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23rd June 2020

Ref: 20/01301/OUT Hybrid Application for change of use of existing buildings to be retained, altered vehicular access from Loxley Road with secondary public transport access from Rowell Lane and associated works with outline approval (with all other matters reserved) for demolition of existing buildings and structures, provision of a residential led mixed-use development that will deliver up to 300 dwellings, reinstatement works, site remediation, green infrastructure, landscaping and associated infrastructure (Amended Description) | Hepworth Properties Ltd East Works Storrs Bridge Lane Sheffield S6 6SX

Dear Diane

Thank you for consulting Sheffield and Rotherham Wildlife Trust, which 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 70 local people and have over 100 volunteers. We have nearly 6,000 local members and manage 16 Nature Reserves in Sheffield and Rotherham. We are lead partner in the current Sheffield Lakeland Landscape Partnership (SLLP). This is a £3.4m package of projects with a range of partners, including Sheffield City Council. It offers a unique opportunity to manage the heritage of the Sheffield Lakeland with a common vision – on a landscape scale and for more people to enjoy. This application falls within the SLLP area.

We are currently **Objecting** as our many of our main concerns submitted in the pre-application and community consultation stages have not been addressed to our satisfaction and it is our opinion the current application does not satisfy planning policy and guidance. In some cases the full information is lacking to enable the planning committee to make a sound decision. Our concerns are listed in summary here with further details below.

- 1. Outline Planning application.** We remained very concerned that the application is Outline and not sufficiently detailed. Determining this application as Outline leaves the details of the scheme's layout and its impact on the surrounding environment highly open to change. It leaves too many important decisions as Reserved Matters, to be agreed with an as yet unidentified house builder and potentially without any further public involvement.
- 2. Local Wildlife Sites and Woodland.** We make a number of points in this section that we feel do not yet satisfy policy and best practice. We are particularly concerned about the river corridor.
- 3. Biodiversity Net Gain.** This has not been measured and satisfactorily demonstrated in line with the NPPF and forthcoming statutory requirements.
- 4. Protected species.** We are concerned the survey effort, mitigation and enhancement for birds is inadequate. The site is used by eight species of bat and is of district level importance. The current level of survey and mitigation is inadequate and therefore unsafe.
- 5. The setting.** This is a proposal for Major Development in the Green Belt, on the edge of the PDNP, on land that is not allocated for housing and which is not supported by current SCC





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planning policies. The concerns we had that the PDNPA had not been satisfactorily consulted still stand.

- 6. The sustainability of the development.** Our opinion is that this is not yet a proposal for an exceptional sustainable development, especially given its isolated Green Belt location.
- 7. Flood risk.** It is our view that zone 2 and 3 flood risk areas are not optimum areas for building and this valley is better suited for natural habitats and natural flood management solutions.
- 8. Engagement and consultation.** Patrick Properties and Urbed do not seem to have taken on board many of the concerns made by stakeholders or the wider public in this application or embraced opportunities to potentially work with stakeholders.

Our detailed reasons are as follows:

- 1. Outline planning application.** In our pre-application response we said "We understand the reasons for Patrick Properties applying for outline planning application but there are risks that important details could be changed later. We would prefer to see full planning permission applied for or if this is not possible, as many details as possible included in documents such as the Design and Access Statement."

However, this application is OUTLINE with all matters reserved, except demolition of certain buildings and means of access. The description is as follows:

"Demolition of existing on-site buildings and structures, new and enhanced community woodland and the construction of a residential-led mixed-use development comprising residential development, elderly persons accommodation, self-build plots, new and enhanced community infrastructure, new and enhanced landscaping and public realm; vehicular access roads, bus gate and parking areas; accommodation and reinstatement works to retained buildings; site remediation and other associated works."

"To help to deliver this vision, the applicant is looking to attract future developers to build out the scheme and deliver new housing that will provide both modern and aspirational homes for new and existing residents of Loxley Valley. "Therefore the specific mix of units is only a guide at this stage along with details of affordable housing (although the full amount has been committed)"

"The layout of the site will be dealt with in detail at the reserved matters stages – an illustrative masterplan, showing a potential configuration of up to 300 dwellings. However, regulatory plans provided with the submission fix certain aspects of the layout to ensure the principles of the urban design are maintained." "Whilst not for approval at the outline application stage, the Illustrative Masterplan is a useful tool to demonstrate that the amount of development proposed by this planning application can be accommodated on the site."

We have read in the reports that this approach has been discussed with the Sheffield City Council (SCC) Officers, but in our opinion, for an application in this sensitive site, there is a high risk that any housebuilder that comes on board will want to change various aspects of the application and illustrative masterplan (and therefore layout) and therefore undermine any agreements to avoid,





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mitigate and enhance biodiversity value. We note that PDNPA, CPRE, Rivelin Valley Conservation Group (RVCG), Friends of Loxley Valley (FoLV) and others share the same concerns.

In summary we object to this current application and urge the Council to refuse it because outline permission will leave too much to Reserved Matters that will be subject to change by a future house builder.

If SCC do decide to grant the application, then we would want to see as much detail as possible to be made as planning conditions, in particular the Masterplan.

- 2. Local Wildlife Sites and woodland.** In our pre-application response we said "Some of the development footprint and wider site ownership (not only the woodland areas) is within the boundary of Local Wildlife Site no 108 Loxley Valley: Dam Flask to Rowel Bridge, which also borders LWS 111. This is not mentioned in any of the literature we have seen so far. Any proposals should take fully into account the national and local policies on Local Wildlife Sites and consider the reasons for designation and how the development could potentially go ahead without compromising the Local Wildlife Site whilst enabling the site to move into positive conservation management and the woodland into long-term stewardship. The area of ancient woodland also needs to be identified and any plans need to protect and enhance the ancient woodland. Any public rights of way/cycle paths/natural play areas that are proposed in the woodland need to be informed by specialist ecological survey and advice to ensure the woodland is not negatively impacted i.e. that the recreation does not take automatic precedent over the wildlife. Any additional tree planting needs to be carefully considered with expert ecological input (not just landscaping input)."

