

DORE NEIGHBOURHOOD PLAN

Dore Neighbourhood Plan Examination
A Report to Sheffield City Council
and the Peak District National Park Authority

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1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Dore Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Dore Neighbourhood Plan meets the basic conditions¹ and I recommend to Sheffield City Council and the Peak District National Park Authority that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Dore Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Dore Neighbourhood Plan (referred to in this Report as *the Neighbourhood Plan*) prepared by the Dore Neighbourhood Forum Steering Group on behalf of Dore Neighbourhood Forum.
- 4 The Neighbourhood Plan was formally submitted to Sheffield City Council and the Peak District National Park Authority for examination on 20 September 2019. Following minor amendments at validation, examination commenced on 13 November 2020.
- 5 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Sheffield City Council and the Peak District National Park Authority.
- 6 The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Dore Neighbourhood Area.
- 7 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”
(Paragraph 29, National Planning Policy Framework)
- 8 As confirmed in Paragraph 2 on page 2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Dore Neighbourhood Forum is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.

- 9 Paragraph 6 on page 2 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates only to the designated Dore Neighbourhood Area and that there is no other neighbourhood plan in place in the Dore Neighbourhood Area.
- 10 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 11 I was appointed by Sheffield City Council, with the consent of the Qualifying Body and of the Peak District National Park Authority, to conduct the examination of the Dore Neighbourhood Plan and to provide this Report.
- 12 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 13 I am a chartered town planner. I have eight years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders and thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 14 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 15 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Dore Neighbourhood Area to which the Plan relates.

- 16 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 17 A neighbourhood plan must specify the period during which it is to have effect.
- 18 The title page of the Neighbourhood Plan refers to the plan period as covering "2019 – 2035."
- 19 In addition, Paragraph 4 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan states that:

"The Plan specifies that the time period for which it will be in force will be from 2019 until 2035."

- 20 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 21 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 22 When the Examiner *considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held. In this case, further to my consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Dore Neighbourhood Plan.
- 23 However, I did write to the Qualifying Body in respect of the clarification of a number of matters. At the same time, in line with good practice, I provided the Qualifying Body with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 24 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions.*” These were *set out in law*² following the Localism Act 2011.
- 25 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 26 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 27 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 28 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 29 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan and this sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 30 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 31 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and public consultation is considered later in this Report.

European Union (EU) Obligations

- 32 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁵)
- 33 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 34 Sheffield City Council and the Peak District National Park Authority produced a Strategic Environmental Assessment (SEA) screening report of the Neighbourhood Plan. This concluded that:

“It is demonstrated, through assessment against the significance criteria in the SEA Directive and the Regulations, as set out together with reasoning in Section 3 above, that the impact of the Regulation 14 Pre-Submission version of the Dore Neighbourhood Plan would not be likely to result in significant environmental effects and therefore a SEA is not required.”

- 35 The final page of the Basic Conditions Statement submitted alongside the Neighbourhood Plan states:

“Given that, in direct response to comments made by consultees to the Regulation 14 Pre-Submission Consultation, the Forum has made changes to the Dore Neighbourhood Plan since the Screening Reports were issued, the Forum has taken care to review the changes made to the policies. The changes to the policies are highlighted in Table 6 to Appendix 2 of the Consultation Statement. The considered view of the Dore Neighbourhood Forum is, based on this review, that there have been no significant or material changes to the Neighbourhood Plan which would require the Screening Reports to be reviewed.”

- 36 The statutory bodies, Historic England, Natural England and the Environment Agency have all been consulted on the screening report and the Neighbourhood Plan and none have expressed any concerns in respect of the above.
- 37 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an Appropriate Assessment of the implications of the plan for the site must be undertaken.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 38 In the case *People Over Wind & Sweetman v Coillte Teoranta* (“*People over Wind*” April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 39 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 40 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application. These changes came into force on 28th December 2018.
- 41 Sheffield City Council and the Peak District National Park Authority produced a Habitat Regulations Assessment (HRA) screening report of the Neighbourhood Plan. This recognised that there are three relevant European sites within a 15km radius of the Neighbourhood Area: Peak District Moors (South Pennine Moors Phase 1) Special Protection Area; South Pennine Moors Special Area of Conservation (SAC); and Peak District Dales SAC.
- 42 The screening report concluded that:
- “There is likely to be no significant effect, either alone or ‘in combination’ of the Dore Neighbourhood Plan on the European sites. Therefore an Appropriate Assessment is not required.”*
- 43 Each of the statutory bodies have been consulted and none disagreed with this conclusion. In this regard, Natural England stated:
- “It is our advice...that there are unlikely to be significant environmental effects from the proposed plan.”*

- 44 Further to all of the above, national guidance establishes that the ultimate responsibilities for determining whether draft neighbourhood plans meet EU obligations lie with local planning authorities:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁸).

- 45 Having completed the work that they have, neither Sheffield City Council nor the Peak District National Park Authority have any outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 46 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Dore Neighbourhood Area

Background Documents

- 47 In completing this examination, I have considered various information in addition to the Dore Neighbourhood Plan.
- 48 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Sheffield Core Strategy (2009)
 - Sheffield Unitary Development Plan (1998. Saved policies)
 - Peak District National Park Local Development Framework Core Strategy (2011)
 - Peak District National Park Development Management Policies (2019)
 - Basic Conditions Statement
 - Consultation Statement
 - Representations received
 - Strategic Environmental Assessment and Habitat Regulations Assessment Screening Reports (and Appendices)
 - Sustainability Appraisal and Evidence Base
- 49 In addition, I spent an unaccompanied day visiting the Dore Neighbourhood Area.

