

Representation on the Sheffield Plan Publication (Pre-Submission) Draft

Respondent details

Comment ID number: PDSP.139.001

What is your Name: Robert Bell

If you are making this representation as a member of an organisation, what is the name of your organisation:

South Yorkshire Bat Group

If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:

N/A

Document

Which document to you wish to make a representation on:

Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations

Which section of the document is your representation on:

Policy SA2: Northwest Sheffield

Which paragraph/site/map layer of the document is representation on:

N/A

Representation

Do you consider the Local Plan is legally compliant: Yes

Do you consider the Local Plan is sound: Yes

Do you consider the Local Plan complies with the duty to co-operate: Yes

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:

We wish to support the decision not to allocate a site in this area of Sheffield

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:

We support the decision not to allocate the Hepworth site in Loxley (subject of Appeal APP/J4423/W/20/3262600) for development, instead retaining it in the Green Belt.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):

No, I do not wish to participate in hearing session(s)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

N/A

Representation on the Sheffield Plan Publication (Pre-Submission) Draft

Respondent details

Comment ID number: PDSP.139.002

What is your Name: Robert Bell

If you are making this representation as a member of an organisation, what is the name of your organisation:

South Yorkshire Bat Group

If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:

N/A

Document

Which document to you wish to make a representation on:

Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations

Which section of the document is your representation on:

Policy SA2: Northwest Sheffield

Which paragraph/site/map layer of the document is representation on:

N/A

Representation

Do you consider the Local Plan is legally compliant: Yes

Do you consider the Local Plan is sound: Yes

Do you consider the Local Plan complies with the duty to co-operate: Yes

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:

We wish to support the decision not to allocate a site

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:

We support the decision to include assign 'Land Adjacent 137 Main Road Wharncliffe Side Sheffield' ' in Wharncliffe Side (see recent application: 22/00865/FUL) to the category Urban Green Space Zone, although we do question why this has not been assigned to the Green Belt and would view this as a more appropriate course of action.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):

No, I do not wish to participate in hearing session(s)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

N/A

Representation on the Sheffield Plan Publication (Pre-Submission) Draft

Respondent details

Comment ID number: PDSP.139.003

What is your Name: Robert Bell

If you are making this representation as a member of an organisation, what is the name of your organisation:

South Yorkshire Bat Group

If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:

N/A

Document

Which document to you wish to make a representation on:

Part 2: Development Management Policies and Implementation

Which section of the document is your representation on:

Policy GS5: Development and Biodiversity

Which paragraph/site/map layer of the document is representation on:

N/A

Representation

Do you consider the Local Plan is legally compliant: Yes

Do you consider the Local Plan is sound: No

Do you consider the Local Plan complies with the duty to co-operate: Yes

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:

There is scope to strengthen Policy GS5. While it touches upon most of the key issues of concern to us, it lacks clarity and depth.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:

General comments on GS5:

- In terms of clarity we note section e) to 'prevent the loss of locally and nationally vulnerable species, instead creating opportunities for them to recover and thrive; and' . In the associated Definitions section there is no explanation of where a

list of locally and nationally vulnerable species can be found and despite our being professional ecologists we are not sure precisely which species this applies to. There is more clarity around 'Important or protected habitat or species', so why not stick to this phrase only?

- Priority habitats need to be explicitly dealt within the wording/hierarchy in the first three bullet points of the policy, or it must be made clear that these are dealt with by policy GS6.
- Thought must be given to the hierarchy set out in the first three bullet points of the policy and if the treatment of SSSI is adequately reflective of the LPA's legal duty to "conserve and enhance" under S28G of the wildlife and Countryside Act. This duty must be explicit in the policy.
- The wording of the policy would be significantly improved by replacing "should" with either "must" or "developments will be required to".
- To avoid misinterpretation alteration is required to the wording of paragraph K so that it reads "...buffer strips to habitats and designated sites" so that it is clear that it does not refer to designated habitats. Clarification would also be beneficial that this applies to habitats that are intrinsically important in their own right such as priority habitat types, irreplaceable habitats as well as habitats that form linkages/movement corridors within or adjacent to a development site.
- The absence of coverage of lighting is a serious omission and must be rectified to include the direction of lighting into the development site avoiding sensitive features such as watercourses, woodland edges, trees and bat roosting locations. The use of timers to turn off or dim artificial lighting is also of relevance. Lighting is also worthy of coverage within supplementary guidance to provide detail beyond that which can be included within the policy and supporting text.

