

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

Respondent details

Comment ID number: PDSP.333.001

What is your Name: NicolaDempsey99

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

N/A

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:

Chapter 2: Vision, Aims, and Objectives

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:

4. 2 Vision, Aims and Objectives Objectives for a Green City -Unsound
The wording in this section is not strong enough to meet the expectations of NPPF 174, 175, 179 and 182 and Government ambitions and targets for nature restoration and recovery. There is also no recognition that a nature emergency has been declared in Sheffield as per the Sheffield City Council Motion 'Action on the Nature Emergency' that was passed 16.6.21. This states "it is imperative that this Council develops robust policies in the Local Plan which can help to protect and enhance biodiversity." The current wording does also not recognise that nature plays a significant role in climate change adaptation (see definition on p65 of the NPPF) as well as mitigation.

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:

Modify the text in 4.2 (Objectives for a green city) as follows:

“To safeguard and enhance Sheffield’s unique natural landscape setting... should be changed to 'To safeguard and restore Sheffield’s unique natural landscape setting'.
‘Protect and enhance biodiversity’ could be changed to ‘Protect existing biodiversity and measurably contribute to nature’s recovery’ and
‘Mitigate climate change’ could be changed to ‘Contribute to both climate change mitigation and adaptation’

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.333.002

What is your Name: NicolaDempsey99

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

N/A

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 SP1: Overall Growth Plan

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:

Policy SP1 Overall Growth Plan

"The Sheffield Plan will deliver:

l) Protection, management and enhancement of designated blue and green infrastructure sites and assets. With a focus on the Green Network (including the Local Nature Recovery Network) and designated Urban Greenspace Zones (see policies GS1 to GS11)"

- Unsound

The definition of the 'Green Network' refers to Map 17. However Map 17 is not a Green Network map, it is simply a map of existing green spaces and ecologically

designated sites. It is not a green infrastructure map or network or strategy and it does not show any opportunities for improving or strengthening any networks. This needs to be improved in line with the newly launched Natural England Green Infrastructure Framework and does not meet the requirement of para20 of the NPPF “Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: d) conservation and enhancement of the natural, built and historic environment including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation”

Green infrastructure is also included in Para92c) and 154a), 186 and 175 (see below)

Definition on p67 of the NPPF “Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.”

A South Yorkshire Green Infrastructure Strategy was produced in 2011 but this has not been referred to, or updated, and a local Sheffield version has not been produced following the guidance in the Natural England GI Framework <https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Principles/HowPrinciples.aspx> or the Building with Nature Standards for Local Plan policies <https://www.buildingwithnature.org.uk/planners> <https://www.buildingwithnature.org.uk/project-list-blog/2022/9/29/west-dunbartonshirecouncil-local-development-plan-2?rq=policy>

Also Map 17 does not include the Nature Recovery Network – this need to be separate. Justification – separation of ecological networks and their components is needed to fully satisfy NPPF policies 174/175/179

“174 Planning policies and decision should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. 175. Plans should: distinguish between the hierarchy of international, national and locally designated sites, allocate land with the least environmental or amenity value, where consistent with other policies in this Framework, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

179. To protect and enhance biodiversity and geodiversity, plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹ ; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶² ; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. ⁶²Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.”

The Nature Recovery Network maps should be included in the Local Plan - can these be shared with the council from the South Yorkshire Mayoral Combined Authority?

Section 5.24 is unsound because it states that 'Sheffield's blue and green infrastructure is important at all scales and is represented on Map 12 below.' (this should be Map 17). Map 17 does not show Blue & Green Infrastructure.

Policy BG1 is unsound for the reasons outlined above.