We have read the Ecology and Nature Conservation Chapter 8 of the Environmental Statement and have the following comments to make.

2a. Policy context.

We appreciate that Sheffield City Council are in the process of renewing their planning policies, but the draft 'City Policies and Sites Pre-submission Plan' (2013) includes the Policy G1 which states:

"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:

- e. ensure the loss is kept to a minimum and include measures to mitigate any harm; and*
- f. 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.*
- g. carry out any compensatory measures before the accepted damage takes place."*

And from Sheffield UDP: GE13 Areas of Natural History Interest and Local Nature Sites





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“Development which would damage Areas of Natural History Interest will normally not be permitted. Development affecting Local Nature Sites should, wherever possible, be sited and designed so as to protect and enhance the most important features of natural history interest. Where development would decrease the nature conservation value of an Area of Natural History Interest or Local Nature Site, that decrease must be kept to a minimum and compensated for by creation or enhancement of wildlife habitats elsewhere within the site or local area.”

The submission from Natural England also draws attention to the fact that the proposal lies within a **Strategic Green Network** and that **policy CS73 of the Sheffield Core Strategy states that within and close to urban areas, the strategic green network will be maintained and enhanced where possible. Chapter 8 does not say how this proposal is supporting this policy.**

It is also worth noting that Ecus suggested in their 2015 report (4.3.19) *“Whilst a detailed assessment of the river and associated channels has not been undertaken, they are likely to qualify as a Habitat of Principal Importance under Section 41 of the NERC Act 2006 and as priority habitat on the Sheffield BAP. The River Loxley and associated channels are considered to be of importance to nature conservation at up to a district level.”*

And (4.3.21) *“Whilst a detailed assessment of the millpond has not been undertaken, it is likely to qualify as a Habitat of Principal Importance under Section 41 of the NERC Act 2006. It will also qualify as a priority habitat listed on the Sheffield BAP. The millpond is considered to be of importance to nature conservation at a local level.”*

These references to Section 41 Habitats and the Sheffield BAP are not made in the EP3 reports.

In summary, the Council should refuse this application as they risk being in breach of their own policies designed to protect and enhance Local Wildlife Sites and the Strategic Green Network (GE13 and CS73 and draft policy G1) because of an insufficient assessment and have not fully demonstrated compliance with the NERC Biodiversity Duty and its associated S41 species and habitats.

2b. The habitat survey and Local Wildlife Sites

8.14 Desk top survey undertaken by consultancy firm E3P does not seem to include searches from either the Sheffield Biological Records Centre or the NBN (instead relying on records from the Ecus Report which would have been obtained in 2014?) which would miss up to date records for this site.

The Extended Phase 1 Habitat Survey (Chapter 8) was carried out at a sub-optimal time of year (11th Oct 2019) which in particular would make plant identification challenging, and is confusing as it was after some of the other surveys such as the bat surveys in summer 2018. This constraint is acknowledged in 8.50 but no suggestions made. It is a very large and complex site to be only surveyed by one Ecologist from E3P. Ecus Consultancy by contrast conducted several visits within the optimal season when they surveyed the site in 2014.





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Below is an extract from a public submission to the planning portal.:

"The site is home to 197 No. Flowering plants, 13 No. Ferns, 26 No. Grasses and 08 No. Sedges as detailed in a 2019 survey input to the Botanical Society of the British Isles through their South Yorkshire representative and also into the Ecology departments of Sheffield and Barnsley. The site is designated as of botanical merit with a good selection of different plants that make the area very interesting plus some very good Spring flowering woodland. This site is of botanical merit and would be severely environmentally damaged by the extensive construction and civil engineering and it is reasonable to suggest that this whole section of the Loxley valley would be progressively degraded by this proposed development."

It is unclear from this submission where in the large sites the botanical interest is, but the points we raise above mean that botanical information may have been missed.

There is no description of the area and condition of the habitats that may be lost and/or gained. Appendix VI shows the same baseline habitat map twice. Such an assessment could feed into a Biodiversity Net Gain report (see next section) which is described as part of the eEIA Process in the CIEEM Guidelines¹ "*ensure biodiversity data collected is suitable for potential use in biodiversity metrics for assessment of 'net gain' of biodiversity*".

It would be easier to follow the E3P report if a table format was also used to summarise the impacts, mitigation and residual impacts (e.g. Appendix 1 of the CIEEM Guidance).

Chapter 8 This does recognise the development as being partly within the Local Wildlife Site (called Local Nature Site by SCC) Damflask to Rowel Bridge (no.108) and that Beacon Wood an ancient semi-natural woodland is approximately 80m away (ES 8.131). However, no mention is made of the adjacent LWS 111 Loxley Valley: Acorn Hill & Little Matlock Wood (Loxley Banks) which is about 10m away from the site on the other side of Rowell Lane, and **no map is provided showing the boundaries of the non-statutory designated sites.**

In Chapter 8, although E3P do describe the baseline habitats of the whole site, they do not describe the features of the Local Wildlife Sites in relation to its designation and what the impacts from potential construction and completed development would be on these features. An example from the report:

*8.153 The completed development has the potential to impact on local designated sites through increased anthropogenic pressure. However, the embedded mitigation measures proposed would result in a **minor adverse impact on the designated site in the long term at a local level**".*

But detail is lacking on what features may be impacted and how. For example, how does the Arboricultural Impact Assessment feed into the LWS impact assessment? The impacts of approximately 1000 new residents has not been sufficiently assessed. There is evidence that there

¹ Guidelines for Ecological Impact Assessment CIEEM in the UK and Ireland <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>





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are negative impacts on LWS from nearby residential developments – the nearer the development, the greater the damage to the wildlife site, highlighting the importance of buffer zones².

There could be an opportunity to enhance these LWSs here with a potential clearance of industrial contamination of the land, an appropriate measured assessment, strong enforceable mitigation, measured and planned enhancement and long-term management, but this opportunity has not been fully realised.

One of the features of the LWS no 108 is the Loxley river corridor. Sheffield's main river corridors are part of the current Sheffield **Strategic Green Network (CS73)** and will be crucial elements of forthcoming **Nature Recovery Networks** as part of **statutory Local Nature Recovery Strategies** in the new Environment Bill³.

