

18th November 2016

Proposed Gullivers development at Pithouse West
Planning refs: RB2016/1454 RB2016/1455



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Dear Rotherham MBC

Thank you for the opportunity to comment on this application.

We do not object to this application, although we have made a number of comments.

We have been largely impressed by the attitude of Gulliver's and their consultant ecologists in showing a willingness to work with the landscape, to preserve the best areas of the site for wildlife and to manage the areas that will not be subject to intense development. These will form important components of the overall site and experience for future visitors. Access will also be maintained for public rights of way for people who currently enjoy the site as a green space. Gulliver's are also keen to include environmental education as part of the proposals and we have talked to them about our experience in this field and potential future collaboration. We welcome ecological surveying and management of the site to secure the long-term ecological future of the site.

However it should still be recognised that this is a major development in a green space within the green belt that currently provides habitat for a range of biodiversity, especially birds. Local birders have recorded over 100 species of bird using the site, making it one of the best sites for birds in Rotherham. Our detailed comments below are mainly focused on recognising this importance, the potential impacts on the birds and ensuring that appropriate level of mitigation, compensation, monitoring and long-term management are put in place.

We welcome the opportunity to continue dialogue with Gulliver's, RMBC and other local stakeholder to ensure the best future for this site.

Regards

Nicky

Dr Nicola Rivers
Living Landscape Development Manager
Sheffield and Rotherham Wildlife Trust.



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We have the following specific comments to make on the submitted documents.

1. Planning Statement

The site is currently unallocated and is in the Green Belt. As the applicant has identified, there has been previous planning permission granted for a leisure development on the site. In addition the Rotherham Core Strategy **Policy CS11** states that *“the Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt”*.

Given the site’s history and Policy CS11, and the applicant’s willingness to engage with RMBC and partners to develop the site in the least ecologically damaging way, we are not objecting the current applications for the site. However, the application will be assessed by RMBC to ensure that it fulfils its own policies. The applicant has said that it still needs to demonstrate ‘very special circumstances’ and the following policies will be considered by RMBC.

Core Strategy (adopted)

5.6.12 *“Where land is removed from the Green Belt for built development consideration will be given to compensate by enhancing features and facilities of the remaining Green Belt in the vicinity through the creation and enhancement of Green Infrastructure: looking for opportunities to provide access; provide opportunities for sport and recreation; retain and enhance landscapes, visual amenity and biodiversity; or improve damaged and derelict land.”*

We have a suggestion to make about this green belt compensation policy (see later).

Sites and Policies document (draft – currently being examined)

Policy 8.1 Development within the Green belt

Policy SP 9 Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt. *Provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, will be acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it providing that:*

- a. proposals will not give rise to undue disturbance caused by an increase in noise, the attraction of significant numbers of additional people into the area, or an increase beyond current levels of traffic at any one time;*
- b. they are sited and designed so as to avoid any adverse impact on identified landscape character, heritage, nature conservation or agricultural interests;*
- c. the proposals would not pollute surface and groundwater; and*
- d. they can satisfy other relevant policies of the Plan and National Guidance;*
- e. the applicant will need to demonstrate that the impact of the proposals will not be detrimental to the preservations of the openness of the Green Belt or to its character.*

Applicants will be expected to prepare appropriate Management Plans for new sports development or extensions to existing sports facilities in the Green Belt, careful consideration will need to be given to an appropriate lighting strategy.

RMBC Supplementary Planning Document on Green Belt development.

Whole document needs to be considered as part of the decision making process (not reproduced here).



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2. Environmental Statement Technical Annex 3 Ecology (Baseline Ecological Appraisal)

It is important to note that this document is the baseline assessment and that the impact assessment is covered in the Environmental Statement (Chapter 7 Ecology) which we are commenting on separately (see later).

It is useful to read these documents in the context of the 'Scoping Response from Rother Metropolitan Borough Council' which is helpfully included as an appendix (p.65).

The scoping response said data should be sought from South Yorkshire Badger and Bat groups but we cannot see evidence of this? (not sure why Derbyshire Wildlife Trust were contacted for data as the proposal is a long way from Derbyshire?)

3.2.1. As well as 342/EC02 we would also like to see a map of the ecological networks in the area (linked back to the relevant Rotherham Local Plan policies). Pithouse West is a key site in the ecological network along the River corridors of Rotherham and this context should be considered in the planning decisions and details.