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:

Modify the text in Policy SP1 Overall Growth Plan:

l) Protection, management and enhancement of designated blue and green infrastructure sites and assets. With a focus on the Green Network (including the Local Nature Recovery Network) and designated Urban Greenspace Zones”

This could be changed to:

- “l) Protection, management and enhancement of blue and green infrastructure sites and assets including designated sites and Urban Greenspace Zones (see Map 17, policies map and policies GS1 to GS11) and the creation of new assets, especially where provision is low”

- Change the name of Map 17 to Blue and Green Infrastructure because it is not a network and may be confused with the nature recovery network– make the blue infrastructure clearer (waterways are not showing up as they are also LWS) and add opportunity sites.

add new para as follows:

- Identification, protection, enhancement and restoration of ecological networks: the Local Nature Recovery Network in line with the Local Nature Recovery Strategy/Nature Emergency Action Plan (GS5)

Policy BG1 - the following changes could be made:

Suggest adding 'and the Nature Recovery Network' to the Policy title

Suggest changing: 'Very significant weight will be given to the protection and enhancement of Sheffield's Green Network of urban greenspace and countryside (including the Local Nature Recovery Network) especially,..'

to: 'Very significant weight will be given to the protection, extension, connection and enhancement of Sheffield's Blue and Green Infrastructure and Local Nature Recovery Network, especially...'

Suggest addition “Valuable greenspaces will be protected from inappropriate built development and are shown on the Policies Map as either Urban Green Space Zones (policy GS1), Greenbelt (GS2) or designated ecological or geological sites (GS5)”

Suggest adding 'New high quality green infrastructure that meets standards* is encouraged' *Such as Building with Nature

This Policy requires expansion to include a recognition of the heritage significance of blue/green infrastructure and the importance of protecting these.

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.333.003

What is your Name: NicolaDempsey99

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

N/A

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:

Chapter 4: Sheffield's Sub-Area Strategy

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:

4. 4. Sheffield's Sub-Area Strategy

North West Sheffield Sub Area Policy SA2 I support the fact that the site at Storrs Lane in the Loxley Valley known as 'Hepworths' or 'East Works – Former Loxley Works' which was subject to an inappropriate planning application (Ref:20/01301/OUT which was refused by SCC and upheld by the Planning Inspector) is not allocated for housing.

North East Sheffield Sub Area Policy SA3 fully support the fact that the site adjacent to J33 (on the west) of the M1 known as Smithy Wood has not been allocated for development. SRWT led, along with many other local people and organisations a 7 year-long saga protecting the site from an inappropriate development proposal for a

Motorway Service Area, despite the site being in green belt and designated as a Local Wildlife Site due to its ancient woodland habitats

<https://www.wildsheffield.com/campaign/smithy-wood/>

I 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 rather than be allocated for development.

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.

South East Sheffield Sub Area Policy SA5 f) I fully support this policy "Designate a Local Green Space at Owlthorpe Fields (Policy GS1)" based on the knowledge of local groups and the Wildlife Trust about the ecological and recreational value of these fields to the local community.

South Sheffield Sub Area Policy SA6 f) We fully support this policy "Designate a Local Green Space at Bolehill Woods at Norton Woodseats" based on local and Wildlife Trust knowledge of the ecological and recreational value of these woods to local people and the potential threat from inappropriate development without such protection.

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:

Minor clarification/modification needed - The definitions box states that the definition of 'Local Green Space' can be found in the Glossary but it is actually missing from the glossary

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N/A

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

Respondent details

Comment ID number: PDSP.333.004

What is your Name: NicolaDempsey99

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

N/A

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 BG1: Blue & Green Infrastructure

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

N/A

Representation

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<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Principles/HowPrinciples.aspx> or the Building with Nature Standards for Local Plan policies

<https://www.buildingwithnature.org.uk/planners>

<https://www.buildingwithnature.org.uk/project-list-blog/2022/9/29/west-dunbartonshirecouncil-local-development-plan-2?rq=policy>

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Policy BG1 - the following changes could be made:

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Suggest adding 'New high quality green infrastructure that meets standards* is encouraged' *Such as Building with Nature

This Policy requires expansion to include a recognition of the heritage significance of blue/green infrastructure and the importance of protecting these.

