



**Sheffield &
Rotherham**

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Date: 12th June 2014

Dear Eleanor

**Response on behalf of Sheffield and Rotherham Wildlife Trust
To Planning Application: 14/01079/OUT:**

'Erection of a motorway service area including proposed facilities building, hotel, filling station, parking facilities for all vehicles, access and circulation internal roads, structured and natural landscaping with outside picnic space and dog walking area, associated infrastructure and earthworks (Town and Country Planning (EIA) Regulations 2011 Schedule 2 proposal) | Smithy Wood Cowley Hill (Adjoining Junction 35 Of M1 Motorway) Sheffield 35'.

On behalf of Sheffield & Rotherham Wildlife Trust (SRWT), I write to lodge in the strongest terms our objection to the proposals for a new Motorway Service Area (MSA) at Smithy Wood, Junction 35 of the M1 motorway. This objection to the submitted outline application builds upon the concerns that SRWT raised in relation to the pre-application consultation held by the developer in September 2013.

The structure of the enclosed report is laid out as follows:

Who we are: The Sheffield and Rotherham Wildlife Trust

Our Reasons for Objection

1. National Importance of Designated Ancient Woodland

This section is intended to counter the developer's approach in the Environmental Statement, Chapter 6, to downplay Smithy Wood's value as semi-natural ancient woodland site.

Smithy Wood is designated a Local Wildlife Site of 20.04 ha (+ 2.3 ha adjacent to it) according to the Council's GIS information layer. Of this 15.7ha is mapped on the Natural England Ancient Woodland Inventory GIS layer - nearly double the area quoted by the applicant as 8.6ha (Environmental Statement, Chapter 6 Ecology p16 6.3.1).

Therefore Smithy Wood Local Wildlife site includes over 15ha of irreplaceable ancient woodland - a national asset - which is recognised for its ecological importance within the adopted and emerging Development Plan as well as being of a habitat type which NPPF specifically identifies as an 'irreplaceable asset'. SRWT firmly believes that the scale, nature and location of the proposals will serve to cause extensive and irreversible loss of a major part of the ancient woodland area (and residual damage to the remnant).

2. Planning Policy Context

It is the strongly held position of SRWT that the proposals would, at the highest level of policy and law fail against NPPF tests as:

- The development plan does not support the proposals, contrary to the view taken by the applicant;
- NPPF *specifically* seeks to protect ancient woodland, a status not afforded to other rare habitat types;
- *Material considerations* (such as debateable 'need' and commercial objectives) should not justify a decision to be reached contrary to the development plan; and
- The proposals are clearly not sustainable. Indeed the application may be considered to epitomise *un-sustainable* development.

Proposed compensatory measures (which in any case should always be a last resort, not a starting position), are wholly insufficient to constitute adequate compensation at an ecological level, and therefore the environmental strand of the developer's argument is fundamentally lost. In this context, sustainable development *cannot* be achieved at Smithy Wood and the presumption in favour of development does not exist.

The proposal does not constitute a type of development which planning policy accepts as appropriate within the green belt. The developer makes a claim that very special circumstances 'clearly' exist in the case of the proposals, but SRWT strongly reject this claim.

The council should not be minded to take a position contrary to established policy for the natural environment and green belt because of non-comparable cases elsewhere in the UK. Implied threats that the refusal of the case would be unreasonable and lead to a vulnerable position at appeal in the light of claimed precedent at other locations should carry no weight. In the opinion of SRWT, The Council should reject the claimed strong need for the MSA.

SRWT strongly disagrees with the applicant's claim that, on balance, the claimed benefits of the proposals would clearly outweigh local environmental harm, and hence constitute very special circumstances in which irreplaceable ecological assets and the principles of Green Belt can be sacrificed. 'Need', to the degree necessary to take a decision against such a raft of policy protection does not exist, and consequently the Council should refuse this application in line with national and local policy frameworks.

3. Environmental Statement

Aspects of the survey methodology and evaluation across a range of species are inadequate. In particular, the Breeding Bird Survey Report provided by the developer was completely inadequate to fully document the potential species assemblage and raises serious concerns about the methodology used. In summary:

- Unsuitable timing of survey visits: standard BTO bird surveying techniques specifically emphasise avoiding the dawn period
- Unsuitable methodology to cover full potential species assemblage including several identified in the desktop survey:
 - No specific nocturnal, or even crepuscular, surveying: this could mean that a number of species were missed including possible Schedule 1 (Wildlife and Countryside Act, 1981) species, known to have occurred within a few km of the site.
 - No specific raptor surveying
 - No wintering bird survey

Further concerns are raised in relation to Bats, Fungi, and Badgers.

We also note that the Cumulative Impact section does not include any reference to HS2. For the developer not to have added it to this list in the ES is a major and misleading omission.

4. Proposed Compensation

We believe that the developer's statement that *'The proposed development will not be affected by HS2 should it go ahead'* is misleading because although the actual development footprint may not be directly affected by HS2, a considerable amount of the proposed package of mitigation and compensation offered to secure the site for development will be.

For example, the route is expected to bisect Hesley Wood, the 13.23 ha of existing Local Wildlife Site that has been offered as part of the compensation package. Also, NW1 lies in the path of HS2 and so 6.96ha of the compensation from new planting can effectively be discounted.

Whilst it is obviously welcome to secure the long-term management of existing and important Local Wildlife Sites such as Thorncliffe Wood, Parkin Wood and Hesley Wood, these woodland have been both accessed by the community and managed informally for many years by groups of local volunteers. They are already existing Local Wildlife Sites therefore the additionality that the improved management of these sites offers, in terms of habitat and ancient woodland site restoration/re-creation, is limited, especially when compared to the total loss of over 10ha, and considerable impact on the remaining remnant, at Smithy Wood.

Finally, a key aspect of any proposed compensation is the long-term maintenance and the ongoing commitment to funding future management. The Environmental Statement refers to 'resource' and indicates that local wildlife organisations and community groups will be expected to contribute. We find this a really quite staggering proposal. This seems to suggest that charitable organisations should be spending time and resources on effectively delivering the compensation for the developers' scheme. SRWT advocate that it is the developer that should provide an

upfront long-term resources to deliver the ongoing long-term management (>50years) of any proposed compensation. Public funds eg Council and Heritage Lottery funds should not be considered as a source for supporting this activity. It is the developer who must pay.

In the recent successful legal case brought by Derbyshire Wildlife Trust against development at 'The Sanctuary' local wildlife site in Derby City Centre, there was concern about inadequate compensation measures and the same applies here. In that instance, existing Local Wildlife Sites were used as part of the compensation package. The permission for development was subsequently revoked by the Council.

Attempts to devalue the environmental importance, function and multiple public benefits presented by Smithy Wood are unjustified and suggest an approach by the developers which does not seek to properly acknowledge the full environmental significance of this environmental asset. In doing so, it seeks to encourage a decision to be reached in which the full balance of considerations is biased because of insufficient weight being afforded to the site's inherent ecological importance and rarity and over-emphasises the value of the compensatory measures.

This application is opportunistic. It is about significantly increasing the financial value of private land by significantly decreasing the environmental and amenity value of the site for wildlife and local people.

Finally, with proper management, Smithy Wood could be restored to biological health, to an amazing habitat and amenity space for the benefit of people and wildlife.

I hope the Council will consider our representation and as a result refuse this application.

If you require any further information on any of the points raised, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Liz Ballard', with a stylized flourish at the end.

Liz Ballard
Chief Executive
Sheffield and Rotherham Wildlife Trust



**Sheffield &
Rotherham**

Detailed Response on behalf of Sheffield and Rotherham Wildlife Trust To Planning Application: 14/01079/OUT:

'Erection of a motorway service area including proposed facilities building, hotel, filling station, parking facilities for all vehicles, access and circulation internal roads, structured and natural landscaping with outside picnic space and dog walking area, associated infrastructure and earthworks (Town and Country Planning (EIA) Regulations 2011 Schedule 2 proposal) | Smithy Wood Cowley Hill (Adjoining Junction 35 Of M1 Motorway) Sheffield 35'.

Who we are: The Sheffield & Rotherham Wildlife Trust

Sheffield & Rotherham Wildlife Trust is a local charity and company limited by guarantee whose vision is *'to see a living landscape – an amazing, green landscape for the wildlife and people of Sheffield and Rotherham which is understood, enjoyed and cared for by local people and organisations.'* We are led by a Board of 13 Trustees elected by our membership. We employ over 30 local people and have over 50 regular volunteers as well as a wider community of occasional volunteers. We are part of a national federation of 47 Wildlife Trusts across the UK.

We were established by a small group of ecological enthusiasts in 1985 (originally known as Sheffield City Wildlife Group). They persuaded the City Council to allow them to develop a 'show-piece urban nature park' at a tiny site near the city centre. Everything was done by volunteers and Sunnybank soon became Sheffield's first urban nature reserve.

We now have over 6,000 local members (and growing) and manage 11 Nature Reserves ranging from small urban green spaces, such as Sunnybank, to the open moorland SSSI of Blacka Moor and the fantastic ancient woodland at Greno. Of these 11 Reserves, 9 have been leased to us since 2000 by Sheffield City Council and on a long-term basis. We are working to extend these Reserves and create connections with other protected and important local wildlife sites so that there is a mosaic of urban, semi-urban and rural green spaces across Sheffield and Rotherham and into South Yorkshire and Derbyshire.

In 2008 we embarked on an ambitious vision to create a new nature reserve on the site of one of Rotherham's largest steel foundries. Centenary Riverside is an award winning urban wetland

nature park brimming with invertebrates, birds and mammals and playing a vital part in Sheffield and Rotherham's flood alleviation strategy. Centenary Riverside demonstrates how, when we work *with* nature, we can find innovative and creative solutions to local problems that benefit people and wildlife.

Our more recent local wildlife successes include:

- planting thousands of native trees in our Reserves and other public green space
- improving more than 500 hectares of wildlife habitat
- successfully reintroducing white clawed crayfish (nationally threatened species) in the western valleys of Sheffield and
- improving heathland management such that nightjars are now breeding at one of our Nature Reserve.

In addition to our land management, last year we engaged 14,000 local people in activities that support local health, wellbeing, education and the economy (including 5,000+ children/young people, 130 volunteers, 500 older people and 90 adults who completed accredited training).

Our Heritage Lottery funded *Skills for Wildlife programme* has supported 30 local young trainees (14-19) over three years. Two thirds of those trainees who completed feedback progressed to further education, training, volunteering or employment in the environment sector, including roles within the City Council.

We have drawn down regular investment into the Sheffield and Rotherham area by accessing a variety of funds and grant schemes. We have previously drawn down over £230k of WREN landfill tax funding to improve access routes, habitats, overall site quality/standards (Sheffield standard) and activity provision across our Reserves and other Sheffield City Council sites. We are currently delivering a programme of further investment, funded by WREN, along the Rotherham Rivers e.g. near Catcliffe, including working with partners such as Tata Steel.

Our recent purchase of over 120ha of ancient woodland at Grenoside was in response to local peoples' concern about the private sale of a native broad-leaved and plantation ancient woodland. Many local people volunteered their time and money to support the Trust in purchasing the site – and continue to help us manage it. We are now investing in this site, with help from Heritage Lottery Fund and Viridor (nearly £1m overall), restoring and re-creating a semi-natural ancient woodland for the benefit of local people and wildlife.

Reasons for Objection

1. National Importance of designated Ancient Woodland

Ancient woodland is defined as an area that has been continuously wooded since at least 1600 AD. It supports more threatened species than any other habitat in the UK, however, only around 550,000ha remains. It is a functionally irreplaceable resource for biodiversity that is also an important part of our cultural heritage. However, nationally, ancient woodland is under threat.