Section 8.154 says "*The completed development is not anticipated to have adverse impacts on the river corridor based on the embedded mitigation described above. A buffer is to be maintained and the corridor will be enhanced through the supplementary planting of trees and shrubs, grassland areas, provision of bat and bird boxes, and maintenance of a "dark corridor". Public footpaths will run alongside the river, however these will be maintained and defensive planting will deter walkers from straying from the footpaths. Information displays could also be provided detailing the importance of staying on footpaths and keeping dogs on leads within these areas.*"

However in the Planning Statement the dark corridor turns into a "*The **green corridor** is an 8m wide open space corridor on both sides*⁴ of the River Loxley. The green corridor includes the existing green space, woodland, footpaths and woodland tracks that run alongside the River Loxley. They will be integrated within the development to create a landscaped green corridor with an accessible footpath/ cycleway network running along the corridor. Surface improvements, woodland management, new planting, **low-level lighting** and wayfinding markers will provide a series of landscape enhancements and connections along this corridor.*"

In summary there may have been insufficient baseline information collected for the Environmental Statement (Chapter 8) assessment to be based on sound data. Planning Decisions made based on this assessment may also therefore be unsound. It is our opinion that an insufficient assessment of the impact on the Local Wildlife Sites has been carried out. Local Wildlife Sites are designated by Sheffield City Council and are protected by the Council's own planning policies (GE13 and CS73 and draft policy G1) which could be breached by decisions made based on incomplete information. There is also a lack of clarity on the detail of the riparian green corridor and therefore risks to the features of the Local Wildlife Sites and the protected species they support.

² Rylatt, Garside and Robin 'Human Impacts on Nature Reserves – the influence of nearby settlements' 2017 CIEEM In Practice issue 97)

³ <https://www.gov.uk/government/publications/environment-bill-2020>

⁴ *8m on each side or 8m in total?





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2c. Mitigation, planning conditions, ongoing management and monitoring

If the Council see fit to grant this application, there are a number of points we wish to make about the proposed mitigation, planning conditions and future management of the site.

It is crucial for the LWS and the species it supports, in particular bats (see section on protected species), that the recommendations in The Design & Access Statement (section 4.8 Lighting Strategy) for **no lighting** along the river corridors and Mill Pond are adhered to. This should be made a planning condition if the proposal is to be granted. We also recommend **increasing the corridor from 8m to at least 15m** either side of the river to reduce the risk of disturbance / infringement from gardens and reduce the impacts on bats (see 4.).

8.177 Says "Embedded mitigation within the proposed development which comprise the provision of a 20 m buffer between working areas and the river corridor are anticipated to protect the habitat feature. Additional mitigation required is detailed below and would be detailed in full within the Construction Environmental Management Plan (CEMP)" Is this 20m from the river or the River GI corridor? How will no disturbance including low lighting along the whole lengths of the rivers corridors be enforced in an 8-9 year construction project, including during winter working? **Again this would need to be clarified and conditioned to be part of a comprehensive CEMP.** We would strongly recommend the presence of an **Ecological Clerk of Works** for many stages of any granted demolition and construction to ensure all mitigation measures described would actually be carried out.

Chapter 9 suggests it would be an opportunity to clear or seal the land contamination. **It is crucial that the CEMP prevents any of the contamination from entering the River Loxley as recommended in the report. This should also be covered by a planning condition.**

From the 'Preliminary Arboricultural Impact Assessment' "It is therefore recommended that a full Arboricultural Method Statement is prepared as part of a reserved matters application or to discharge applicable and suitably worded planning Conditions." **We support this and suggest it should be a planning condition.**

A new **woodland management plan** will be drawn up to provide a strategy for the protection and management of the woodland (4.37 Planning Statement). This should be either stand alone or as part of a **Habitat Management and Enhancement Plan (HMEP)** mentioned by E3P and we would expect these plans and associated **resources** for implementing the plants to be specifically included **as planning condition(s)** should the application be granted.

We support section 5.3.7 from the Ecus report "In accordance with best practice guidelines, all mature woodland to be retained, including Beacon Wood and mature woodland along the river, should be protected by the implementation of Root Protection Zones (RPZs) in accordance (with the most up to date British Standards). These should be clearly fenced to prevent the encroachment of machinery, staff or materials." **This should also be a planning condition** if permission is granted.





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These conditions would be essential if the “*minor to moderate beneficial impact on the woodland habitat in the long term at the local level.*” Described in Chapter 8 (8.160) is to be realised.

Monitoring is lacking. From the CIEEM Guidelines “*The EclA should set out the ecological monitoring required to audit predicted impacts and effects against the actual situation. This will enable any necessary remedial action to be taken, including adjustment to the activity generating the impacts and adjustment to the mitigation or compensation measures*” We cannot see this in the E3P report and **monitoring would need to be added (with resources) to both the CEMP and HMEP** if permission is granted.

3. Biodiversity Net Gain. Following on from this, in our pre-application response we said “We would like to see an EclA which fully considers the impacts of such a large development. The additional surveys should collect sufficient data for a Biodiversity Net Gain assessment (ideally incorporating a calculation using the [Defra 2.0 metric](#)⁵) in line with the NPPF as part of the EclA. “

Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a *measurably* better state than it was before the development occurred. It aims to deliver improvements through habitat creation or enhancement.

The February 2019 update to the NPPF⁶, Policy 170 says “Planning policies and decisions should contribute to and enhance the nature and local environment by” **“d) Minimising impacts on and providing net gains for biodiversity”**

In the 2019 Spring Statement, government announced it would mandate net gains for biodiversity in the Environment Bill. Defra then consulted on how BNG would work in practice and the response to the consultation (published July 2019)⁷ sets out how this will be brought into force. This documents sets out the type of developments that may be exempt, considers concerns raised about viability and confirms that legislation will require (non-exempt) development to achieve a 10% net gain for biodiversity. The Environment Bill was included in the December Queen’s speech and the Bill is expected to receive Royal Assent in December 2020⁸, before construction would start at this site if permission is granted. CIEEM/CIRIA⁸ and Natural England have published guidance on how BNG can be achieved.