Dore Neighbourhood Area

- 50 The boundary of the Dore Neighbourhood Area is identified on plans provided on pages 2 and 4 of the Neighbourhood Plan.
- 51 Sheffield City Council designated the Dore Neighbourhood Area in October 2014, over five years ago and taking this into account, Dore Village Society was designated as the Dore Neighbourhood Forum for a further five-year period from 16th October 2019.
- 52 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 53 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 54 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Dore Neighbourhood Plan Consultation

- 55 A Consultation Statement was submitted to Sheffield City Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*⁹.
- 56 On behalf of Dore Neighbourhood Forum, a Neighbourhood Plan steering group was created and met regularly from December 2015 onwards.
- 57 An open consultation meeting was held in May 2016, with 5,000 leaflets having been distributed prior, at which the steering group and working groups engaged with members of the public. Around 100 people attended the event and comments were recorded. Following this, the Neighbourhood Forum had a stand at the Dore Village Show and letters were sent to a variety of groups and individuals, to publicise progress and seek comments.
- 58 A professionally facilitated consultation day was then held in October 2016. All comments were recorded and subsequently to this, a questionnaire was distributed in Spring 2017 which resulted in over 300 returns.

⁹ Neighbourhood Planning (General) Regulations 2012.

- 59 Sheffield City Council and the Peak District National Park Authority were consulted during the plan-making process and a Neighbourhood Forum Open Meeting was held in March 2018, further to the wide distribution of a leaflet detailing emerging policies.
- 60 Draft plan consultation took place during April and May 2018 and this consultation period was supported by drop-in sessions. More than a hundred comments were received and these, along with any actions, were duly recorded.
- 61 The Consultation Statement sets out, in detail, representations that were made during consultation, along with responses by plan-makers. As such, the Consultation Statement demonstrates how matters raised were taken into consideration and how they helped to inform the plan-making process.
- 62 As well as making use of the Dore Village Society website and social media, public consultation was supported via emails, the Dore Village Society magazine, hand-delivered leaflets, village notice boards, information in two local libraries and contact via local volunteers.
- 63 The Consultation Statement provides substantive evidence to demonstrate that public consultation formed an important part of the plan-making process. There were plentiful opportunities for anyone who wanted to have a say, to have a say. Consultation was well-publicised and matters raised were duly considered.
- 64 Taking all of the above into account, I am satisfied that the Dore Neighbourhood Plan was supported by a thorough and robust consultation process and that this complied with the neighbourhood planning regulations referred to above.
- 65 Whilst a representation made by the promoter of a site for future development suggests that there was "*a lack of engagement*" with the Topley area of the Neighbourhood Area, there is no substantive evidence before me to demonstrate that people were prevented from engaging with what I find to have been an open, transparent and well publicised plan-making process, as evidenced by the submitted Consultation Statement.
- 66 Representations in support of the allocation of land for development have been received. The Neighbourhood Plan does not allocate land for development and there is no requirement for it to do so.

- 67 Following on from all of the above, I note that comments were received that were critical of how or whether the Qualifying Body considered various documents, including those related to emerging policy.
- 68 The basic conditions require the Neighbourhood Plan to be considered against adopted planning policies and it is also good practice to take account of relevant up-to-date information. Whilst the Draft Sheffield Plan is not nearing adoption and had, by Autumn 2020, only reached the Issues and Options consultation stage, plan-makers have submitted evidence to demonstrate that they considered a wide range of relevant available evidence prior to the submission of the Dore Neighbourhood Plan.
- 69 The Dore Neighbourhood Plan meets the basic conditions in this regard.
- 70 Planning is, by its very nature, dynamic; and ongoing change – in respect of emerging and adopted plans and the primacy of national and local policies, amongst other things - is an entirely normal and expected state of affairs. I note that it is neither necessary, nor possible, for a neighbourhood plan to somehow reflect all available information, including that related to an early emerging plan, up until the day that it is submitted. The planning world keeps on turning regardless of deadlines associated with the drafting, the submission, the making, or the adoption of plans.
- 71 The Dore Neighbourhood Plan, like all neighbourhood plans, reflects a shared vision for the area. It has emerged through significant consultation and it has taken account of relevant evidence. Just like other neighbourhood plans across England, it has been produced by committed volunteers with the simple aim of creating a plan that will help make their community a better place to live, both today and into the future.
- 72 Anyone who has been involved in neighbourhood planning understands that taking a neighbourhood plan through to submission is a considerable feat of achievement. Neighbourhood plans are not produced by teams of professionals, but are ultimately entirely dependent upon the goodwill, the resourcefulness and the hard work of volunteers and it is important that this is fully recognised.

6. The Neighbourhood Plan – Introductory Section

- 73 The introductory chapter contains a number of subjective statements along with references that are not quite accurate, in planning terms.
- 74 It also repeats information provided elsewhere in the Neighbourhood Plan and in the interests of clarity and precision, I recommend:
- **Delete Para 1.6 and replace with *“The Neighbourhood Plan has regard to the National Planning Policy Framework 2019 (NPPF) and is in general conformity with the strategic policies of the Peak District National Park Authority and Sheffield City Council. The Neighbourhood Plan seeks to protect the Green Belt, valued natural assets and Local Green Spaces. It promotes the Village Centre as the heart of the community; and seeks to protect important buildings and areas of historic, architectural and/or archaeological interest. The Neighbourhood Plan also supports sustainable patterns of movement.”***
- 75 Paragraph 1.7 has been overtaken by events and taking this and the need for precision and clarity into account, I recommend:
- **Delete Para 1.7**
 - **Para 1.9, change to *“...a local referendum. The Neighbourhood Plan, once made, will form part of the development plan and its Policies will be taken into account when planning applications are determined by the Local Planning Authority.”* (delete rest of para)**
- 76 The Dore Village Design Statement is referred to in Paragraph 2.1. However, it does not form part of the Neighbourhood Plan and the detailed and subjective information in Paragraph 2.2 detract from the clarity and precision of the Neighbourhood Plan.
- 77 Paragraph 2.6 includes subjective comments on emerging District-wide policy which detracts from the precision of the Neighbourhood Plan.