As well as providing a wildlife and recreational resource for local people, woodlands can be part of a sustainable economy. Jobs and revenue streams are created through direct woodland management posts, timber management and the supply of sustainable biomass fuel. The woodland itself also provides natural 'services' for people, for example CO₂ and rainwater absorption. SRWT is working towards exemplifying this model of sustainable woodland management through its work at Greno Woods.

['Keepers of Time'](#), issued in 2005 by Defra/The Forestry Commission, is a statement of policy for England's ancient and native woodland that re-emphasises their value and includes six policy statements for ancient woodland:

- The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland.
- Ancient and native woodland and trees should make an increasing contribution to our quality of life.
- Ancient and native woodland should be exemplars of sustainable development, and provide opportunities for enterprise and employment.
- The ecological condition of ancient and native woodland should be improved and maintained.
- Rare, threatened or Priority species associated with ancient and native woodland should be conserved and enhanced.
- The cultural heritage associated with ancient woodland and veteran trees should be protected and conserved.

Keepers of Time recognises a number of threats to ancient woodland, making specific reference to the threat posed by development pressures:

'There are still occasions where native and ancient woodland is threatened by development, and many woods suffer attrition through incursions at their boundaries. Even if the woodland itself is protected, it can suffer serious disturbance where houses or roads are built right up to its margins, both directly from the impact of development, or indirectly through changes to drainage.'

Sheffield prides itself on its woodland, especially its ancient woodland resource. Sheffield and Rotherham Wildlife Trust is working with partners to restore a 'Network for Nature' through the city and the woodlands in north-east Sheffield form an essential part of this corridor. Smithy Wood is part of the Network for Nature – a network that is constantly under erosion. The gradual loss of smaller sites such as Smithy Woods adds up over time to a significant loss in woodland to Sheffield – something that is special and unique about the city.

Local people care deeply about ancient woodland as indicated by the application from Cowley Residents Action Group to have Smithy Wood designated as a Town/Village Green.

The CRAG Town/Village Green application was submitted prior to this planning application and has been accepted as a valid application. It is therefore critical that the Council consider this application.

Smithy Wood: Ancient Woodland Definition, Value and Status

Natural England and the Forestry Commission are statutory consultees on this application. In response, the letter dated 31 March 2014 from Hannah Bottomley, Natural England, referred the Council to the recently updated '[Standing Advice on Ancient Woodland](#)'. As the Council will be aware, this constitutes a substantive response and must be taken into account by the Council in the determination of this application.

This standing advice is extremely helpful in highlighting some issues of particular relevance to Smithy Wood, for example (SRWT emphasis):

4.2 'Continuously wooded' does not require there to have been a continuous physical cover of trees and shrubs across the entirety of a site. Open space, both temporary and permanent, is an important component of woodlands. Habitats such as glades, deer lawns, rides, ponds and streams, as well as gaps created by natural disturbance, and normal forestry such as tree-felling and coppicing may all occur within woodland and add to its diversity....

4.3 In most, if not all ancient woods, the trees and shrubs have been cut down periodically as part of the management cycle. The time between the felling occurring and the tree canopy being re-established will vary depending on the management regime, and regrowth may be delayed by deer grazing or other factors. Provided that the area has remained as woodland, the stand is still considered ancient. Since it may have been cut over many times in the past, ancient woodland does not necessarily contain very old trees.

4.4 Ancient woodland includes both ancient semi-natural woodland and plantations on ancient woodland sites:

Ancient semi-natural woodland (ASNW) is where the stands are composed predominantly of trees and shrubs native to the site that do not obviously originate from planting. However, woodlands with small planting of trees native to the site would still be included in this category. The stands may have been managed by coppicing or pollarding in the past or the tree and shrub layer may have grown up by natural regeneration.

Plantations on ancient woodland sites (PAWS, also known as ancient replanted woodland).

These are areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, predominantly of species not native to the site. These will include conifers such as Norway spruce or Corsican pine, and also non-native broadleaves such as sweet chestnut. These sites often retain some ancient woodland features such as soils, ground flora, fungi, and woodland archaeology – and they can respond well to restoration management.

4.5 As set out in the NPPG, both ASNW and PAWS are ancient woodland, and thus both types should be treated equally in terms of the protection afforded to ancient woodland in the NPPF.

4.8.1 Ancient woodland is of prime ecological and landscape importance, providing a vital part of a rich and diverse countryside. In particular, ancient woodland:

- *Is exceptionally rich in wildlife, and supports many rare and threatened species;*
- *May contain surviving descendants and features from the original natural forests;*
- *Acts as reservoirs from which wildlife can spread into new woodlands;*
- *Has valuable soils due to their undisturbed nature;*
- *Is an integral part of England's historic landscapes and the biological and visual functioning of a landscape;*
- *Contains a wealth of features of historical and archaeological importance little altered by modern cultivation or disturbance;*
- *Contributes to people's sense of place and imagination.*

In summary, it is the whole composition of the ancient woodland setting and ecosystem that is of value, irrespective of the tree type or age.

This point is further illustrated by the following extract:

6.5.5 Ancient woodland translocation: An ancient woodland ecosystem cannot be moved. It has developed over hundreds, and sometimes thousands of years – it is this presence at the same site that makes it ancient woodland. The soil composition and structure, varied topography, range of micro-habitats, species assemblages, and mycorrhiza fungi associations with tree roots, cannot be moved intact.

Therefore, although Smithy Wood is not considered to have trees greater than 120 years by the developer (p25 Ecology report) and a 'paucity of mature trees' (p26 Ecology Report) it is nevertheless designated ancient woodland supporting an old and complex ecosystem. This is further re-enforced by the reference to Smithy Wood in Mel Jones' book 'Sheffield's Woodland Heritage' p12, which highlights Smithy Wood in a list of 'spring woods' – those woods in c15th/16th century in Sheffield that were cut on a regular basis to allow for the cropping of small trees or 'poles' that could be cut for sale. Although the current tree girths in Smithy Wood may indicate a 'paucity of mature trees' this does not preclude the fact that some of the tree roots and coppice stools may be extremely old.

Natural England further emphasised the status and value of Smithy Wood as an ancient woodland in their report of 4 April 2014 (Emma Goldberg, Forestry and Woodland officer, Natural England), as illustrated by this extract below (SRWT emphasis)

7.1 There is no question as to the historical accuracy of Smithy Wood as an ancient woodland site. There is, however, clear evidence that much of it has been lost (its original area was much bigger, and has been lost to road building, mining and building). The key question is whether the central area of Smithy Wood has been so badly degraded by being adjacent to these activities that it can no longer be considered as ancient woodland.

The quality of the ancient woodland is not considered material as to whether it is still "worth keeping". For example, plantations on ancient woodland sites are considered the same as ancient semi-natural woodlands in planning terms. However, where soils have been severely disturbed,

grubbed out, built over, etc, they would no longer be considered as ancient woodland. There is a small amount of discretion around how big an area can or should be mapped, and whether industry within a woodland constitutes damage or loss to that woodland. For example, the ancient woodland inventory specifically includes areas in Buckinghamshire that have significant areas of chalk pits dug throughout the woods.

The only area of consideration is effectively the spoil-heap beside the motorway. This is a sizeable area, of over half a hectare, and it is my opinion that it should probably be mapped, and removed from the inventory. (See approximate blue area below – this would need to be properly mapped)

Even accepting that a small area of the site may have been lost due to a spoil heap following the motorway construction (this needs confirmation), Smithy Wood remains on the Ancient Woodland Inventory as a valued ancient woodland site supporting a complex and important ecosystem, recording part of Sheffield’s heritage.

This clearly counteracts the Environmental Statement’s highly misleading and inaccurate mapping of Smithy Wood in fig 6.1 ‘Extent of Ancient Woodland’.

Smithy Wood is designated a Local Wildlife Site of 20.04 ha (+ 2.3 ha adjacent to it) according to the Council’s GIS information layer. Of this 15.7ha is mapped on the Natural England Ancient Woodland Inventory GIS layer.

Even if a small area, say 0.7ha, is removed for the inventory, this still leaves a designated Ancient Woodland site of approximately 15ha.

Smithy Wood continues to support at least 15ha of designated ancient woodland - nearly double the area quoted by the applicant as 8.6ha (Environmental Statement, Chapter 6 Ecology p16 6.1). This illustrates a recurring theme throughout the application, which is to considerably underplay the natural, historical and social value of Smithy Wood.

This outline application is seeking to develop 10.76ha of Smithy Wood resulting in the direct loss of more than 50% of the Local Wildlife Site.

There is no clear figure present in the Environmental Statement as to exactly how much of the designated ancient woodland site would be lost as a direct result of the development. This does not support the approach laid out in the EIA Regulations that intend Environmental Statements to be clear and understandable by the public.

Without the relevant GIS data it is difficult for us to calculate but it appears that over 50% of the designated ancient woodland site would be lost as a direct result of the development. This will not only result in the destruction of an ancient woodland site and its ecosystem, but also the effective loss of a local wildlife site, the ecosystem services the wood provides and the loss of any historical features within the development footprint.

In the past, MSA developments have been restricted to no more than 500sqm. As the Council is aware this proposal is for:

- 3000sq m of food and ancillary retail for sale and consumption of hot & cold food on and off the premises
- Filling station with a forecourt shop
- Parking for over 530 cars and nearly 70 HGV spaces and 13 coach spaces
- An 80 bedroom hotel
- An related internal and access roads, landscaping, services etc

This is not a proposal to fulfil a claimed need to be a ‘refuge’ for drivers. It is quite clearly a major retail development proposal for an MSA six times bigger than most, requiring a significant footprint.

[The Dept of Transport’s circular 02/2013 ‘The Strategic Road Network and the Delivery of Sustainable Development’](#) refers to retail activities in section B29 as follows (SRWT emphasis):

The scope and scale of retail activities at roadside facilities is a matter for consideration by the relevant local planning authority in line with the National Planning Policy Framework and local planning policies. However, local planning authorities should have regard to the primary function of roadside facilities which is to support the safety and welfare of the road user.

In addition, if approved, the development will be immediately adjacent to the remaining, increasingly isolated, remnant of ancient woodland. Referring again back to Natural England’s Standing Advice (see above reference) consideration needs to be given to the potential development’s impact on the remainder of the site, including:

- Further fragmentation and loss of ecological connections with the surrounding woodlands and especially the ecological network to the north. This is exactly the opposite approach to the [Lawton Review ‘Making Space for Nature’](#): *The essence of what needs to be done to enhance the resilience and coherence of England’s ecological network can be summarised in four words: more, bigger, better and joined.* This approach was further re-enforced in the Government’s White Paper: A Natural Choice. E.g. Chapter 1, p9.
- Potential effects on the root system, soil fungi etc adjacent to the development footprint pre- and post- construction
- Increased exposure of the remaining ancient woodland site to traffic pollution along with a reduction in air quality due to the direct loss of nearby woodland cover;
- Increased light pollution both during and post-construction – particular affecting nocturnal wildlife such as bats

In conclusion, Smithy Wood Local Wildlife site includes over 15ha of irreplaceable ancient woodland - a national asset - which is recognised for its ecological importance within the adopted and emerging Development Plan as well as being of a habitat type which NPPF specifically identifies as an ‘irreplaceable asset’¹. SRWT firmly believes that the scale, nature

¹ NPPF 118

and location of the proposals will serve to cause extensive and irreversible loss of most (and residual damage to the remnant) ancient woodland area.

This application is opportunistic. It is about significantly increasing the financial value of private land by significantly decreasing the environmental and amenity value of the site for wildlife and local people.

2. Planning Policy Context

In a 'plan-led' spatial planning system, application and compliance with national and local planning policy should be at the very core of the council's focus in its consideration and determination of the proposals. The following sections set out SRWT's interpretation of how the proposals fail to meet the clear imperatives to safeguard such environmental and community assets embedded in planning policy.

