy 55 deals with the need to mitigate a number of potential impacts resulting in environmental contamination on site.
- 5.44 Policy 56 requires the need for satisfactory drainage including the use of SuDS.
- 5.45 Policy 57 relates to flood risk management and requires all development proposals to be considered against the NPPF.
- 5.46 Policy 60 protects and enhances Doncaster's soil and water resources.
- 5.47 Policy 67 sets out the strategic approach to Doncaster Town Centre. New development in Doncaster town centre will be supported where it helps improve the centre as a thriving and accessible shopping, commercial and leisure destination of regional importance with a broader range of high quality services and businesses, homes and excellent cultural, entertainment and education facilities. Major development opportunities will be directed towards Waterfront, Marshgate, Civic and Business District, Waterdale, Minster Canalside, the Markets and St Sepulchre Gate West areas of the town centre, as defined on the Policies Map. Proposals will be supported where relevant, which:

D) transform the Minster canalside and waterfront area into a vibrant mixed-use destination in its own right, framed with higher density development, a hierarchy of greenspaces and a mix of small-scale ancillary uses focused around the marina and canalside

F) create high-quality streets, public spaces and routes which are safe to walk and cycle between key destinations, particularly at Doncaster Waterfront, Waterdale, Doncaster Market, Marshgate, Doncaster Minster and St Sepulchre Gate West, including where appropriate treelined boulevards, parks and canal-side walkways.

H) create inviting and safe places for pedestrians, cyclists and disabled people, with special emphasis on reducing the severance caused by the Trafford Way/Church Way/Cleveland Street corridor and improving links to Balby Island, Doncaster Minister, St Sepulchre Gate West (including the railway station), Doncaster Waterfront, Lower Wheatley, Hyde Park and Doncaster Lakeside.

5.48 Policy 68 identifies the site as part of the Key Doncaster Town Centre and Main Urban Area Mixed Used sites, specifically 5 Doncaster Waterfront. The waterfront area will become a thriving and attractive high density waterside neighbourhood, representing a natural extension of the town centre. It will support a variety of uses and activities such as modern waterfront living, student accommodation, employment, education and learning, centred on the marina and a high quality public realm. New and improved pedestrian and cycle links, crossing facilities and greenspaces (including a new urban park) will also be created, connecting the waterfront with the rest of the town centre. Accepted uses also include commercial, health, recreation and community facilities. The proposal complies with this policy.

5.49 Other material planning considerations

5.50 In line with the Town and Country Planning (Local Planning) (England) Regulations 2012 City of Doncaster Council has adopted five Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in September 2021. The adopted SPDs are regarding Biodiversity Net Gain, Flood Risk, Technical and Developer Requirements, Loss of Community Facilities and Open Space, and Local Labour Agreements. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight.

5.51 Additional SPDs regarding the implementation of other specific Local Plan policies are currently being drafted.

5.52 The Transitional Developer Guidance (Updated August 2023) provides supplementary guidance on certain elements, including design, whereby updated SPDs have not yet been adopted. The Transitional Developer Guidance should be referred to during the interim period, whilst further new SPDs to support the adopted Local Plan are progressed and adopted. The Transitional Developer Guidance, Carr Lodge Design Code and the South Yorkshire Residential Design Guide (SYRDG), should be treated as informal guidance only as they are not formally adopted SPDs. These documents can be treated as material considerations in decision-making, but with only limited weight.

5.53 Other material considerations include:

- National Planning Practice Guidance (ongoing)
- National Design Guide (January 2021)
- Crime and Disorder Act 1998
- British Standard BS5489/EN13201-1:2013

5.54 Other Council initiatives include:

- Doncaster Green Infrastructure Strategy 2014 – 2028
- Doncaster Economic Strategy 2030
- Doncaster Masterplan
- Doncaster Delivering Together

5.55 Launched in September 2021, Doncaster Delivering Together (DDT) is the Council's new ten-year strategy. DDT is about everyone being able to thrive and contribute to thriving communities and a thriving planet. This strategy does not form part of the adopted development plan but it is important that the policies of the Doncaster Local Plan achieve the aims and objectives of DDT strategy. The DDT has identified 8 priorities to deliver for Doncaster over the next ten years.

1. Tackling Climate Change;
2. Developing the skills to thrive in life and work;
3. Making Doncaster the best place to do business and create good jobs;
4. Building opportunities for healthier, happier and longer lives for all;
5. Creating safer, stronger, greener and cleaner communities where everyone belongs;
6. Nurturing a child and family - friendly borough;
7. Building transport and digital connections fit for the future;
8. Promoting the borough and its cultural, sporting and heritage opportunities.

5.56 The body of the report below reflects the planning considerations for the site. However, it is considered that the application would directly contribute towards the aims of DDT. The main purpose of the application would be to remediate the site from contamination in order to assist in delivering a site which has been sequentially assessed as being appropriate for development. The site is 'previously developed land' which reusing is a particularly sustainable use of land (1) for a mixed use led development (2, 3). The temporary use of the land for open space will present a time limited opportunity to expand recreational provision within the City Centre, close to Doncaster College (4, 5, 6). The proposals are sought in conjunction with delivering on a funding award of over £18.6 million from the Levelling Up Fund to help to transform Doncaster city centre's retail, leisure and cultural offer. Funding will help acquire and make the land accessible, preparing it for future development (1, 2, 3, 4, 8).

#### *Other legislation*

5.57 The planning system is part of a network of other legislation which deals with site remediation. This includes identifying and remediating statutorily defined contaminated land under Part 2A of the Environmental Protection Act 1990, which provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. Other legislation includes the Building Regulations and Environmental Permitting Regulations.

5.58 The government has published statutory guidance on Part 2A which is a material consideration in this application. This focuses on addressing contaminated land that meets the legal definition and cannot be dealt with via any other means, including planning. The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

(a) To identify and remove unacceptable risks to human health and the environment.

(b) To seek to ensure that contaminated land is made suitable for its current use.

(c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

5.59 The fact that the site is to be temporarily made available to the public requires the LPA to consider the design of the scheme, in particular 'Designing out Crime' is considered to be an important part of the remit of any Public Body. The Crime and Disorder Act 1998 established that the responsibility of reducing crime does not fall solely to the police. Section 17 requires that Local Authorities exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. Also, Secured by Design is the official UK Police flagship initiative supporting the principles of 'designing out crime'. Secured by Design is owned by the Association of Chief Police Officers (ACPO). Finally, the Health and Safety at Work Act (1974) and other contributory legislation requires a duty to ensure the health and safety of users, so far as is reasonably practicable.

5.60 Paragraph 194 of the NPPF makes clear that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

## **6.0 REPRESENTATIONS**

6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as follows:

- Any neighbour sharing a boundary with the site has received written notification
- Advertised on the Council website
- Site notice (x2 notices)
- Advertised in the local press

6.2 Approximately 60 neighbouring properties were consulted by letter. No representations have been received from members of the public.

## **7.0 CONSULTATIONS**

*Internal CDC Consultees*

- 7.1 **Pollution Control Officer (contamination)** - No objections subject to condition. The submitted reports have been reviewed and approved by Pollution Control during pre-application discussions. The site has been subject to an appropriate contaminated land risk assessment, and the proposed remedial works are clear and concise. Remedial works include hot spot removal/bio-remediated/cover system. To ensure the required remedial works are carried out in an appropriate manner, a site-specific condition is proposed.
- 7.2 **Planning Policy Officer (Open Space)** - No objections subject to condition. The officer noted the site is allocated for mixed use development and the application is clear that this is a temporary use of the land pending a future development. It is suggested that signage is included to ensure the temporary nature of the site is made clear at access points to avoid future issues should this become perceived as something more permanent by the time it is redeveloped. This is likely to be erected under express consent permitted development rights.

In terms of the onsite provision, the officer agrees it would not be expedient to deliver copious on-site infrastructure or provide expensive features such as play equipment which will be removed again in due course. Suggestions for low level interventions, such as mounding, boulders, and bins were requested and incorporated into the plans.

Initial concerns were raised over the proposals for solar lights as wayfinders along the paths will not emit enough light to illuminate the routes through the space for it to feel safe to use in the dark. Following further discussion and clarification from South Yorkshire Police on this preferred approach, these concerns were satisfied.

- 7.3 **Urban Design Officer** - No objections subject to condition. The officer noted the scheme would contribute to the Local Plan vision and objective of appropriate development that reinforces distinctive and vibrant places. She echoed initial concerns over the proposals for solar lights as wayfinders along the paths. It was accepted that the proposed lighting would be utilised in winter as finding their way along the designated footpaths and noted the temporary nature of the scheme. Following further discussion and clarification, these concerns were satisfied.
- 7.4 **Highway Officer** – No objections subject to condition. Further clarification was sought to understand the scheme in more detail. This included details of access points for motorists, pedestrians, emergency access and whether there would be a loss of parking to the existing parking areas. It was also clarified any recommendations made by the Royal Society for the Prevention of Accidents (RoSPA) were taken into consideration. A construction traffic management plan will be required once a contractor is appointed.
- 7.5 **Ecology Officer** – No objections subject to condition. The application was subject to pre-application advice with the officer who scoped and assessed the technical reports. There are no concerns with relation to the habitats which are present and previously existed on the site prior to site clearance. Adequate



survey information in relation to bats was agreed. The officer noted a complete and very detailed baseline habitat drawing has been produced. With this now in place, the BNG assessment is acceptable. The outcome is that it is proposed that biodiversity units lost through on-site developments will be delivered through off-site habitat creation and enhancement (Red House Farm). The site will be subject to a condition securing the agreed implementation plan for the delivery of the off site BNG proposals.