Some concluding comments in this application are:

*“The development will provide a beautiful and enhanced landscape corridor alongside the River Loxley, which will offer **improved habitats to encourage biodiversity.**”*

⁵ <http://publications.naturalengland.org.uk/publication/5850908674228224>

⁶ www.gov.uk/government/publications/national-planning-policy-framework--2

⁷ www.gov.uk/government/consultations/biodiversity-net-gain-updating-planning-requirements

⁸ <https://cieem.net/wp-content/uploads/2019/02/C776a-Biodiversity-net-gain.-Good-practice-principles-for-development.-A-practical-guide-web.pdf>





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And (from Chapter 8) “8.155 Therefore, it is anticipated that the completed development could have a **minor beneficial impact on the habitat in the long term at the local level.**”

It is our opinion that BNG guidance has not been followed and that BNG has not been *measured* or sufficiently demonstrated in this application, which is especially important given its size and sensitive location. **The concluding statements above are therefore not based on sufficient evidence and a decision made by the Council based on these statements could be unsound.**

4. Protected species. In our pre-application response we said “We understand there are projected species on site and would expect to see the appropriate level of survey followed by the application of the mitigation hierarchy.”

4a. Bats. Survey effort and findings. We have read both the 2015 Bat Report by Ecus and the 2019 Bat Report by E3P. Ecus found a total of 20 bat roosts in the 38 standing buildings (an additional four had been demolished) and taken in combination, considered the bat roosts to be of **district level importance**. And overall, based on the survey findings which recorded **eight species of bat** using the site, the site was considered to be of importance to bats at a **district level**. They also said that not all roosts were likely to have been identified with bats often moving between roosts.

Given the high bat value of the site, we would also like to see an up to date records search with the South Yorkshire Bat Group.

In the current plan, a small number of buildings are to be retained (double-storey former office Yorkshire stone building, the five stone terrace cottages and a red brick social club building and the Bowling Green) with the others to be demolished.

Ecus conducted nine dusk and eight dawn surveys in summer 2014. The way the E3P Report was set out made it very difficult to work out how many dusk and dawn surveys were carried out in 2018. We eventually worked out it was six dawn and six dusk surveys between 31st July and 1st October. The surveys should have started earlier in the season, rather than at the end of the peak maternity period, and should have been completed before the end of September to be in line with the Bat Conservation Trust (BCT) Survey Guidelines⁹ which the report said were followed. The qualifications and experience of most of the surveyors was not included in the report. We would expect a certain level of bat expertise for a complex site like this with a known district level of bat interest made up of eight species and several buildings, to ensure adequate and accurate information in line with the BCT Survey Guidelines. The number of roosts recorded by E3P (11-13 roosts) was lower than that by

⁹ Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines 3rd edition, BCT, London.
<https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-3rd-edition>





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Ecus (20 roosts) and the number of species recorded roosting and foraging was lower too. Ecus recorded four species roosting (common pipistrelle, brown long-eared, whiskered and Natterer's bats) and E3P recorded the first two only. Given the knowledge of the importance of this site, we are concerned this could be an **under-recording** of bat roosts on the site. Fewer surveys, later in the season and possible lack of experience of some surveyors may be contributory factors. However, we are pleased that EP3 will include roosts previously identified by Ecus in its protected species licence application to Natural England (if the proposed development is to proceed) as bats may utilise previous roosts during different years. It is important to recognise the **district level** importance of the site identified by Ecus in the licence application, mitigation and compensation. The EP3 report said the loss of roosts would be **moderate adverse**. It is essential that this licence and mitigation is in place *before* any demolition. There would need to be very careful consideration given in both the licence application and CEMP to how sensitive bat species would be protected from the disturbance of eight years of demolition and construction. We are very concerned that the proposed bat roosts for the brown long-eared bats may be subject to **too much disturbance and light**. It is unclear if these would be in new or retained buildings (to be renovated?) The success of the mitigation measures must be monitored and adjusted if necessary. Note from the report *"If a licence is to be applied for after **July 2020**, it will be necessary to update the Daytime Bat Scoping Surveys and Nocturnal Bat surveys"*.

Three bat activity surveys were carried out (14th Aug, 14th Sep, 1st Oct). Table 3 in the BCT Survey Guidelines⁸ states that in areas of 'high suitability for bats' "up to two survey visits per month (April- Oct)" is recommended to achieve a reasonably survey effort in relation to habitat suitability". The guidance also says *"An activity survey should provide a representative sample of the bat activity in all habitats present at the proposed development site (see Section 8.2.4.1). Sampling should be designed to provide a sufficient amount of data to assess the potential impacts of the development on bats."* The evidence from the previous Ecus report and the knowledge that river corridors are important to bats means that this site is known to be of high suitability to bats. This is further highlighted by work carried out by the South Yorkshire Bat Group in their submission and highlighted in their map compiled with the Sheffield Lakeland Landscape Partnership and published in the 'Sheffield State of Nature Report 2018'¹⁰. Therefore **the activity surveys effort was insufficient** to provide a sufficient amount of data to assess the potential impacts on the development on bats which are European Protected Species.

No bat surveys of trees have been carried out (8.139). These need to be carried out at the earliest available opportunity to identify any roosts (protected by the Wildlife Legislation) to be part of any licence application. And another check would be required before any felling to ensure continued compliance.

¹⁰ <https://www.wildsheffield.com/wildlife/wildlife-conservation/sheffield-state-of-nature/>





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Section 8.1-8.3 of the E3P report says that the underground sites were surveyed for their suitability for hibernation using automatic loggers for 3 weeks (Kiln Tunnel 2 and Culvert) and 6 weeks (Kiln Tunnel 1). However section 5.3.7 of the BCT Survey Guidelines⁸ states “Automated/static surveys for winter activity within structures with a moderate to high likelihood of bats being present should be undertaken for a minimum of two weeks in each month from December to February”. We know the site is of high importance to bats and there were also droppings found in Kiln Tunnel 1, yet the authors conclude (in section 8.4) that “*No hibernation roosts were identified within any of the features of interest, whilst no evidence of hibernation roosts (i.e. accumulation of droppings) were located (in) any of the buildings during the November DBSS. It is anticipated that bat species (i.e. myotis and noctule) may hibernate within the woodland, located adjacent to the site and recordings identified during the surveys were of bats foraging on milder nights, in proximity of the features of interest*”. We think this is an **unsafe conclusion** to come to given the survey effort and the presence of droppings in Kiln Tunnel 1. Hibernating bats can produce few droppings, especially visible droppings as they usually hibernate in cracks and crevices.