4.7.3 The applicant's ecologists have assessed the reedbeds as being of medium ecological value at the local level – in our opinion the rarity of the bittern at county level should raise the value of being at a county level.

5.9.4 Thank you for including the BRC bird data here following our previous comments (the wealth of bird use was not reflected by the limited three summer surveys carried out by the ecologist) although we are still not sure it is fully used in the assessment of impacts - is there also a cumulative value of the grasslands, plus the birds using it/breeding on it? (see ES comments).

5.9.19 We agree with the raising of the site being of value to breeding birds being increased from local to county level - although it is still as moderate - what would the definition of high value be in this case? - given that we understand it to be one of the best sites for birds/breeding birds in Rotherham.

3. Environmental Statement non-technical summary

Table 1 Assessment Topics highlights the ecological justifications (amongst others) for the EIA which need to be kept in mind when assessing the impacts.

- *The development would involve a substantial degree of site clearance and changes to its management.*
- *Potential for physical (displacement) effects on protected species and priority species/habitats.*
- *Potential for indirect effects due to noise, disturbance etc.*

4.7 and 4.8 summarise the proposals from an ecological point of view.

“4.7 The development will adopt a low-intervention approach that retains and enhances the positive landscape assets of the site wherever possible. The existing plantations are immature and will provide increased enclosure, diversity and screening as they develop. The intention is to fit the development into this structure, using open areas and thinning of plantations rather than clear-felling. Landscaping will emphasise the use of native species and the replication of features such as copses and meadows. This theme will extend to the adoption of soft

engineering techniques where possible and the widespread use of timber as a building material.”

“4.8 The biodiversity strategy for the site aims to protect the most valuable habitats and provide opportunities for habitat creation, enhancement and interpretation. Riparian habitats associated with the brook and ponds will remain largely undisturbed. More than 80% of the plantation woodlands will be retained. Measures will include woodland management to increase diversity, design of the flood attenuation areas to optimize their wildlife value, and over-sowing of grasslands with wildflower mixes.”



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Further details are provided in 5.5-5.9 and we welcome these statements. However, we do not totally understand the paragraph 5.9 especially *“the effect on birds is predicted to be slight, but potentially significant, due to the conservation status of some of the species and the potential for habitat loss and disturbance. Of particular note is the loss of grassland used by nesting skylark and disturbance risk to bitterns, although the latter would be confined to the winter months, when levels of activity in the development are low”*. So is the assessment that the effect on the bird populations currently using the site would be slight or significant? In our opinion, it would be significant, rather than slight (see further comments on the Environmental Statement). It also needs to be made clear which areas of grassland would be over-sown with wildflower mixes (and consideration given to whether over-sowing would be effective – some ground preparation may be required).

Phasing (4.9)

The application proposed the development taking place over a 12-15 year period (Table 2) which makes sense for such a large development with a number of components. 4.9 states *“The works will be carried out in accordance with a Construction Environmental Management Plan (CEMP), which would consolidate the various mitigation measures identified in this ES and would be agreed with the Council and relevant statutory bodies.”* In addition, would elements of the EIA need to be repeated during this time period? As ecological survey data becomes out of date, additional ecological surveys will need to be carried out during the development period to inform all phases of development – a survey plan should be agreed (as a condition).

Appendix 7.3 Management

The Scoping Response says that an overall site management plan for nature conservation should be written for the whole site - covering all the points (in the scoping response). It should include surveys and monitoring and needs be linked to the phasing of the development. Local interest groups will need to be consulted. We welcome ecological management of this site, which has been neglected for a number of years. We would like to continue our discussions on how we may be potentially involved in elements of this management and potentially as a liaison with other local interest groups. Woodland and wetland management and on-going surveys are important elements of this plan.

We welcome this appendix and its content but it should also include improved management of Pigeon Bridge Brook for water quality and Invasive Non Native Species (INNS) to comply with the Scoping response. We would like to see the addition of the orchid transplant and regular surveys/monitoring included in here - including over-wintering birds as it is not clear that these will be surveyed.