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.333.005

What is your Name: NicolaDempsey99

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

N/A

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 GS1: Development in Urban Green Space Zones

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:

generally, this policy is unsound where it states: "In Urban Greenspace Zones, development should:

b) not cause or increase a break in the city's network of blue and green infrastructure"

As previously described in my response to Part1 – there is no clear blue and green infrastructure network in either map or strategy form. There is also no reference to the Nature Recovery Network.

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:

Suggest rewording to

b) not cause or increase or fail to reduce a break in the city's network of blue and green infrastructure

Table 4. Standards for Assessing the Quantity of and Access to Information Greenspace and Outdoor Sports Areas

Refers lists 'Access Standards' but it is very unclear for the reader where this list has come from. Only by delving into the Supporting Evidence 'Sheffield Open Space Assessment 2022' where it is clear that is the consultant report has identified that Sheffield does not meet the Natural England Accessible Greenspace Standards (ANGST) e.g. see Section 7.3.2 and Figures 12-14 in the Assessment. Instead of taking steps to address these gaps in provision in the allocation map or policies, a lower standard of 15minute walk time to an accessible natural greenspace has been suggested in the Assessment. There is no explanation of this in Part2 and no strategic policies to address the gaps identified by both ANGST and this locally suggested lower standards (Figure 11).

Data from the Nature Recovery Network should be included in this.

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.333.006

What is your Name: NicolaDempsey99

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

N/A

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 GS1: Development in Urban Green Space Zones

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:

Table 4. Standards for Assessing the Quantity of and Access to Information Greenspace and Outdoor Sports Areas

This table refers to 'Access Standards' but it is very unclear for the reader where this list has come from.

Only by delving into the Supporting Evidence 'Sheffield Open Space Assessment 2022' where it is clear that the consultant report has identified that Sheffield does not meet the Natural England Accessible Greenspace Standards (ANGST) e.g. see Section 7.3.2 and Figures 12-14 in the Assessment. Instead of taking steps to address these gaps in provision in the allocation map or policies, a lower standard of 15minute walk time to an accessible natural greenspace has been

suggested in the Assessment. There is no explanation of this in Part2 and no strategic policies to address the gaps identified by both ANGST and this locally suggested lower standards (Figure 11). As previously mentioned there are also gaps in provision identified by the 'Access to Nature – capacity and demand maps' which were developed as part of the South Yorkshire Natural Capital Maps ('Holt, A.R., Zini, V. & Ashby, M. (2021) South Yorkshire natural capital and biodiversity mapping, Natural Capital Solutions Ltd, July 2021'). This is the most up to date and best quality evidence we have for access to nature and it not referenced.

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:

There needs to be more underpinning evidence used here:
The South Yorkshire 'Access to Nature – capacity and demand maps' and the Natural England GI Framework should be used to identify GI gaps and opportunities as a GI layer on the spatial map

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.333.007

What is your Name: NicolaDempsey99

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

N/A

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 a lack of clarity of the wording in 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.

Although examples of design features to enhance biodiversity (including 'swift bricks') are given in the 'Definitions' box beneath, there is no clear expectation of the extent to which these will be required. For example, several UK Red list bird species – swifts, house sparrow, startling and house martins can benefit from the inclusion of

cheap swift bricks in all new builds. Integrated bat tiles or bricks are also very affordable and should be standard.

Justification NPPF para179 “Plans should” b) “..and the protection and recovery of priority species”

www.gov.uk/guidance/natural-environment#green-infrastructure

Paragraph 023 Reference ID: 8-023-20190721) www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems Paragraph: 012 Reference

ID: 8-012-20190721

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:

Suggested minor amendments/clarifications ‘Where relevant, development should’
Replace with ‘where relevant, developments are required to’

b) And j) Addition ‘in line with the South Yorkshire Local Nature Recovery Strategy/Sheffield Nature Emergency Action Plan’

e) Suggest changing to:

‘Prevent the loss of, and include enhancements for, the recovery of important species (see definition); specifically

- amended to specifically state that all new dwellings and other new buildings should include at least one integrated swift brick (or other bird roosting opportunity), with at least 50% of new dwellings to include one integrated bat box/bricks/tile, and that larger buildings (schools, industrial buildings, hospitals etc.) should have at least 10 features.