Buffer zone focused comments on GS5:

- Section k) of GS5 states 'provide appropriate buffer-strips to designated sites and habitats; and'. In the associated Definitions it states that 'where buffers and required to protect designated sites and protected species they will be determined on a site by site basis...'
- Whilst we appreciate the need for some flexibility this statement is too vague and standard buffer widths need to be set, perhaps with a proviso that they are not absolute. It is noted that minimum buffers are set in section GS9 in relation to flooding, we therefore question why standard buffers are not also presented in GS5?
- We are particularly conscious of the lack of adequate buffers on some historic riverside developments (notable Oughtibridge Mill) and we represented the council's interests in relation to bats at the Hepworth's enquiry (Appeal APP/J4423/W/20/3262600) defending the council's request for a 20m buffer zone on the River Loxley.
- Given that BG1 recognises Sheffield's strategic green infrastructure includes the rivers and streams of the larger valleys, and that safeguarding and enhancing the city's blue and green infrastructure is critical to ensure that it continues to fulfil its multi-functional role and delivers both Biodiversity Net Gain (BNG) and wider Environmental Net Gains (ENG), we feel that our proposal for minimum stated buffer zones beside the Main Rivers (in particular) is justified. We also do not feel this should overly impact the viability of the plan, as BNG compensation habitats need to go somewhere, so why not use a stated and robust buffer zone width to compel developers to install such habitats beside the rivers?
- We accept there is very little in terms of firm guidance to go off regarding riparian buffer zone widths to protect ecology. We would highlight a US academic

literature review (Wenger & Fowler, 2000 – can be provided but this response format doesn't allow us to attach it) that providing policy guidance on the maintenance of appropriate buffer zones to protect a range of stream and river functions. The literature review showed that “most scientific recommendations for minimum buffer widths range from 15 meters (about 50 feet) to 30 meters (about 100 feet)”. We also highlight an Environment Agency and Forestry Commission report entitled ‘3D buffer strips: Designed to deliver more for the environment’ which was focused on controlling arable pollution but which recommended that a buffer of 10 to 12 metres (or wider where possible) would be more effective, with the Wild Trout Trust recommending riparian buffer zones 10m-20m wide covered with deciduous trees and shrubs

- We also note an Environment Agency response in relation to the Hepworth Appeal that stated “a minimum undeveloped 10 metre wide buffer zone alongside the River Loxley..... The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping”, although recognising despite the appellant offering a 10m buffer in this instance the Planning Inspector for the Loxley Appeal ended up not satisfied with the ecological mitigation plan provided. This Environment Agency correspondence can be supplied but a hyperlink to it cannot be provided as the document cannot be found online.

- To summarise this point a minimum buffer zone needs to be stated. We consider these buffer zones be 20m for Main Rivers, and 10m for Ordinary Watercourses. This is far preferable to leaving this matter open ended.

Integrated bat and bird box focused comments on GS5:

- Taking into account Sheffield Council’s declaration of a Biodiversity Emergency GS5 lacks clarity and ambition with regards to the text about biodiversity enhancements. With many of our members comprising ecological consultants we know the propensity of developers (particularly larger housebuilders) to exploit loopholes in planning authority requirements. With this in mind, the existing text in CS5 I) that wherever relevant development should ‘incorporate design features to enhance biodiversity’ does not bind any set level of commitment, particularly in relation to integrated bat and bird boxes.