4. Environmental Statement Chapter 7: Ecology

Table 7.1 of the EclA – we did have a useful meeting with the developer’s consultant ecologist which we appreciate, but we think a more accurate representation of our meeting would be:



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"The meeting with SRWT included a brief discussion of the baseline assessment of the site, and it was agreed that Aspect Ecology’s Ecological Baseline Appraisal was mainly appropriate and accurate, although the Trust highlighted the importance of supplementing the three bird surveys with the wealth of bird data in the Rotherham BRC as three surveys of such an important site were insufficient (especially as no surveys were carried out in spring). It was also agreed that wintering bird surveys are not necessarily required prior to application (as long as they were subsequently scheduled in) due to the wealth of background records for Bittern as long these records were used appropriately and given due weight and consideration to assess the full ecological value and resulting impact assessment which recognises the presence of such an important wintering bird.

Finally, the majority of the meeting centred on the importance of management of the site in the long-term, both in terms of woodland habitats as well as ponds, watercourses and areas of grassland. In particular, SRWT highlighted the importance of ongoing monitoring, surveying (including winter bird surveys) and habitat management across the site, including during the various construction phases. This is important to ensure that habitats and species of significant ecological value are retained whilst development and operation of early phases progresses. It was agreed that the wetland area, as well as the woodlands and remaining grasslands would also require a management plan in place and being delivered from year 1 if the application was successful."

Table 7.2 Summary of Phase 2 Faunal Surveys

The table indicates 'Breeding Bird Survey' was undertaken with a reference to the BTO Common Bird Census. However the table (and annex 3) say that the surveyors only undertook 3 survey visits in June and July. The BTO Breeding Bird Survey should ideally start in early May and the BTO Common Bird Census consists of 8-10 visits between late March and early July.

This limitation is recognised in 7.24 but we disagree with the statement "*Nevertheless, it is considered likely that the vast majority of species that use the site would have been recorded, whilst in combination with the 2004 data it is considered that a comprehensive overview of the use of the site by breeding birds can be attained.*" The three surveys undertaken on behalf of the developers recorded 43 bird species. The Sheffield Bird Study Group have recorded 117 species of birds at this site. Most of these records are in the Rotherham BRC - as the surveys undertaken on behalf of the developers missed the spring survey window, it is even more important that the large body of existing bird data for the site is taken into account.

Table 7.5 - we would like to see the LWS element of Woodhouse Washlands included here - not just the LNR portion.

It says in the chapter intro that the Assessment would include site assessment as well as a wider assessment - we feel that the wider assessment on the impact/opportunity on the wider ecological network should be included (it is not very obviously included) - especially with reference to the ecological corridors identified in the Rotherham Local Plan and provided by the SRWT to the consultant ecologist.



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The Assessment splits the impacts into construction phase and operational phase but we think it needs to be made clearer that this is a phased operation, what the phases are and how they overlap. Given that survey data will be out of date for later phases - how will this be addressed? (see earlier comments).

7.46 Orchids. We feel that there is insufficient information for either ourselves or the consultant ecologists to come to this conclusion. Expert advice needs to be sought on the likelihood of success for the suggestion of transplanting some of the substantial orchid patches before it can be stated that "*construction effects on Orchids are considered to be slight, adverse and long-term and non-significant at the local level (near certain).*"

7.53 It is unclear from this paragraph what the consultant ecologist thinks the construction impact would be on birds – and in particular, ground nesting birds. We think there could be significant impact. This needs to be addressed.

7.57 We support the inclusion of a 10m buffer around pigeon bridge brook

7.58 We agree with the inclusion of a 30m buffer around pond 6 containing the over-wintering bittern. We would also like to see a commitment that the Wilderness Hotel and associated lodges would not be used during the winter months when the bittern are present – this would likely include special events periods of Christmas, Bonfire night and Halloween, but would need to be informed by surveys.

7.65 This paragraph says that the majority of the semi-improved would be lost, but it does not say what the effect of this would be? Especially as Table 7.6 recognises this to be of the County Level value. This needs to be made clearer.

7.66 It needs to be clearer which area of this habitat will be lost – i.e. the semi-natural habitat with scattered shrubs near pond8 (refer to map).

7.69 We welcome this as Pigeon Bridge Brook has a history of poor water quality which hopefully could be improved with appropriate work (in consultation with the Environment Agency).

7.70 We welcome woodland management at this site.

7.71 We recommend all new hedgerows to be native, to fit with the existing ecology of the site.

7.72 and 7.73 More information needs to be included here about which orchid patches may be affected (refer to map) and references for likely success of orchid transplant. An exchange with Plantlife on the subject supports our view that expert input may well be required for this to be assessed properly and be successful (obviously avoidance would be the preference).