- Hedgehog holes/passageways must to be included in all linear barriers in new developments as standard practice unless there is good reason not to do so (e.g. flood defence)

- riparian development should include enhancement for riparian species (including bats, otter, kingfisher) depending on how close the development is (due to buffers)

Suggest amendment to l) (and or the definition of Design features to enhance biodiversity): Design features to enhance biodiversity and create opportunities for species could include green and brown roofs, street trees, native shrubs, hedgerows and wildflowers, bird boxes or platforms, swift bricks, bat boxes, bat bricks or tiles, hedgehog holes...

Suggested amendment to definition

‘Important or protected habitats or species’ – includes protected species, priority habitats and species, and significant populations or collections of national or local importance, or nationally scarce species including those identified in the South Yorkshire Local Nature Recovery Strategy and/or Sheffield Nature Emergency Action Plan’

Justification

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 Local Planning Authorities requiring that all new dwellings include bird and/or bat boxes. For example Greater Cambridge and Leeds Council.

Suggested clarification (swap wording round for clarity)

k) provide appropriate buffer-strips for priority habitats and designated sites

Suggested amendment to definition of buffer zones – currently this is too weak and not in line with allocated site conditions

‘Appropriate buffer-strips – where buffers are required to protect priority habitats, designated sites and/or protected species the following buffers should be applied unless there are good reasons why these are not feasible- 20m for main rivers (10m minimum if not feasible), 10m for ordinary watercourses (5m minimum if not feasible), grasslands (6m min), ancient woodland (15m min) ancient or veteran trees (see Govt standing advice ancient woodland, ancient and veteran trees standing advice.

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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.333.008

What is your Name: NicolaDempsey99

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

N/A

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:

GS6 Biodiversity Net Gain

An addition to this policy or supporting text is needed to avoid risks of site clearance before baseline BNG which is a growing problem across the country (and developers are more likely to see the relevant wording in a Local Plan than in the Environment Act).

In line with the Wildlife Trusts, I would welcome the mandatory requirement for a minimum of 10% Biodiversity Net Gain as a first step but, in the context of the nature crisis and need to support nature's recovery of 30% of land great for nature by 2030, I believe that development should look to deliver at least 20% biodiversity gain where possible.

The Whole Plan Viability Assessment included biodiversity net gain and the SCC Planners have said that this assessment does not allow for a higher than 10% BNG Policy. However, sections 8.80-8.86 of the Viability Assessment does not clearly state that more than 10% would present a viability problem, it actually says most of the costs are in the surveys. IN line with Sheffield and Rotherham Wildlife Trust's representation, I therefore recommend that Sheffield City Council alter the policy to encourage 20% as best practice where feasible (including where financially viable) over and above the minimum 10%.

Reference. Within the evidence presented by Defra consulting on the introduction of Biodiversity Net Gain into the planning system (December 2018-February 2019), it was made clear that an increase of 10% would be the absolute minimum necessary to ensure confidence that a net loss in biodiversity would be avoided, and that any gain would actually be realised as an outcome of a development-related biodiversity 'enhancement' project. Relevant findings from Defra's Impact Assessment document (

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839610/net-gain-ia.pdf 15/10/2019) include:

- “..In simple terms, [10%] is the lowest level of net gain that [Defra] could confidently expect to deliver genuine net gain, or at least no net loss, of biodiversity and thereby meet its policy objectives.”
- “..Advice from some Natural Capital Committee members suggests that a level of net gain at or above 10% is necessary to give reasonable confidence in halting biodiversity losses.”
- “..The department therefore favours as high a level of net gain as is feasible... The analysis undertaken in this Impact Assessment indicates that the level of requirement makes relatively little difference to the costs of mitigating and compensating for impacts.”