78 I recommend:

- **Delete Para 2.2**
- **Para 2.3, add full stop after “(paragraph 1)”**
- **Para 2.6, change to “...planning *documents*.” Delete rest of sentence (“particularly...homes.”)**
- **Para 2.7, delete last sentence, which has been overtaken by events (“The timetable...of date.”)**

79 The Neighbourhood Plan is not the emerging City-wide Sheffield Plan. There is no need to set out objectives relating to the emerging Sheffield Plan, nor extracts from the emerging plan-making process; and doing so detracts from the clarity of the Neighbourhood Plan.

80 I recommend:

- **Delete Para 2.8 and associated heading**
- **Delete text on page 11**

81 Paragraph 2.10 is not relevant to a made Neighbourhood Plan and I recommend:

- **Delete Para 2.10 and bullet points**

82 Paragraph 2.11 runs the risk of appearing to treat Neighbourhood Plan Policies in the same manner as “*Proposals*.” The Policies and Proposals of the Neighbourhood Plan are different. The Policies of the made Neighbourhood Plan would carry statutory weight that the Proposals would not.

83 I recommend:

- **Para 2.11, delete “...and *Proposals*...”**

84 Paragraph 2.12 repeats information provided elsewhere. Further, it is not the role or purpose of Neighbourhood Plans to “*affirm*” or “*endorse*” adopted planning policies.

85 I recommend:

- **Delete Para 2.12 and replace with *“The Neighbourhood Plan Policies are highlighted in green. The Dore Neighbourhood Plan covers the period 2019 to 2035.”***

86 As set out, Paragraph 2.13 states that Proposals will be *“implemented”* but there is no evidence to demonstrate that this will be the case. The Proposals annexed to the Neighbourhood Plan comprise local aspirations and are important as such. However, the Neighbourhood Plan does not provide a mechanism for their delivery.

87 I recommend:

- **Delete Para 2.13 and replace with *“The Proposals set out in Annex A provide local aspirations captured during the plan-making process. The Neighbourhood Forum will seek to work with other bodies, including Local Authorities and transport organisations with the aim of achieving the implementation of these.”***

88 Paragraph 2.14 refers to the *“Neighbourhood Community Infrastructure Levy Policy.”* This is confusing, as there is no such Policy within the Neighbourhood Plan.

89 Annex B sets out the Neighbourhood Forum's generally preferred approach in respect of the prioritisation of Community Infrastructure Levy Funds, should they arise.

90 Taking the above into account, I recommend:

- **Delete Para 2.14 and replace with *“Annex B sets out the Neighbourhood Forum's preferences in respect of any locally allocated Community Infrastructure Levy that may arise, albeit the Forum will be flexible as priorities may need to respond to changing circumstances over the plan period.”***
- **Page 54, delete “Policy” from the heading at the top of the page**

91 The Neighbourhood Plan covers the Neighbourhood Area. It does not and cannot plan for anywhere else. Given this, it is not appropriate to refer to impacts on areas outside the Neighbourhood Area and I note that there is no substantive evidence to demonstrate that the Neighbourhood Plan will deliver "*enhancement*" of landscape character transition.

92 I recommend:

- **Para 3.1 delete second sentence ("The vision...Sheffield")**
- **Delete first bullet point on page 13**
- **Second bullet point, change to "...Woods *and the urban area will be respected.*"**

93 Each Policy of the Neighbourhood Plan includes a section which states "*How the Policy will be put into practice.*" These sections are unnecessary, detract from the clarity of the Policies themselves and place inappropriate obligations on the Local Planning Authorities.

94 I recommend:

- **"Delete all "How the Policy will be put into practice" sections (all related text) in the Policy green boxes**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Open Access Land

DN Policy 1: Open Access Land

- 95 The rights of walkers in England are inextricably linked to the Peak District. The mass trespass of the moorland of the Peak District's highest point, Kinder Scout, in 1932 was pivotal to changes in law and policy that would enable and ultimately encourage, greater access to the countryside.
- 96 Evidence has been submitted to demonstrate that Dore residents greatly value their access to the surrounding countryside, including that of the Peak District and make significant use of that access.
- 97 DN Policy 1 states that development that prevents or restricts walkers' rights will not be permitted.
- 98 Walkers' rights are not a land use planning policy matter, but in most cases in England, are a matter of civil law.
- 99 Further to the above, it is the local planning authorities, Sheffield City Council and/or the Peak District National Park Authority, that determine planning applications in the Neighbourhood Area. It is not for the Neighbourhood Plan to determine what will, or will not be, permitted. The use of the phrase "*will be permitted*" runs the risk of effectively pre-determining the planning application process.

100 Part of the supporting text to DN Policy 1 reads as a public information notice in respect of rights of way. This detracts from the clarity and purpose of the Policy contrary to national planning guidance, which requires planning policies to be clear and unambiguous¹⁰:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

101 I note that Peak District Development Management Policy DTM5 (*“Development affecting a public right of way”*) presents a detailed land use planning policy approach to the protection of public rights of way from inappropriate development.

102 However, notwithstanding all of the above, I am mindful that Paragraph 98 of the Framework is explicit in requiring that:

“Planning policies and decisions should protect and enhance public rights of way and access...”

103 Taking this and the above into account, I recommend:

- **Change title of DN Policy 1 to *“Public Rights of Way and Access”***
- **Change DN Policy 1 to *“The protection and enhancement of public rights of way and access will be supported.”***
- **Policies Map, retain annotation *“Dore Open Access Land”* and blue shading, for info, but delete *“(DN Policy 1)”***
- **Change title above Para 4.2 to *“Public Rights of Way and Access”***

¹⁰ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- Para 4.2, delete all text after second sentence (“Some activities...be shot.”)
- Para 4.4 delete everything after first sentence and add “...development. *The Neighbourhood Plan strongly supports improvements that result in the enhancement of public rights of way and access and Policy 1 aligns with Peak District Development Management Policy DTM5 (Development affecting a public right of way).*”

DN Policy 2: The Landscape Sensitivity of the Setting of the Peak District National Park

104 As presented, DN Policy 2 appears as a long and rather difficult to understand sentence, and also appears to be reliant upon the content of another plan beyond the control of the Neighbourhood Plan.