We would also strongly recommend monitoring the kiln tunnels in autumn (Sep–Oct) in case these sites are used for **autumn swarming** (mating grounds). This could be carried out with automatic loggers following the guidance in section 8.3 of the BCT Survey Guidelines⁸.

Section 8.162 and Table 8.3 (Page 8-34) of the Environmental Statement concludes that “*The completed development will have a **minor beneficial impact on commuting and foraging bats in the long term at the local level.***” **We disagree** that the alteration of a largely dark and quiet river corridor to eight years of construction to make 300 homes with the resultant population of circa 1000 residents with associated vehicles, light, noise, pets and disturbance would result in a beneficial impact on commuting and foraging bats, even with the level of mitigation proposed. We therefore find this **conclusion to be unsound**.

In summary, we think the survey effort and conclusions based on this survey effort are unsound, especially as the site is known to be of district level importance to bats. Planning decisions made based on this information therefore risk being unsound.

4b Bat Mitigation.

If Sheffield City Council grant the application, we have comments to make on the proposed mitigation for bats.

From Chapter 8. “8.141 *If proposed construction lighting does not consider habitats of highest value for foraging and commuting bats, it may lead to dissipation of roosts. Whilst lighting may act as a significant barrier upon commuting and foraging resources, which have been identified on site and within the surrounding area.* 8.142 *The potential impacts of proposed lighting during the construction phase on bat activity could result in a **moderate adverse** impact on the species in the medium term at the local level.*”





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If permission is granted, a **Construction Environmental Management Plan (CEMP)** would be required to ensure all mitigation measures described would actually be carried out – this would require the presence of an **Ecological Clerk of Works** for many stages of any granted demolition and construction, again to ensure that mitigation is being implemented and European Protected Species are not harmed. These requirements should be **planning conditions**.

The conditions for the CEMP and HMEP should specifically mention the inclusion of **bat-friendly lighting** – for example ‘Bats and artificial lighting in the UK’ – joint publication by the Institution of Lighting Professionals and Bat Conservation Trust¹¹. This would need to cover any initial “*temporary security fencing and associated lighting*”. Also see p376 of the Ecus report for recommendations on lighting.

8.161 talks about the ‘dark corridor’ again. As discussed earlier, this would need to be a dark corridor for the bats with **no lighting** and not a green corridor with low level lighting as in the Planning Statement. There is no vegetation on the plans between A2 and B3 and the river corridor – so it will not be dark at this point. Planting should be considered here if there to be any light spill in this area. **It is also our opinion that 8m is not sufficiently wide enough for a dark corridor for minimal disturbance to bats, and this should be increased to at least 15m either side of the river.**

8.163 says “*The completed development will have a reduced number of roosting opportunities for the species without appropriate mitigation. It is anticipated the development would have a moderate adverse impact on roosting bats in the short term at the local level.*”

The number of bat boxes suggested is minimal. If permission is to be granted then we would expect a bird box (see section 4.2) or bat box or other bat roosting feature (see South Yorkshire Bat Group submission for suggestions) to be integrated into *all* buildings throughout the development if permission is granted. For example integrated bat boxes have been shown to be effective and can be purchased for as little as £30/ box¹². Details of including the integrated boxes should be included within an Ecological Design Strategy (EDS) and required as a condition of any planning consent.

If permission is to be granted, all bat mitigation (8.188 – 8.191), plus **additional mitigation** which would reflect the **district** level importance of the site to bats (to be discussed and agreed with ourselves, the Ecology Unit and South Yorkshire Bat Group) **would need to be written into a planning condition**.

¹¹ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting>

¹² e.g. <https://www.nhbs.com/build-in-woodstone-bat-box>





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4c. Otters

8.39 says that no records of otters were provided within 3km of the site by SBRC. It is unclear if this is a recent up to date data search or based on Ecus's data search from 2014. As we provided a number of otter records to SBRC in 2017/18 which do not seem to feature in the data search.

If planning permission is granted we support the Precautionary Working Methods for otters (p16 Otter report) including **all** artificial lighting will be positioned to avoid the river system both during the works period and following on from the completion of the project, to ensure the river is maintained as a dark wildlife corridor for otter. This should be covered in the 'dark river corridor' condition suggested above and checked by the ECOW.

4d. Birds.

The Ecus report (p286 and p381 of Chapter 8) shows that *"a three-visit breeding bird survey was undertaken between May and July 2014. A summary of bird interest at the site is provided within this report, however given the suitability of the habitats on site for breeding birds, a full breeding bird survey was undertaken for the site and this detailed in a separate Ornithology Report"*.

*"Species including swallow and stock dove have been recorded nesting in the existing buildings, whilst the river corridor and the mill pond are used by waterfowl, grey wagtail and **kingfisher**. Beacon Wood provides habitat for a wide range of species including raptors, migrant warblers and resident species including woodpecker, nuthatch and tree creeper. The site provides a mosaic of habitats and plays an important role within local green infrastructure providing not only shelter and foraging but also a significant movement corridor for birds. Habitats within the survey area are considered to be of importance to bird species at a local to district level."*

We are surprised therefore that EP3 came to the conclusion that *"8.106 As the conditions of the site remain the same as when previously surveyed in 2015, it can be reasonably assumed that the same bird species assemblage will remain present."*

We would have expected a repeated up to date bird survey, and an assessment on the potential impact of the **Kingfisher, a Schedule 1 protected species**. EP3 have come to the conclusion that there would be a **'Minor adverse in the short term at the local level'** on birds during construction and a **'Minor beneficial in the long term at the local level'** post-construction **but this is based on 2015 data which we think is insufficient**.