Other Local Authorities are also considering implementing or advising more than 10% net gain e.g.

<https://cieem.net/kent-assesses-20-biodiversity-net-gain-requirement/>

<https://kentnature.org.uk/nature-recovery/biodiversity-net-gain/>

<https://www.planningresource.co.uk/article/1788418/nine-authorities-set-require-developers- provide-biodiversity-net-gain-ten-per-cent>

If this recommendation is not accepted, then I would like to see the retention of the existing draft policy wording

“BNG in excess of 10% may be required where:

- there is a particular ecological need in that location based on evidence in a biodiversity/nature recovery action plan or as part of the Local Nature Recovery Network mapping, or
- there is evidence of rare/protected species within, or close to, the development site; or
- the site starts with very low or nil existing biodiversity value”

A suggested mechanism to assist with the 3rd bullet point could be that Urban Greening Factor outlined in policy G5 of The London Plan (2021) from p322

https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf

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:

Suggest minor modifications to GS6:

Change this text: "This will be a minimum of 10% gain from pre to post development and must be achieved for all habitat types evident on site. BNG in excess of 10% may be required where"

To

"A best practice of 20% gain from pre to post development is encouraged where possible, over and above the statutory minimum requirement of 10% and must be achieved for all habitat types evident on site. BNG in excess of 10% is likely to be required for example where"

Minor addition added to the end of b) as follows

"b) deliver BNG on-site through habitat retention, enhancement and creation but, where it is clearly justified that this is not possible, deliver BNG offsite on sites identified in the Local Nature Recovery Strategy as having particular potential for habitat creation or enhancement (with priority given to areas closest to the site and/or including in some cases local planning authority boundary working); and"

Justification

Landscape-scale nature recovery and opportunities so not always align with Local Planning Authority boundaries – for example the Rother Valley is cross-border into Rotherham and a large area of Sheffield falls within the Peak District National Park Local Planning Authority which may provide opportunities for off-site compensation.

Minor clarification needed

"BNG will not be applied to designated sites or irreplaceable habitats; any impacts on such habitats and sites will be assessed in accordance with planning policy and appropriate environmental assessments, with any necessary mitigation and/or compensation requirements dealt with separately from BNG provision."

It is unclear if this applies to impacts only or compensation (details of which may come in a SDP following further Govt guidance). Suggest changing to

"The Defra BNG metric cannot be used to measure impacts on statutorily designated sites or irreplaceable habitats and BNG should not be used to justify damage from development to Local Wildlife Sites. Any impacts on such habitats and sites will be assessed in accordance with planning policy and appropriate environmental assessments, with any necessary mitigation and/or compensation requirements dealt with separately from BNG provision."

Suggested additions to supporting text or policy

"The Environment Act 2021 requires that 'information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat' is included in the biodiversity gain plan.

Sites should not be cleared or substantially altered before the baseline BNG is measured. Within Schedule 14 of the Environment Act, measures are included that allow planning authorities to recognise any habitat degradation since 30th January 2020 and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain.

The baseline value reflects the ecological value of the pre-development site, not its size, a small site may still have value. If a site has a baseline biodiversity unit value of zero, then SCC may agree the appropriate number of units on a site by site basis (rather than a percentage).

Further details on how BNG will be implemented will be provided in a Supplementary Planning Document once Secondary Legislation and Guidance has been published in 2023."

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.333.009

What is your Name: NicolaDempsey99

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

N/A

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 GS7: Trees, Woodland and Hedgerows

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:

This policy is good and requires some minor amendments for clarification to the text before the Policy and the policy itself.

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:

Suggested minor amendments (with additional text)

8.27 Sheffield's trees, woodlands and hedgerows and an important part of the city's green infrastructure and character. They form an important part of the city's

distinctive townscape and provide a setting for relaxation and community activity. Trees and woodlands also play an important role in the biodiversity of the city, mitigating climate change, air quality, traffic calming, wellbeing and managing flood risk.