105 Also, it is not exactly clear what land DN Policy 2 actually applies to. It is not shown on any map and the somewhat convoluted wording of the Policy adds to the ambiguous nature of the Policy in this regard.

106 In the above regard, DN Policy 2 does not have regard to Paragraph 16 of the Framework, which states that plans should:

"...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals."

107 National policy, as set out in the Framework, affords great weight to the conservation and enhancement of landscape and scenic beauty *in* National Parks. However, whilst vague, DN Policy 2 appears to relate only to the setting of the Peak District National Park in a general area *between* Dore Village, Ecclesall Woods and the National Park.

108 National policy is clear in its requirement for valued landscapes to be protected, but that this must be achieved:

"...in a manner commensurate with their statutory status or identified quality in the development plan."

109 DN Policy 2 appears to seek to protect a vaguely identified area outside the National Park in a similar way to which the National Park itself is protected. However, in doing so, the Policy does not clearly identify those specific qualities (and precise locations) which should be conserved and enhanced but rather, appears to rely upon a reference to other information in another plan, relating to the National Park itself.

- 110 In the absence of substantive evidence, it is not clear on what national or strategic local policy basis all development is required to *enhance the setting* of the National Park, why such enhancement is necessary, how such enhancement relates to all forms of development, and how and why such enhancement is deliverable. Whilst the Peak District National Park seeks to provide, in appropriate circumstances, for a continuity of landscape and valued setting for the National Park, this is not the same thing as imposing a blanket requirement upon all development in a vague setting of the National Park to "*enhance valued landscape character.*"
- 111 Effectively, the Policy seeks to impose an obligation for all development to enhance something, without substantive detail in respect of how such enhancement might take place, why it is required to take place, or whether, having regard to Paragraph 16 of the Framework, it would be a *deliverable* requirement.
- 112 Notwithstanding the above, evidence supporting the Neighbourhood Plan advocates an approach requiring development to respect local character and the setting of the National Park and this is taken into account in the recommendations below, which are not intended in any way to, and which do not, undermine the purposes of the National Park.
- 113 The Dore Neighbourhood Plan does not seek to alter the Sheffield Green Belt. Given this, it is unnecessary for Chapter 5 to include various commentaries relating to the Green Belt, some of which relates to general information associated with an emerging Green Belt review process and some of which appears to run the risk of erroneously conflating Green Belt and green infrastructure, which are two different things. Part of the text is even worded as though it comprises new Green Belt policy, which it does not.
- 114 Further, I note that the Dore Neighbourhood Plan must relate to the Dore Neighbourhood Area. It cannot plan for anywhere else and I recommend changes to the supporting text in this regard.
- 115 The occasional presence of confusing, vague, unnecessary and incorrect information in the supporting text in Chapter 5 is also addressed by the recommendations below. These recommendations will not, in any way, dilute the ability of adopted Green Belt policy to perform its function in respect of managing development in the Green Belt in an appropriate manner.

116 Taking all of the above into account, I recommend:

- **Change DN Policy 2 to *“Development must respect the setting of the Peak District National Park”***
- **Change the title of Chapter 5 to *“Green Infrastructure”***
- **Delete all supporting text in Chapter 5 which appears before DN Policy 2. For clarity, this comprises Paras 5.1 to 5.10 inclusive and includes all text in grey boxes**
- **Add new Para 5.1 *“Part of the Neighbourhood Area forms part of the setting to the Peak District National Park and it is important to ensure that development does not detract from this.”***

DN Policy 3: Green Infrastructure Strategy

- 117 As with the previous Policy, the text supporting DN Policy 3 appears to conflate Green Belt policy with other things. This detracts from the clarity of the document and results in DN Policy 3 failing to meet the basic conditions.
- 118 In general terms, DN Policy 3 effectively “washes over” a large swathe of the Neighbourhood Area and designates it as “*Green Infrastructure Strategy*.” All of the area designated is within the Sheffield Green Belt.
- 119 This results in a fundamental problem as the Policy goes on to set out requirements that do not have regard to Green Belt policy as set out in Chapter 13 of the Framework, “*Protecting Green Belt land*.”
- 120 Unlike national Green Belt policy, DN Policy 3 requires development in the Green Belt to enhance and contribute to the value of green infrastructure. The five requirements listed in the criteria of DN Policy 3 go well beyond the requirements of Green Belt policy and are unsupported by substantive evidence in respect of deliverability.
- 121 The Policy effectively introduces a series of planning obligations without regard to the national tests set out in Paragraph 56 of the Framework:
- “Planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.”*
- 122 In addition to the above, DN Policy 3 goes on to set out an “*exceptional circumstances*” requirement which relates to “*the most important green infrastructure assets and connections*.” These are not specified and consequently, this part of the Policy is ambiguous.
- 123 DN Policy 3 does not meet the basic conditions.
- 124 Having considered all of the information submitted in support of the Neighbourhood Plan, I am mindful that there is a clear community desire to support environmental enhancement, particularly in respect of biodiversity, ecosystems, access and recreation.

125 National policy promotes enhancement of the natural and local environment¹¹ and as noted earlier in this Report, encourages improvements to access.

126 Taking this and all of the above into account, I recommend:

- **Change title to “DN Policy 3: Green Infrastructure”**
- **Change DN Policy 3 to “Improvements to Dore’s green infrastructure, including its network of ecosystems, its biodiversity, its historic landscape features and its provision of accessible green space, will be supported.”**
- **Delete title at the top of page 20 and replace with “Green Infrastructure.”**
- **Delete paras 5.11 to 5.13 inclusive**
- **Policies Map. Replace “Green Infrastructure Strategy (DN Policy 3)” with “Green Belt” and retain green shading for info.**

¹¹ Reference: “Chapter 15, Conserving and enhancing the natural environment,” the Framework.

