

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Reg 19 Local Plan Representations on behalf of DeVeer Prescient (No1) Limited
Date: 20 February 2023 16:33:44
Attachments: [image777534.jpg](#)
[image057690.png](#)
[DeVeer Reg 19 Consultation Form - Parts A and B.pdf](#)
[SCC LP Reprs DeVeer 20.02.23.pdf](#)

Dear Officers,

Please see enclosed representations (letter dates 20th February and Consultation Form parts A and B) on behalf of DeVeer Prescient No1 Limited, with regards to the Regulation 19 Local Plan.

I'd be grateful if you could confirm receipt of this email and attachments.

Many thanks,

Helen

Please note my working days are Monday-Thursday.



Helen Rodger
Associate



[REDACTED]
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Capitol, Bond Court
Leeds
LS1 5SP

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Sheffield Plan Consultation Representation Form January – February 2023

Please use this form to provide representations on the Sheffield Local Plan. Sheffield City Council must receive representations by **5pm on 20th February 2023**. Only those representations received by that time have the statutory right to be considered by the inspector at the subsequent examination.

Responses can be submitted via

- the electronic version of the comment form which can be found on the Council's web site at: <https://haveyoursaysheffield.uk.engagementhq.com/draft-local-plan>
- an e-mail attachment: sheffieldplan@sheffield.gov.uk
- post to: **Strategic Planning Team, Planning Service, 4th Floor, Howden House, Sheffield S1 2SH**

Please note:

- Representations must only be made on the basis of the legal compliance, compliance with the Duty to Co-operate and/or soundness of the Plan.

Please read the guidance note, attached or available on the Council's webpage###, before you make your representations. The Local Plan and the proposed submission documents, and the evidence base are also available to view and download from the Council's Local Plan webpage:

Data Protection Notice:

Under the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA) Sheffield City Council is a Data Controller for the information it holds about you. The lawful basis under which the Council uses personal data for this purpose is consent.

All representations are required to be made public and will be published on the Council's website following this consultation. Your representations and name/name of your organisation will be published, but other personal information will remain confidential. Your data and comments will be shared with other relevant agencies involved in the preparation of the local plan, including the Planning Inspectorate. Anonymous responses will not be considered. Your personal data will be held and processed in accordance with the Council's Privacy Notice which can be viewed at: <https://www.sheffield.gov.uk/utilities/footer-links/privacy-notice>

Due to the Data Protection Act 2018, Sheffield City Council now needs your consent to hold your personal data for use as part of the Sheffield Plan process. If you would like the Council to keep you informed about the Sheffield Plan, we need to hold your data on file. Please tick the box below to confirm if you would like to 'opt in' to receive information about the Sheffield Plan. Note that choosing to 'opt in' will mean that the Council will hold your information for 2 years from the 'opt in' date. At this time we will contact you to review if you wish to 'opt in' again. You can opt-out at any time by emailing sheffieldplan@sheffield.gov.uk or by calling 0114 2735897.

Please tick/ delete as appropriate:

Please confirm you have read and understood the terms and conditions relating to GDPR.

Yes

No

Please tick as appropriate to confirm your consent for Sheffield City Council to publish and share your name/ organisation and comments regarding the Sheffield Plan.

I confirm my consent for Sheffield City Council to share my name/ organisation and comments regarding the Sheffield Plan including with the Planning Inspectorate.

Yes

No

Please tick as appropriate below if you wish to 'opt in' and receive updates and information about the Sheffield Plan.

I would like to opt in to receive information about the Sheffield Plan.

Yes

No

Printed Name: Helen Rodger
Signature: 
Date: 20.02.23

This form has two parts:

Part A - Personal details – need only to complete once.



Part B - Your representation(s) - Please fill in a separate sheet for each representation you wish to make.

Part A- Personal Details

1. Personal Details

Name: Daniel Newett
Organisation (if applicable): DeVeer Prescient (No1) Limited
Address: Thorpe Arch Grange Walton Road, Thorpe Arch, Wetherby
Postcode: LS23 7BA
Tel:
Fax:
Email: 

2. Agent Details (if applicable)

Agent: Helen Rodger
Organisation (if applicable): Quod
Address: Capitol House, Bond Court, Leeds
Postcode: LS1 5SP
Tel: 
Fax:
Email: 

Part B - Your representation

Please use a separate sheet for each representation and return along with a single completed Part A.