7.83 Although we agree that the areas of the site with the highest ecological value are being retained, we cannot agree that with the habitat loss for birds "*will maintain suitable habitat for the majority of species recorded at the site*". Our opinion is that there will still be a habitat loss for birds, particularly ground-nesting birds primarily because of the loss of a large area of grassland where ground-nesting birds have been recorded.

7.85 There is specific management that can be put in place for willow tit – we have experience of carrying this out on our nature reserves.

Where is the grassland that could be managed for skylarks and other birds? There do not seem to be any suitable areas identified on the map? Not sure where this could happen within the

development footprint? The grassland enhancement previously talked about was introducing some wildflowers seeds to one relatively small area of grassland near the car park (? Not marked on the map_ to compensate for grassland loss from a botany point of view. This is not the same as creating skylark habitat. The issue of pets and ground nesting birds also needs to be considered.



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As already mentioned, we welcome the buffer zone around the Bittern pond – although it needs to be clear whether it is a “30m buffer” or “*approximately 30m from the pond*”. Over-wintering bird surveys will need to be put in place to inform the decision on when the hotel and other amenities in this area should be open, but we would like to see a commitment for these not to be open when the Bitterns are present – this is likely to include Halloween, Bonfire night and Christmas.

7.86 We disagree that the overall effect on birds at this important bird site would be Slight – in our opinion the effect would be Moderate, requiring some compensation in addition to mitigation. As this is currently one of the best sites for birds in Rotherham borough, we are unclear how the impacts have only been graded as significant at the *local* level?

7.90-7.96 We welcome construction mitigation and as suggested, this is best delivered under a conditioned plan. Consideration should also be given to an Ecological Clerk or Works.

7.97 We agree that an Ecological Mitigation and Management Plan should be prepared. Ideally, the contents of the plan should form part of the planning decision. If this is not possible, it should be secured through a condition and signed off by the RMBC Ecologist as a minimum, although ideally other local stakeholders should be involved. This needs to be in place for the beginning of the construction phase. We have made some comments on Appendix 7.3 of Technical Annex 3.

7.98 Although we agree that habitat management will improve the value (or prevent its decline) of large areas of habitat within the site - there will still be large areas of habitat loss – primarily of value to birds which we cannot be fully mitigated. We therefore cannot agree that it has been proven that the development will “*achieve an overall net gain in biodiversity*”.

7.99 We welcome these proposed measures.

7.101-103 - again we cannot wholly agree with these statements as they do not seem to follow logically from the baseline assessment of the site which highlights the grassland, bird and invertebrate value of the site. It is not clear that avoidance and mitigation is enough to offset the impacts. It is our opinion that compensation is also required for the loss of the semi-natural grassland used as habitat for ground-nesting birds. Although some mitigation for this habitat loss can take place on site, this would mainly be botanical and it is our opinion that there is still a residual impact.

We would therefore also like to see some off-site compensation for the loss of habitat for ground-nesting birds. The ideal location for this would be the land directly to the north of the development footprint. This land parcel is owned by RMBC and was removed from the original Gulliver’s proposal due to the results of the land contamination investigations. These results are likely to make it an unattractive development site for anybody else so our suggestion is that it could be allocated or designated as a nature conservation site to maintain the ecological connectivity along this important corridor between Rother Valley Country Park, Pithouse West and Woodhouse Washlands. The area is not currently managed and its ecological value would decrease over time without management. If this is not possible, potentially on one of the nearby local wildlife sites or another suitable site to be identified. This could take the form of an off-site

S106 agreement. Such compensation may also help to address the Green Belt 5.6.12 referred to at the beginning of our response. We would welcome the opportunity to explore this idea further with RMBC.



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5. Sustainability statement

The executive summary includes the statements "*Creation of new green infrastructure including additional tree planting.*" and "*A new gain in biodiversity through the creation of new ecological habitats and opportunities to enhance site wildlife.*" We would question these statements as although the ES explains how biodiversity will be protected (where possible) and managed (to prevent future decline), it is not our opinion that at this stage, that it can be stated that there will be a new gain in biodiversity.

We are also not in agreement that with 1.4 and 3.32-3.36 that says "*these habitats are generally of no more than moderate value*". This misses the extent of the habitats and importance of the site to birds which are identified in the Baseline Ecological Appraisal.