DN Policy 4: Long Line Substantially Developed Road Frontage

127 Whilst national Green Belt requires local planning authorities to regard the construction of new buildings in the Green Belt as inappropriate, it identifies a number of exceptions. These include:

"...limited infilling in villages..."
(Paragraph 145, the Framework)

128 Sheffield Unitary Development Plan saved Policy GE5 ("*Housing Development in the Green Belt*") supports the:

"...infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage."

129 In general terms, DN Policy 4, which supports infilling along parts of Long Line, has regard to national policy and is in general conformity with local strategic policy.

130 As above, Sheffield Unitary Development Plan saved Policy GE5 refers to "*the infilling of a single plot*" and this is a less ambiguous phrase than "*new single dwellings*." In the interests of clarity, I address this matter in the recommendations below.

131 DN Policy 4 states that development "*will be permitted*." This runs the risk of pre-determining planning applications and goes beyond the powers of the Neighbourhood Plan. Also, the phrase "*main dwellings' building line*" is an ambiguous phrase that is open to interpretation. Alternative wording is recommended below.

132 DN Policy 4's requirement for development to enhance local character goes well beyond the requirements of national Green Belt policy and would, for example, be more onerous than adopted planning policy requirements for say, development in Conservation Areas. Further, there is no substantive evidence to justify such a departure from national policy, or to demonstrate that such an approach is deliverable. Further, in the absence of detailed information, it is not clear how development might "protect" the setting of the Peak District National Park.

133 Whilst Sheffield City Council suggests that the supporting text should refer to the Policy that may eventually replace saved Policy GE5, this is unnecessary. I note that, eventually, all of the policies in the 1998 Unitary Development Plan will inevitably be replaced, but notwithstanding this, it is a planning requirement that, where conflict exists, more up-to-date policies take precedence over older policies.

134 As previously, the Neighbourhood Plan erroneously conflates Green Belt policy with other things and the deletion of supporting text is again necessary if the Neighbourhood Plan is to meet the basic conditions. Part of the supporting text also reads as though it comprises a Policy, which it does not.

135 The annotation on the Policies Map appears misleading as it shades large areas of land, including land well behind the build line along Long Line. In any case, the recommended wording of the Policy is clear and it is not necessary for the Policy to be annotated on the Policies Map.

136 Taking all of the above into account, I recommend:

- **Change DN Policy 4 to *“The infilling of a single plot, subject to development maintaining the open character of the Green Belt; respecting its surroundings, including the setting of the Peak District National Park; and maintaining the building line set by neighbouring dwellings, will be supported along Long Line in the following locations: Properties Numbered 1-19, 57-63 and 139-175 Long Line.”***
- **Delete the Long Line annotation from the Key and Policies Map**
- **Delete Paras 5.16 and 5.17**
- **Delete all text after the first sentence of Para 5.18 and replace with *“DN Policy 4 supports appropriate residential development along Long Line subject to it being demonstrated that it will respect its surroundings. As a general rule, the Policy restricts infilling to a single plot in order to protect the openness of the Green Belt.”***

Housing Area Character

DN Policy 5: New Infill Housing Development in the Dore Housing Area

- 137 The first sentence of DN Policy 5 includes the phrase “*will be permitted.*” As above, this approach runs the risk of pre-determining planning applications. The Qualifying Body is not the Local Planning Authority and does not determine planning applications.
- 138 The planning system is underpinned by a presumption in favour of sustainable development and in general terms, residential development is supported within urban areas, subject to it respecting local character, residential amenity and highway safety.
- 139 However, part of Dore includes a Conservation Area. National heritage policy, as set out in Chapter 16 of the Framework, “*Conserving and enhancing the historic environment,*” requires that heritage assets, including Conservation Areas and their settings, should be conserved in a manner appropriate to their significance.
- 140 As set out, DN Policy 5 “*permits*” any residential development that meets its criteria, none of which require the conservation and/or enhancement of heritage assets. DN Policy 5 fails to have regard to heritage policy,
- 141 Further to the above, some of the criteria set out appears vague. The Policy includes the phrases “*suitable highway frontage...suitable existing or new highway...makes every effort...protects a sensitive area*” and frequently uses the word “*similar.*” In this way, the Policy appears ambiguous, subjective and open to interpretation. It is not clear and precise and it does not have regard to Paragraph 16 of the Framework, which requires plans to:
- “...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.”*
- 142 In addition, DN Policy 5 effectively promotes the building of houses on gardens. This conflicts directly with the supporting text, which sets out the community's support for the protection of gardens from development. This results in the Neighbourhood Plan appearing as a confusing and unclear document, contrary to the basic conditions.

- 143 I also note that there is no substantive evidence to demonstrate that the requirements of DN Policy 5 are deliverable. For example, the Policy seeks to permit housing development in residential gardens where the building line largely maintains local plot ratios and adjoining building lines, but there is a lack of detailed evidence to demonstrate that such development is deliverable.
- 144 In any case, notwithstanding the confusing, ambiguous and un-evidenced wording of DN Policy 5, if there were a readily developable plot in the urban area where development can be delivered without harm, then given the presumption in favour of sustainable development, such development would, in any case, be supported.
- 145 The Neighbourhood Plan does not allocate land for housing and it does not seek to alter the Green Belt. Given this, much of the supporting text to DN Policy 5 (and DN Policy 6) is simply not relevant. It is not the purpose of the Neighbourhood Plan and nor is it helpful, for it to set out information related to what it does not do.
- 146 As with earlier parts of the Neighbourhood Plan, the supporting text conflates Green Belt with other things and contains subjective statements and these are matters addressed in the recommendations below.
- 147 The first four paragraphs of the supporting text provide general background information relating to Sheffield's emerging plan and have little relevance to the Policies that follow.
- 148 National and local policy supports good quality development. National planning policy recognises that:
- “Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.”*
(Paragraph 124, the Framework)
- 149 Sheffield Core Strategy Core Policy CS74 (*“Design Principles”*) supports high quality development that contributes to place-making.

