

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Regulation 19 (Publication) Sheffield Plan Representations  
**Date:** 20 February 2023 13:27:48  
**Attachments:** [JLL - Reg 19 Sheffield Plan Reprs.pdf](#)

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Good afternoon,

Please find attached our representations for the Regulation 19 (Publication) Draft Sheffield Plan. Please can you confirm receipt of this email and the attached.

Kind regards

Cassy

**Cassy Swain**

Graduate Planner - Planning & Development North

JLL

Landmark St Peters Square 1 Oxford Street | Manchester | M1 4PB

[REDACTED]  
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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](mailto:sheffieldplan@sheffield.gov.uk)
- post to: **Strategic Planning Team, Planning Service, 4<sup>th</sup> 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](mailto: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: CASSY SWAIN



Signature:

Date: 17.02.2023

**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: C/O Agent  
Organisation (if applicable): Speciality Steel UK  
Address:  
Postcode:  
Tel:  
Fax:  
Email:

### 2. Agent Details (if applicable)

Agent: Cassy Swain  
Organisation (if applicable): JLL  
Address: Landmark, 1 Oxford Street, Manchester  
Postcode: M1 4PB  
Tel:   
Fax: N/A  
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: JLL

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

Policy Number: Annex A – Site Allocations/Policy SA8

Paragraph Number:

Policies Map:

### 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.

## **Annex A, SD03, Page 211**

Some of the details within the conditions set out on page 211 of Annex A – Site Allocations, concerning Allocation SD03 are considered unsound. The principle of the overall strategy is largely accepted but some elements set out in the conditions are presumptuous and have potential to make the allocation undeliverable.

Paragraph 53 of the NPPF sets out the four key tests of soundness, for example it is set out in the NPPF that a plan must be deliverable over the plan period in order to be effective. This is echoed in National Planning Practice Guidance. In order to be sound and accord with such national policy, the following conditions require amending:

-The provision of a riverside open space may not be practical or appropriate as part of a future proposal on the site. Indeed, it is acknowledged that open space should form part of a planning application, whether on site (which is the preference) or off site if not achievable on site. Determining its location and features ie as a 'riverside' open space is presumptuous and potentially not achievable. It is therefore recommended that the condition is amended to ensure open space is provided but that the detail would be demonstrated as part of the future application.

- We support the need to provide noise attenuation on the site, however as it stands the condition could be interpreted that it is required to replicate the 11/02930/FUL solution which may not be appropriate as part of a future proposal. We therefore suggest a more flexible approach to this condition so that an appropriate solution can be identified in developing the planning application proposals.

- Providing bus stops/laybys and re-routing bus services through the site may not be practical or necessary as part of a future proposal, although we acknowledge that improved public transport provision may be required. Nevertheless, a more flexible condition should be imposed on the allocation to ensure public transport is identified.

-We recommend removing reference to the Local Nature Strategy in the penultimate condition as it is our understanding that this document is yet to be published by the Council and therefore until this document is fully understood there is no way to ensure it is genuinely achievable. This does not however prevent the connectivity of ecological corridors and areas. Indeed biodiversity net gain will be achieved but flexibility should be allowed to explore if on site or off site net gain can be achieved when preparing a proposal.

In addition to the conditions, the housing capacity of 190 units may go up or down subject to a masterplan exercise and it should therefore be stipulated that the required number is an approximate figure.

It is recommended that the above conditions are re-worded to ensure that they can be provided and that the deliverability of the site is not impinged upon. The final solution can be agreed as part of a future application to achieve an effective therefore sound policy.

**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.

#### Annex A, SD03, Page 211

The following amendments are proposed to Annex A, SD03, Page 211 as follows (those conditions which are to remain the same are not included below):

Total housing capacity: approximately 190 Homes

- Creation of ~~riverside~~ open space should be included in any development.
- Provision of a landscaped noise attenuation bund between the site and the industrial zone as ~~per planning permission 11/02930/FUL~~ is required.
- ~~Provision of new or re-routed bus services (including bus stops and laybys) through the site~~  
Provision of improved public transport services to serve the site.
- Connective ecological corridors/areas (including buffers) shown on ~~the Local Nature Recovery Strategy and combined~~ which may include the natural capital opportunity maps are to be maintained on site and removed from the developable area. Biodiversity Net Gain should be delivered on site within the connective ecological corridor/area, unless an alternative solution is presented and justified.