- 7.6 **Transportation Officer** – No objections subject to condition. The proposed traffic generated, when averaged across the remediation period, was assessed as not severe. Routes through residential areas are to be avoided and that any HGV movements are timed to take place outside the traditional highway peak hours. The officer reiterated the requirement for a Construction Traffic Management Plan.
- 7.7 **Conservation Officer** - No objections subject to condition. At the heart of the site is an old pumping station, which is a potential candidate to be on the Doncaster Local Heritage List due to its architecture and social history. Unfortunately, its condition is deteriorating and is subject to trespass and anti-social behaviour. The proposed use is warmly welcome as it will bring public access to the area and hopefully bring the marina into use, which might prove to be a further catalyst additional to the remedial measures included within the proposal, leading to redevelopment of the area including conversion/re-use of the old pumping station. Efforts should be made to ensure that the pumping station is protected from the increased used of the site.
- 7.8 **Drainage Officer** – No objections subject to condition. There were initial concerns raised with the proposed infill of a section of open ditch and cut/fill to address changes in land levels either side of the ditch. To address these concerns, the applicant amended the planning application to omit the proposal to infill the ditch and cut/fill adjacent to the ditch.
- 7.9 **Tree Officer** – No objections subject to condition. This site is not within a conservation area and there are no trees protected by a Tree Preservation Order on the site. It was noted that the vast majority of the trees that were within the site were removed under a felling licence, and replacement trees as part of this permission are accepted to be planted in a different location. Further detail and specification of the landscaping scheme is to be dealt with by way of a detailed landscaping condition.
- 7.10 **Environmental Health Officer (noise)** - No objections subject to condition. It was noted that the site is located in a mixed use area, there are businesses and public accessed areas surrounding the site, Doncaster College to the south west. The greatest concern in terms of potential adverse impact from site activities was the area of residential development to the north east, including several terraces of housing that are located along the site boundary. The officer identified the remediation proposed including selective excavations, segregation, bioremediation, possible off-site disposal, pumping off of contaminated waters and capping the site. These adverse impacts may arise from noise, vibration, dust and odours. It was concluded that suitable impacts

could be dealt with via a detailed construction management plan to control these impacts. The officer suggested the Health and Safety Executive be consulted on the proposals which was carried out.

- 7.11 **Environmental Health Officer (air quality)** - No objections.
- 7.12 **Street Scene Officer** – No objections. The response notes CDC Street Scene will undertake routine maintenance during this time and has provided cost estimates. Details of signage and a review of costs is required prior to commissioning which can be dealt with via condition.

*External Consultees*

- 7.13 **Environment Agency** – No objections subject to condition. In terms of flood risk, the response notes the site lies within Flood Zone 3, with a high probability of flooding from rivers and/or the sea. The use would be a 'less vulnerable' land use in Annex 3 of the NPPF. The EA have noted the requirement for the Sequential Test, however it was explained that the site benefits from being allocated within the Local Plan and therefore the Sequential Test has been passed. The response regards the submitted FRA as being acceptable. In respect of ground water protection, the proposed development is located upon a Principal Aquifer and within a groundwater Source Protection Zone 3. Technical documents demonstrate that it will be possible to manage the risks posed to controlled waters to the extent of the current status of the site. Further details will be required once the final end use comes forward. A condition requiring a verification report is repeated in other requests, notably from the Environmental Health Officers for a verification plan and construction environmental management plan respectively. Further informative advice is given.
- 7.14 **Yorkshire Water** – No objections subject to condition. Initial objection as certain landscaping could have affected their assets. Following the relocation of rem, the objection was removed. The response notes the potential for ground contamination being mobilised as part of the works and on site monitoring during the construction phase is recommended and agreed as part of the overall remediation proposals. Conditions requiring the safe storage of fuels and other liquids along with a construction environmental management plan were suggested and incorporated into conditions requiring detailed drainage strategy and a construction environmental management plan.
- 7.15 **South Yorkshire Police Design Officer** – No objections in principle. The response notes that it is important to maintain as much surveillance of the site as possible. The design officer noted taller boundary treatments would be preferable as it would mean they can be easily climbed. A walkthrough with the officer highlighted the improvements resulting from site clearance on natural surveillance and the design approach taken to clearly delineate the public and private boundary but to keep boundary treatments to allow site permeability.
- 7.16 **South Yorkshire Archaeology Service (SYAS)** – No comments were made on the application but the proposals have been subject to pre-application advice

with SYAS. There are some limited areas of archaeological potential. Where remediation proposals or other groundworks will affect deposits below c. 7.5maOD in certain areas, SYAS have recommended archaeological monitoring of the groundworks. This has been included by way of condition.

- 7.17 **Health and Safety Executive** – No objections.
- 7.18 **Canal and River Trust** - No objections subject to conditions and informatives. The response notes the site lies to the east of the South Yorkshire Navigation, a section owned and managed by the Trust. Design comments were made on the position of site fencing to ensure the amenity value of the waterway is maintained. Although the fencing would be somewhat utilitarian in appearance, it would not be permanent pending a final end use for the site. Comments also reflected any environmental impact from the remediation works including dust or run off. Conditions relating to construction management were suggested, in tandem with other consultees.
- 7.19 **Danvm Internal Drainage Board (IDB)** – Although no response on the application was received, the application was subject to pre-application advise. The IDB confirmed that part of this site falls within the IDB boundary – following the old route of the Don, so only the section of watercourse heading south-north is within their district. The Officer advised any proposals that include work within 9 metres of this section would require separate consent, but the IDB would be happy to see any plans and would be unlikely to object as long as maintenance access is made available, existing connections to the watercourse are picked up and flood risk is not increased.
- 7.20 No responses were received from National Grid, Danvm Internal Drainage Board, CDC Area Manager or CDC Ward Members.

## 8.0 **ASSESSMENT**

- 8.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that:
- ‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.*
- 8.2 The NPPF (2023) at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.
- 8.3 The main issues for consideration under this application are:
- The principle of the development
  - Ensuring the site is suitably remediated

- Impact upon the character and appearance of the surrounding area
- Impact upon residential amenity
- Flood risk and drainage
- Ecological considerations
- Impact upon highway safety
- Trees and landscaping
- Other considerations
- Conditions
- Overall Planning Balance

8.4 For the purposes of considering the balance in this application, planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

#### *The Principle of the Development*

8.5 The site is entirely within Doncaster's Main Urban Area Development Limits as defined by Policy 1 of the Local Plan and partially within the Lower Wheatley Employment Policy Area defined by Policy 4. It is also a 'Key Doncaster Town Centre and Main Urban Area Mixed-Use Site' (Policy 68).

8.6 Policy 68 of the Local Plan identifies the site as part of the Key Doncaster Town Centre and Main Urban Area Mixed Used sites, specifically "5" known as Doncaster Waterfront. The supporting text to the policy states the waterfront area will become a thriving and attractive high density waterside neighbourhood, representing a natural extension of the town centre. It would be designed to support a variety of uses and activities such as modern waterfront living, student accommodation, employment, education and learning, centred on a marina and a high quality public realm. New and improved pedestrian and cycle links, crossing facilities and greenspaces (including a new urban park) are also envisaged connecting the waterfront with the rest of the town centre. The policy states that accepted uses also include commercial, health, recreation and community facilities.

8.7 The submitted technical reports demonstrate a considerable legacy of historical land contamination involving a wide range of substances. On all land there are background levels of substances, including substances that are naturally present as a result of our varied and complex geology and substances resulting from diffuse human pollution. However, it is clear from the submitted details that there are greater concentrations of contaminants associated with industrial use and waste disposal on the application site.

- 8.8 Responsibility for securing a safe development rests with the developer and/or landowner. In this case, the site is subject to a number of different owners and leasehold agreements.
- 8.9 Although there is no current end user for the site, it forms a key area for the continued regeneration of the City of Doncaster. The anticipated costs to remediate the extent and types of contamination have acted as a major blockage to the redevelopment of this key gateway site. However, the proposed scheme now benefits from an award of £8.96 million awarded to City of Doncaster Council (CDC) by the Department of Levelling Up, Housing and Communities (DLUHC). The current proposals to remediate the site provide a transformation opportunity to ensure the site is remediated to ensure there is no unacceptable risk of contamination and to prepare it for being 'development ready.' T

### Sustainability

- 8.10 Paragraph 7 of the NPPF states that one of the core principles of the planning system is to contribute to the achievement of sustainable development. There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 8.11 Making the effective use of land is a clear national priority. The NPPF is clear that previously developed or 'brownfield' land should be used as much as possible.

### **SOCIAL SUSTAINABILITY**

#### *Impact on amenity*

- 8.12 The site is allocated for development and has previously been developed for industrial and commercial uses. Notwithstanding this, the northern boundary is formed by Wharf Road, beyond which are businesses including a recycling company, Riverside Care and Support as well as Wharf House a homeless shelter. The eastern boundary is predominantly formed by residential properties on Don Street, Whittington Street and Parkinson Street.
- 8.13 The remediation of the site would involve a degree of disruption primarily during the construction phase. This would take the form of noise, dust, vibration, air/water pollution, surface/subsurface disruption. Indirect impacts may also occur due to any prolonged closure of road safety, detours, utility cuts, etc. Once remediation is complete, the land levels would revert to those previously experienced and limited landscaping and footpath provision would be installed to provide suitable wayfinding through the site.
- 8.14 The main activities anticipated during construction will comprise site preparation, earthworks, and construction. Works are anticipated to be undertaken broadly across the site but there is likely to be a certain element of

overlap between each stage and some individual processes. It is likely that the activities would follow the process below:

- a) preparation works to secure the Site and to determine Site protocols during the following stages:
  - b) b) localised remediation, validation of ground conditions and further geotechnical ground investigation
  - c) Further clearance of vegetation in relevant development phase which are not retained for preservation .
  - d) clearance and creation of temporary accesses/haulage routes through the Site.
  - e) the implementation of any additional fencing and/or hoarding around the site.
  - f) bulk earthworks to ground formation levels and the formation of temporary surface water drainage areas;
  - g) Material handling, storage, stock piling, spillage and disposal.
  - h) Disposal of waste materials within or off site
  - i) Site preparation, excavation, earthworks, and re-profiling to meet required finished floor levels
  - j) Construction of temporary drainage runs, and utilities duct runs;
  - k) Installation of temporary public open space works including pathways, street furniture
  - l) Site restoration and landscaping.
- 8.15 In terms of day to day activity, it is likely that the vehicles on site would involve around 8 excavators, 4 dump trucks and 2 dozers together with half a dozen loaders and rollers. It is anticipated that approximately 20 HGV deliveries would be required during the initial phase to offload equipment and then demobilise at the end of the works. It is likely that the proposals would involve the movement of material on and off site. It is anticipated that there would be between 200-300 trucks for export waste disposal of soils and other deleterious materials (fly tipping / tyres / buried inorganic wastes, etc) over the lifetime of the development. On the assumption that the import of topsoil is for temporary landscaping, then the requirement will be 150mm spread across the whole site. This would equate to 1200-1300 HGVs for import of clean soils towards the end of the project (over a 20-week period). This is based on a worst-case scenario whereby none of the existing topsoil can be re-used and the full amount needs to be imported which will be unlikely.
- 8.16 The duration of remediation works is anticipated to last no more than 1 year, with the site then being landscaped in line with the final masterplan proposals.
- 8.17 The Environmental Health Officer has reviewed the available information and raises no objections. Accordingly, the mitigation measures will ensure that the proposal does not put sensitive receptors at unacceptable levels of disturbance.

#### *Impact on highway safety*

- 8.18 Policy 13(A) of the Local Plan states that the Council will work with developers to ensure that appropriate levels of parking provision are made in accordance with the standards in Appendix 6 and development does not result in unacceptable impacts on highway safety.