Suggested addition of another supportive text paragraph

“8.29 Tree planting and woodland creation should be planned and follow recognised good practice and contribute to the delivery of relevant plans and strategies held by SCC or in the wider region such as South Yorkshire wide. Such strategies will relate to tree planting and woodland creation as well as the benefits they provide; natural flood management, nature recovery strategies and climate change mitigation. Strategies include the Sheffield Street Tree Strategy, the Sheffield Woodland Strategy and the South Yorkshire Woodland Creation Plan.”

b) Needs to refer to the Govt Standing Advice on this subject

<https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions>

Add in a paragraph about consequences if trees are removed prior to planning application and whether the consequences would differ for ancient or veteran trees or hedgerows to support b).

Suggested minor addition

“If trees are removed prior to a baseline ecological assessment/planning application then it will assumed that trees were of a very good condition and compensation will be required on that basis.”

Suggested minor amendment

“c) Where existing trees are within or immediately adjacent to a development site, development proposals should give priority to retaining good quality condition trees and ensure that trees are adequately protected during the demolition and/or construction phases of the development”

Also suggest minor amendment in definitions to be in line with standard industry terminology

“‘Good quality trees’ identified in the tree survey as being of high or moderate value and capable of making a significant contribution to the area for 20 or more years”

Change to:

“Good condition or high heritage value trees” – identified in the tree survey as being of high or moderate condition (Categories A&B) and capable of making a significant contribution to the area for 20 or more years and/or have a significant heritage value.

“f) Locally native species of local origin should be used and, where appropriate reflect similar habitat(s) of ecological importance and not conflict with other important habitats, natural features or archaeological remains”

Suggest minor amendment

“f) Trees and Shrub species should be selected as being appropriate for the situation they are planted in; complementary to existing and planned habitat creation. First choice should be native broadleaved species and selection should be made to ensure that species planted will thrive in current conditions as well as those modelled in the future climate change scenarios. Species mixture and planting design to be maximise resilience to potential pests, diseases and pathogens that may be encountered as well as maximise benefit to wildlife and people and following the principle of right tree in the right place.”

Followed by suggested additional paragraph (to distinguish that it is different for street trees)

“Street trees should be chosen in line with current guidance from the Sheffield Street Tree Partnership”

“h) Appropriate provision should be made for ongoing management of any trees, woodland and hedgerows that have been planted and appropriate measures should be put in place to minimise the risk of trees failing.”

Suggest minor amendment

“h) Appropriate provision should be made for ongoing management of any trees, woodland and hedgerows that have been planted and appropriate measures should be put in place to minimise the risk of trees failing, including adequate watering or urban/street trees. Trees that fail in the first five years should be replaced and relevant protective materials should be removed to ensure unrestricted growth and survival. Management (including resources) should provide for a 20% replacement if required.”

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.333.010

What is your Name: NicolaDempsey99

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

N/A

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 GS9: Managing Flood Risk

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:

8.30 "In Sheffield, the risk of flooding comes from both rivers and surface water. Managing the risks if one of the most important ways of adapting to a pattern of more intensive rainfall events that is predicted as a result of man-made climate change and global warming." - this is unsound as there is a lack of clarity.

8.31 "It is vital that development slows water from entering the main river systems and that sensitive uses are not developed in the areas with the highest risk of flooding. But where development does take place in areas at risk of flooding it must implement a range of mitigation measures to reduce the extent and impact of flooding." - this is unsound because it does not comply to national guidance. The objective of this procedure is to assist developers and their designers to conform to

NPPF paras 164b) and 167. Sustainable drainage is the suggested approach to managing flood risk resulting from surface water runoff from the site.

<https://www.gov.uk/government/news/new-approach-to-sustainable-drainage-set-to-reduce-flood-risk-and-clean-up-rivers>

<https://www.gov.uk/government/publications/sustainable-drainage-systems-review>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

Separate out slowing the flow from developments and avoiding areas of high flood risk into two separate points. Tributaries feed into the 'main rivers' and need to be explicitly included, plus slowing all drainage needs to be included to avoid complete hard surfacing and drainage of some areas. Important to get sewers/drainage systems in to address the Combined Sewer Overflow (CSO)s risk, especially if more development is being linked to the network.