Barn Owls are thought to be roosting in building B25 which is due to be demolished. *"Prior to the demolition of the building an alternative provision suitable for use by roosting/nesting barn owl (i.e. barn owl box or tower) will be provided at the site or within 200m of the existing nesting site. A minimum of two barn owl boxes be installed within the site, to provide options for the species and increase the likelihood of use of one of the boxes. The alternative provision and its location are to be agreed upon with the ecologist and the Applicant."*





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Barn Owls are a Schedule 1 Protected species¹³ with nesting adults and dependent young are [protected against disturbance](#). One of the proposed barn owl boxes is located very near to a proposed area of new housing. **We are concerned that it may not be possible to keep this free from disturbance during 8-9 years of demolition and construction.** No map is provided with the outline schedule of works indicating how ecological mitigation and compensation would fit around the proposed 8 year timescale for the project to be complete.

In summary, it is our opinion that the impact assessment on birds is potentially unsound as it is not based on up to date information and there are risks to disturbance to Schedule 1 protected bird species, the Kingfisher and Barn Owl.

4e, Bird mitigation

We are disappointed by the mitigation measures which do not recommend avoiding the bird breeding season, but just suggests:

"Any vegetation or buildings require removal within the breeding bird season (March–September inclusive), that a suitably qualified ecologist inspect the area no more than 24 hours prior to the removal. Should any nests, or nests in construction be located, a suitable stand-off distance will be maintained until the young have fledged. The ecologist will advise on suitable stand off and provide a toolbox talk to all site contractors regarding their working limits and legal implications."

We are also disappointed in the enhancement – limited to only installing 20 bird boxes. "8.225 A series of bird boxes will be installed throughout the development to mitigate for breeding habitat loss. A minimum of 20 bird boxes will be installed. Full details of the specification of bird boxes will be detailed within the HEMP".

In contrast, the Ecus report suggests a range of measures in a table in their report. For example. Mitigation to include: "Provide internal nest boxes (soffits/roof spaces etc.) for house sparrows and starlings, swift bricks for swifts and external nest boxes where possible for other species. Provide larger nest boxes at the agricultural and woodland boundaries of the site for owls and raptors". Enhancement to include: "Consider provision of nesting sites for kingfisher in undisturbed sections of the River Loxley and sand martins on the mill pond."

If permission is granted, we would like to see the mitigation and enhancement for birds increased to include measures such as that originally suggested by Ecus, in agreement with the Ecology Unit. There should be a bird or bat box *per building*. Details of including the integrated boxes should be included within an Ecological Design Strategy (EDS) and required as a condition of

¹³ <https://www.barnowltrust.org.uk/barn-owls-law/legal-protection-wild-barn-owls/>





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any planning consent. Bird boxes should be varied and include sparrow boxes, Kingfisher box¹⁴ and swift bricks¹⁵

Barn Owl mitigation. Advice from ourselves, the SCC Ecology Unit or the Barn Owl Conservation Trust should be sought on the location of any mitigation boxes to ensure their success in terms of safeguarding from disturbance and being in proximity to suitable foraging grounds.

4d Badgers The Ecus report suggests plenty of badger activity in the area. *If* permission is granted we support EP3's recommendation for a further check to be made before any permitted demolition or construction. We also recommend information on badgers to be included in an **ecological toolbox talk by the ECOW to be given to all demolition and construction workers.**

4e Water voles. We note that signs of water voles were not found by either Ecus or E3P. However, a comment from a member of the public submitted on 9/6/20 (109 Greaves Lane Stannington Sheffield S6 6BD) says: "*In the area where the road access crosses the river, east of Storrs Bridge Lane there is a colony of water voles which has already been disturbed by the poorly installed site security fencing. It is proposed in the development to completely replace the existing culvert here which will undoubtedly wipe out this existing colony*". We do not know how reliable this report is, but **we strongly recommend that E3P to discuss it with the Ecology Unit and re-survey of that specific area¹⁶ to ensure no harm to this European Protected Species.** Water voles are fully protected under the Wildlife and Countryside Act (1981) making it an offence to intentionally damage or obstruct access to water vole burrows. The water vole is a Priority S41 Species and numbers have declined greatly in Sheffield, with only a few isolated populations remaining⁹.

4f. Hedgehogs. Although not a European Protected Species, the hedgehog is a Priority S41 Species which has undergone significant declines. *If* the application is to be granted, we also **request for a 'hedgehog highway' to be implemented in the scheme by means of a planning condition.** Making a housing estate hedgehog friendly can be implemented by creating suitable sized holes (13cm/5 inches square) at the bottom of fences, or preferably using hedges instead of fencing to allow hedgehogs to move freely throughout the site is now in line with [government guidance](#)¹⁷. An example of a hedgehog highway for large housing developments can be found on the SCC planning portal, ref number: [17/O1443/FUL](#). A hole measuring 13cm x 13cm is the right size for a hedgehog to pass through but too small for most pets. Once cut a fence plate¹⁸ can be installed, indicating the purpose of the hole to deter homeowners/ tenants from blocking the holes in future.

¹⁴ https://www.birdfood.co.uk/woodstone-kingfisher-tunnel?utm_source=google_shopping&gclid=EAlaQobChMlu-yixlim5QIVk0DTCh3SggEFEAQYAABEgKo0vD_BwE

¹⁵ An impartial booklet, 'Facts about Swift Bricks' (Newell 2019a) listing many brands and suppliers can be downloaded from the Action for Swifts website [Action for Swifts website](#)

¹⁶ <https://www.gov.uk/guidance/water-voles-protection-surveys-and-licences>

¹⁷ <https://www.gov.uk/guidance/natural-environment#green-infrastructure> (023 Reference ID: 8-023-20190721)

¹⁸ <https://www.nhbs.com/eco-hedgehog-hole-fence-plate?bkfno=242607>





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- 5. The landscape setting: The Loxley Valley in the Green Belt, in proximity to the Peak District National Park.** In our pre-application submission we said “Due to the proximity of the Peak District National Park we would expect that you are liaising with the Peak District National Park Authority (PDNPA) to understand and fully assess any potential impacts. The impression at the community drop in event was that this had not yet happened.”