- Within the Definitions section it states Design features to enhance biodiversity – could include for example green roofs, swift bricks, bird and bat boxes, hedgehog holes in walls and fences, water features, planting native or wildlife-attracting trees, shrubs wildflowers etc. Of these things Biodiversity Net Gain (covered in Policy CS6) already covers the creation of water features and planting of trees, shrubs and wildflowers so it would be better to focus on bat and bird boxes and hedgehog holes.

- Integrated bat and bird boxes can cost as little as £30/unit (roughly 0.0001% of the value of an average English home), whilst hedgehog holes are free. Including boxes at a high ratio in new developments will not impact on plan viability.

- The following respected organisations recommend a ratio of one swift nesting provision per dwelling:

- o RIBA - 2nd edition Design for Biodiversity

- o BS42021 Integral nest boxes - Selection and installation for new developments which was published on 29th March 2022

- There are also examples of councils requiring that all new dwellings include bird and/or bat boxes. For example:

- o Greater Cambridge (see

- o <https://www.greatercambridgeplanning.org/media/2474/gcsp-biodiversity-spd-feb->

2022.pdf) require integrated swift boxes in 100% of new dwellings with integrated bat boxes in 25% of new dwellings.

o Leeds Council require that "50% of new dwelling buildings should have an integral bat roosting feature or swift brick i.e. one per two detached houses, one per semi-detached house, a terrace of ten houses should have a minimum of five features" and that a large building (school, industrial building, hospital etc.) should have 10 - 20 features

(<https://www.leeds.gov.uk/docs/Bat%20Roost%20and%20Swift%20Brick%20Features%20Guidance.pdf>).

- In order for it to be fit for purpose South Yorkshire Bat Group would like to see Policy GS5 amended to specifically state that all new dwellings and other new buildings should include at least one integrated swift box, with at least 50% of new dwellings to include one integrated bat box, and that larger buildings (schools, industrial buildings, hospitals etc.) should have at least 10 features. The policy should also state that hedgehog holes must to be included at all fence or wall junctions in new developments as standard practice.

- The possibility of supplementary guidance needs to be allowed for to provide additional detail to underpin the policy. Possibly combined with supplementary guidance associated with GS6.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):

No, I do not wish to participate in hearing session(s)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

N/A

Representation on the Sheffield Plan Publication (Pre-Submission) Draft

Respondent details

Comment ID number: PDSP.139.004

What is your Name: Robert Bell

If you are making this representation as a member of an organisation, what is the name of your organisation:

South Yorkshire Bat Group

If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:

N/A

Document

Which document to you wish to make a representation on:

Part 2: Development Management Policies and Implementation

Which section of the document is your representation on:

Policy GS6: Biodiversity Net Gain

Which paragraph/site/map layer of the document is representation on:

N/A

Representation

Do you consider the Local Plan is legally compliant: Yes

Do you consider the Local Plan is sound: No

Do you consider the Local Plan complies with the duty to co-operate: Yes

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:

There is scope to strengthen this policy, and in places we feel it lacks clarity and misses several opportunities

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:

- In line with our comments in relation to buffer zones in GS5, we would like to see the text in GS6 require developers to install compensation habitats adjacent to key elements of blue and green infrastructure in order to help address Policy BG1. To achieve this, Policy GS6 should set out that buffer zones adjacent to key

elements of blue and green infrastructure would comprise strategically important locations. In these areas habitats score 15% more biodiversity credits, making any biodiversity loss in these areas more expensive and any gain in these areas more valuable.

- The applicability, or not, of the policy to householder applications should be made clear either in the policy itself or the supporting text.
- The implementation of this policy will require supplementary guidance such as that produced by Doncaster Council. Appropriate wording needs to be added to the policy or supporting text allow for this.
- Clarification is required with respect to Paragraph B and how off-site delivery will be achieved. Sheffield Council must take a lead to facilitate this possibly using a similar model as adopted by Doncaster. Again the need for supplementary guidance is paramount.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):

No, I do not wish to participate in hearing session(s)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

N/A