- 8.19 It is proposed that a carefully co-ordinated remediation phase would be undertaken, eventually leading to the implementation of the public open space. At this stage, a construction management plan would set out a dedicated compound for the site and that remediation is done in a logical fashion. This means that remediation will take place in all areas where possible, but will include seasonal factors. For example, it is proposed to remediate areas closer to residential properties in wetter conditions in order to suppress dust and odour from escaping the site.
- 8.20 Construction access is yet to be agreed, but it is anticipated that the main construction access would be via Chappell East Drive or Wharf Road, away from the narrower streets on surrounding residential roads. The application proposes that the existing vehicular access points are to remain unaltered. The emergency access to the site would also take place from these points. The size of the site is sufficient to ensure that once plant and machinery enter the site, a suitable construction compound can be formed and moved around the site where necessary.
- 8.21 The proposals would result in a reduction in the number of parking spaces at Chappell Drive East car park to no.300 spaces. In consultation with the Council's Parking Services, who have undertaken an assessment of usage levels of the car park, it is clear that Chappell Drive East car parking is underutilised and 300 spaces still retains a sufficient number of spaces to satisfy demand. Peak demand of Chappell Drive East car park is during the day by market traders (Tuesdays, Fridays and Saturdays) and college (Monday-Friday). The proposed interim open space would likely be used on evenings during the week and all day at weekends when parking demand for this amenity would be at its highest outside of the current peak parking demand periods generated by a combination of market traders and the users of the college.
- 8.22 The Highway Officer agrees that the car park would have sufficient capacity to serve the market traders, college, proposed development and users of other amenities and services within the City despite the reduction in car park spaces. The officer has noted that the views of The Royal Society for the Prevention of Accidents should be sought. This has been taken into consideration by the applicant who has commissioned a report to take any views into account.
- 8.23 The proposals have been assessed by the Council's Highways Officer with respect to ensuring that the remediation works do not impact highway safety. The appointed contractor for the scheme would be required to ensure that the construction works are organised and delivered in a manner that safeguards the highway impact, in addition to the safety and amenity of nearby land uses. The scheme is therefore compliant with Policies 13 and 46 of the Local Plan with respect of protecting highway safety.

*Landscaping and providing temporary open space*

- 8.24 National planning policy states access to high quality open spaces and opportunities for sport and recreation makes an important contribution to health and well-being. Policy 28 is the Local Plan interpretation for providing open space in new developments. It states that spaces within or adjacent to residential areas is the most regularly and intensively used type of open space but provision can be quite complex as the varied types of open space provide different functions and benefits to the local community. In this case, the application has clearly been submitted on the basis that the site is to be remediated and brought into public use, until a final end use for the site is realised through the submission of a new planning application. Policy 47 aims to achieve a good overall standard of security for public and private spaces.
- 8.25 The open space is proposed to comprise low maintenance grass land, trees, footpaths and directional lighting. The space is not intended to provide formal provision of open space or play equipment which usually forms part of new residential developments, rather transitory spaces where members of the public could relax, walking opportunities and provide links through the site which previously formed a barrier between Whittington Street/Wharf Road and Chappell Drive.
- 8.26 The Council's Public Open Space (POS) officer has reiterated that the site is allocated for mixed use development and the application is clear that this is a temporary use of the land pending a final development proposal coming forward. The Officer has no objection to the principle of a temporary use, and it is proposed that the use is time limited through planning condition for the avoidance of doubt.
- 8.27 During the course of the application, the proposals were amended to include more low level interventions alongside the pathways to provide more seating and litter bin provision. This would be designed to provide transitory interest to the site, rather than encourage areas where members of the public would congregate.
- 8.28 How the site is to be lit on a temporary basis will be an important consideration. Consultee officers accept that delivering copious on-site infrastructure or provide expensive features would not be appropriate, but concerns are acknowledged with the level of lighting across the site and whether members of the public would feel and be safe from anti-social behaviour.
- 8.29 Various layers of light combine to provide light source within the Doncaster waterfront/markets area, including spill light from buildings, street and amenity lighting, the floodlighting of both public and private buildings, landscape lighting and illuminated media and signs. Good lighting not only keeps us safe by helping to prevent accidents, but also contributes to security through assisting with the prevention and detection of crime. It can also help us find our way, whether through intuitive means or illuminated signage, thereby preventing us from becoming lost and disorientated.
- 8.30 The site currently is not lit and would otherwise be in darkness when in use. Reducing the amount of light we use can help conserve fossil fuels and reduce



carbon emissions. Light pollution not only blocks the night sky but can cause a nuisance for residents and damage local ecologies. Over-illumination wastes energy and creates visual pollution that can be detrimental to the character of the area. A blanket approach to lighting the entire site would not be an appropriate use of resources, given the proposal would be temporary.

- 8.31 The applicant has taken the approach that the provision of light must be carefully balanced against the need to retain natural darkness. Whilst darkness can sometimes heighten the fear of crime and increase the risk of accidents, it can also provide visual quietness and clear wayfinding.
- 8.32 It is proposed that the network of pedestrian footpaths and seatways crossing the site would be softly illuminated by floor solar lighting with controlled light spill onto the footway. These objects should provide a soft diffuse light and support wayfinding but would also provide a clear delineation of the pathways being a through route rather than locations where the public would be encouraged to congregate or deviate from the paths into unlit areas. The decision to proceed with these was taken in consultation with SY Police. The site would generally be laid to grass rather than heavily landscaped. This would reduce the potential for areas of poor surveillance, vandalism or other anti-social behaviour.
- 8.33 Further consultation is taking place within the Council to explore the potential of adding 3 CCTV cameras, to complement existing coverage on existing lighting columns on Wharf Road, Church Way and Chappell Drive. The installation and costs for monitoring are being investigated and will require Council approval of costs before this can be supported. If included, these will form part of the final landscape proposals reserved by planning condition.

### **Conclusion on Social Impacts**

- 8.34 Having assessed the latest layout, it is considered that the proposal would not adversely affect neighbouring properties either during the construction phase or once the site has been given over to open space on a temporary basis. Moreover, suitable amendments have been made to the overall POS design to take into consideration consultation responses, specifically improving the provision of affordable but interesting POS elements whilst ensuring best endeavours to make the site safe for public users. Amongst an individual's personal behaviour and the Police, the Council would be partly responsible to follow the design philosophy chosen for lighting the site and ensure members of the public are safe when it is in use. Both the Urban Design and POS Officers advise that there are no objections to the approach taken.

### **ENVIRONMENTAL SUSTAINABILITY**

#### *The process of remediation and the impact of contaminated land*

- 8.35 Paragraph 120.C of the NPPF states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for

homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

- 8.36 National planning policy states that any potentially contaminated or unstable land being assessed for development through the planning process should be dealt with at this stage ensuring that it poses no unacceptable risk to future occupiers or the wider environment. Policy 55 states proposals will be required to mitigate contamination or land stability by demonstrating there is no significant harm, or risk of significant harm, to human health, or land, natural environment, pollution of soil or any watercourse or ground water. The policy also secures suitable remedial action is taken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future.
- 8.37 A suite of technical reports and surveys relating to contamination have been produced and submitted with the application:
- Site Investigation Interpretive Report, Doncaster Waterfront, G&J Environmental consultants, GJ263(02) R001 SI INT V1. October 2022
  - DQRA, Doncaster Waterfront, G&J Environmental consultants. GJ263(03) R001 DQRA. October 2022
  - Remediation Strategy & Verification Plan, Doncaster Waterfront, G&J Environmental consultants, GJ263 (03) R002 RSVP. Oct 2022
  - GJ263 Doncaster Waterfront Drainage Ditch Investigation, G&J Environmental consultants, JGJ263 (04) L001. Letter report dated 8th December 2022.
  - GJ263 Doncaster Waterfront – Specification for Cover Layer. G&J Environmental consultants, GJ263(05)-L001. Letter Report January 2023.
- 8.38 The key principles of evaluating and presenting options for remediating the site are set out above. A further technical note 'Remediation Strategy Technical Note Doncaster Waterfront Remediation' has been prepared by Pick Everard as an addendum to these report in relation to specific site constraints identified since the original reports were produced.
- 8.39 The application site is known to be contaminated as a result of historic uses through evidence gathered during investigations across the site. Obvious signs of contamination include free product (coal tar), hydrocarbons, creosote, and solvents have been identified. Contaminants specifically associated with gasworks, such as cyanide, naphthalene and BTEX compounds are shown to be present at overall higher concentrations within the footprint of the former gasworks, but are still present in other areas. Lead and arsenic appear to be present at generally higher overall concentrations outside the gasworks footprint. Within the groundwater, cyanide and naphthalene are the most widespread of the contaminants of concern, with others, such as phenols and BTEX, being more localised in 'hot' spots.

- 8.40 After going through a sequential assessment and a remediation options appraisal, the preferred remedial solution comprises the excavation and bioremediation of organic contamination hotspots, and the pumping of contaminated shallow groundwater from excavations for treatment or disposal. This will be supplemented by a monitoring programme to assess natural attenuation of groundwater, and the placement of a clean cover layer (and possible incorporation of vapour protection measures in new buildings) to manage residual contamination throughout the Made Ground. Remediation verification samples, and samples of any treated, site won or imported material will be analysed and screened against the site remedial targets or generic assessment criteria, as appropriate. The remediation work will be supported by the production of a verification report. Earthworks will be undertaken across the site in order to remove any structures or other below ground obstructions, and to allow the inspection of soils for evidence of contamination. Earthworks will involve turning the upper soils to a depth of at least 2m, although this will be extended to remove deeper obstructions or to chase out deeper contamination. Soils displaying evidence of contamination noted during these works will be separated and sent from treatment and samples and tested where required.
- 8.41 The Council's Pollution Control team have validated pre-application discussions where the surveys were reviewed and approved. The Officer notes that the site has been subject to appropriate contaminated land risk assessment, and the proposed remedial works are clear and concise. Remedial works include hot spot removal/bio-remediated/cover system. To ensure the required remedial works are carried out in an appropriate manner, the permission includes a condition requiring remediation to be carried out in accordance with the agreed strategy.