2.1 NPPF and Higher Tier Legislative and Policy Context

The council will be fully aware that Planning and Compulsory Purchase Act 2004, section 38(6) states:

"38(6) If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The National Planning Policy Framework (NPPF) includes the much-heralded *presumption in favour of sustainable development*. Specifically paragraph 14 states (SRWT's emphasis):

*'At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.'*

It goes on to state that:

*'For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.'*

It is the strongly held position of SRWT that the proposals would, at the highest level of policy and law fail these tests as:

- The development plan does not support the proposals, contrary to the view taken by the applicant;
- NPPF *specifically* seeks to protect ancient woodland, a status not afforded to other rare habitat types;
- *Material considerations* (such as debateable ‘need’ and commercial objectives) should not justify a decision to be reached contrary to the development plan; and
- The proposals are clearly not sustainable. Indeed the application may be considered to epitomise *un-sustainable* development.

Specific and pertinent detail of NPPF is considered as follows:

National Planning Policy Framework:

Further to the high-level statement in relation to presumption in favour of sustainable development, NPPF goes on to place great weight in the decision-making process of the value of certain ecological assets, the need for functional and robust ecological networks to be protected and enhanced, and the public value benefits of Green Infrastructure.

NPPF Part 11 - Conserving and Enhancing the Natural Environment

The following **extracts** from part 11 of NPPF are pertinent to the application and demonstrate the validity of SRWT’s position (*SRWT emphasis applied*):

‘The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure’²...*

‘To minimise impacts on biodiversity and geodiversity, planning policies should:

- *identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;*
- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to*

² 109 NPPF

*national and local targets, and identify suitable indicators for monitoring biodiversity in the plan*³...

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;'⁴*

NPPF Part 9 - Protecting Green Belt Land

The application site also falls within the Sheffield and South Yorkshire Green Belt. Again it can be seen that the national policy position in relation to the Green Belt is such that the proposals should only be permitted where the need for the development would constitute 'very special circumstances'. The following extracts from NPPF are significant elements of national policy which the council must have full regard to from the outset of its determination of the proposals (*our own emphasis applied*):

'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.⁵

'Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'.⁶

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.⁷

³ NPPF 117

⁴ NPPF 118

⁵ NPPF 79

⁶ NPPF 81

⁷ NPPF 87

*'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*⁸

'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:....(includes)

- *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*⁹.

2.2 Local Plans and Policies

Development Plan Policy

Whilst the 'development plan' consists of policy documents of differing status (in relation to adoption), they offer a strong and reasonably up-to-date framework of local policies which work alongside and add to the national policy objectives of NPPF described above. It is important to note that where saved local development plan, plan policies pre-date and are inconsistent with NPPF, they would carry very little weight in determining planning applications.

The **Core Strategy** (2009) sets out a cascade of strategic objectives and policies. The most pertinent elements relevant to this proposal are set out as follows:

Strategic Objectives of the Core Strategy (SRWTs emphasis added):

'3.32 Objectives for A City that Prizes its Green Environment (Challenge 13):

- S13.1 Natural and landscape features, including valleys, woodlands, trees, watercourses and wetlands, safeguarded and enhanced*
- S13.2 Biodiversity and wildlife habitats protected and enhanced throughout urban and rural areas*
- S13.3 Areas and features of particular ecological or geological value protected and enhanced*
- S13.4 Open space protected and improved and, where necessary, created*
- S13.5 Access to natural areas and countryside improved'*

'3.34 Objectives for A City with Character (Challenge 14):

⁸ NPPF 88

⁹ NPPF 90

- S14.1 *Enhanced character and distinctiveness of neighbourhoods, respecting existing local character and built and natural features to provide the context for new development..*
- S14.3 *The landscape and character of the villages and countryside, including the urban/rural fringe, protected and enhanced.*

Spatial Strategy elements of the Core Strategy include:

'Chapelton/High Green and Stocksbridge/Deepcar

4.27: Chapelton and Stocksbridge are both designated as 'Principal Towns'..... 'Development in these settlements will be confined to their existing urban areas and expansion into the surrounding countryside not already protected as Green Belt will be strongly resisted. Provision for local jobs will be promoted on redevelopment sites in the Chapelton area and in Stocksbridge to support a degree of self-containment to reduce the need to travel out to work'.

'Policy CS 71:

Protecting the Green Belt

Countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not be subject to strategic or local review. Exceptionally, changes may be made to remove untenable anomalies where the change would not undermine the purposes or objectives of Green Belt in that area. Development needs will be met principally through the re-use of land and buildings rather than through expansion of the urban areas and villages.'

'Policy CS 73:

Strategic Green Network Policy

'Within and close to the urban areas, a Strategic Green Network will be maintained and where possible enhanced, which will follow the rivers and streams of the main valleys...and include other strategic corridors through.... Blackburn Brook Valley and its tributaries'

This network is constantly under erosion. The gradual loss of sites such as Smithy Wood add up over time to a significant loss in woodland to Sheffield – something that is special and unique about the city.

The emerging **City Policies and Sites Pre-Submission Plan** (June 2013) represents an advanced version of the replacement policies for the 2009 Core Strategy, and serves to provide a clear indication of council priority and aspirations for the spatial development and protection of the city and its environmental assets. Amongst its key elements pertinent to the application proposals is Policy G1 (SRWT emphasis added):

'Policy G1 (extract)

Safeguarding and Enhancing Biodiversity and Features of Geological Importance

New development will not be permitted where it would cause significant harm to habitats and sites of nature conservation or geological importance.

New development should:

- *safeguard and enhance, wherever possible, existing natural and semi-natural features and habitats such as trees, woodland, hedges, watercourses, lakes, ponds, reservoirs and dams and rock outcrops that contribute to the biodiversity of the site and neighbouring areas; and*
- *minimise any harm caused to habitats or species, especially to those identified as being of national, regional or local importance, and to species protected by law; and*
- *provide new areas of habitat as part of new open space, or features to encourage wildlife, as appropriate to the location; and*

Local Nature Sites will be protected and enhanced and Local Nature Reserves will also be maintained for their wildlife value, for community use and as an educational resource. Development that would significantly harm their wildlife or geological value, either directly or indirectly, will not be permitted other than in exceptional circumstances, when the developer will be required to:

- *ensure the loss is kept to a minimum and include measures to mitigate any harm; and*
- *compensate for any loss by creating or enhancing habitats of equal or greater value elsewhere within the site or nearby, and recording of features of geological significance that would be unavoidably lost or damaged.*
- *carry out any compensatory measures before the accepted damage takes place.'*

On sites where new open space is provided as part of the development, new areas of habitat should be created.

The draft **Proposals Map** reaffirms that Smithy Wood remains as a designated Local Wildlife Site (ecological) as well as an important landscape feature and significant element of the city's Green Infrastructure.

The plan goes on to present policy specifically developed to protect the distinctive and multi-functional trees and woodland resource across the city. It states (SRWTs emphasis added):

'Policy G3 (extract)

Trees, Woodland and the South Yorkshire Forest

All new developments should include tree planting, unless not practicable, with priority being given to sites next to roads, footpaths, open spaces and the Green Belt.

Developments should also retain and integrate healthy, mature trees and hedgerows and replace any trees that need to be removed. Development will not be permitted that would directly or indirectly damage existing mature or ancient woodland, veteran trees or ancient or species-rich hedgerows.

The plan also seeks to integrate landscape management and protection into the policy framework, which is supported by SRWT given the importance of the distinctive landscape setting and features that partially define sense of place across the city. Policy GB6 includes (SRWTs emphasis added):

'Policy G6B (Extract)

Landscape Character

Development within, or conspicuous from, Countryside Areas, will only be permitted where it would safeguard the identified character and features of the following landscape character areas:....

- e.) Upland Wooded Ridges and Slopes'*

The development site falls squarely within '**Upland Character Area (e)**' and hence the policy provisions tailored to it should be material to the determination of the proposals.

Sheffield and Rotherham Wildlife Trust does not contest that across this national and local planning policy framework there is also a clear level of support for the fostering of economic development and regeneration, but in the context of the character and ecological importance of the site, and the policy framework in place pertinent to those assets, we believe that any balance of judgment favouring economic development over the harm caused cannot be reasonably reached.

Whilst it is acknowledged that both national and local planning policy also seeks to foster economic and social development, regeneration and community regeneration, it can be seen that in very important respects, the proposals to deliver such significant built development, which are not related to the specific needs of Sheffield, on a site of nationally recognised ecological value within the Green Belt and of recognised landscape importance, fail to meet multiple and critical tests of national and local planning policy.

A Sustainable Development?

First, it is evident from the NPPF that the concept of sustainable development does NOT mean reference to just physical development and whether a particular operation or use is 'sustainable'. It relates to the broader concept of development that works for society and the environment as well as the economy. This is clear from the Ministerial Foreword to the NPPF:

The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means

growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment. Our natural environment is essential to our wellbeing, and it can be better looked after than it has been. Habitats that have been degraded can be restored. Species that have been isolated can be reconnected. Green Belt land that has been depleted of diversity can be refilled by nature – and opened to people to experience it, to the benefit of body and soul. Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers.

NPPF presents a presumption in favour of sustainable development. But what *is* sustainable about the proposals? Sustainability depends upon the safeguarding of resources on which we depend, which if lost today cannot be replicated in the future. Sustainable development depends upon the meeting of economic and social/community needs *within* the capacity of the natural environment to do so. Sustainable communities and economies are those where multiple benefits are *derived from* the maintenance and enhancement of functional ecosystems which bring with them ecosystem goods and services which are increasingly recognised as being the ‘life support system’ of the planet. Sustainable development is about meeting our competing needs whilst protecting and enhancing sense of place and local distinctiveness.

Part 11 of the developer’s planning statement suggests that because (acknowledged and significant) environmental harm would accrue from the proposals, but mitigation and compensatory measures are of such a magnitude, that together with the economic and road safety benefit of the proposals sustainable development would be achieved. SRWT strongly refutes this claim. **Proposed compensatory measures (which in any case should always be a last resort, not a starting position), are wholly insufficient to constitute adequate compensation at an ecological level, and therefore the environmental strand of the developer’s argument is fundamentally lost. In this context, sustainable development *cannot* be achieved at Smithy Wood and the presumption in favour of development does not exist.** Integration of sustainable design measures within the development proposals are of little relevance compared to the benefits of maintaining and enhancing the ecological resource of the ancient woodland. Please refer to 4. Proposed Mitigation section below for more details.

The Ecological and Landscape Resource

In relation to important environmental assets, and in particular semi-natural ancient woodland, the NPPF presents an extremely robust policy framework ensuring the safeguarding and importantly, the enhancement as priority planning objectives. This proposal runs wholly against the grain of the positive impact the planning system should have on the natural environment and its key assets, which should be fostered and enhanced. **NPPF takes a strong and categorical position of the cascade of considerations when key ecological assets are threatened. Avoidance**

of the site, for instance by development elsewhere, should be the first step for consideration in the Mitigation Hierarchy. Is this really the only location for such a development? Is there really a 'need' for this development here? Again please refer to Natural England's Standing Advice and in particular the 'flow chart'.

Unless the harm caused by a proposal can be 'adequately mitigated' or as a '*last resort*, compensated for' then the proposal should be refused. It stands to reason that *mitigation* of the substantial loss of scarce and irreplaceable ancient woodland at the scale proposed is, by definition, impossible, and it is widely accepted that the provision of new woodland areas can never (in human timescales) compensate adequately for the destruction of ancient woodland in ecological terms. Hence, at several levels NPPF would clearly point towards the refusal of the proposal.