150 To some extent, DN Policy 5 seeks to provide for good design and taking this and all of the above into account, I recommend:

- **Change DN Policy 5 to “All development in Dore Neighbourhood Area will be expected to be of a high quality and make a positive contribution to place-making. New residential development in the Dore Housing Area will be supported where it respects local character, residential amenity and highway safety. Development should have regard to local characteristics, including building lines, plot ratios, materials and boundary features; and should protect mature trees and hedges.”**
- **Delete Paras 6.1 to 6.4 inclusive**
- **Para 6.5, delete last two sentences (“The development of...dwellings.”)**
- **Delete Paras 6.6 to 6.10 inclusive**
- **Para 6.11 delete last sentence (“The Forum...character.”)**
- **Delete Paras 6.12 and 6.13 inclusive**
- **Para 6.14, change last sentence to “...new development respects this common building line.” (delete rest of sentence)**
- **Para 6.15, change first sentence to “...character should be conserved.”**
- **Delete Paras 6.16 to 6.18 inclusive**
- **Para 6.19, change to first line to “...residential gardens may be inappropriate... access of an existing dwelling may be inappropriate as it could disrupt the urban grain and lead to the imposition...properties”**
- **Para 6.20, change second line to “...new highway may safeguard...between existing dwellings or the subdivision of existing dwellings.” (delete “, the subdivision....highway..”)**
- **Delete Paras 6.21 and 6.22 inclusive**

DN Policy 6: The Provision of Smaller Homes

- 151 Like previous Policies, DN Policy 6 appears confusing and in parts, at odds with other information in the Neighbourhood Plan. The Neighbourhood Plan seeks to prevent the inappropriate development of gardens. However, DN Policy 6 seeks to permit the development of small houses on the highway frontage of residential gardens.
- 152 The Neighbourhood Plan does not allocate any land for the development of smaller houses and there is little in the way of substantive evidence to demonstrate that it would be deliverable for development to come forward in a manner that meets the criteria set out in DN Policy 6.
- 153 As worded, the Policy refers to the development of sites comprising the gardens of homes with no more than two bedrooms. This is confusing, as it suggests that the Policy relates only to the gardens of existing small houses, whereas the intent of the Policy is to promote the development of small homes.
- 154 Notwithstanding this, in the absence of any clear evidence demonstrating that DN Policy 6 is deliverable, there is little to suggest that the Policy would meet the aim of providing for more smaller housing in Dore.
- 155 However, in making the recommendations below I am also mindful that, subject to recommendations, DN Policy 6, supports good design and that the policies of the development plan need to be taken together.
- 156 The supporting text contains a number of subjective references and this is a matter addressed in the recommendations below.
- 157 I recommend:
- **Change DN Policy 6 to *"In the Dore Housing Area, the development of smaller homes, with no more than two bedrooms, will be supported."***
 - **Para 6.23, delete first sentence and change second sentence to *"The 2011 Census indicates that in the South West of Sheffield, an area including Dore, the population is considerably older...4 bedrooms or more. (Delete next sentence) In Dore and Totley Ward..."***

- **Delete Para 6.24**
- **Para 6.26, change to “*Whilst the Neighbourhood Plan does not allocate any land for development, the Forum supports the development of smaller homes to help address the demand...family occupancy.*” Delete rest of para.**
- **Delete Para 6.27**

Open Spaces

DN Policy 7: Local Green Space

158 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

159 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

160 Given the importance of the designation, Local Green Space boundaries should be clearly identified in the Neighbourhood Plan itself. The areas of Local Green Space identified on the Policies Map are difficult to see clearly and the precise boundaries are not easy to identify. I make a recommendation in this regard, below.

161 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.

162 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

- 163 Evidence has been provided to demonstrate that each proposed Local Green Space meets the relevant national policy tests and is therefore appropriate for designation.
- 164 In this regard I note that Whirlow Playing Field covers a large area, 14 hectares. However, the site does not appear especially large relative to the overall size of the built-up area and I am mindful that the site itself is well defined. Given these factors, I am satisfied that it does not comprise an extensive tract of land, having regard to the Framework.
- 165 National Policy requires that policies for managing development within a Local Green Space should be consistent with those for Green Belts. The wording of DN Policy 7 does not have regard to this and the recommendations below address this matter.
- 166 I recommend:
- **Change DN Policy 7 to *“The following areas, as identified on the Local Green Space plan(s) on page(s) XX and XX, are designated as Local Green Space. The management of development within areas of Local Green Space will be consistent with that for development within Green Belts: 1) Beauchief...”***
 - **Provide a new plan (or plans) clearly identifying the precise boundaries of each area of Local Green Space (and add page number(s) to the Policy wording**
 - **Change references in Paragraphs 7.1, 7.5 and the title of DN Policy 7 from *“Spaces”* to *“Space”***
 - **Para 7.3, delete *“and enhanced”* from the end of the sentence**
 - **Para 7.4 change third bullet point to *“...as identified on the Local Green Space plans.”***
 - **Para 7.4, delete paragraph of text after bullet points (which does not relate to Local Green Space policy)**

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- **Page 34, delete “The community as a whole...additional open space.”**
- **Page 34, last sentence, delete “which should be improved for wildlife and recreation purposes”**
- **Delete Para 7.5**

Dore Village Centre

DN Policy 8: Developments and Changes of Use in Dore Village Centre

- 167 High streets are changing throughout England and the speed of change has increased as a result of the coronavirus crisis.
- 168 Whilst many people like the idea of their village or town having a butcher, a baker and a candle-stick maker, the reality is that most people choose to do most of their shopping at large supermarkets and increasingly, on-line. Resultantly, the traditional high street is in rapid decline.
- 169 In the light of changing social habits, it can be very difficult to secure the retention of retail uses via planning policies. Chapter 7 of the Framework, *"Ensuring the vitality of town centres,"* recognises the important role that town centres play at the heart of local communities, but allows for their diversification:
- "...in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing)..."*
(Paragraph 85, the Framework)
- 170 In addition to this, changes to the General Permitted Development Order (GPDO) mean that there is increasing scope for retail uses to change to other uses without the need for planning permission.
- 171 As set out, DN Policy 8 states that it will retain and enhance its core retail function. There is no substantive evidence to demonstrate that this part of the Policy is deliverable.
- 172 The Policy goes on to state that development should not result in the proportion of shops in Dore Village Centre falling below 50% of street level frontage. However, the Qualifying Body has confirmed that, to its knowledge, this proportion is already below 50%. Consequently, this part of the Policy does not make any sense and is not deliverable.