#### *Site Constraints to Remediation*

- 8.42 There are currently a number of utility services within the site, some of are redundant and require to be removed as part of the proposed works. As the remediation strategy states that a lowering of levels by 2m will be undertaken, it is essential that any live utilities that fall within this 2m zone are also considered as part of the remediation scheme. A 'Site Utilities Report' has been prepared by Pick Everard and submitted with the application. It sets out the following constraints to remediating the site and their owners:
- A water connection serving the sewage pumping station (Yorkshire Water)
  - A number of additional existing water supply services within the site (Yorkshire Water, private)
  - 2 intermediate pressure gas pipelines (Cadent Gas)
  - 2 low pressure gas pipelines (Cadent Gas)
  - 2 existing fire hydrants and possible connection (Yorkshire Water, South Yorkshire Fire and Rescue)
  - Potential for telephone/broadband fibre ducts near the site (BT, City Fibre, Virgin Media, Vodafone)
  - Existing ducts, poles and street lighting near the site (Northern Powergrid)

- 8.43 A risk schedule has been produced and has been factored into the agreed remediation strategy which requires further consultation when dealing with localised areas of the site where further consultation will be required prior to remediation works taking place. The proposal therefore accords with Policy 54 having assessed the potential for ground pollution.

#### *Site constraints*

- 8.44 The drainage channel is at least 2.5m below the ground levels of the surrounding areas. During the course of the application, it was proposed to infill this channel as part of the cut and fill works to the site, however further modelling was deemed to be necessary and therefore was removed from the proposals.

#### Flood risk, ground contamination and drainage

##### *Flood risk*

- 8.45 Policy 57 (A) states all development proposals will be considered against the NPPF, including application of the sequential test and, if necessary, the exception test. A Flood Risk Assessment (FRA) has been prepared by JBA Consulting and submitted in support of the application. Pre-application advice has also sought independently from the Environment Agency (EA) through their pre-application advice service.
- 8.46 The site is located entirely within Flood Zone 3 according to the EA's Flood Maps and is classified as an area benefitting from defences. When assessing the safety implications of flood risk for development proposed in a site allocation, a key consideration for this site would be analysing the characteristics of a possible flood event, including residual risks from flood risk management infrastructure e.g. the type and source of flooding and frequency, depth, velocity, speed of onset and duration.
- 8.47 The FRA submitted with the application assesses the vulnerability of the remediation works using the most up to date hydraulic model outputs. The outcome from this study is to determine the extent and severity of likely risk posed to the site in its current and proposed form. This study has determined that any projected flooding within the red line boundary either with or without defences in 1 in 100 year scenario (+climate change) is extremely limited. It is understood that the reason for this is the main overtopping mechanism for this watercourse is located upstream of the subject site and on the opposite bank, meaning there are no discernible flow routes or ponding areas associated with fluvial flooding for this site. In summary, the FRA can demonstrate that the proposed remediation works, and the retention of existing site levels, would not increase fluvial flood risk on the site or increase risk elsewhere.

##### *Sequential and Exception Tests*

- 8.48 The proposals would not provide a permanent end use, but would result in a temporary change of use of land as public amenity space. This proposed use

would be 'Water-compatible development' when assessed against the NPPF's Annex 3: Flood risk vulnerability classification. This type of use is accepted within flood risk areas. The site has been subject of a Sequential Test due to its allocation for mixed use in the Local Plan and was found to be acceptable. The proposed temporary use would not invoke a more vulnerable use which would require the re-application of the Sequential Test.

- 8.49 Paragraph 035 of the Planning Practice Guidance states where a development proposal is in accordance with an allocation made in a Plan following the application of the Sequential and Exception Tests, it should not be necessary to repeat aspects of the Exception Test unless elements of the development that were key to it satisfying the Exception Test at the plan-making stage (such as wider sustainability benefits to the community or measures to reduce flood risk overall) have changed or are not included in the proposed development or the understanding of current or future flood risk has changed significantly.
- 8.50 The Council's Strategic Flood Risk Assessment states that the site should be subject to the Exceptions Test for any residential proposals or essential infrastructure that is within Flood Zone 3a. Only water-compatible and less vulnerable uses of land are appropriate in this zone. The FRA updates the understanding of the current or future flood risk based on the present site conditions. Once again, the proposed use would be compatible with the SFRA requirements and therefore the Exceptions Test does not need to be repeated.

#### *Drainage Ditch*

- 8.51 It should be noted that a drainage ditch doglegs across the site from west to north. This feature is both a remnant from the historic river alignment and a formal drainage route constructed in order for the sewage works to continue to discharge into the River Don once the river had been re-aligned. The ditch is currently designated as an Ordinary Watercourse and as such is within jurisdiction of the Council's Drainage Team acting as the Lead Local Flood Authority (LLFA).
- 8.52 It was originally proposed that the drainage ditches crossing the site was to be filled in as part of the remediation works to provide a level development platform, however further modelling work was recommended in order to understand any transitory impacts on flood risk locally. The application was therefore amended to retain the ditches within the site and submit a further application in due course once this modelling work has been completed.
- 8.53 The EA have been consulted on the application and have raised no objections. It should be noted that the FRA models anticipated flood risk based on the site levels remaining the same as currently present on the site (as noted above in consultation with the LLFA). Should land levels be proposed to be altered as part of any future proposals, this will involve re-assessing the implications on flood risk at this point.

- 8.54 Subject to the imposition of suitable conditions, no objections have been raised from statutory consultees and the development complies with Policy 57 in relation to considering flood risk.

#### *Ground contamination*

- 8.55 Policy 54 (D) requires the LPA to consider any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources, including contamination to Source Protection Zones. The works are located within a Principal Aquifer and within a groundwater Source Protection Zone 3, therefore the site location is a very sensitive groundwater environment
- 8.56 As noted above, the site has an extensive history of industrial use and there is evidence from the site investigation that the site is impacted by contamination. A risk is the potential for contamination to be mobilised to outflow to pollute controlled waters.
- 8.57 The application is supported by a number of documents which tackle this potential risk (referenced in para 8.19) and the EA are satisfied that it will be possible to manage the risks during the course of the remediation works. At this stage, the future end use of the site has not been determined and therefore further remediation and validation requirements will be likely but this would be assessed with any subsequent planning application in consultation with the EA.
- 8.58 In conclusion, the remediation works propose a series of soil remedial targets which would reduce the levels of contaminants within the site to levels that would not represent a risk to human health or controlled waters. Essentially, the bulk of contamination within the top layer of soils would be eliminated and the linkages with any deeper contamination would be broken and removed from the eco-system. This would demonstrate that the potential risks to sensitive receptors and ground water contamination can be, at least, is maintained or even reduced as required under Policy 54 (D).

#### *Surface Water Drainage*

- 8.59 A Drainage Assessment has been included within the FRA prepared by JBA Consulting and submitted in support of the application. The drainage strategy focusses on using the existing land drain and its connectivity to both the Yorkshire water drainage network and the River Don, in conjunction with ground reprofiling once the remediation has been undertaken.
- 8.60 As noted above, it was the original intention to culvert the existing drain and fill in the voids as part of the wider remediation. The proposal as amended formalises the existing drainage routes along with some strategic ground reprofiling to guide any surface water towards the existing ditches. The principal is to keep them wide and shallow in order to allow public passage during dry periods removing the need for crossing points to be installed. The strategy envisages simple unrestricted ground contouring to allow sufficiently safe and confined discharge into the ditch during any extreme rainfall events. It is also expected that the proposed landscaping strategy to provide clean soils and soft

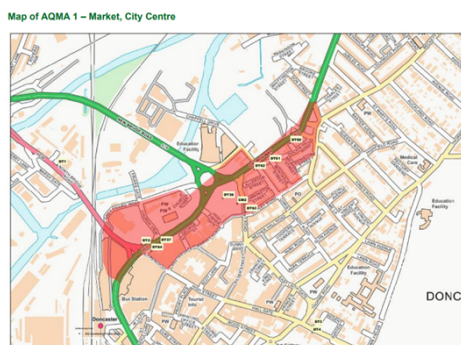
planting would assist in delivering suitable sustainable urban drainage techniques to provide better infiltration of rainwater at source.

- 8.61 Due to the temporary nature of the works and the expected redevelopment of the whole site, no specific requirement for a maintenance strategy is required for inclusion in this investigation.
- 8.62 An assets map has been provided which shows that there are a number of assets (both live and abandoned) controlled by Yorkshire Water within the application site. This includes a Combined Sewer Outfall (CSO) located at the corner of the ditch that discharges flows during storm events which overwhelm the existing pumping station. When the application was initially submitted, Yorkshire Water also raised concerns with proposed tree planting within the operational area of assets within the site.
- 8.63 Further liaison with Yorkshire Water is anticipated and secured by a planning condition requiring further drainage details to ensure that any repair/maintenance/upgrading works required in order to improve the conveyance and design of the connection between their CSO and its final discharge location is incorporated into making the site ready for development. Subsequent discussion with Yorkshire Water and the relocation of proposed trees enabled them to remove their objection. The existing drainage ditches will continue to be maintained as an Ordinary Watercourse and as such is within jurisdiction of the Council's Drainage Team in terms of any interim management or maintenance until a final end use is proposed.
- 8.64 To conclude on drainage matters, responses from the EA, LLFA and Yorkshire Water have indicated no objections. The site can be shown to drain effectively utilising the existing features on the site without affecting flood risk elsewhere. The development therefore complies with Policy 56 of the Local Plan concerning flood risk matters.

### Other Environmental Impacts

#### *Air pollution*

- 8.65 Policy 54 relates to pollution and states that consideration will be given to the impact on national air quality. The application site lies adjacent to an Air Quality Management Area designated near the Market and City Centre. An extract from the latest Annual Status Report showing this area is set out below:



8.66 The application has been assessed for any implications for air quality and the main risks from dust or odour would occur during the construction phase. It is anticipated that the primary air pollution emissions will be associated with dust generated from plant movement on site. Any proposed mitigation follows the principals of IAQM "*Guidance on the assessment of dust from demolition and construction*". A series of dust mitigation measures would be set out as part of any construction management plan. These are likely to include:

- Ensuring effective site management controls are enforced
- Preparing and maintaining the site in a suitable way to reduce dust
- Effective care during operations of plant and machinery to reduce dust levels
- Measures to specific areas of earth works to stabilise surfaces
- Measures to ensure no dust or debris leaves the site
- Effective waste management

8.67 No objections have been received from the Council's Air Quality team in relation to risks to air quality. Any residual risks from remediation activities can be captured and controlled as part of an agreed management plan. The application therefore complies with Policy 54 in relation to protecting air quality.

#### *Archaeology*

8.68 Policy 39 (B) sets out the approach that will be taken towards developments likely to affect archaeological sites of regional or local importance. In the case of such archaeological remains, there is a need to reconcile the relative importance of the remains with the need for the development. Developments should be located or designed to avoid archaeological remains, to ensure that these remains are preserved in situ.