At the local level, planning policy clearly recognises that Sheffield, as an urban authority has a very significant and unique natural environmental resource (including its landscape) which is fundamental in shaping its character and bringing social, health and economic benefits to the communities and business of the city. A raft of adopted and emerging planning policies recognise the fundamental importance of protecting this precious and fragile resource against loss and damage, and instead point to positive on-going enhancement and management to sustain those significant multi-functional benefits they deliver.

Local development plan policy takes a positive and specific approach to protecting the combination of topography and woodland which characterise the area of the application site, and the objectives for it are protection and conservation orientated. Removing an ancient woodland site and building a MSA with retail, hotel and fuel station does not constitute a sound landscape led approach in any true interpretation of the concept. To suggest also that the design of the MSA would be of such quality that it would create a 'gateway' to the city and create 'sense of place' is questioned when the (claimed) justification for the proposal is to service passing travellers which are by definition not seeking to visit the city.

Green Belt and 'Very Special Circumstances'

The proposal does not constitute a type of development which planning policy accepts as appropriate within the green belt. National and local planning policy make it clear that 'very special circumstances' must be found to exist before inappropriate development is permitted with the Green Belt (and hence acknowledging the proposals would be counter to Green Belt principles of maintaining openness and its permanence). The developer makes a claim that very special circumstances 'clearly' exist in the case of the proposals, but SRWT strongly reject this claim.

The developer's claim for 'very special circumstances' to exist is based upon the 'need' for the development, both in terms of provision and its very specific location outweighing the

acknowledged environmental costs. The case for a need is presented within supporting material primarily as a function of the benefits accrued through:

- MSAs economically and for road safety reasons;
- Satisfying DfT Circular 02/2013 standards for MSA separation distances, and;
- An absence of appropriate sites for the development in less environmentally sensitive locations.

This case is however ill-conceived as examined below. Given the magnitude of environmental cost at stake, no justification for very special circumstances can be seen to exist, let alone be 'compelling' and 'clear' as the supporting statement claims.

Reference to (and hopeful reliance upon) other cases where MSAs have been approved in the green belt are of little relevance to the case at Smithy Wood. Those cases on the M25 reflect different circumstances in respect to meeting Circular 02/2013 guidelines and were situated on the M25 where alternative routes cannot be found to exist, unlike the spurious case used in this instance for a shortfall in MSA provision between the M1 and A1/M18 sites. The council should not be minded to take a position contrary to established policy for the natural environment and green belt because of a non-comparable case elsewhere in the UK. Implied threats that the refusal of the case would be unreasonable and lead to a vulnerable position at appeal in the light of claimed precedent at other locations should carry no weight. In the opinion of SRWT, The Council should reject the claimed strong need for the MSA (as opposed to recognising some uncertain economic / employment benefits).

The supporting material to the application claim that the proposals would *not compromise* the purposes of the Green Belt (10.19 of the planning statement). Its claims that open spaces around the site have been lost or degraded over the years only reinforces the need to be robust and vigilant in protecting exiting open spaces in the urban fringe, and not sacrificing it when the first commercial opportunity presents itself. Landscape quality is not a consideration in Green Belt function or importance. Its openness or absence of built development is the primary characteristic. **The statement's claim that the proposals offer a 'unique opportunity to safeguard the Green Belt and countryside' and that the M1 would present a better defensible boundary to the Green Belt - appears to us to be simply perverse.**

2.3 Need for the MSA?

In relation to need in meeting DfT standards for MSA provision on the strategic road network, there is clearly no actual shortfall on the M1 in this area so the fundamental justification for the services on road safety grounds falls. The separation distances between Woodall MSA in the south and Woolley Edge MSA to the north satisfactorily meets existing standards. This is acknowledged by the developer in the planning statement table 4.1. Consequently, it has been necessary for the applicant to rely upon claimed marginally longer travel *times* over this distance

(rather than absolute distance of separation) due to congestion at peak periods – and hence present a ‘need’. There must be few stretches of motorway around the conurbations of the UK where this is not the case at peak times. By the developer’s own planning statement reckoning, around 80% of journey times through this section of the M1 actually do meet DfT standards. Moreover, the claimed shortfall in provision of MSAs within DfT guidelines for traffic travelling between Blyth Services on the Nottinghamshire A1 or the Doncaster North Services on the M18 and the Woolley Edge MSA would seem almost irrelevant, and certainly not sufficient to justify a departure from a strong policy framework resisting harmful and inappropriate development. This is because even a cursory glance at the strategic road network would strongly suggest that the number of trips generated between these two existing services with Woolley Edge MSA must be *very* infrequent as it would require a driver to take a longer more circuitous route, including not using the A1 (M).

In addition, the developer openly acknowledges that the decision to locate the proposed MSA is based on viability reasons (because of relative distances to neighbouring MSAs) and that DfT circular recognises that the delivery of MSAs will be based upon commercial viability. This would seem to further undermine the case for a genuine road safety/driver refuge need.

We recognise that motorway traffic flows are not our area of expertise but the case made in the proposal does not offer the justification or need for the development to exist to the degree proposed by the developer, and hence claims set out across the proposals’ accompanying planning statement of a *clear* outweighing of ecological and environmental harm by socio-economic benefits are grossly exaggerated and should be considered with some scepticism by the Council.

SRWT would therefore suggest that this proposal, which has no over-riding specific need to be in this precise location apart from commercially driven ones, epitomises *unsustainable development*. The development would result in the permanent loss of a nationally recognised, scarce and irreplaceable component of the natural environment.. It would undermine the importance and fundamental principles of the Green Belt and degrade local character. Public amenity within a rich ecological context will be lost permanently, and the potential to enhance all positive components of the site for public and wider economic benefits (acknowledging that recent site management has been poor) will be removed.

On balance of considerations, SRWT has sought to demonstrate that the national and local planning policy context for the proposals in this location are up-to-date and highly restrictive, reflecting the very special inherent nature and functionality of the site in question. Any approval of the development could therefore only be made as a clearly exceptional circumstance in relation to the benefits that would accrue from the proposals or harm caused by not allowing it.

We believe that the functional and safety needs for the MSA at this location are weak and do not stand close scrutiny. The case made for such a 'need' – or 'very exceptional circumstance' - for the MSA at junction 35 is actually being used to justify approval of what would be a major commercial opportunity for the developer. Indeed the planning statement openly recognises the fundamental driver of the application is as a commercial venture, albeit one meeting a *claimed* public need.

The level of ecological harm caused would be significant and irreversible (see section 1). The developer has sought to down-play this element of the proposal and to over-state the value of claimed environmental benefits delivered through compensatory provision of woodland and management of existing resources (see section 3). We maintain that such measures are in no way an adequate compensation for the permanent loss of the ecological and future green infrastructure benefits the site can deliver indefinitely.

Whilst local economic benefits may accrue from the approval of the proposals, it would serve to significantly undermine, devalue and erode the future worth of existing and emerging local planning policy (and the local planning process) if those economic benefits were found to justify significant harm to valued local environmental assets. Approval of the proposals would clearly contradict important environmental safeguards embedded within national planning principles and further undermine the delivery of sustainable development, the fundamental objective of the planning system in the UK.

In conclusion, SRWT strongly disagrees with the applicant's claim that, on balance, the claimed benefits of the proposals would clearly outweigh local environmental harm, and hence constitute very special circumstances in which irreplaceable ecological assets and the principles of Green Belt can be sacrificed. 'Need', to the degree necessary to take a decision against such a raft of policy protection does not exist, and consequently the Council should refuse this application in line with national and local policy frameworks.

3. Environmental Statement

The information, surveys and evaluations (chapter 6 Ecology)

Smithy Wood is an ancient woodland and designated Local Wildlife Site within Sheffield's Green Belt. It supports the Biodiversity Priority Habitats of Ancient Woodland and Grassland and a wide range of ancient woodland flora, birds, fungi and butterflies. It has significant historical interest – as described by local historical woodland expert Mel Jones in his book 'Sheffield's Woodland Heritage'.

The site is in private ownership (St Paul's) and has not been recently managed or protected from inappropriate use. The site has suffered damage from 4x4 vehicles and fly-tipping and the central part is somewhat degraded (on the surface) as a result.

However, it is the view of our Woodland Manager, after undertaking a recent site visit with the developer's ecologist that if the woodland were to be properly protected and managed the damaged areas could be restored over time from the existing habitats and ancient woodland soils and seed banks.

Due to the size of this proposal an Environmental Statement has been provided. With specific reference to Chapter 6, SRWT's opinion is that this statement is in parts misleading and does not provide enough environmental information at this present time for the Council to make a decision. This is with reference to the following areas:

- 3.1 Habitat
- 3.2 Breeding Birds
- 3.3 Bats
- 3.4 Fungi
- 3.5 Badgers
- 3.6 cumulative impact

3.1. Habitat

As documented in the 'Preliminary Ecological Appraisal'

4.1.3 The development proposals will result in the unavoidable direct loss of habitats of conservation value as identified by their inclusion within designated Local Wildlife Sites (Smithy Wood) or those habitats which meet the required criteria for habitats of principal importance for nature conservation as defined by local and/or national Habitat Action Plans (Mixed Deciduous Woodland, Neutral Grassland and Ephemeral Short Perennial).

[The Natural Environment and Rural Communities \(NERC\) Act 2006](#) identified Section 41: Habitats of Principle Importance in England. As the Council will be aware, *this list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.*

Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that were identified as requiring action in the UK Biodiversity Action Plan (UK BAP) and continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework.

Lowland mixed deciduous woodland is a S41 priority habitat and as the ES notes at 6.4.8 - 8.56 ha of nationally important habitat will be lost.

Furthermore local important grassland habitat will also be lost entirely from the site. Please also refer to [Sheffield City Council's Local BAP](#) Priority Grassland Action Plans, which notes the following:

Neutral unimproved grassland is now scarce in the UK, with only approximately 15,000 ha remaining in England and Wales. Little is known about the extent of acid grasslands but it is

estimated that there are more than 1.2m ha within the uplands and up to 30,000 ha in the lowlands. Areas of wet grassland have also shown a significant decline in the last 60 years. Between 1930 and 1984 an estimated 97% of semi-natural lowland grassland in England and Wales was lost due to a number of factors. During the 1980's and 1990's losses continued at a rate of between 2% and 10% in various parts of England. The national decline is echoed locally and was highlighted by a Sheffield Wildlife Trust survey carried out between 1998-2001. This found an overall loss of 75.5% of unimproved grasslands within the Sheffield area since the South Yorkshire Phase One Survey had been conducted in 1980.

In conclusion, as well as the impact on an ancient woodland site (as previously stated in the first section of this report), the development will result in the direct loss of over 8ha of nationally important habitat and the complete site loss of a locally important habitat.

3.2 Breeding Birds (Chapter 6, p28)

The breeding bird survey methodology is described from 6.3.49 onwards.

6.3.49 During the breeding bird survey a total of 26 species were recorded on site between 19th April and 6th June 2013. This is considered to represent a low diversity of breeding species, which is perhaps reflective of the widespread disturbance (from the nearby M1 and by 4x4/quad bikes etc) throughout the woodland and lack of over-mature trees with cavities for hole-nesting species.

The breeding bird survey methodology was completely inadequate to fully document the potential species assemblage for the following reasons;

- the desktop survey failed to reference the two major publications on Sheffield area bird populations nor make reference to any of the annual Sheffield bird reports. To our knowledge the developer did not consult the Sheffield Bird Study group data base.
- fieldwork began too late and was curtailed too early to provide accurate coverage
- fieldwork start times did not reflect standard accepted practise
- no nocturnal and crepuscular surveying was done
- no dedicated raptor surveying was done

Because of these inadequacies the survey results significantly underplay the diversity of breeding birds present on site and documented by other sources.

In addition, the presumption that disturbance is to blame is not supported by any specific evidence and due to the inadequacies of the survey methodology and results it is impossible to prove any causal link. No specifics are given on the presumed effects of the nearby motorway on bird breeding populations. The statement that disturbance from 4x4/quad bikes etc is "throughout the woodland" is false.