Name or Organisation: Quod (obo) Deveer Prescient (No1) Limited

3. To which part of the Sheffield Plan does your representation relate?

Policy Number:

Paragraph Number:

Policies Map: Site Allocation SES04

4. Do you consider the Sheffield Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

4.(1) **Legally Compliant** Yes

No

4.(2) **Sound** Yes

No

4.(3) **Complies with the Duty to Cooperate** Yes

No

5. Please give details of why you consider the Sheffield Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Sheffield Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see enclosed letter (dated 20.02.23) for the full representations for all policies referenced within this form.

Continue on a separate sheet if necessary

6. Please set out the modification(s) you consider necessary to make the Sheffield Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in Question 5 above.

(Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Sheffield Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Amend conditions on development as follows:

Condition bullet point 4:

A buffer is required to the adjacent Local Wildlife Site (s). Within the Local Wildlife Site, Grassland requires a 6 metre buffer, Wetlands/waterbodies require a 10-15 metre buffer, Ancient woodland/woodland requires a 15 metre buffer (measured from the edge of the canopy), Watercourses (rivers and streams) require a 10 metre buffer. These buffers should be maintained unless it can be demonstrated a smaller buffer is acceptable.

Condition bullet point 6:

Connective ecological corridors/areas (including buffers) shown on the Local Nature Recovery Strategy and combined natural capital opportunity maps are to be maintained on site and removed from the developable area. Biodiversity Net Gain should be delivered on site and within the connective ecological corridor/area where feasible. If on-site mitigation cannot be achieved, off-site mitigation or a financial contribution should then be applied.

Condition bullet point 7:

A staged archaeological evaluation and/or building appraisal should be undertaken prior to the submission of any planning application; the application should be supported by the results of this evaluative work, where necessary.

Continue on a separate sheet if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

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

Yes, I wish to participate in hearing session(s)

Yes

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

No

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

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Our ref: Q220816
Your ref: Sheffield Plan
Email: [REDACTED]
Date: 20th February 2023



Strategic Planning Team
Planning Services
Howden House
Sheffield, S1 2SH

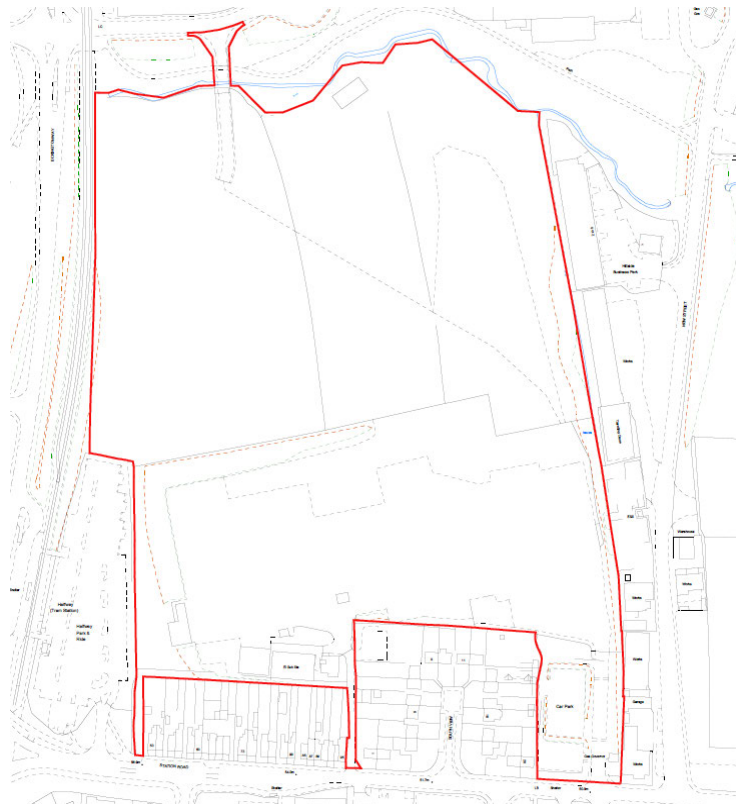
By Email

Dear Officers,

Sheffield Local Plan Representations

These representations are made on behalf of DeVeer Prescient (No1) Limited (DeVeer), in response to the consultation on the Draft Local Plan (the Sheffield Plan), Regulation 19 Publication stage. This letter comprises DeVeer's formal comments to the consultation, also enclosed is the associated Representation Form.

DeVeer have interests in land to the north of Station Road, south of Holbrook Avenue and west of Eckington Way, within Holbrook, south of Sheffield (the "Site"), as demonstrated by the image below.