8.69 An Archaeological Desk-Based Assessment (DBA) was prepared in 2022 by York Archaeology to assess the potential for survival of buried archaeological remains within the site, and to inform potential remediation strategies. The report makes it clear that there has already been an extensive history of remediation across the site which preclude any reasonable prospect of remains being present in the majority of the area proposed to be remediated. In two areas, near the drainage ditch, there is some limited potential where any remediation would take place below c. 7.5maOD. The South Yorkshire Archaeological Service (SYAS) have recommended that these areas are relatively small either side of the former drainage ditch and recommend that archaeological monitoring of the groundworks takes place should this occur. This is subject to a suitably worded planning condition.

8.70 Following the DBA being commissioned, the application site area was reduced by 1.27 hectares but still included the site with the exception of a very small area adjacent to Chappell Drive north of the proposed relocated coach park. This small area, has not been assessed by the original DBA, however it is reasonable to conclude that the mitigation measures contained within the DBA can be extended to this small section of land. SYAS agrees with this approach.



- 8.71 In summary, the assessment indicated that there is the potential for deeply buried archaeological deposits within the site but previous remediation has precluded any realistic possibility of significant finds. Any localised potential can be assessed in situ and the evidence provided with the application satisfies the requirements under Policy 39.

#### *Trees and Landscaping*

- 8.72 Policy 48 states that development will be supported which protects landscape character, protects and enhances existing landscape features and provides high quality hard and soft landscaping schemes which include fit for purpose planting and generous trees, shrubs and hedgerow planting.
- 8.73 The application is accompanied by an Arboricultural Report and Impact Assessment, prepared by ECUS Ltd. This includes a tree survey to BS 5837:2012 Trees in relation to design, demolition and construction. This survey has formed the basis of an assessment of the impacts that the proposed remediation works may have on existing trees on the site. In accordance with good practice, the tree survey records the arboricultural value of the site prior to the majority of the site being cleared in accordance with a Forestry Commission approved Felling License.
- 8.74 No trees within the site boundary are protected by a Tree Preservation Order (TPO) and the site is not located within a Conservation Area. In summary, most of the vegetation on the site were generally optically low value, insisted natural regeneration or trees that were interested people condition with only limited long term value. The Tree Survey identifies the best trees to be within the Tree Groups G008, G075 and the Birches, TO21 and T023. These trees are considered to add value to any future site use and are currently proposed to be retained.
- 8.75 Due to the low individual value and relatively small number of trees to be removed, the remaining removals will only have a negligible negative arboricultural impact. Once the remediation has taken place, a scheme of limited replacement planting has been indicatively shown within the proposed landscaping masterplan (ref Rev06). This includes the provision of a total of approximately 20 Field Maple, Black Alder, Silver Birch, Goat Willow and Hawthorne trees around the site periphery. The exact species, location and specification of the trees will be secured via a detailed planning condition. Moreover, the proposals have included a scheme of management and maintenance for the site to ensure it is kept in order once made available.
- 8.76 In terms of protecting trees from remediation works, most of the retained trees are located beyond the site boundary and surrounded by boundary features such as security fencing or brick walls. These features will provide adequate tree protection and the trees will remain largely unaffected by the remediation works. Remediation works would occur in close proximity to T012 – T019, however the works will avoid damage to the hardstanding which the trees are contained within and therefore would not be unduly affected.

- 8.77 In terms of other soft landscaping proposals, the site will include asphalt main and secondary footpaths crossing the site, bench seating, litter and dog waste bins and the site generally laid to low maintenance amenity grass.
- 8.78 The proposals have been assessed by the Council's Tree Officer and Street Scene team and no objections have been raised. The development therefore complies with Policy 48 of the Local Plan in respect of delivering suitable hard and soft landscaping proposals.

## Ecology

### *Habitats*

- 8.79 Policy 29 states proposals will only be supported which deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.
- 8.80 A Preliminary Ecological Appraisal (PEA) has been carried out by ECUS Limited and submitted in support of the application. The purpose of the EPA was to record and map habitats and to assess the potential for the site to support or contain species which are protected under UK and/or other European nature conservation legislation, namely the Wildlife and Countryside Act (2006), the Conservation of Habitats and Species Regulations (Amendment)(EU Exit) 2019 and the Natural Environment and Rural Communities (NERC) Act 2006. In addition, pre-application advice has been carried out with the Council's Ecologists.
- 8.81 The site contains habitats including areas of other neutral grassland, mixed scrub, Bramble scrub, Hawthorns group, buildings, aquatic marginal vegetation, developed land, sealed surface. The PEA advises that the physical features on site are of limited value to conservation and have no more than site-level importance.
- 8.82 No statutory designated sites of important to nature conservation were identified within two kilometres of the site using the magic database. The site is partially located within the SSSI Impact Risk zone of Sandal Beat SSSI, which is located approximately 2.8 kilometres to the east of the site. Sandall Beat SSSI is designated for its woodland habitats, and is known to support a number of breeding birds and invertebrates. The proposals would not have an impact on these sites.
- 8.83 In terms of potential for on-site species, the baseline potential of the site is generally considered to be low given its previously developed nature. The site had been scoped for the presence of roosting bats within trees and buildings but none were found prior to site clearance. Other species that possibly would have used the site would have been mainly birds, hedgehogs, invertebrates and reptiles. In summary, no species protected under statutory legislation are anticipated to present or affected by the proposals. A scheme of on site habitat compensation measures is included within the PEA, and built upon within the submitted Masterplan proposals.

- 8.84 The PEA sets out a series of mitigation measures in the event that species identified within the assessment are discovered during the construction phase. This includes Best Practice Measures to guard against the discovery of amphibians, including Great Crested Newts and Badgers. A series of bat surveys were carried out prior to site clearance and remaining trees would be subject to a further inspection prior to any works being carried out. The lighting proposals have been designed partly to minimise the disruption to potential bat flights. To greatly reduce the risk of committing an offence, the bulk of site clearance was carried out to avoid the bird breeding season. Remaining features would be inspected and excluded where active nests are found. This would also apply to the discovery of and hedgehog nests. Further survey work to inspect for invertebrate, reptile and riparian mammal groups is proposed.

#### *Invasive Species*

- 8.85 It is noted within the PEA and as part of on-site inspections, that Himalayan Balsam, buddleia and horsetail were discovered on the site. Himalayan Balsam is listed as an invasive species. Buddleia and horsetail are not listed, however they are widely considered to be an invasive species and readily outcompete native plants.
- 8.86 Retaining these species would not constitute an offence but the applicant considers it good practice to remove these species as part of the remediation proposals. A precautionary approach following a construction environmental management plan is proposed and reserved by planning condition. It will be removed by a licensed contractor and disposed at an appropriately licenced facility (landfill)

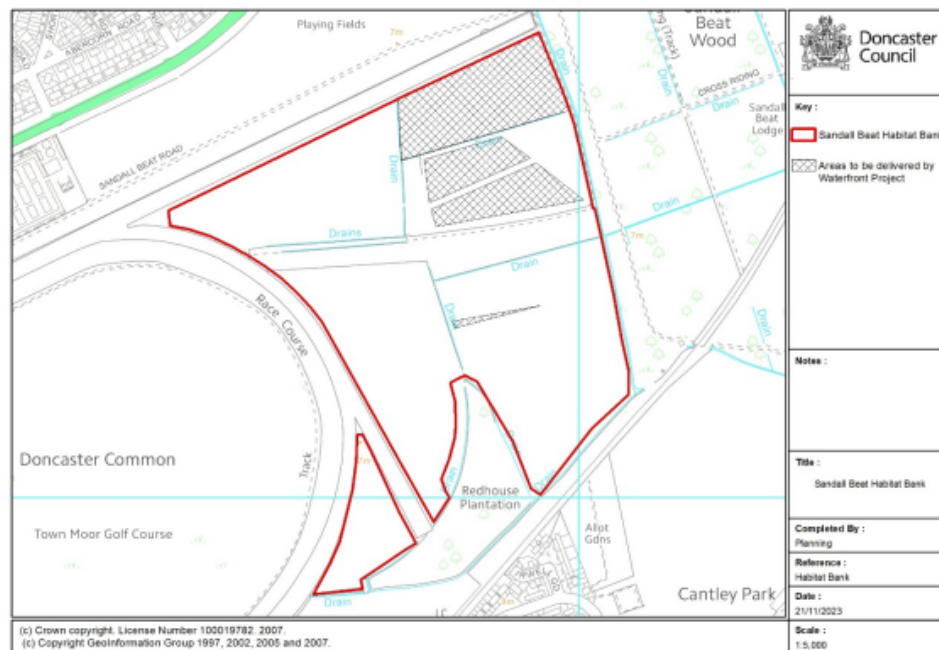
#### *Bio-Diversity Net Gain*

- 8.87 Policy 30 states proposals which may harm priority habitats; protected species or features of biodiversity interest will only be supported where the DEFRA biodiversity metrics demonstrates that a proposal will be deliver a minimum 10% net gain for biodiversity.
- 8.88 All developments are required to deliver biodiversity net gain to ensure that biodiversity post development is greater than present redevelopment. It is a requirement in the Doncaster Local Plan that develops deliver a minimum of 10% biodiversity net gain (BNG). An agreed BNG plan follows the mitigation hierarchy which outlines what must be done to firstly, avoid, secondly minimised and thirdly, restore or rehabilitate losses of biodiversity on site. Given the proposals are not a final 'end use' for the site, it would not be appropriate to avoid, minimise or install on-site BNG green infrastructure as part of complying with Policy 30.
- 8.89 The remediation proposes will involve the loss of all onsite habitats including grassland, scrub and trees. These habitats will be compensated through the creation of like for like or higher distinctiveness habitats. A BNG Assessment

has been carried out by Ecus Ltd and concludes that the proposals would result in a loss of –22.72 Habitat Units and a –0.15 loss of Hedgerow Units.

*Proposed Bio-Diversity Offsetting Scheme*

- 8.90 The Council is the applicant and therefore a financial contribution towards BNG would not be appropriate as a suitable legal agreement cannot be secured. As such, the correct course of action is for the Council to provide a biodiversity offsetting scheme offsite whereby the loss of biodiversity is compensated through new habitat creation.
- 8.91 A BNG Offsetting Scheme has been submitted within a Habitat Management and Maintenance Plan (HMMP) submitted by Ecus Ltd. The HMMP seeks to address the impacts of the remediation works by providing a replacement scheme of grasslands, scrub, trees and native hedgerows at the Council's Habitat Bank within Doncaster known as Red House Farm. The area of land within the Habitat Bank to be utilised for the Waterfront Scheme was confirmed by a decision by the Council's Cabinet on 17<sup>th</sup> January 2024, should planning permission be granted for this planning application. The area of land within the scheme to be utilised for Waterfront East is shown below hatched in grey:



**Figure 2 : Extent of areas to be delivered by Waterfront East.**

- 8.92 The HMMP will deliver enhancements to existing habitat and new habitat creation, which will deliver a biodiversity net gain within the Habitat Bank. The creation of neutral grassland through seeding and management through a sensitive cutting regime will deliver floristically diverse grasslands of variable sward which provide a valuable food source for invertebrates. The creation of native mixed scrub with diverse age classes and glades will provide suitable shelter and nesting habitat for a range of fauna including breeding birds and small mammals. The creation of new urban tree habitat will contribute to tree cover locally, with native species providing suitable foraging and in the future,

nesting habitat for breeding birds and invertebrates. A section of native hedgerow will be enhanced with supplementary planting and sensitive management which will provide additional shelter for fauna and improve habitat connectivity with the other hedgerows and tree lines within the wider habitat bank. All post implementation management is to be undertaken by the Council as part of maintaining the Habitat Bank to ensure it meets its required objections.