- 173 The Policy refers to Dore Village Centre. However, the Qualifying Body has confirmed that the Policy is only meant to apply to the Retail and Business Core identified on the plan on page 36.
- 174 The Policy goes on to set out a test that would require every change of use to demonstrate that it would result in a development that would “*maintain the daytime vitality and viability of the Centre.*” However, it is not clear, in the absence of detailed information in respect of the current levels of daytime vitality and viability, how this might be achieved. Further, such a requirement fails to take account of the fact that, in any case, there is scope for retail units to change to other uses without any need for planning permission.
- 175 The Policy refers to preventing “*the loss of a shop unit that is prominent.*” The Qualifying Body has confirmed that only one shop unit in Dore Village Centre, the Co-op, meets this description and the recommendations below take this into account.
- 176 Notwithstanding all of the above, there is no doubt that a vibrant village or town centre plays a hugely important role in the success of communities. In recognition of this, the Framework requires planning policies to:
- “...plan positively for the provision and use of shared spaces, community facilities (such as local shops...guard against the unnecessary loss of valued facilities and services...ensure that established shops...are able to develop and modernise...”*
(Paragraph 92)
- 177 Taking this and all of the above into account, I recommend:
- **Change DN Policy 8 to “Retail development in Dore Village Centre’s retail and business core will be supported. The loss of the retail use of the Dore Co-Op will not be supported unless it can be demonstrated, following 12 months active marketing, that the unit is unviable for retail use.”**
 - **Delete the definitions underneath the Policy**
 - **Para 8.1, change first line to “...crossroads and is the heart...”**

- **Para 8.4, delete last sentence and replace with “*DN Policy 8 provides support for retail development in Dore and is aimed at retaining highly valued retail facilities in the village.*”**
- **Delete Para 8.5 and replace with “*The Dore Co-op is at the heart of the village. The Neighbourhood Plan supports its retention as a valued asset and seeks to prevent its loss to the community.*”**

DN Policy 9: Community Uses in Dore Neighbourhood Area

178 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" requires planning policies to:

"...guard against the unnecessary loss of valued facilities...ensure that...facilities and services...are retained for the benefit of the community."

(Paragraph 92, the Framework)

179 DN Policy 9 seeks to prevent the loss of community facilities and has regard to national policy.

180 As set out, the Policy includes the phrase "*will be permitted*" and is worded in a way that cannot be controlled. The Policy goes on to set out an approach related to the payment of a commuted sum, without providing substantive evidence to demonstrate that such an approach would meet the planning obligation tests set out earlier in this Report, or to demonstrate that such an approach would be deliverable.

181 The supporting text refers to encouraging opportunities for new community facilities, but DN Policy 9 does not seek to do this.

182 I recommend:

- **Change DN Policy 9 to "*The loss of a community facility that meets Dore's well-being, social, recreational, cultural or sporting needs or interests, will not be supported unless it can be demonstrated that, following 12 months of active marketing, continued use as a community facility is unviable; or that the facility will be replaced with equivalent alternative facilities within easy walking distance.*"**
- **Delete the definitions underneath the Policy**
- **Delete text in green box below policy**
- **Para 8.6, change second sentence to "*These community facilities provide for the community's day-to-day...*"**
- **Para 8.7, delete second sentence and replace with "*DN Policy 9 prevents the unnecessary loss of community facilities.*"**

DN Policy 10: Village Centre Environmental Improvements

183 DN Policy 10 provides a positive Policy in support of improvements to Dore Village Centre's public realm.

184 As set out, the Policy would support any development, anywhere, so long as it resulted to improvements to Dore Village Centre's public realm. This could result in unintended support for inappropriate development.

185 Dore Village Centre is located within Dore Conservation Area. All development in the Conservation Area should conserve heritage assets.

186 Whilst many forms of improvement to the public realm do not require planning permission, some do and taking this and the above into account, I recommend:

- **Change DN Policy 10 to *"The improvement of Dore Village Centre's public realm in a manner that conserves and/or enhances Dore Conservation Area will be supported."***

DN Policy 11: Sites of Archaeological Heritage Significance

- 187 DN Policy 11 is aimed at ensuring that designated and non-designated archaeological heritage assets affected by development proposals are afforded appropriate recognition and protection.
- 188 The Policy has regard to Chapter 15 of the Framework, "*Conserving and Enhancing the historic environment*," which recognises heritage assets as an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance.
- 189 No changes to the Policy are recommended.
- 190 The first part of the supporting text includes references to things a Neighbourhood Plan "*could include*." This is unnecessary and superfluous information which detracts from the precise nature of the Neighbourhood Plan. The text also refers to the creation of a local list, which the Neighbourhood Plan does not include.
- **Delete Paras 9.2 and 9.3**