The statement that the site '*lacks over-mature trees with cavities for hole-nesting species*' may have led to low diversity of breeding species is false. No specifics are given for which hole nesting species are supposedly absent but even the scant evidence provided by the Breeding Birds Survey

Report show both the smallest (Coal Tit *Periparus ater*) and largest (Tawny Owl *Strix aluco*) of such species to be present.

6.3.50 The desk study returned records of 72 species within the 2km search radius. Of these, the site is considered to have potential to support the breeding habitat for 33 species. 26 species were subsequently recorded by the breeding bird surveys.

The inadequacies of the desktop study meant that at least 12 potential species (based on habitat) that have been documented for the tetrad (2km²) containing Smithy Wood have been missed. The total of 26 species is reflective of the inadequacies of both the desktop study and the fieldwork rather than the site. Despite very limited coverage there are documented records for 37 breeding bird species on site with several others possible if correct fieldwork methodology were employed.

6.3.51 Of the 26 species recorded during the surveys, 17 species were confirmed as breeding on site or within 30m of the site boundary. Most species were generalists, generally associated with a wide variety of scrub, sub-urban, and garden habitats with some woodland 'specialists' including great spotted woodpecker *Dendrocopos major*, treecreeper *Certhia familiaris*, jay *Garrulus glandarius* and tawny owl *Strix aluco*.

This statement is practically meaningless. The majority of British woodland bird species can also occur in a wide variety of other habitats including all the species used here to illustrate 'specialists'.

6.3.51 Of the raptors, only common buzzard *Buteo buteo* and sparrowhawk *Accipiter nisus* (in addition to tawny owl) were recorded, none of which are of conservation concern (BoCC 'green list').

- One Amber Listed (BoCC) is documented to occur on site (Kestrel *Falco tinnunculus*)
- No appropriate survey methodology was used for a second species (Hobby *Falco subbuteo*, see also Schedule 1 below)

6.3.52 No species listed under Schedule 1 of the Wildlife and Countryside Act (1981 and as amended) were identified on site.

- With no suitable realistic methods employed to find the two most likely species (Barn Owl *Tyto alba* and Hobby) this statement is not only meaningless but also misleading.

6.3.53 Three Natural Environment and Rural Communities Act 2006 (NERC) section 41 (UK BAP Priority) and Birds of Conservation Concern (Eaton et al 2009) (BoCC) 13 (this is presumably meant to be 3 - those 3 listed here) 'red list' species were recorded breeding on site namely marsh tit *Poecile palustris*, skylark *Alauda arvensis* and song thrush *Turdus philomelos*. BoCC 'Amber' listed species recorded breeding were dunnock *Prunella modularis*, mistle thrush *Turdus viscivorus*, whitethroat *Sylvia communis* and willow warbler *Phylloscopus trochilus*. All species were recorded breeding in low numbers (less than 5 pairs), and although declines in breeding status over the UK as a whole have been recorded for red and amber listed species, none of the breeding (or non-

breeding) species recorded during the surveys would be regarded as being rare, scarce or unusual for the locality and would be anticipated to be present in similar habitats elsewhere in the county/region.

The number of BoCC species does not reflect, and significantly down plays, the actual totals documented for the site; 5 Red Listed and 7 Amber Listed species. Based on a thorough assessment of habitat in a regional context several more species are possible if suitable survey methodology was employed.

The statement "*none of the breeding (or non-breeding) species recorded during the surveys would be regarded as being rare, scarce or unusual for the locality and would be anticipated to be present in similar habitats elsewhere in the county/region*" is patently false; **the documented breeding evidence for Marsh Tit provided by the developer's Breeding Bird Survey is a unique occurrence in the area (for over at least a 40 year period)**

The statement that these species were recorded breeding in low numbers (less than 5 pairs) is meaningless in assessing the sites conservation worth as no attempt was made to define density in relation to size of the wood. In relation to Marsh Tit the minimum of two breeding pairs discussed in the Breeding Birds Report represent the only known birds in the entire City of Sheffield and to regard this figure as low in that context, or for a wood of this size, is nonsensical.

Another species not found during the fieldwork but documented to be present, Lesser Redpoll *Carduelis cabaret* would also be considered 'scarce or unusual for the locality' and of significance for a much broader geographical area.

6.3.54 The site's breeding bird assemblage is of Local value.

As discussed above this is false; two species known to be present are of much broader significance. Indeed it can be argued that any species with a national BoCC Red or Amber Listed status (or are UK Biodiversity Action Plan Priority Species) rating are, categorically, of national significance.

The Breeding Bird Survey Report provided by the developer raises serious concerns about the methodology used to such an extent that we believe the Council should refuse this application at this time due to lack of environmental information. In summary:

- Unsuitable timing of survey visits: standard BTO bird surveying techniques specifically emphasise avoiding the dawn period
- Unsuitable methodology to cover full potential species assemblage including several identified in the desktop survey:
 - No specific nocturnal, or even crepuscular, surveying: this could mean that a number of species were missed including possible Schedule 1 (Wildlife and Countryside Act, 1981) species, known to have occurred within a few km of the site.
 - No specific raptor surveying: 5.2.1 (BBSR) States that "no evidence of breeding behaviour was noted for sparrowhawk or common buzzard". This seems a remarkable oversight as displaying individuals of both species (3 of the former, and an extremely noteworthy peak count of 8 of the latter) were seen directly above the wood through spring and summer 2014 and this was readily apparent from the adjacent A road (SBSG database).

- No wintering bird survey: 6.1.4 (BBRS, page 17) states "the suitability of the survey area for wintering birds was not assessed but the site is deemed likely to support overwintering thrushes and foraging parties of tits and finches". Here again the potential species assemblage is downplayed; setting aside other sources of data and the potential for new discoveries (no winter fieldwork appears to ever have published for the site),

Finally, 7.1.2 of the Wardell Armstrong Breeding Bird Survey report states "The impact upon breeding birds can be reduced through appropriate habitat creation/retention". Retention of this habitat e.g. for Marsh Tit can only be achieved by rejecting the development.

Further details of the inadequacies of the survey methodology and findings can be found in Appendix 1.

3.3 Bats (Chapter 6, p28)

There are contradictions in the approach to the Bat survey and the resulting Environmental Statement. For example:

6.3.56 Chapter 6 ES states that no evidence of recent or current bats roosts was recorded, however:

Bat Survey 3.4.1 states: Table 5 provides an indication of the roost potential on or near to the survey area for each species recorded, based on existing records of the roosts obtained through the desk study, and the presence of suitable roost features and the time after sunset that the bats were first recorded during the dusk surveys compared with published average emergence times (Russ, 2012).

Table 5 then states that for common pipistrelle and Myotis: 'Time suggests a potential roost within/close to the site' and that for Brown Long-eared bat: 'Single roost located within close proximity to the site. This is of concern considering that a Long-eared bat was recorded in the vicinity of the area/on site in 2010 (Bat report p12) and so its presence on site is a possibility. These potential roosts are not considered in the Environmental Statement Ecology chapter and would give the site a higher value for the continued viability of the roosts. This further illustrates the recurring theme of the applicant trying to down play the habitat value of the site.

This is compounded by 6.4.16 Chapter 6 ES which states that *'No loss of roosts is anticipated from the development as none have been recorded by the baseline surveys within/adjacent to the development area.....'*

This is quite a bold and potentially misleading statement to make. The Bat Survey itself is more cautious stating:

4.3.1 No roosts have been identified during the survey undertaken to date, therefore no known roosts will be directly loss by the development proposals.

In addition, 7.3.130 states that 73 archaeological sites were encountered including bell pits and mine shafts but there was no assessment of roost or hibernation potential made.

The Bat Report 'Drawing' Bat Potential Tree Location Plan indicates at least 37 trees with bat potential of which only 5 fall outside of the development foot print but nevertheless are in close

proximity to the boundary. It should be noted that of these 37 only 11 were identified for further survey.

6.3.59 Chapter 6 ES states that the activity levels were highest for common pipistrelle but it neglected to state that in addition:

Bat Survey, 3.5.7: High levels of common pipistrelle activity were recorded at automated detector locations 1 and 2 (79.8 and 49.43 passes per night, respectively).

And that this high level of activity is located directly in the footprint of the development (see Bat Report 'Drawings'). Again, this important statement has been omitted from the Environmental Statement.

This level of activity would suggest that the site is an important foraging site for roosts in the area and re-enforces the Bat Reports value of the sites for common pipistrelle as County level (Table 7, p19). This is not reflected in the ES.

6.4.36 Chapter 6 ES states that *pipistrelles may benefit from the increased linear length of the woodland habitat which would be created by the development.*

This seems somewhat misleading given that:

- a) much of the woodland edge to the east will be directly adjacent to the service area and therefore the quality of the habitat will be significantly affected by disturbance (noise and light)
- b) if HS2 is routed through the western edge of the site to the west there would be further significant reduction in the quality of the foraging, roosting and commuting habitat.

3.4. Fungi

Extract of Comments on the Smithy Wood Fungal Survey carried out by Neville Kilkenny and members of Sorby Natural History Society, Sheffield.

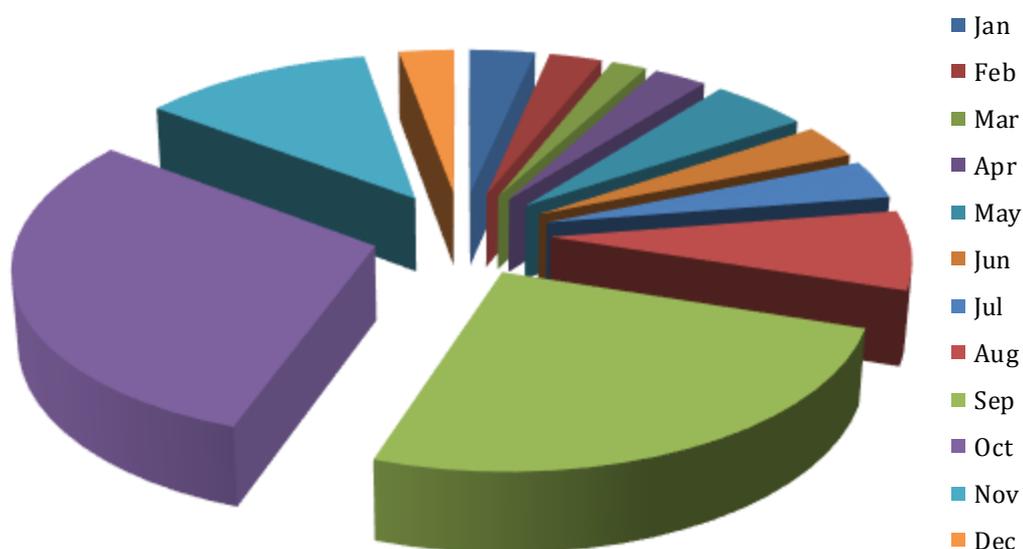
The fungal survey carried out at Smithy Wood in September and October 2013 was in our opinion inadequate and does not accurately represent the fungal diversity of Smithy Wood. It was done with too much haste and were thus subject to considerable constraint in gathering records.

There is general agreement amongst field mycologists that fungal surveys cannot be adequately undertaken in such a short time frame.

In November 2013, Beverley Rhodes of Derbyshire Wildlife Trust commented: "It is important to note that by attending the sites in a different season and over a number of years will add further to the species lists. Certainly 7-10 years of continuous study may get closer to the full complement of species present".

Almost half of the fungi records for the Sheffield area have been collected in months other than September and October:

Sheffield Area Fungi Records (73,272)



Data from Sorby Natural History Society, Sheffield.