- 8.93 The offsite proposals would result in an overall net gain of +2.28 Habitat Units and a net percentage change of +10.05%. There would also be a 0.02 Hedgerow Unit gain, equating to a net increase of 10.74% in Hedgerow Units. This would ensure that the scheme delivers a minimum of 10% as required by Policy 30.

*Impact upon the character and appearance of the surrounding area*

- 8.94 Policy 41 relates to character and local distinctiveness and states developments should integrate visually and functionally with the immediate and surrounding area. Policy 46, amongst other matters, seeks to ensure new development is sympathetic to local character and has no unacceptable negative effects upon the local environment.
- 8.95 The application site is currently occupied by a large areas of hardstanding, scrub and transitory uses such as surface car parking, wasteland and industrial uses such as scrap dealing. Overall has the air of a neglected and redundant site in a prominent location close to Doncaster City Centre within reach of significant assets such as the Minster, Doncaster Markets and Corn Exchange. Therefore, as a whole, the site makes only a neutral contribution to the character and appearance of the area at best and any redevelopment should be welcomed and encouraged.
- 8.96 The submitted scheme includes specific proposals for significant improvements via soft landscaping and other visual enhancements whilst also allowing public access and use on an interim basis. The proposed landscaping would improve and soften the visual appearance of the application site in comparison to its existing appearance whilst integrating visually and physically with existing adjoining and neighbouring uses. The public use of the site would increase accessibility and activity, encouraging natural surveillance. Land levels are proposed to be as the existing site and therefore would respect neighbouring land uses and would not look out of place.

**Conclusion on Environmental Issues**

- 8.97 Paragraph 8 of the NPPF indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 8.98 In conclusion of the environmental issues, it is considered that there have been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition. The contamination strategy agreed has the in principle support of all statutory consultees and would assist in remediating a site which is recognised as contaminated. The proposals would assist in not only making the site developable, but also ensuring that linkages to existing surface and groundwater pollution are removed. This will provide a benefit to natural resources in the area.
- 8.99 The site is at risk of flooding but benefits from flood defences in the wider area. The submitted FRA takes account of the existing land conditions and the impacts from the proposals have been suitably addressed. Amenity issues such as construction traffic, noise, dust and other nuisances associated with the development construction are considered to be short term negative impacts which can be mitigated through appropriate conditions.
- 8.100 The remediation of the Waterfront East site to decontaminate the area, to ensure the site is in a developmental state and create a new temporary public green space all have environmental benefits. It is accepted that the environmental benefits of landscaping the site are limited, given the proposals are temporary in nature. Nevertheless, this new green space will have multiple positive wellbeing impacts for people of all ages in Doncaster for the lifetime of the permission.

## **ECONOMIC SUSTAINABILITY**

- 8.101 Para 8 of the NPPF sets out that in order to be economically sustainable developments should 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 coordinating the provision of infrastructure.
- 8.102 The overarching aim of utilising this Levelling Up Fund is to invest in capital projects to help improve local infrastructure. These improvements will have a visible, tangible impact on people and places, and support economic recovery in Doncaster. Doncaster City Centre is critical to the economic future of the borough and central to our levelling up programme. It is a key location in the regional strategic economic plan, which aims to increase productivity, skills, economic resilience, and the health and wellbeing of residents.

## **Conclusion on Economy Issues**

- 8.103 Utilising the funding available is the best result for Doncaster, as it will enable capital interventions and regeneration that may not be achievable without the additional capital funding LUF provides. Failure to deliver this project would deny Doncaster Town Ward the opportunity to develop in key areas which are critical to the economic future of the overall borough as a key strategic growth area.

8.104 The remediation of the Waterfront East site would create a temporary green space and will have the potential to attract investors. The proposal would also result in some short-term economic benefit in the creation of jobs during the construction phase of the proposal.

## **9.0 PLANNING BALANCE & CONCLUSION**

9.1 In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The starting point for this decision is the development plan and conclusions on a balancing exercise considering the relevant policies is set out below.

9.2 There is no objection in principle in terms of land use and the remediation of the site will assist in bringing forward the site as part of its land allocation in the Local Plan. The extent to which the site requires remediation, the availability of government sourced funding in order to do it, and given the majority of the land is classified as previously developed land attracts significant weight in favour of the proposal.

9.3 In relation to design/character and appearance, there is no doubt that the scheme would bring a significant initial change to the area through temporary changes in landform and construction activity. This impact however would be short term and the bulk of the site would be grassed and some planting taking place once remediated. The temporary nature of the open space proposals has ultimately resulted in a compromise to the usability and quality of the open space proposals being provided. The scheme nevertheless would bring about a temporary improvement to the current appearance of the site, which is currently underutilised and generally utilitarian in appearance. The design and landscaping proposals attract moderate weight in favour of the scheme.

9.4 The proposals satisfy a number of technical constraints of the site. Land levels to the site overall would be largely retained post-remediation, and therefore the Flood Risk Assessment and outline Drainage Strategy provides an accurate risk assessment of flood risk and outline proposals on how the site would be drained. The presence of utility infrastructure across the site would involve some localised aspects of the remediation to be dealt with through localised risk assessments and verification, in consultation with the relevant statutory consultee. There are no objections from the Lead Local Flood Authority, Yorkshire Water (which has assets which could be affected) or the Environment Agency. These policy requirements attract neutral weight.

9.5 Any impact to local amenity has been assessed based on the available information at this stage. The principles of construction and highway management have been agreed and suitable controls on traffic, dust, odour, noise, air quality and other environmental impacts can be agreed by way of planning condition. These factors are also subject to compliance with other legislation outside the planning system. These policy requirements attract neutral weight.

- 9.6 The application has been assessed with regard to any impact to local heritage assets nearby. The Conservation Officer agrees that there would be benefits in granting the scheme, subject to the retention and suitable protection of a pumping station on the site which has local historic interest. No harm has been identified, and therefore a balancing exercise is not required. The lack of harm or benefits at this stage carry neutral weight.
- 9.7 Further scoping and consultation will take place with the relevant consultees following the appointment of a contractor to carry out the works. The Local Planning Authority will ensure that the fundamental aspects of the proposals in respect of land levels, construction management, landscaping, public open space works and most importantly, the remediation of the site, remain as submitted under this application. Should any minor or significant amendments be required, the LPA will require a new application to be submitted where neighbouring land uses and consultees would be informed and invited to comment.

### *Strategic Level*

- 9.8 Moreover, the proposals present an opportunity to assist in delivering towards some of the Council's Key Outcomes:
- 9.9 Doncaster Working - The remediation of the Waterfront East site will create a temporary green space and will have the potential to attract a number of investors. This would accord with the Council's aspirations of Doncaster Working, which seeks a brighter and more prosperous future through supporting inward investment.
- 9.10 Doncaster Living - The Levelling Up Fund projects present a number of vital opportunities to increase the creative and cultural offer in Doncaster, which will support wellbeing and business success. The remediation of the Waterfront East site would ensure the site is in a developmental state and create a new temporary public green space. This will include planting 20 new trees. This new green space will have multiple positive wellbeing impacts for people of all ages in Doncaster.
- 9.11 Doncaster Caring - The Levelling Up Fund Projects present the opportunity to improve physical activity and overall wellbeing. The Waterfront East site would provide a new green space on the Waterfront, providing space for physical activity and open space to improve mental wellbeing for a temporary period.
- 9.12 Connected Council - The Levelling Up Fund Projects will enhance spaces within the urban centre, including providing investment into Council owned properties, or provide a catalyst to either sell or transform Council owned spaces that are no longer fit for purpose or economically viable. The funds will allow the Council to provide more strategically appropriate and fit for purpose assets and offers in the Urban Centre. Alongside the LUF monies, the Council investment proposed in this report will provide value for money for Doncaster and residents.

### *Conclusion*



- 9.13 Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the NPPF taken as a whole. The key drivers of remediating a site with proven contamination and assisting in enabling its delivery in line with a site allocation within the Local Plan attracts significant weight. In the absence of any significant identified conflict against the policies of the Local Plan, the application should be approved without delay.

#### Conditions

- 9.14 The imposition of conditions must reflect the 6 tests outlined in paragraph 56 of the NPPF and the PPG. Conditions are intended to enhance the quality of development, and enable it to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the development's adverse effects. They should be only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

#### *Standard conditions*

- 9.15 A condition limiting the time period for the use of the site as public open space is imposed for the avoidance of doubt. A condition specifying the approved plans will ensure the approved masterplan is used.

#### *Pre-commencement conditions*

- 9.16 A condition relating to carrying out the remedial works in accordance with the agreed submitted reports has been imposed to ensure that the works are carried out as per the approved plans. This condition makes an allowance that full remediation may not be possible for areas within proximity of utility apparatus within the site as set out within the submitted Waterfront Site Remediation – Utilities Report. Should unexpected contamination be found, or alternative methods of remediation be required within these sensitive areas, an addendum to the agreed survey reports will be required to be submitted and approved prior to remediation works taking place on the site. It will be expected that any remediation proposals would not result in an increase in land levels near any nearby sensitive receptors.
- 9.17 Details of a comprehensive Construction Management Plan (CTMP) have been imposed to ensure that a full set up of how the site will be managed during the construction phase has been agreed. The CTMP will be required to be agreed prior to any construction activity to ensure that the associated impacts set out in this report have been addressed and can be shown to be managed before works commence on site. This will include a complaints procedure which enables mitigation measures to be imposed where required.
- 9.18 The impact and management of environmental assets on or near the site shall be controlled through the submission of a Construction Environmental Management Plan (CEMP). This CEMP shall cover, amongst other matters,

the protection and supervision of badgers, bats, birds, amphibians, other terrestrial mammals and reptiles. It will include a strategy for dealing with invasive species present on the site. The condition also captures the requirement for protecting groundwater as requested by the Environment Agency and Yorkshire Water.