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:

8.30 Clarification needed on terminology as Surface Water in EA/WFD terms means, rivers, ponds, lakes and transitional water not rainfall on hard surfaces as implied here.

8.31 retain 'It is vital that sensitive uses are not developed in the areas with the highest risk of flooding' but remove 'But where development does take place in areas at risk of flooding it must implement a range of mitigation measures to reduce the extent and impact of flooding' as it is incompatible with GS9 a)-e) Include position on Flood Zones 1 and 2 here or in GS9.

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.333.011

What is your Name: NicolaDempsey99

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

N/A

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 GS9: Managing Flood Risk

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:

The following part of the policy is unsound: "New Development will be permitted where...

a) Is set back from any watercourse (and/or any flood defences on the site) to allow for future maintenance and biodiversity:

For Main Rivers as agreed with the Environment Agency but a minimum 8m from top of the bank and any flood defences on the site) either side

For ordinary watercourses as agreed with the LLFA but a minimum of 3m from top of the bank (and any flood defences on the site) either side; and...

It is unsound because:

All main Rivers in Sheffield are key ecological corridors and are designated as Local Wildlife Sites so should be adequately protected and buffered. NPPF 174b) “minimising impacts on and providing net gains for biodiversity, including by establishing ecological networks that are more resilient to current and future pressures’ and 174e “preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”.

In line with Sheffield and Rotherham Wildlife's representation, I suggest 8m is too little to ensure this based on the Environment Agency response in relation to a Planning Appeal for a site in the Loxley Valley in Sheffield (Appeal APP/J4423/W/20/3262600) where the Environment Agency 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”

“c) minimised culverting and no building over open watercourses wherever practicable; and” - this is unsound because the wording is weak.

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:

Increase buffer to 20m where feasible (minimum 10m if not feasible) for main rivers and 10m (minimum 5m if not feasible) for ordinary watercourses. This would also be in line with several of the site specific conditions in this draft.

Guidance/policy needed about demolition and replacement or redevelopment of existing buildings which currently do not have a buffer to the river. Suggested addition on policy point

“For sites containing buildings with a smaller buffer to the rivers – replacement buildings should be set back as per this policy. This will not apply to refurbishing buildings of heritage value.”

“c) minimised culverting and no building over open watercourses wherever practicable; and...”

Suggest replacing with “Avoids culverting of and building over open watercourses including ephemeral watercourses, and avoid changing groundwater pathways”.

Add in “Overland water should be retained on the same flowpath after development and not diverted into the drainage and sewer network”

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.333.012

What is your Name: NicolaDempsey99

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

N/A

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 GS10: Protection and Enhancement of Water Resources

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:

8.34-8.36 and GS10 Can SCC add supporting text or policy wording to continue these commitments if the WFD requirements are repealed from UK Law as a result of Brexit and not replaced with the same or a higher level of legal requirements.
“GS10 Protection and enhancement of Water Resources
New development must support the objectives of the Water Framework Directive and Humber River Basin Management Plan.”

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:

“New development must support the objectives of the Water Framework Directive and Humber River Basin Management Plan – even if these objectives are no longer required by law during the lifetime of the plan. New development should also support the objectives of the Don & Rother Catchment Management Plan and the Sheffield Waterways Strategy.

“GS10 Protection and enhancement of Water Resources

“c) not increase the risk of any pollution entering a nearby water body through water run-off or discharge resulting in harm or deterioration to the aquatic ecosystem and any drinking water supplies; and

Requires reference to impact on water quality. E.g. Microplastics don't directly impact aquatic ecosystems, but are covered in water quality.

9. Suggested minor amendment

“...to the aquatic system, to water quality, and any drinking water supplies;”

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