The objection from the PDNPA makes it clear that this engagement and consultation has still not occurred which is concerning. The PDNPA make a number of points which would need to be addressed in order for this application to proceed.

We note that Natural England have no objection in relation to the Peak District National Park but advise that landscape advice is obtained from the National Park landscape advisor. We cannot see evidence of that landscape advice, for example PDNPA’s objection states that ‘The Peak District Landscape Strategy’ for this area has not been recognised in the applicant’s submission. Although the Peak District is talked about on p24 of Chapter 7 ‘Landscape and Visual’ of the ES, it does not sound like the PDNPA were consulted on this. We also recommend that the applicant and their consultants consult with both CPRE South Yorkshire/Friends of the Peak District and Friends of Loxley Valley in discussions about landscape and the green belt.

No reference is made to the Sheffield Lakeland Landscape Partnership Landscape Conservation Action Plan¹⁹ which includes a number of up to date landscape character maps of this area, which were compiled in partnership with the PDNPA. **This is an omission from the Chapter 7.**

The proposal is for a major development in a former industrial brownfield site in the Green Belt. The site is *not* allocated for housing and therefore there should be no assumption that housing should be permitted here. **It is contrary to SCC Core Strategy Policy 23** (Locations for new housing) which states “*in the period 2008-2021, the main focus will on suitable, sustainably located sites within or adjoining a) the main urban area of Sheffield (at least 90% of additional dwellings) and b. the urban area of Stocksbridge/Deepcar*”. CS23 also says “*Outside the urban areas and larger villages, housing development will be limited to that which is consistent with policies for the Green Belt and countryside areas.*” It is also **contrary to CS24** as it is a large site but not with or adjoining the urban area of larger villages.

Sheffield City Council will begin consulting on its forthcoming Local Plan next month (July), which will include a Green Belt review. It seems premature for a decision to be made on housing at this site, before this review and a City-wide identification of sites for housing have been published, consulted upon and agreed. The review of future options for housing growth in Sheffield carried out by URBED in 2015, suggested concentrating first on existing urban areas, then re-modelling run-down areas and only then (if needed) looking at the option of taking ‘confident bites’ out of Sheffield’s green

¹⁹ <https://www.wildsheffield.com/discover/your-community/sheffield-lakeland-landscape-partnership/landscape-conservation-action-plan/>





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belt. This application does not follow this logical progression. **We think SCC should not decide this application before this strategic process has been carried out. It could set a precedent for the permission of housing development in the Green Belt.**

We said in our pre-application submission. "The proposals would have to satisfy relevant national and local Green Belt policies, including ensuring there is no harm to the openness of the Green Belt. Input from CPRE South Yorkshire should continue. We have not had time to study these proposals in relation to the 'Loxley Valley Design Guide' but recommend that these are considered and taken into account where possible."

We recognise that the ES Chapter 7 does refer to the Loxley Valley Design Guide and associated Supplementary Planning Guidance²⁰, but again would like to see greater discussions and consultation with CPRE, PDNPA and the Friends of Loxley Valley over their concerns which still remain.

In summary, we think this application for an isolated development in the Green Belt is not supported by SCC planning policies and in particular is contrary to CS23 and CS24 and should therefore be refused. No reference is made to the Sheffield Lakeland Landscape Partnership Landscape Conservation Action Plan and full engagement with partners about the setting and agreed potential ways forward have not been reached. SCC should not decide this application before a strategic review of Green Belt for a new Sheffield Local Plan has been carried out as it could set a precedent for the permission of housing development in the Green Belt.

- 6. The sustainability of the development. A community or a housing development?** We were first invited to a workshop in December 2018 where all the issues and constraints of the site were laid out openly. It was then said by the Head of Planning at SCC, Urbed and Patrick Properties that something *exceptional* was required in this location to comply with planning policies and to be sustainable given the location of the site. From the workshop invitation "*Standard housing estate solutions or solutions employing land uses that attract high volumes of traffic are unlikely to obtain planning permission*".

"The purpose of the workshop is to explore whether there is a sustainable, deliverable and viable solution for the site's residential redevelopment that can;

- *act as an exceptional example of how relatively isolated brownfield sites within the Green Belt can be sustainably redeveloped,*

²⁰ <https://friendsoftheloxleyvalley.com/loxley-valley-design-statement/>





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- *create an attractive place that is well-integrated with nature and the landscape, while providing opportunities to contribute positively to the well-being of the wider community,*
- *generate sufficient value to deal with high remediation costs, and*
- *provide a reasonable return for a developer."*

The workshop aims to explore how these objectives can be achieved, realising an opportunity to enhance the area's character and create something special in the heart of the Loxley Valley."

It is our opinion that this Outline application does not meet that initial vision of an exceptional example of how an isolated site in the greenbelt can be sustainable redeveloped.

In our pre-application consultation response we said "Following the workshop that we attended in December 2018 (although we appreciate that the preferred way forward has not been possible), we expected a more innovative and sustainable proposal. We can see positive aspects in the Strategy but we cannot see proposals for a carbon neutral development here which we would expect for a development that was proposed to be 'exemplar' and 'innovative' given its sensitive location."

We also said "The plans and model on display at the drop-in event appeared to show limited community facilities - a shared work space and a bowling club. The more infrastructure on site (e.g. a farm shop), the less residents will need to travel elsewhere. Sustainability matters should not be left to the reserved matters stage."

The concerns about limited facilities on site (which would make such a township more sustainable) raised by ourselves and others do not seem to have been addressed. The Statement of Community Involvement highlights that many people suggest a shop, GP surgery and school are required within the Township if it is to be of this size, this has not been addressed. Other people responding on the planning portal suggest a much smaller development instead. The planning statement says:

"The vision is to transform this derelict Site into a lively and social place where people can live, work and play" At the core of this proposal is a commitment by the Applicant to deliver a sustainable neighbourhood. A new community hub will provide workspaces to encourage home working and a connected community. Leisure facilities like the existing bowling green along with improved and attractive walking routes across the Site will promote a 'living place' where people can enjoy exercise and healthy lifestyles. New community open space such as the village commons and the village squares will provide the space for outdoor community activities and events".