- 9.19 A full detailed drainage design is required to be submitted as part of a drainage condition. This will be required to validate the outline proposals and demonstrate that the works would not cause an unacceptable level of flood risk or result in cross contamination of groundwater or the local watercourse network. The final drainage strategy will be required to be agreed prior to any construction activity to ensure that the LPA, in consultation with statutory consultees, are content with the final design.

*Prior to use conditions*

- 9.20 The proposals secure a minimum of 10% biodiversity net gain through a scheme of bio-diversity offsetting which is to take place at the Council's Habitat Bank known as Red House Farm. A condition requiring the full implementation of this mitigation is secured to ensure it is delivered.
- 9.21 A condition requiring details of the final open space design are to be submitted and approved in writing prior to the final restoration proposals taking place. This condition will be intended to ensure that the public space equipment is chosen and is fit for purpose. The condition will also cover details of how advertising the public space on a temporary basis. This will ensure members of the public are kept informed over the temporary nature of the site.
- 9.22 A condition requiring the soft final planting specification for the site is imposed to ensure that a detailed hard and soft landscape scheme is agreed with the LPA prior to planting taking place. The scheme would build upon planting maintenance and aftercare which have already been submitted.
- 9.23 A condition has been imposed requiring further archaeological investigation should remediation take place at certain levels, within certain parts of the site as recommended by South Yorkshire Archaeological Service.
- 9.24 A condition requiring the implementation of protective fencing to the former pumping station on the site has been imposed, in the interests of protecting this local heritage asset from damage during construction and when the site is in public use.
- 9.25 Preventative conditions in relation to unexpected contamination, compliance with the agreed FRA, details of drainage outfall and construction hours are imposed for the avoidance of doubt.
- 9.26 Some requests from the Environment Agency, Yorkshire Water and at the request of consultees.

## **10.0 RECOMMENDATION**

### **10.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW.**

#### **Conditions / Reasons**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

#### **REASON**

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

2. The site shall be in use as public open space for a maximum period of 5 years from the date it is first made available to the public. The Local Planning Authority shall be informed of the opening date prior to first use commencing. Within 6 months from the date of this expiry or should any part of the site cease to be used as public open space before that date, a scheme of restoration shall be submitted to the Local Planning Authority to be approved in writing. The scheme shall include details of the following measures:

Landscaping  
Equipment  
Easement areas to existing site constraints  
Boundary treatments  
Maintenance strategy

The scheme of restoration shall be carried out within the first available planting season following the approval of details by the Local Planning Authority. The scheme shall be carried out and maintained in accordance with the agreed details.

#### **REASON**

This condition is imposed because the use of the site for public open space has been approved for a temporary 5-year period, pending redevelopment of the site.

3. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Location plan received 30.10.23  
Doncaster Waterfront Site Remediation Landscape Diagrams Rev 07 received 16.01.24  
Design and Access Statement received 30.10.23  
Design and Access Statement Addendum received 16.01.24

#### REASON

This condition is imposed to ensure that the development is carried out in accordance with plans and documents as approved.

4. All remedial works shall be in accordance with the Remediation Strategy & Verification Plan (GJ263 (03) R002 RSVP. Oct 2022 & GJ263 Doncaster Waterfront - Specification for Cover Layer. GJ263(05)-L001. January 2023).

a) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. Where necessary, the remediation works within the locations as identified within the submitted Waterfront Site Remediation - Utilities Report shall be subject to bespoke remediation measures set out in a remediation works addendum to be submitted to and approved in writing by the Local Planning Authority. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which falls outside the scope of the agreed Remediation Strategy & Verification Plan, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

b) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

#### REASON

This condition is imposed to ensure that the site and future users is protected from contamination as required by Policies 54 and 55 of the Local Plan.

5. No development, including any works of demolition, shall take place on site until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

1. The site compound and parking of vehicles for site operatives and visitors
2. Identification of agreed access points and routing from the Classified road network

3. Timings, volumes and types of construction/delivery vehicles (incl abnormal loads with swept path analysis)
4. Contract duration
5. The areas for loading and unloading of plant and materials
6. Storage of plant and materials used in constructing the development
7. The location, erection and maintenance of any security hoarding to be installed
8. Wheel washing facilities (location and type)
9. Temporary signage on the adopted highway
10. Assessment of impact and measures to control noise and vibration from site activities
11. Assessment of impact and measures to control the emission of dust, mud and dirt from the site
12. Assessment of impact and measures to control the emission of volatile organic compounds and odour from the site
13. Details of artificial lighting and mitigation measures
14. Complaints procedure - to detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved.

The development must be carried out in accordance with the Construction Traffic Management Plan for the lifetime of the development.

#### REASON

This condition is to ensure that local amenity is protected as required by Policy 46 of the Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure satisfactory controls are in place from the outset.

6. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) relating to biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall cover badgers, bats, birds, amphibians, other terrestrial mammals and reptiles, and shall include:
  - i) A risk assessment of construction activities in relation to wildlife and habitats informed by the submitted surveys carried out by ECUS Ltd and updated protected species surveys where necessary;
  - ii) Details of all reasonable avoidance measures to be employed on the site;
  - iii) A lighting plan detailing the specification, location and orientation of the proposed external lighting to avoid disturbance or adverse effects on light-sensitive species, including bats;
  - iv) An invasive species management plan relating to Himalayan Balsam, Buddleia and Horsetail;

v) The use of protective fencing and wildlife safety measures clearly marked on site plans;

vi) Temporary surface water controls to ensure that no surface water generated during construction of the development are discharged to ground;

vii) Details of any liquid storage tanks and necessary mitigation measures. Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

viii) Plans for a record to be kept by an Ecological Clerk of Works of operations and monitoring activities carried out under the CEMP.

This record shall be made available to the Local Planning Authority on request both during and after the construction period.

The development shall thereafter be implemented in accordance with the approved CEMP.

#### REASON

This condition is imposed to protect controlled waters, habitats and species on or near the site and to secure the safe removal of invasive species as required by Policies 26, 27, 29, 30 and 54 of the Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure satisfactory controls are in place from the outset.

7. No development shall take place on site until details of foul and surface water systems, including outfall and maintenance, and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority (LPA). These details shall include a drainage management and maintenance plan. These works shall be carried out concurrently with the development prior to first use by members of the public as outlined under condition 2.

#### REASON

This pre-commencement condition is imposed to ensure that the site is connected to suitable drainage systems to satisfy flood and drainage matters in accordance with Policies 55 and 56 of the Local Plan. The condition is required to be satisfied prior to the commencement of development to ensure suitable measures are agreed from the outset.

8. Upon the commencement of development, the development shall be carried out in accordance with the agreed Habitat Management and Maintenance Plan (HMMP) prepared by Ecus Ltd. Monitoring reports shall be provided to the Local Planning Authority by the end of years 1,2,5,10,20, and 30 of the monitoring period. The HMMP shall be implemented in full and any subsequent changes to management as a

result of findings from the monitoring shall be agreed in writing with the Local Planning Authority and then fully implemented in accordance with the approved scheme as amended.

#### REASON

This condition is imposed to protect and enhance local ecological networks under Policy 29 and provide bio-diversity net gain on the site in accordance with Policy 30.B of the Local Plan.

9. Prior to the construction of any areas of public realm, details of all external works shall be submitted to and approved in writing by the Local Planning Authority (LPA). Unless otherwise agreed with the LPA, this information should include the following details for all areas within the red line boundary:

- Soft landscape details- species stock and planting spec,
- Hard landscape- surface materials, play equipment, lawn edge design, paving pattern, planters, bins, seating, lighting
- Boundaries, security and walling - boundary treatment, gates,, screen fencing details, security measures;
- Way-finding and signage - road markings, locations and designs for signs, information points and way-finding posts;

The development must take place in accordance with the approved details. Any part of the approved details which fail, are damaged or removed within five years of implementation shall be replaced within 4 weeks (for hard landscaping) or during the next available planting season (for soft planting).

#### REASON

This condition is imposed to ensure a satisfactory appearance and quality of development in line with Policies 41, 46 and 47 of the Local Plan.

10. Prior to the construction of any areas of public realm, a detailed hard and soft landscape scheme based on the approved landscape masterplan (Landscape Diagrams - Rev07) must be submitted and approved in writing by the Local Planning Authority. The hard landscape scheme shall include details of all external hard surfacing materials, including adoptable highway finishes and footpaths through the POS.

The soft landscape scheme shall include a soft landscape plan; a schedule providing plant and tree numbers and details of the species, which shall comply with the Council's Transitional Developer Requirements Document, nursery stock specification and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; a specification for planting including details of tree support, aeration and irrigation and details of management and maintenance for a minimum of 5 years following practical completion of the landscape works.

Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority shall be notified in writing within 7 working days to approve practical completion of any planting within public areas or adoptable highway/pedestrian area within the site. Soft landscaping must be implemented in full accordance with the approved scheme, prior to occupation/use of the site, which will be monitored by the Local Planning Authority. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

#### REASON

This condition is imposed in the interests of environmental quality required by Policy 48 of the Local Plan.

11. No development, including any demolition and groundworks, shall take place on site below 7.5maOD in Areas G or J as defined in the desk-based assessment (DBA) by York Archaeology submitted with the application until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- o The programme and method of site investigation and recording.
  - o The requirement to seek preservation in situ of identified features of importance.
  - o The programme for post-investigation assessment.
  - o The provision to be made for analysis and reporting.
  - o The provision to be made for publication and dissemination of the results.
  - o The provision to be made for deposition of the archive created.
  - o Nomination of a competent person/persons or organisation to undertake the works.
  - o The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

#### REASON

This condition is imposed in accordance with Policy 39 of the Local Plan to ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained.



12. The boundary treatments surrounding the former pumping station as shown within the approved landscape masterplan (Landscape Diagrams - Rev07) shall be implemented prior to the opening of the site to the public (as defined under condition1). The boundary treatment shall be retained whilst the site is in public use unless removed by any subsequent grant of planning permission.

**REASON**

This condition is imposed to protect the building of local historic interest in accordance with Policy 40 of the Local Plan.

13. Construction, loading and unloading on the site shall not take place outside of the hours of 8:00 to 18:00 Monday to Friday and 9:00 to 13:00 Saturday. There shall be no construction, loading and unloading at any time on Sundays and public holidays. No construction activities shall be accessed from Don Street, Whittington Street or Parkinson Street.

**REASON**

This condition is imposed to ensure that local residential amenity is protected as required by Policy 46 of the Local Plan.