DN Policy 12: Demolition in Dore Conservation Area

- 191 Many forms of development require planning permission. The Local Planning Authority is responsible for administering and determining planning applications. The information required to make a valid planning application consists of mandatory national information requirements; information provided on the planning application form; and information to accompany the application as specified by the Local Planning Authority on their local list of information requirements.
- 192 It is not necessary and appears inappropriate for a Policy in the Neighbourhood Plan to set out just two instances of when planning permission is required in a Conservation Area. This comprises general background information suited to supporting text.
- 193 In the absence of any substantive information, it is not clear why the Neighbourhood Plan sets out a Policy relating to the Dore Conservation Area which only seeks to consider the demolition of boundary features. Further, in requiring development to conserve heritage assets, national policy does not simply prevent forms of development, but provides for the balanced consideration of harm against benefits. DN Policy 12 fails to do this and does not have regard to national policy.
- 194 The supporting text to DN Policy 12 sets out information from Conservation Area Management Proposals and includes phrases including "*will not be permitted*" and "*would be consulted.*" This results in the text appearing as though it comprises planning policy, which it does not; and could be inferred as suggesting that the Policy that follows provides for the controls set out, which it does not.
- 195 I recommend:
- **DN Policy 12, change title to "DN Policy 12: *Dore Conservation Area.*"**
 - **Change DN Policy 12 to "*Development should conserve and/or enhance the significance of Dore Conservation Area and its setting.*"**

- Delete Para 9.9 and replace with ***“The CAMP notes that front gardens, as well as boundary walls, gate piers, fences and gates, all make a positive contribution to the character and appearance of the Conservation Area. These features are very special to Dore Conservation Area where planning permission is a requirement for the demolition of a building of more than 115 cubic metres; or for the demolition of a gate, fence wall or railing more than one metre high next to the highway (including a public right of way) or public open space; or more than two metres high elsewhere.”***

DN Policy 13: Protection of Heritage Assets of Archaeological Significance in Dore Conservation Area

196 DN Policy 11 is aimed at ensuring that archaeological heritage assets affected by development proposals are afforded appropriate recognition and protection.

197 Whilst DN Policy 13 largely repeats the requirements of DN Policy 11, plan-makers seek to emphasise the importance of Dore Conservation Area and whilst it results in an element of repetition, the inclusion of DN Policy 13 does not result in the Neighbourhood Plan failing to meet the basic conditions.

198 No changes recommended.

DN Policy 14: Non-designated heritage assets

199 DN Policy 14 follows on from supporting text which refers to the creation of a list of non-designated heritage assets. This list has not been created/does not appear in the Neighbourhood Plan.

200 Annex A of the Neighbourhood Plan sets out Neighbourhood Aspirations. The creation of a list of non-designated heritage assets is an identified Neighbourhood Aspiration.

201 I recommend:

- **Delete DN Policy 14.**
- **Delete Paras 9.13 to 9.16, inclusive**
- **Create a new “*DN Proposal: Local List*” in Appendix A based on the deleted information from Paras 9.13 to 9.16**

DN Policy 15: Dore and Totley Station Park-and-Ride Facilities

202 DN Policy 15 seeks to safeguard Dore and Totley Station park-and-ride facilities as a rail interchange. However, there is no substantive evidence to demonstrate any real possibility of this happening. In this regard, I am mindful that Sheffield City Council has provided evidence to demonstrate that Network Rail has no plans to consider the facilities as a rail interchange.

203 As set out, the first part of DN Policy 15 does not contribute to the achievement of sustainable development.

204 The second part of DN Policy 15 comprises vague requirements covering matters dealt with in more detail by other development plan policies.

205 Part of the supporting text reads as though it comprises a Policy, which it does not.

206 I recommend:

- **Change DN Policy 15 to *"The loss of Dore and Totley Station park-and-ride facilities will not be supported."***
- **Delete Paras 10.3 to 10.5, inclusive**

DN Policy 16: Transport and Parking

- 207 As set out, DN Policy 16 places an obligation on all development to promote the proportion of journeys that could be made by sustainable modes of transport.
- 208 Most development proposals are for relatively small-scale development, for example household applications, or applications for advertisements. There is no substantive evidence to demonstrate that DN Policy 16 is deliverable or that it has regard to the test for planning obligations set out in the Framework and referred to earlier in this Report.
- 209 Even if the Policy applied only to some specific larger forms of development, which it does not, there is no indication of what the *"promotion of measures"* might be, what the proportion might be, 1% of journeys, 50% of journeys, or who might measure this.
- 210 Further to the above, the wording of the Policy is unclear. It refers to sustainable modes of transport but would seem to suggest that these are limited to cycling and walking around Dore Village. Also, the title of the Policy refers to Parking and there is no mention of parking in the Policy.
- 211 DN Policy 16 is an ambiguous Policy that does not meet the basic conditions.
- 212 I recommend:
- **Delete DN Policy 16**
 - **Delete Paras 10.6 to 10.7, inclusive**

8. The Neighbourhood Plan: Other Matters

213 Annex A sets out a series of aspirations. To ensure that there is no confusion with the Neighbourhood Plan's Policies, the titles of each aspiration should reflect this:

- **re-title each "DN Proposal" as "*Neighbourhood Aspiration 1*" etc**

214 As set out, Annex A appears to impose requirements on the Local Planning Authority. I recommend:

- **Delete Para 11.1 and replace with "*This Annex sets out local community aspirations, identified during the plan-making process. These aspirations do not comprise land use planning policies, but they identify issues that the local community may seek to address.*"**
- **Delete title "Green Belt Enhancement" and delete para 11.2**

215 The Glossary refers to Conservation Areas being "*preserved and enhanced*" which does not reflect national policy:

- **Change reference to "*conserved and/or enhanced*"**

216 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, Figure, paragraph and page numbering; and on the Policies Map.

217 I recommend:

- **Update the Contents and Policy, paragraph and page numbering; and the Policies Map, to take into account the recommendations contained in this Report**

9. Referendum

218 I recommend to Sheffield City Council and the Peak District National Park Authority that, subject to the recommended modifications, **the Dore Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 219 I am required to consider whether the Referendum Area should be extended beyond the Dore Neighbourhood Area.
- 220 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 221 Consequently, I recommend that the Plan should proceed to a Referendum based on the Dore Neighbourhood Area¹² approved by Sheffield City Council in October 2014.

Nigel McGurk, January 2021
Erimax – Land, Planning and Communities



¹² As referred to on page 13 of this Report, Dore Neighbourhood Forum was designated for a further five year period on 16th October 2019.