However, it then goes on to say "retained building for future conversion into a mixed-use space for a new community homeworking hub (subject to surveys & viability assessments)" and "retained building for future conversion into a mixed-use space with space for potential bike hire, GP surgery, community workspace hub and workshop units (subject to surveys & viability assessments)".

This suggests that the planning details required for the very limited community facilities proposed are not fully in this outline application, presenting a real risk they could be dropped. Many of the





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hundreds of local people objecting to this application point out that the local facilities required by people who would move into the proposed township, such as primary schools and shops are actually nearly 2km away and that walking or cycling this distance along the existing routes would be challenging. We said in our pre-consultation response "We support the proposals for a frequent bus connection – if the route could be extended to drive from one end of the proposed development to the other that would increase the likelihood of such a service being used." We are pleased to see that negotiation with First Buses would result in the 52a route being extended to two stops in the proposed township. However, this would require confirmation given the current Covid-19 impact on public transport use. It also needs to connect to the Malin Bridge Tram stop, rather than being a seven minute walk away.

In our pre-application response we also said:

"A whole sustainable travel plan would be needed for the development given its sensitive location. For example, there is potential scope to increase cycling connections to and from the site which need to be carefully planned and considered with all the relevant stakeholders and in the context of wider sustainable travel plans for Sheffield. Electric car charging points/car pools/e-bike hire could also be included."

We have read the Travel Plan but are not convinced it goes far enough to satisfy paragraph 108 of the NPPF which states when making decisions it should be ensured that: "Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up given the type of development and its location."

For example, like many others are still concerned that the allocation of 1.9 car parking spaces per dwelling and the walking and cycling distance and difficulty from essential amenities would still result in most journeys being carried out by car, contributing to climate change, pollution and congestion (especially at Malin Bridge).

If the application is to be granted, to reduce the potential reliance on cars further, we would like to see fewer car parking places, and where they exist to be in clusters with electric charging points for all vehicles. Bicycle and electric bicycle hire and secure storage could be built in as well as an electric car club for occasional journeys by car.

The Travel Plan concludes that "*It is therefore considered that the existing pedestrian infrastructure will facilitate safe and direct pedestrian linkages between the site and local destinations*", however it is clear this is based on a desk-top analysis only and many local people have highlighted the actual terrain, topography onsite meaning that access on foot is not that straightforward.

The Travel Plan also says "*There are no cycle facilities along the B6077 Loxley Road in the vicinity of the application. Rodney Hill located 1.5 kilometres east of the application site is designated as 'suggested cycle route' on the Sheffield Cycle Map. This route provides access into the Hillsborough area of Sheffield.*" Then strangely concludes "*The site can, therefore, be considered as being accessible by cycle*" which seems to be just based on proposed improvements





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within the site. For a meaningful contribution to a truly sustainable Travel Plan, we would expect a significant investment to improve the walking and cycling infrastructure to the nearest facilities.

The sustainability of the proposed buildings **does also not go far enough** for either an 'exemplar' development or for Sheffield to **meet its commitment of net zero emissions by 2030 as part of its declaration of a Climate Emergency**. We support the comments made by Friends of the Earth around the forthcoming 'Energy Performance of Buildings Directive' and suggest that any homes being considered for planning permission by SCC now, should meet those nearly net zero requirements (such as heat pumps instead of gas boilers) so we are truly building for the future as well as working towards Sheffield's commitments. This is especially important for a development like this, which (if granted) will still be in construction in 2029. We also support the concerns made by Sheffield Climate Alliance around the lack of clarity on detail of sustainable energy at this outline planning stage and that these may not be secured in the final design stage and that renewable energy is only being talked about for a number of properties. If this outline application is to be recommended for approval, then strongly worded planning conditions must be put in place to ensure sustainable net zero buildings.

In summary we think the current application should be refused as it is not an exceptional sustainable development in the Green Belt and it will not help the Council achieve its target of net zero carbon by 2030.

7. The Loxley River, flood risk and SUDS. In our pre-application response we said. "We would expect to see the Loxley and its wildlife protected and enhanced. Parts of the site are Flood Risk 2 and 3 where we would not normally support development as we think that it should be retained as 'space for water'. We would not want to see any reduction in the flood plain but the input of the Environment Agency should be sought. We understand that the development would also need to be in line with the level of flood risk at the site and support making space for water and the inclusion of SUDS. Roger Nowell at Sheffield City Council should also be consulted."

We note that the Environment Agency are not objecting to the scheme. However, it would have been our preference for high risk flood sites like this (which has been subject to recent flooding) to be returned to nature where they can contribute to providing space for water in times of flood.

This alternative approach would be in line with SCC Policy CS67 Flood Risk Management "*i. designating areas of the city with high probability of flooding for open space uses where there is no overriding case for development; j. developing areas with high probability of flooding only for water-compatible uses unless an overriding case can be made and adequate mitigation measures are proposed;*" **We do not think the current proposal supports this policy CS67 and should therefore be refused.**

8. Engagement and consultation. Although Patrick Properties and Urbed have undertaken consultation and engagement, they do not seem to have taken on board many of the concerns made by stakeholders or the wider public in this application. Those who were consulted have submitted objections along with (on 23/6/20) 746 objections and only 18 in support, strongly





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suggesting **partners and the community are not on-board with the current proposal which the Officer and Planning Committee should give considerable weight to.**

The Statement of Community Involvement says "*The applicant met with the Sheffield and Rotherham Wildlife Trust in January 2020. This meeting was primarily regarding how the Trust could support the long-term management and stewardship of the development.*" This meeting did happen with colleagues from our Conservation and Land Management Team and was subsequently followed up with a proposal to work more closely together in order to deliver Biodiversity Net Gain. Patrick Properties have contacted us subsequently have not yet responded to our reply to arrange a follow up meeting. The opportunity to potentially improve the application by potentially working with SRWT has yet therefore not been realised which is disappointing.

Yours sincerely

Nicky Rivers

Dr Nicola Rivers, MCIEM, Bat Survey licence holder (WML-CL18 Level 2)

Living Landscape Development Manager

On behalf of Sheffield and Rotherham Wildlife Trust

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