The time allotted for the Smithy Wood fungal survey was obviously inadequate for a fair and accurate assessment of its status as a fungal habitat.

This can also be seen from a comparison with some recent surveys undertaken by highly regarded field mycologists in the Sheffield area:

Survey	Period	Visits	Records
Longshaw Park	12/09/1996 - 30/11/2002 (6 years)	127	1611
Chatsworth Park	09/05/2012 - 07/11/2012 (6 months)	26	314
Smithy Wood	23/9/2013 - 03/10/13 (11 days)	3	222

However, even with this limited data, Smithy Wood's potential as an important site for fungi is obvious.

We completely agree with Beverley Rhodes: "it is known to be impossible to recreate ancient woodland and ancient grassland, and its complex community assemblage". Likewise, no amount of restoration, after the completion of the works, will redress the lasting damage caused to Smithy Wood's fungi if the proposed motorway service works there go ahead.

Steve Clements:

Fungi Recorder for Sorby Natural History Society, Sheffield

*Recorder for the Longshaw Fungi Survey
Member of the British Mycological Society).*

More details on Smithy Wood's importance for fungi can be found in Appendix 2.

In conclusion: the fungi survey methodology used was inadequate to provide an appropriate level of environmental information against which to assess the ecological impact of the development. Not enough time was allowed, nor the surveys spread across the season. The minimal data that was obtained indicates that Smithy Wood is a rich and diverse site for fungi and at least of Regional importance (6.3.81).

3.5 Badgers (Chapter 6, p29)

6.3.62 states that '*No signs of current/recent use of the site by badger was recorded during the Extended Phase 1 survey.*' However, the report does make allowances for the '*potential for newly created setts to become established in advance of the construction phase*'.

South Yorkshire Badger Group have received occasional reports of badger sightings and road killed badgers in the area.

They have advised that towards the south end of the site at SK 3675 9494 a path typical of use by badgers can be found, and nearby a large forage hole was noted with a grass sod beside it, also typical of badger activity.

Near the centre of the site at SK 3672 9535 there is a one-hole badger sett which has been noted for signs of recent use and activity. The spoil was damp on the top surface, the size and shape of the hole were typical of a badger sett and the sides of the hole were polished indicating frequent use. A brief search of the spoil heap revealed two hairs unmistakably identified as badger hair.

With thanks to Graham Shepherd and the South Yorkshire Badger Group

3.6 Cumulative Impact

The ES Chapter 6, 6.7 refers to the following projects as considered relevant to the assessment of cumulative effects;

- Hesley Wood Spoil Heap
- Smithy Wood business park

SRWT asks the Council to also include HS2 as part of the cumulative impact of development in this area of Sheffield. For the developer not to have added it to this list in the ES seems a major and misleading omission.

4. Proposed Compensation

Destruction of part of the wood is irreversible: by definition, ancient woodland soils, wildlife, and historical meaning cannot be compensated for by mitigation techniques. Because ancient woodland is irreplaceable, reference to the Mitigation Hierarchy must be highlighted:

1. In the first instance harm should be **avoided**; for instance by locating the development at a different site
2. Where this is not possible the impacts should be **mitigated** for instance through the detailed design of the development
3. Lastly any residual impacts should be **compensated** for eg by restoring or re-creating habitat elsewhere

This hierarchy is referred to in the NPPF.

SRWT would firstly like to refer to 1. as we continue to question the specific need to this development at this location. We have previously referred to the analysis of 'need' both in terms of 'driver welfare' and the opportunistic aspects of this proposal, and so will not repeat those arguments here.

Reluctantly therefore turning our attention to 2. and 3. we would like to strongly express our objection to the proposed compensation for the loss of an irreplaceable ancient woodland that supports habitats and wildlife of known national, regional and local importance on the following points:

4.1. HS2

The developers have stated in their update leaflet to the public that *'the proposed HS2 route currently passes between the MSA and Smithy Wood Business Park. The proposed development will not be affected by HS2 should it go ahead.'*

This is a somewhat misleading statement for the following reasons:

- The HS2 Phase 2 route has yet to be finalised but the indicative route suggests that the line will run very close to the western edge of Smithy Wood. Due to the uncertainty over the exact amount of land grab for construction as well as operation that is required, the exact impact HS2 on the Smithy Wood site is unknown.
- However, the indicative HS2 route will, with some degree of certainty, run directly through the proposed newly planted woodland (referred to as NW1 in Map 6.13). HS2 is estimated to need the width of a 3 lane motorway. This would clearly reduce the size of the site (currently 6.96ha) considerably and obviously impact greatly on any potential to develop a useful habitat (already limited because it is new planting) because of the major removal and ongoing disturbance it would suffer.
- The route will run alongside, or even potentially take some of the western edge of Smithy Wood – highlighted in 6.13 for enhancement and protection. The further fragmentation and considerable disturbance of this remnant western edge of Smithy Wood would be much reduced in its quality and capacity as a habitat.
- The route will then travel north and bisect Hesley Wood, the 13.23 ha of existing Local Wildlife Site, also on the Ancient Woodland Inventory and referenced in Mel Jones' book 'Sheffield's Woodland Heritage', that has been offered as part of the compensation package.

The developer's statement is therefore misleading because although the actual development footprint may not be directly affected by HS2, a considerable amount of the proposed package of mitigation and compensation offer to secure the site will be.

4.2 Compensation package

The ES, Ecology p36/7 states that:

6.5.3 To design and locate the scheme outwith the most diverse and valuable woodland habitats.....that only 1.9ha of ecologically recognisable/typical semi-natural ancient woodland habitat will be lost.

We would strongly wish to contest this statement for the following reasons:

- The developer's own report, as cited above states that over 8ha of national important habitat would be lost.
- It is now known that the whole site is considered to be of ancient woodland status by Natural England and therefore the full development footprint of 10.76 ha will be lost.
- The opportunity to improve and re-create semi-natural woodland habitat on an ancient woodland site using the existing seed bank etc will have been completely lost

6.5.3 To minimise adverse impacts by securing favourable...

As described above under 4.1 HS2, securing long-term management is likely to be undermined by the potential impact of HS2, especially if only a small remnant remains.

6.5.3 To create NW1 and NW2 over an area not less than 15.93ha.....

As has been noted above NW1 lies in the path of HS2 and so 6.96ha of the compensation from new planting can effectively be discounted. The remaining 8.97ha at NW2 is inadequate on two counts:

- New native woodland is a very poor alternative for an ancient woodland site. It will take hundreds of years for the soil depth and complexity of the habitat to develop.
- Irrespective of the above point, the area of new planting proposed, once HS2 is accounted for is likely to be less than the area of high quality habitat that will be lost from the development footprint.

6.5.3 To secure long-term management of the 3 ancient woodlands along Chapeltown....

Whilst it is obviously welcome to secure the long-term management of these important woodlands it is worth noting that:

- These woodlands have been both accessed by the community and managed informally for many years by groups of local volunteers. This is illustrated in Mel Jones' book 'Sheffield's Woodland Heritage' on p66 fig 59 with a picture of 'modern charcoal-making demonstration in Thorncliffe Wood.'
- These are already existing Local Wildlife Sites therefore the additionality that the improved management of these sites offers, in terms of habitat and ancient woodland site restoration/re-creation is limited, especially when compared to the total loss of over 10ha, and considerable impact on the remaining remnant, at Smithy Wood.

6.5.3And the establishment of a management organisation The Chapeltown Community Woodlands Trust.

6.5.5 ... Representatives from local wildlife management groups, and stakeholders as well as representatives from the developers and their consultants will be invited to contribute, and will be encouraged to provide expertise, ideas and resources to ongoing woodland management.....

A key aspect of any proposed compensation is the long-term maintenance and management of the re-created/restored sites. This is the case here. There are two issues that we believe are essential to establishing any such long-term compensation:

- 1) A legally binding agreement/contract for the land to be held in perpetuity for the benefit of local people and wildlife. Potentially a Trust arrangement, as proposed could offer this arrangement, but there are other mechanisms
- 2) Most importantly, the ongoing commitment to funding future management. 6.5.5 clearly refers to 'resource' and indicates that local wildlife organisations and community groups will be expected to contribute. We find this a really quite staggering proposal. This seems to suggest that charitable organisations should be spending time and resources on effectively delivering the compensation for the developers' scheme. **SRWT advocate that it is the developer that should provide an upfront long-term resources to deliver the ongoing long-term management (>50years) of any proposed compensation. This is often in the form of an endowment. Public funds eg Council and Heritage Lottery funds should not be considered as a source for supporting this activity. It is the developer who must pay.**

In conclusion: SRWT strongly object to the compensation package as it is woefully inadequate and unlikely to lead to biodiversity gain (as required in the NPPF). As a result the 'Residual effects' section in the ES 6.6 is not an accurate representation of longer-term impacts of this development.

Appendix 1

A critical examination of EXTRA MOTORWAY SERVICE AREA GROUP (EMSAG)'s Breeding Bird Survey Report (BBSR) for Smithy Wood (October 2013)

1) Introduction

1.0) 1.1.2 (BBSR, page 4) states;

"the objectives of this survey are to identify key breeding bird species locations, assemblages and any potential constraints to future development plans".

It is demonstrated here that because of serious flaws in both desktop and field survey methodology, an inadequate understanding of British bird breeding biology, and a grossly inadequate understanding of the regional significance of certain species, those objectives have not been met. This in turn undermines the conclusions with regard to birds that are drawn from this report in the Environmental Statement.

2. Desktop methodology

2.0) A number of very obvious errors indicate that the desk survey was conducted to a poor standard.

2.1) Inadequate source material

In reference to 3.1.1(BBSR) data was stated to be gathered from only two sources , Sheffield City Ecology Unit (SCEU) and Rotherham Metropolitan Borough Council (RMBC), with a large proportion of published data seemingly ignored. Neither of the two standard books covering Sheffield area breeding species, *Birds of the Sheffield Area including the north-east Peak District* (Hornbuckle and Herringshaw 1985, henceforth BSA), and *Breeding Birds of the Sheffield Area including the north-east Peak District* (Wood and Hill 2013, henceforth BBSA) are referenced, nor does the major source of local bird data, Sheffield Bird Study Group (SBSG), appear to have been directly consulted. This has lead to a seriously inaccurate assessment of species possibly present, with many common woodland, woodland edge and woodland nesting farmland species that are known to have exhibited breeding behaviour within the 2km square in which Smithy Wood is situated (SK39S) being omitted. The 11 species (excluding the introduced (Common) Pheasant) with published records in the standard text books are;

Wood Pigeon *Columba palumbus*

Robin *Erithacus rubecula*

Blackcap *Sylvia atricapilla*

Garden Warbler *Sylvia borin*

Lesser Whitethroat *Sylvia curruca*

Chiffchaff *Phylloscopus collybita*

Long-tailed Tit *Aegithalos caudatus*

Jay *Garrulus glandarius*

Magpie *Pica pica*

Rook *Corvus frugilegus*

Chaffinch *Fringilla coelebs*

2.2) Inadequate understanding of bird breeding requirements

This is particularly obvious in the case of the high conservation value Lesser Redpoll *Carduelis cabaret* (UKBAP Priority Species and Red Listed, see appendix 3 for local status). Though found during the desktop search the species was assessed as having no potential for onsite breeding (BBSR Table 2, page 13). This seems baffling as Phase 1 Survey shows that a wide range of suitable food plants (see Appendix 2) are present and suitable potential nest sites are abundant. Indeed a singing male of this species was recorded in May 2014 (SBSG database). Inaccurate assessments have also been made for Starling *Sturnus vulgaris* (Red Listed), Goldcrest *Regulus regulus* and Reed Bunting *Emberiza schoeniclus* (Amber Listed) all of which are known to be found within the survey area during the breeding season (SBSG database). Of these only Starling appears to be nesting away from the site (on current knowledge) and there are no reasonable grounds to dismiss this species at the desktop stage as it is a frequent user of mature woodland for nesting sites.