**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:**

The issues raised are considered to be too complex to deal with simply in writing. It is considered fundamental to the proper examination of the Sheffield Local Plan that this policy and the evidence base which supports it is fully explored, understood, and addressed by parties who have knowledge of the particular issues raised.

**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.

## Part B - Your representation

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

Name or Organisation: JLL

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

Policy Number: Policy SA8 – Map 13

Paragraph Number:

Policies Map:

### 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.

#### Map 13, Page 84 of the Sheffield Plan Part 1

Policy SA8 concerns the sub-area of Stocksbridge/Deepcar and sets out the requirement to deliver a number of allocations. Specifically, there are details we believe to be missing from Map 13, page 84 of the Part 1 plan which do not fully reflect that of the Policy and therefore it lacks being effective and therefore is not sound.

Paragraph 53 of the NPPF sets out the four key tests of soundness, for example it is set out in the NPPF that a plan must be deliverable over the plan period in order to be effective. This is echoed in National Planning Practice Guidance.

The Policy sets out in Part b) that it is required to 'deliver site Allocations SD01 to SD03 and SD05 to SD13 – including strategic sites: SD02, SD03 and SD05'. Currently the map does not appear to reflect this as it shows SD03 as a Housing Site only and does not annotate it as a Strategic Housing Site. This is unlike SD02 which is marked as a Strategic Housing Site as per the key. The same applies to allocation SD05 which is not annotated as a Strategic Housing site.

It is therefore not wholly consistent, therefore not effective and as result is not sound.

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.

**Map 13, Page 84 of the Sheffield Plan Part 1**

JLL requests that Map 13 of Part 1 of the Sheffield Plan on page 84 is amended so as to annotate Allocations SD03 (and SD05) as Strategic Sites, so that the map is consistent and aligns with Policy SA8.

**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:**

The issues raised are considered to be too complex to deal with simply in writing. It is considered fundamental to the proper examination of the Sheffield Local Plan that this policy and the evidence base which supports it is fully explored, understood, and addressed by parties who have knowledge of the particular issues raised.

**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.

## Part B - Your representation

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

Name or Organisation: JLL

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

Policy Number: Policy GS5

Paragraph Number:

Policies Map:

### 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.

#### Sheffield Plan Part 2 - Policy GS5: Development and Biodiversity

As it stands it is our view that Policy GS5 are unsound. The principle of the overall strategy is largely accepted but some elements are not deliverable. Paragraph 53 of the NPPF sets out the four key tests of soundness, for example it is set out in the NPPF that a plan must be deliverable over the plan period in order to be effective. This is echoed in National Planning Practice Guidance.

Part b) of the policy on page 92 of the Sheffield Plan Part 2 sets out that development should '*protect and retain key habitats within the city's Local Nature Recovery Network, while maximising opportunities to extend their range through habitat creation and enhancement*'.

It is set out in Paragraph 8.21 of the Sheffield Plan Part 2 that '*more detail on the Local Nature Recovery Network will be set out in a supplementary planning document*'. Therefore, we consider Part b) of Policy GS5 to be unsound because it is our understanding that the Local Natural Recovery Strategy/Network is not currently a working document adopted by the Council. The document/SPD needs to be produced and its content fully understood to ensure that part b of this policy is genuinely achievable. Therefore as it stands this policy is not effective therefore unsound.

This can be remedied by recognising that Local Nature Recovery Network mapping or Strategy can only apply to the Policy criteria once they have been published.

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.

### **Sheffield Plan Part 2 - Policy GS5: Development and Biodiversity**

Given the above, JLL suggest the below amended wording of this condition to ensure the policy is sound and robust. The objectives of the conditions are agreed, however, the revised wording is important to ensure the deliverability of the policy in its entirety. We suggest the following wording:

#### **POLICY GS5: DEVELOPMENT AND BIODIVERSITY**

Development should avoid causing significant harm (directly or indirectly) to protected and priority species/habitats and to areas and sites designated for their ecological value. Where development is likely to affect priority species and/or designated sites:

- greatest weight will be given to the protection of priority species, Special Protection Areas and Special Areas of Conservation;
- very significant weight will be given to the protection of Sites of Special Scientific Interest and Local Nature Reserves;
- significant weight will be given to the protection of Local Wildlife Sites Development will not be permitted where it is likely to result in the loss or deterioration of irreplaceable habitats unless there are wholly exceptional circumstances and losses are kept to a minimum with a suitable compensation strategy provided and implemented before any works proceed.

Where damage or neglect to designated sites or important habitats has occurred, this will not result in a presumption for development.