14. The development shall be carried out in accordance with the submitted flood risk assessment (ref December 2022 - JBA Consulting - Doncaster Waterfront) and the following mitigation measures it details:

There shall be no ground level raising as a result of the remediation works

These mitigation measures shall be fully implemented prior to the use first commencing and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**REASON**

These mitigation measures are imposed to prevent flooding elsewhere by ensuring that flood water is not passed on to others as required by Policies 55 and 56 of the Local Plan.

15. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

**REASON**

This condition is imposed to ensure that the site is properly drained and in order to prevent overloading to local drainage assets in accordance with Policy 56 of the Local Plan.

16. The development shall be carried out in accordance with the agreed Landscape Management Plan (Issue Number P02) prepared by Pick Everard. Any part of the approved details which fail, are damaged or removed within five years of implementation shall be replaced within 4 weeks (for hard landscaping) or during the next available planting season (for soft planting).

**REASON**

This condition is imposed to ensure the tidiness and security of the site when it is in temporary public use.

**Informatives**

**01. Drainage**

If there are to be any alterations to the existing drainage networks on the site, discussions should be held with the LLFA as soon as possible.

For the watercourse located within IDB area, written consent from the IDB will be required for any works on or near a watercourse. Any consent required in relation to the planning application, once obtained shall be submitted to CDC flood risk team.

For any alterations to the watercourse located in CDC area, the written consent of CDC may be required for any works on or near to an ordinary watercourse. CDC have an anti-culverting policy. Consent must be applied for separately from the planning process, please e-mail [Flooding@doncaster.gov.uk](mailto:Flooding@doncaster.gov.uk) to enquire.

Any proposals to alter ground levels, surface water flow paths and 'infill' a watercourses would need to show that flood risk would no be increased elsewhere as a result as per the NPPF and Policy 56 of the Local Plan. Additional modelling would be required. The proposed development is within the operating boundary of Danvm Drainage Commissioners who should be consulted with regard to land drainage matters and to obtain any required consents.

**02. Environment Agency**

Land contamination: risk management and good practice - Advice to Applicant

We recommend that developers should:

- o Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination
- o Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health

o Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed

o Refer to the contaminated land pages on gov.uk for more information

#### Historic Landfill - Advice to applicant / LPA

The proposed development is located on or within 250m of a historic landfill site.

We deem these as historic landfills because these sites stopped operating prior to the Environment Agency (EA) coming into operation in 1995. All land that may be classed as contaminated under section 2A of the Environmental Protection Act (EPA) 1990 is looked after by the Local Authority. There is no EA environmental permit in place, but this does not mean that the land is not contaminated. The local authority might have more information regarding these sites.

The developer may wish to carry out, or the planning authority may wish to require, further risk assessment. This may want to include a stability risk assessment to consider any potential sediment issues or slope instability. There may also be the potential for landfill leachate to exist, which would need to be assessed and managed. Further guidance is available on .GOV webpages.

#### 03. Internal Drainage Board

Nothing in this permission shall be taken as giving authority to commence any works which affect the watercourse/ land drainage dyke which crosses / runs adjacent to the site, as separate consent is required for such works from the Environment Agency or internal drainage board.

#### 04. Ecology

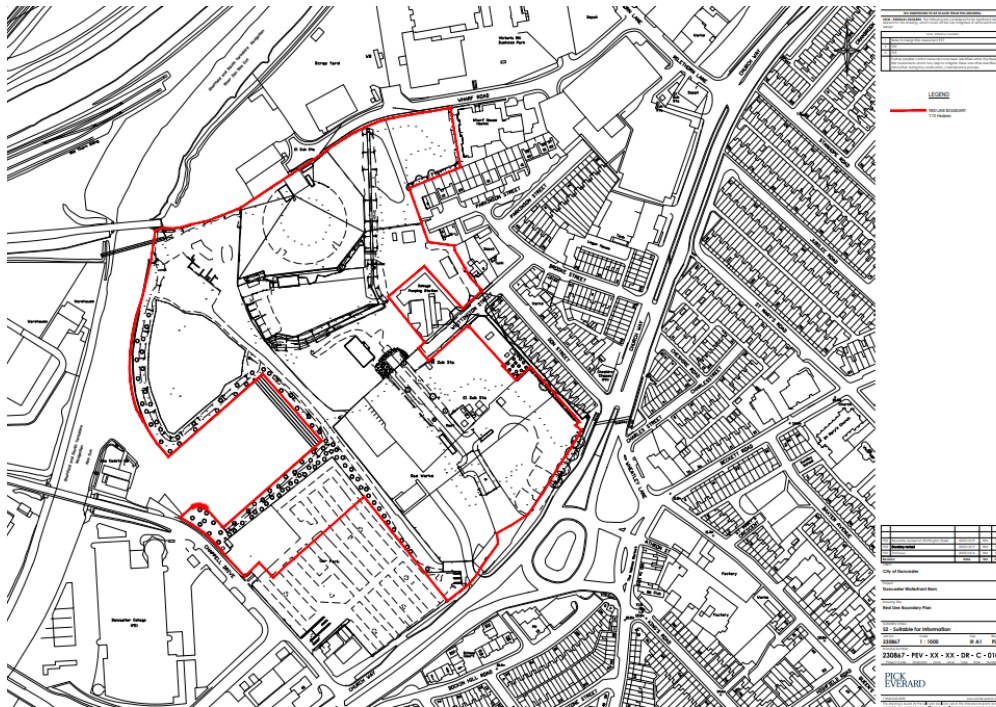
Birds may be nesting in trees and shrubs on the site. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal or disturbance should be timed therefore to avoid the nesting season (March to August inclusive).

#### 05. Environment Agency

It is advised consultation is sought from the Environment Agency with regards to any risks to ground and surface water

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**

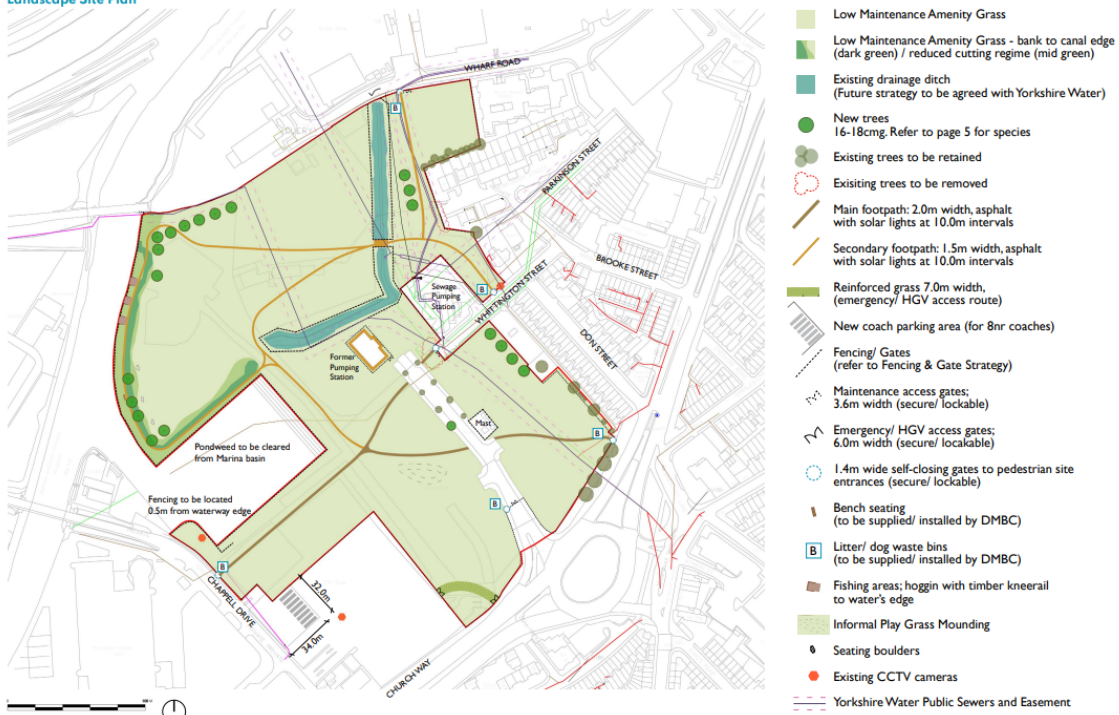
## Appendix 1 – Location Plan



## Appendix 2 – Site Landscape Masterplan Proposals

Doncaster Waterfront Site Remediation | Landscape  
Landscape Site Plan

2



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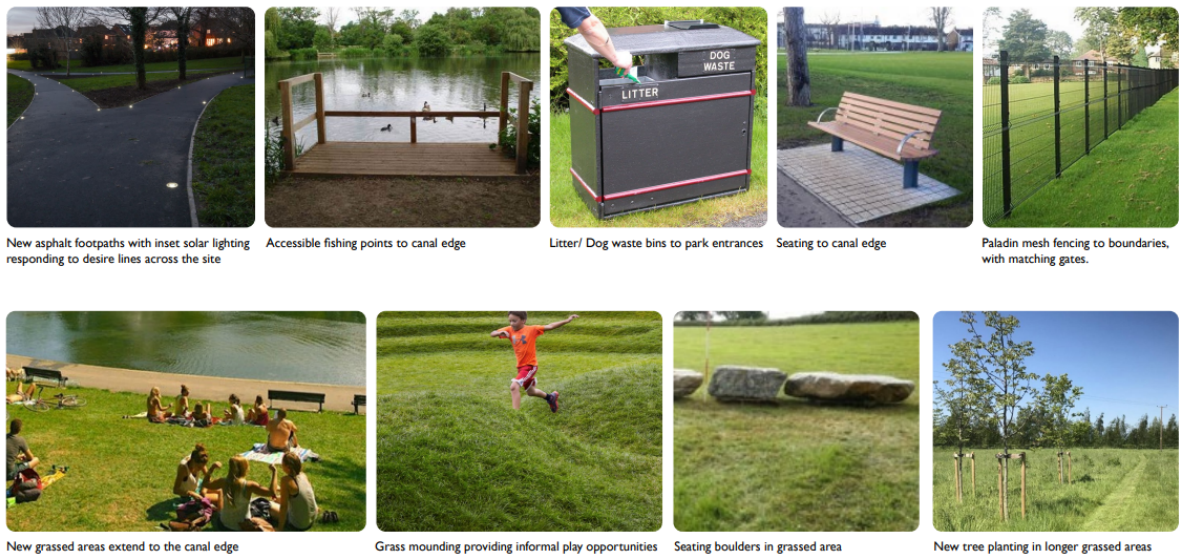
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UP

PICK  
EVERARD

## Appendix 3 – Fencing and Gate Strategy



## Appendix 4 - Materials Palette



**Appendix 5 – Technical Report Boundary Vs Planning Application Boundary**

The original report boundary:



The planning application boundary:



# Appendix 6 – Site Constraints Plan