2.3) Inadequate understanding of local and regional significance

The inability to link desktop search, field findings, and published data on regional significance is particularly obvious in regards to the treatment of Marsh Tit *Poecile montanus*. While the desk search did not find this species locally, it was recorded during the fieldwork, regarded to have bred during the survey period (BBSR 5.2.2., page 15) with a population assessed to be a "minimum of 2 pairs" (BBSR 5.2.7., Table 4, page 16). However there seems to be no realisation that this species is regionally extremely scarce, has been so for at least 40 years (Hornbuckle and Herringshaw 1985, pp.242-3), and has declined in range within the Sheffield area by a further 50% since. In fact Smithy Wood would appear to be the only known current breeding site in the entire City of Sheffield (Wood & Hill 2013, see Appendix 2)!

2.4) A more general ignorance of the principal criteria of bird conservation documentation is demonstrated in 2.1.12 (BBSR) with the statement that Green Listing defines a species as "not considered to be declining". This is patently not the criteria used to give a species Green status. Green status only implies "species that occur regularly in the UK but do not qualify under any or the above criteria [for Red and Amber Listed species]" (http://www.rspb.org.uk/wildlife/birdguide/status_explained.aspx). Clearly a species can have declined by up to 24% over a 25 year (or longer) period and still be defined as Green because it has yet to reach the Amber threshold of -25%.

3.Field methodology

3.0) Several methodological abnormalities indicate that the bird surveying was conducted with a poor grasp of acceptable technique. Further, and perhaps more seriously, field methodology was clearly not structured in light of even the limited data generated by the desktop search.

In discussing survey limitations 4.1.1 (BBSR) states "ornithological surveys are affected by a variety of factors which affect the presence of birds such as season, weather, food availability, species

behaviour and disturbance. The absence of any particular species within the survey area should not be taken as conclusive evidence that the species is not present or that it will not be present in the future". It can be readily demonstrated that some of these factors are as much a product of inadequate survey methodology as of actual ground conditions, particularly 'season' and 'bird behaviour'. Incomplete documentation of survey visits means independent assessment of the suitability of such factors as weather is impossible.

3.1) Unsuitable time of surveying visits

3.2.5 (BBSR page 10) states that "the Transect Survey commenced during the early morning **(generally at or around dawn) to coincide with the anticipated peak in bird activity**" (emphasis added). Table 1 (page 10) confirms that three of the four visit starts were within 1-10 minutes of sunrise. This is very unusual for a survey claiming to be based on British Trust for Ornithology (BTO) 'generic' methodology (BBRR 3.2.1, page 9) as standard BTO bird surveying techniques specifically emphasise avoiding the dawn period, with the reasons given being diametrically opposed to those given as justification for timing here. For example the two major BTO national data gathering techniques employed over the last 50 years have been Common Bird Census (CBC, 1962-2000), and Breeding Bird Survey (BBS, 1994 onwards). The instructions for both methods give explicit instructions not to survey at dawn;

"avoid... the dawn chorus when bird detectability may change rapidly during the course of a visit and lead to uneven cover" (Marchant 1983, page 4).

"Visits [early April and late June]; should ideally start between 6 am and 7 am, and no later than 9 am. Try to avoid the period of peak bird activity around dawn" (BTO 2014, page 1).

No indication is given in the report as to why surveying began at this time, while the consequences of doing so may be quite serious; population estimates given are debatable due to potentially uneven coverage of the entire survey plot.

3.2) Incomplete visit conditions data

No wind data (wind speed) is given for the initial two visits meaning independent assessment of the suitability of weather conditions under which the survey visits were conducted is impossible .

3.3) Transect route

No indication of the transect route is given in the text or appended maps negating any independent assessment of the routes methodological suitability.

3.4) Unsuitable methodology to cover full potential species assemblage including several identified in the desktop survey

3.4.1) No specific nocturnal, or even crepuscular, surveying was undertaken and this could mean that a number of species were missed including;

- Barn Owl *Tyto alba*. Amber Listed and a Schedule 1 (Wildlife and Countryside Act, 1981) species, known to have occurred with a few km of the site (e.g. BSA), and one that often utilises woodland edge trees for nesting.
- Long-eared Owl *Asio otus*. Regionally scarce but known to occur at generally similar sites (a combination of woodland and scrub in proximity to uncultivated open land). To stand a realistic chance of locating this species the survey period would also need to be extended to cover February (singing adults) and into July (calling juveniles).

- Woodcock *Scolopax rusticola* could also potentially have been missed as this species is almost invariably at its most obvious when males engage in their crepuscular display flights (roding).

3.4.2) No specific raptor surveying (fixed point surveying with a clear view unobscured by an overhead canopy **reference**). This undermines not only the results of the surveying but several of the conclusions drawn from it, most seriously in the case of a Schedule 1 species.

- 5.2.1 (BBSR) States that "no evidence of breeding behaviour was noted for sparrowhawk or common buzzard". This seems a remarkable oversight as displaying individuals of both species (3 of the former, and an extremely noteworthy peak count of 8 of the latter) were seen directly above the wood through spring and summer 2014 and this was readily apparent from the adjacent A road (SBSG database). With such numbers of birds exhibiting breeding behaviour in 2014 it seems improbable that something similar was not occurring in unchanged, and clearly very suitable, habitat in 2013, with the perceived absence of breeding evidence more likely to reflect in inadequate survey methodology rather than reality.
- The deficits in the specific bird surveying methodology employed is admitted in 5.2.1 (BBSR, page 14) when it is conceded that Sparrowhawk, Common Buzzard, and Tawny Owl were all missed during the dedicated bird surveying and were only picked up during the course of other ecological surveys.
- The Schedule 1 Hobby *Falco subbuteo* was found during the desktop survey and habitat present on site appears suitable for this species (this assessment being agreed with in BBSR (5.2.3., page 15). On top of the complete absence of suitable raptor surveying methodology, detectability of this notoriously tricky species is further compromised by the survey period itself. Average laying date for Hobby is 12th June (<http://blx1.bto.org/birdfacts/results/bob3100.htm>.) and as the species utilises abandoned nests of other species there is no real preceding nest-building period of the kind that would indicate breeding activity in other species. Furthermore best practise is to locate suitable host nests (noting GPS coordinates) before trees are fully in leaf and then to check for nesting Hobby through June, July, and sometimes August (John Atkin, South Peak Raptor Study Group, *pers. comm.*). With none of these activities being undertaken the chances of finding breeding Hobby, even if present, are remote.
- Along with Barn Owl above, this shows that the statements made regarding the absence of Schedule 1 species (*ibid*) are meaningless.

3.4.3) Lesser Spotted Woodpecker *Dendrocopus minor* was identified during the desktop survey. However the fieldwork began after the majority of this species song period was over severely reducing the likelihood of finding a bird that is typically elusive outside this timeframe.

3.5) While the discovery of Marsh Tit, a species thought extinct in that area, is commendable, the relative poverty of species recorded during the fieldwork is startling even considering its methodological limitations. Several important species known to be present were not recorded:

Red Listed (all species are also UK Biodiversity Action Plan Priority Species)

Linnet *Carduelis cannabina*. Present in the scrubby margins to the site, including in the breeding season with territorial behaviour noted.

Lesser Redpoll *Carduelis cabaret*

Amber Listed

Kestrel *Falco tinnunculus*. Frequently observed on the margins of the site, including in the breeding season, with display noted, and potential nest may be available in the wood itself.

Bullfinch *Pyrrhula pyrrhula*. UK BAP Priority Species. The most glaring omission; this species is clearly present on site, including in the breeding season, and frequently observable from the adjoining A road.

Reed Bunting *Emberiza schoeniclus*. UK BAP Priority Species. Territorial in the scrubby margins to the wood.

Green Listed

All the following species are known to be present in the breeding season and recorded as exhibiting territorial behaviour

Lesser Whitethroat *Sylvia curruca*

Goldcrest *Regulus regulus*

Magpie *Pica pica*

3.6) Regarding 5.2.4 (BBSR);

- Table 3 therefore is shown to be inaccurate; a minimum of 5 Red Listed Species are known to be present not the 3 as stated (see also 3.4.3 above). Additionally a total of 7 UK Biodiversity Action Plan Priority Species are known to be present and not the 3 as stated.
- Table 4 is also inaccurate; a minimum of 7 Amber Listed species are known to be present not the 4 as stated (see also 3.4.1 & 3.4.2 above).

4) Discussion

4.0) All the points made in the discussion section have inaccuracies, and in places are demonstrably false.

4.1) 6.6.1.(BBSR, page 17) states "The presence of **low numbers** [of] breeding UKBAP listed species and nationally BoCC's highlights the survey area as important at a **local level** for birds" (my emphasis). Not only were a high percentage of species known to be present not found during fieldwork but, as has been demonstrated, one species recorded has great significance beyond any conceivable definition of local. Further no indication of how the numbers were assessed as low is

given, e.g. low in relation to what? An accurate indication of the conservation worth of the site would require an assessment of the density of breeding territories in relation to the size (and available habitat) of the site. This has not been done despite the fact that Birds of the Western Palaearctic is referenced in the report, this book being a standard reference on population densities.

4.2) 6.6.2 (BBSR, page 17) states "the UK breeding population of Skylark, song thrush, and Marsh Tit have contracted in both population and range in the past 25 years". While this is undeniably true it should be noted that these species are far from being the only ones occupying Smithy Wood that have shown national declines.

4.3) 6.6.3 (BBSR, page 17) states "The habitat type of most importance to the overall species assemblage in terms of number of conservation priority species is the semi-mature, and in particular, ancient woodland. This habitat supports song thrush, marsh tit, and mistle thrush and its peripheries, and in more open sections, where the woodland grades into scrub habitat, support dunnock, whitethroat, and willow warbler". This is undoubtedly correct however it goes on to state "the most significant population in this area is that of willow warbler, with four pairs confirmed breeding". As the both the Red Listed Linnet and the Amber Listed Kestrel, Bullfinch, and Reed Bunting were all completely missed during the fieldwork and therefore, logically, no population estimates can be given for them, the author of the report is clearly in no position to determine what constitutes "the most significant population".

4.4) 6.1.4 (BBSR, page 17) states "the suitability of the survey area for wintering birds was not assessed but the site is deemed likely to support overwintering thrushes and foraging parties of tits and finches". Here again the potential species assemblage is downplayed; setting aside other sources of data and the potential for new discoveries (no winter fieldwork appears to ever have been published for the site), even the limited findings of the survey fieldwork detail no fewer than 20 resident species! In the same paragraph it goes on to state that there is potential for Schedule 1 listed fieldfare [*Turdus pilaris*], redwing [*Turdus iliacus*] (both of which appeared in the desk study records), and brambling *Fringilla montifringilla*. This is certainly true, with confirmed records on site for Redwing at least (including in early 2014). However it then goes on to state (with no justification ventured) "there is no potential for these species to breed on site". Though clearly the breeding of any of these at Smithy Woods would be extremely newsworthy a statement of **no potential** is clearly false. Fieldfare has attempted to breed in the SBSG recording area on numerous occasions, with at least three attempts being successful. Indeed breeding evidence from two tetrads (one probable, one possible) within SK39 (e.g. within a few km of Smithy Wood) was noted in BSA. If the author of this report has deciphered some reason why Smithy Wood in particular has no possibility of breeding he has certainly not stated it. Similarly, while breeding has never been confirmed, both the other species have over-summered (and exhibited territorial behaviour) within the SBSG recording area on several occasions and there appears to be nothing inherently unsuitable about Smithy Wood in a regional context.