Wherever relevant, development should:

- a) protect, enhance, restore and implement appropriate conservation management of the biodiversity value of the land and buildings; and
- b) protect and retain key habitats within the city's Local Nature Recovery Network (once the Strategy is published), while maximising opportunities to connect and extend their range through habitat creation and enhancement; and
- c) deliver a net gain for biodiversity in the area (as set out in Policy GS6); and
- d) provide opportunities for natural processes to occur; and e) prevent the loss of locally and nationally vulnerable species, instead creating opportunities for them to recover and thrive; and
- f) reduce human impact due to lighting, noise, trampling, or disturbance by domestic pets; and
- g) promote and support native species by safely removing and reducing problematic invasive non-native species; and
- h) prevent the risk of biosecurity hazards entering or leaving the environment, by ensuring rigorous practices and measures are taken and maintained to protect and build resilience within our native species; and
- i) restore substrate by breaking up sealed urban surfaces of concrete and conserve soil through measures to avoid erosion, leaching, and degradation; and
- j) minimise habitat fragmentation and maximise opportunities to restore, enhance and connect natural habitats including provision of ecological 'stepping-stones' and links to habitats outside of Sheffield; and
- k) provide appropriate buffer-strips to designated sites and habitats; and
- l) incorporate design features that enhance biodiversity

**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:**

The issues raised are considered to be too complex to deal with simply in writing. It is considered fundamental to the proper examination of the Sheffield Local Plan that this policy and the evidence base which supports it is fully explored, understood, and addressed by parties who have knowledge of the particular issues raised.

**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.

## Part B - Your representation

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

Name or Organisation: JLL

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

Policy Number: Policy GS6

Paragraph Number:

Policies Map:

### 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.

#### Sheffield Plan Part 2 – Policy GS6: Biodiversity Net Gain

As it stands it is our view that elements of Policy GS6 are unsound. The principle of the overall strategy is largely accepted but some elements are not deliverable. Paragraph 53 of the NPPF sets out the four key tests of soundness, for example it is set out in the NPPF that a plan must be deliverable over the plan period in order to be effective. This is echoed in National Planning Practice Guidance.

The policy makes several references to the Local Nature Recovery Strategy/Network. It is our understanding that the Local Natural Recovery Strategy/Network is not currently a working document adopted by the Council. The document/SPD needs to be produced and its content fully understood to ensure this part of the policy is genuinely achievable. Policy GS6 should recognise this and factor in that parts of the policy cannot be achieved if the or as part of the Local Nature Recovery Network mapping or Strategy are not available.

Therefore, as it stands this policy is not effective therefore unsound.

This can be remedied by recognising that Local Nature Recovery Network mapping or Strategy can only apply to the Policy criteria if they have been published.

**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.

### **Sheffield Plan Part 2 – Policy GS6: Biodiversity Net Gain**

Given the above, JLL suggest the below amended wording of this condition to ensure the policy is sound and robust. The objectives of the conditions are agreed, however, the revised wording is important to ensure the criteria set out are deliverable. The wording should then recognise that the Local Nature Recovery Strategy/Network can only be used **once published**. We suggest the following wording:

#### **POLICY GS6: BIODIVERSITY NET GAIN**

After evidencing no overall biodiversity loss (including through lost connectivity and increased human disturbance), an overall BNG is required for all developments where the Biodiversity Metric or Small Sites Metric are applicable. 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:

- 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 (once published), 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.

To ensure BNG is achieved new developers will be required to:

- a) demonstrate how the mitigation hierarchy of avoid, minimise and compensate has been applied; and
- 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 (once published) as as having particular potential for habitat creation or enhancement (with priority given to areas closest to the site); and
- c) ensure BNG is additional to any habitat creation and/or enhancement required to mitigate or compensate for impacts of development on biodiversity; and
- d) provide BNG even when no losses have occurred through development; and
- e) use the latest version of either the Biodiversity Metric tool (applying the UK Habitat Classification) or the Small Sites Metric to calculate a baseline figure and predict potential biodiversity losses and gains that would result from development proposals or land management changes; and
- f) provide a fully funded management plan, which covers a minimum period of at least 30 years that clearly sets out the legal requirements for how BNG proposals will be delivered, managed, and monitored.

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.

**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:**

The issues raised are considered to be too complex to deal with simply in writing. It is considered fundamental to the proper examination of the Sheffield Local Plan that this policy and the evidence base which supports it is fully explored, understood, and addressed by parties who have knowledge of the particular issues raised.

**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.