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These representations have been prepared in the context of current Government Policy and Guidance (NPPF and NPPG). In considering the soundness of the proposed Site Allocations within the emerging Plan, these representations have regard to the four tests set out in paragraph 35 of the NPPF (2021). Namely, they must be:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Representations – Proposed Site Allocation SES04

SCC have proposed to allocate DeVeer’s land interest within the proposed Site Allocations under reference SES04. This is proposed to be allocated for as a Strategic Employment Site for industrial uses (Class B2, B8 and E(g)(iii)). DeVeer support proposed Site Allocation for employment uses.

The proposed Site Allocation includes a number of conditions for future development at the site. Some of these conditions are unsound, as explained further below, along with proposed amendments to the conditions to ensure the Sheffield Plan remains sound.

Condition Bullet Point 4

Condition bullet 4 relates to applying buffers to the (proposed) Local Wildlife Site (LWS), in which the very northern part of the site falls within.

This includes applying a 15m buffer from ancient woodland. Ancient woodland is not located in close proximity to the site; thus, it is not relevant to include this feature.

Indeed, it should be made clear within the condition that the buffers only apply to the ecological features which lie within the LWS and does not apply across the full site allocation. Failure to do so leaves the condition inaccurate and could impose unduly and necessary restrictions on future development.



Furthermore, there may be instances where a smaller buffer is acceptable, therefore applying a blanket buffer for all sites is not appropriate. This should be determined on a site-by-site basis with individual site characteristics taken into account.

In this regard, to ensure the accuracy of the site allocation, this condition should be amended as follows:

A buffer is required to the adjacent Local Wildlife Site (s). Within the Local Wildlife Site, Grassland requires a 6 metre buffer, Wetlands/waterbodies require a 10-15 metre buffer, Ancient woodland/woodland requires a 15 metre buffer (measured from the edge of the canopy), Watercourses (rivers and streams) require a 10 metre buffer. These buffers should be maintained unless it can be demonstrated a smaller buffer is acceptable.

Condition Bullet Point 6

Condition bullet 4 requires biodiversity net gain (BNG) to be delivered on site within the connective ecological corridor/area. This approach is not consistent with national planning policy and is therefore unsound.

The Environment Act (2021) (the Act) sets out a mitigation hierarchy, to avoid, mitigate and compensate. The Act also allows for BNG to be delivered on-site, off-site, or a financial contribution via a biodiversity credits scheme. As written, condition 6 requires BNG to be delivered on site and within the connective ecological corridor. This is not consistent with the approach within the Act.

In order to demonstrate a BNG at the site within any future planning application, whilst there are benefits to enhancing biodiversity within the Local Wildlife Site and Urban Green Space Zone to the north of the site, BNG can also be delivered anywhere within the site boundary. As such, it should not be restricted to the ecological corridor only. This is also restrictive and could result in a absence of BNG within the remainder of the site, where biodiversity enhancements would be suitable. Furthermore, in accordance with the Act, if on-site mitigation is not achievable to reach a 10% gain within the boundary, then off-site compensation or a financial contribution should then be followed, in accordance with the hierarchy.

To ensure the soundness of the Sheffield Plan, this condition should be amended as follows:

Connective ecological corridors/areas (including buffers) shown on the Local Nature Recovery Strategy and combined natural capital opportunity maps are to be maintained on site and removed from the developable area. Biodiversity Net Gain should be delivered on site and within the connective ecological corridor/area where feasible. If on-site mitigation cannot be achieved, off-site mitigation or a financial contribution should then be applied.



Condition Bullet Point 7

Condition 7 requires an archaeological evaluation and/or building appraisal to be undertaken prior to the submission of an application, with the application supported by the results of this work.

Prior to the submission of a previous planning application at this site (reference: 21/04446/OUT), DeVeer undertook formal pre-application discussions with SCC Officers in order to establish the scope of the submission documents to support an application. SCC Officers did not consider an Archaeological Evaluation was required for this site, nor was it raised during the statutory consultation of the planning application.

As such, it is not justified to request an archaeology evaluation for this site where it has previously been demonstrated as not necessary. In order to make this condition sound, the condition should be amended as follows:

A staged archaeological evaluation and/or building appraisal should be undertaken prior to the submission of any planning application; the application should be supported by the results of this evaluative work, where necessary.

Summary

The conditions on future development set out within the proposed Site Allocation SES04 are currently unsound as they are not justified nor in accordance with national planning policy. In order to make the Sheffield Plan sound, the amendments suggested within this letter are required.

DeVeer look forward to working constructively with the SCC to address the Site's specific matters. Please do not hesitate to contact me if you require any further information.

Yours sincerely



Helen Rodger
Associate