7) Conclusions & Summary

7.2) 7.1.1 (BBSR, page 18) first states;

"currently the survey area is considered to be of value at a **local level** for breeding (emphasis added)"

As has already been discussed at length in regard to Marsh Tit already this statement (unless the word 'local' is being stretched to breaking point) is demonstrably false; this species alone gives the site regional significance.

It then continues "no Schedule 1 listed species were identified breeding". As has been shown this is hardly surprising as no realistic attempt was made to find any.

Further it states "all areas on site are of ornithological interest with the broadleaved woodland, scrub and grassland all supporting populations of conservation priority species". Despite the incomplete fieldwork findings this statement is accurate.

It goes on "the mature woodland is perhaps the most valuable habitat". This statement appears broadly correct despite the inaccurate supporting evidence (only two BoCC red list/UKBAP species are cited as being present)

Finally, in reference to Marsh Tit, it states that the species is "particularly dependent upon such habitat" which is entirely accurate. However we should be clear as to what this really implies. The loss of the mature woodland that would necessarily be entailed by this development cannot be mitigated against due to the extreme length of time needed for replacement habitat to develop. To a species dependent on that habitat for nesting and much of its nutrition, which appears to find all other habitat in the area unsuitable, and with the latest research indicating habitat fragmentation as a significant factor in a massive national decline (**e.g. reference**, see 7.3 below), the consequences of allowing this development would appear practically inevitable; the extinction of Marsh Tit as part of Sheffield's avifauna.

7.3) 7.1.2 states "The impact upon breeding birds can be reduced through appropriate habitat creation/retention" (7.1.2). Retention of appropriate habitat for e.g. Marsh Tit can only be achieved by rejecting the development. Creation of new areas of a habitat that will takes many decades to become habitable for a species with, at best, a life span of a few years is clearly illogical'

The status of Marsh Tit *Poecile palustris* in the Sheffield area.

BSA states that (in the SBSG recording area which constitutes the twelve 10km squares (1200km²) centred on Sheffield that Marsh Tit "is a scarce bird...except in the Carboniferous Limestone [Derbyshire Dales] where it is locally common" continuing "there is no definite evidence of breeding elsewhere" (p.242). There were no records in the tetrad (2km²) containing Smithy Wood during the surveying (1975-80) for that book, only one record (of probable breeding) within the entirety of SK39, two records (one probable breeding, one possible breeding) in the adjacent SK49, one record (of possible breeding) in SK38 and no records at all in SK19, SK18, SK29, SK28, & SK48. During the surveying for BBSA (2003-2008) there were no records at all for any of these 10km² and an overall decline in occupancy of -50% throughout the SBSG recording area, the third largest decline of any woodland species (after Hawfinch *Coccothraustes coccothraustes* and Lesser Redpoll *Carduelis cabaret*). An examination of the *Birds in the Sheffield Area* annual reports (SBSG) confirms these findings with, for example, there still being a population in the Chesterfield area (currently extirpated) 1993-9, but only two (non-breeding) records outside Derbyshire in that

period, or only four records outside the Wye and Derwent river systems 2005-11, and only one of those being in South Yorkshire.

The status of Lesser Redpoll *Carduelis cabaret* in the Sheffield area.

BSA states (under Redpoll *Carduelis flammea* due to the publication date preceding the 2001 taxonomic split of Common and Lesser Redpoll by the British Ornithological Union. However the text is clearly referring to the form *cabaret*) that it is "a widespread though thinly distributed species absent only from areas of open moorland and the Carboniferous Limestone plateau [Derbyshire Dales]". Subsequently BBSA notes a dramatic decline has occurred; occupancy has declined by 64% (the second most severe decline for a woodland species), while breeding confirmation is down by 80% (p.306). The change of status most apparent in the east of the area. Surveying 1975-80 revealed it to be present in 22 of the 25 tetrads of SK39, and 21-24 tetrads per square throughout SK19, 18, 29, 28, & 48. Though much decreased, occupancy remains fairly widespread in SK29 (down from 23 to 15 tetrads) and SK28 (down from 21 to 15). However among the eastern squares SK39 occupancy has declined to 2 tetrads, SK38 is down from 22 to 4, SK49 is down from 24 to 4, and SK48 is down from 24 to 5. Further south the species was not recorded at all in SK47 (previously 23 tetrads) and in only one tetrad in SK37 (previously 22)

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Report Author; Jim Clarke

Appendix 2

Smithy Wood Fungi – in context

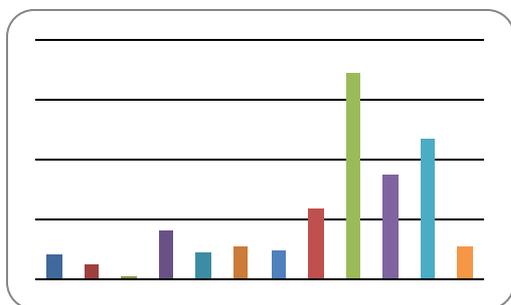
There are no less than 73 Ancient Woodlands in the Sheffield Metropolitan District (SMD) (data from Sheffield Ecology/Biological Records Centre, March 2014). The Sheffield Sorby Fungus Group (<https://www.flickr.com/groups/sorbyfungus/>) has a list of 756 species of fungi which have been recorded from these woodlands over a period of more than 100 years (4,863 records). As with any biological records there are numerous factors affecting the records such as the experience of the recorder, the number of recorders involved, the length of time over which the records were collected, the number of visits, the time of year etc. However, the records we have are by far the most comprehensive for the SMD area. The Sheffield Sorby Fungus Group holds a total of over 78,000 records covering a local area from Glossop in the west to Retford in the east, and Huddersfield in the North to Carsington in the south. We are able therefore, to evaluate Smithy Wood's fungi records in the perspective of other local Ancient Woodlands, and also in a wider local setting. In addition, we can evaluate the Smithy Wood records against national records available on the Fungal Records Database of Britain and Ireland (FRDBI) hosted by the British Mycological Society (<http://www.fieldmycology.net/FRDBI/FRDBI.asp>).

The Smithy Wood records

These were collected in 3 days of surveying (23, 24 Sep 2013 and Oct 3 2013). This was thus a very short time period, giving a very brief snapshot of the fungi flora. It is accepted that representative fungal records can only be acquired over a period of several years – perhaps 7 years at least. Many fungi appear at different times of the year, not just in autumn. No previous records were available as the woods were wired off and surrounded by works for many years. Nonetheless, 135 species of fungi were identified by 3 recorders (221 records) in 3 days during an 11 day time-frame.

Ecclesall Woods records

A comparison with the fungi records for Ecclesall Woods is useful. This is the largest and best-known Ancient Woodland in the SMDC. It has been carefully managed and preserved and has a very active Friends group – it is situated in an affluent area of SMDC. 420 species of fungi have been recorded over a period of 116 years (1897-2013) by at least 26 recorders who accumulated 1,419 records. Records span the entire year:

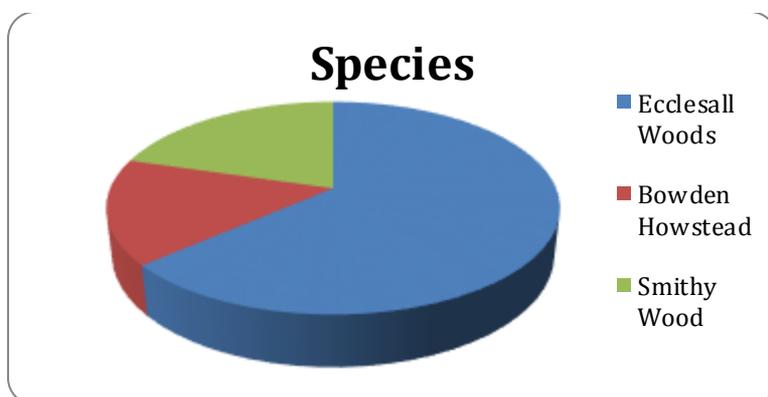
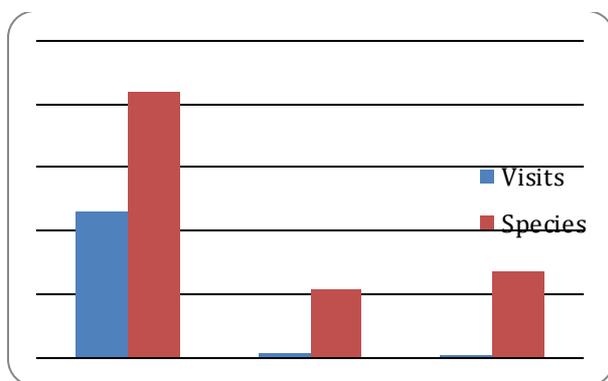


Fungi records for Ecclesall Woods by month

Bowden Housteads Woods

In some ways Bowden Housteads Wood is more comparable with Smithy Wood. It also has been split by a large road (A630 Sheffield Parkway) and is in a much poorer urban situation than Ecclesall Woods. 106 species of fungi have been recorded by at least 3 recorders over a period of 12 years (2001 – 2012). All surveys were in Sep, Oct and Nov.

Site	Period	Recorders	Visits	Species
Ecclesall Woods	116 yrs	at least 26	231	420
Bowden Howstead	12 yrs	at least 3	8	106
Smithy Wood	11 days	3	3	135



Fungi of local Ancient Woodlands

Fungi records from almost 50 of 73 listed SMDC Ancient Woodlands were ranked by frequency to give an overall fungal assemblage profile.

55 of Smithy Wood's 135 species are in the top 100 species for SMDC Ancient Woodlands, showing it to be a representative Ancient Woodland. 112 of 135 Smithy Wood species (83%) occur in other SMD Ancient Woodlands.

Rare and uncommon species in Smithy Wood

It would be surprising to find many, if any, rare fungal species in such a brief survey as was carried out at Smithy Wood. However, an impressive list was recorded. It is important to assess scarcity

on a local basis as fungi are frequently regionally common or scarce. (There is no usable “Red Data” list for fungi at present). 18 species were found in Smithy Wood which had not previously been recorded in any other SMDC Ancient Woodland. In the table below the “70 km square” is the area studied by Sheffield Sorby Fungus Group, the FRDBI is the national database, and rarity is defined by Roger Phillips in his acclaimed “Mushrooms” guide (2006).

Name	70 km square	FRDB1	Rarity (national)
<i>Psathyrella cernua</i>	0	23	very rare
<i>Phellinus nigricans</i>	0	41	rare
<i>Hypoxylon udum</i>	2	92	uncommon
<i>Mycena mirata</i>	4	94	uncommon
<i>Typhula phacorhiza</i>	1	196	occasional
<i>Bolbitius reticulatus</i>	2	264	occasional
<i>Inonotus obliquus</i>	9	310	occasional
<i>Inocybe fuscidula</i>	9	312	occasional
<i>Russula grisea</i>	27	426	occasional
<i>Eutypa maura</i>	22	514	frequent
<i>Bertia moriformis</i>	9	519	frequent
<i>Crepidotus epibryus</i>	15	546	frequent
<i>Typhula quisquiliaris</i>	19	572	frequent
<i>Stereum rameale</i>	32	593	frequent
<i>Peziza micropus</i>	15	611	frequent
<i>Resupinatus applicatus</i>	16	611	frequent
<i>Mycena metata</i>	30	780	frequent
<i>Cystolepiota seminuda</i>	11	790	frequent

Table showing number of records for SMD Ancient Woodland species unique to Smithy Wood

Conclusion

In the context of Ancient Woodlands in the Sheffield Metropolitan District, Smithy Wood takes its place as a wood with a representative Ancient Woodland fungal assemblage. It also is home to several very rare, rare, uncommon and occasional species. 18 species amongst 135 recorded over 3 days in an 11 day period were unique to Smithy Wood as an Ancient Woodland of the SMD. Given better care, the wood promises to be one of the best fungal habitats of the local area.

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