

23rd November 2020

By Email to:
Roland Bolton, DLP

Cc:
Holly Dutton, Planning Inspectorate
Richard Cannon, Sheffield City Council
Claire Baker, Owlthorpe Fields Action Group

Re: Appeal APP/J4423/W/20/3258555: Land at Moorthorpe Way, Owlthorpe

Dear Roland,

Thank you for your letter dated 16th November, seeking clarification of some of the matters raised in the Owlthorpe Fields Action Group (OAG) Statement of Case.

It is of course not possible to give an exhaustive account of all the detailed points that will be raised in our Proofs of Evidence, as these documents will inevitably evolve until close to the submission deadline. However, I hope the information below will assist you in understanding our case.

We have already supplied the information we have obtained regarding the contested land ownership.

Design & Density

We are comparing the Owlthorpe Planning & Design Brief - design principles D1, L2, G1, G2, G3, T1 – with NPPF 130 and 131. Our case is that conformity with this suite of material considerations has not been demonstrated, partly through lack of integration with options for the design and layout of the adjacent sites, and partly through its relationship to landscape features within and adjacent to the site. Lack of innovation and sustainability measures, such as green roofs and renewable energy, are further considerations to which we may wish to refer. The issue of green roofs is also the reason for the reference to the Sheffield Climate Change & Design SPD.

Open Space Provision

Essentially, the aspects of our case here include:

- We understand there to be a shortage of public open space in the wider area, which the scheme does not help to address;
- We are concerned that the proposed children's play area impacts upon the area purposefully retained as a landscape buffer when the adjacent Woodland Heights development was implemented;
- The drainage attenuation basin requires land regrading and construction access arrangements that may in themselves have ecological impact.

Historical and Ecological Data

OAG's case is that the ecological value of sites C-D-E, both together and separately, have greater significance than has been given consideration in determining the application. The BWB Preliminary Ecological Appraisal (PEA) and Amended Ecological Impact Assessment (EcIA) provided in support of the application only deals with land within the application red line boundary. The additional 'Addendum EcIA' covers the LEAP, MUGA and surface water attenuation area, but altogether they do not cover all of sites C-D-E. Therefore they represent an incomplete picture.

To address this incompleteness, OAG commissioned a Preliminary Ecological Appraisal (PEA), conducted by Wildscapes, to cover all three sites. OAG also organised a community-based species survey, the results of which were uploaded to the Nature Counts database, which is managed by Sheffield & Rotherham Wildlife Trust (SRWT) and feeds into the National Biodiversity Network database. Subsequently, SRWT also commissioned Wildscapes to examine all the available botanical data against the Sheffield criteria for Local Wildlife Sites. The following datasets were used to achieve this:

- The published results of BWB's Amended EcIA;
- OAG data uploaded to the Nature Counts database;
- Data held by the Sheffield Biological Records Centre;
- The results of Wildscapes' PEA.

With assistance from SRWT I now have copies of these datasets and criteria. The only obstacle to us giving you full access to this data is ownership. The OAG data now held on the SRWT Nature Counts database and can be released with a data sharing agreement. I enclose a draft agreement for you to sign so we can get this data to you as soon as possible.

For the Sheffield Biological Records Centre data, and the LWS criteria, the Appellant will require separate permissions from Sheffield City Council Ecology Unit (as the lead partner for the LWS Partnership). My understanding is that these permissions should be formalities, but it is not for me to share the data with you otherwise. As Wildscapes has already sorted this data for the LWS assessment for SRWT, I suggest you ask the Ecology Unit if SRWT can share the sorted data and the LWS criteria with you directly. SRWT are willing to do this if the Council provide the permission. The Ecology Unit Manager is Chris Wilson (chris.wilson@sheffield.gov.uk).

In terms of historical evidence, my understanding is that this principally comprises old maps of the area which indicate the existence of the hedgerows back to at least 1790. These maps were obtained by a local resident from the Derbyshire Record Office for personal research purposes, and we are currently checking whether further permission is needed before making them available to the Inquiry.

National Policy and NPPF

With reference to our SoC para 5.6, I will confirm with SRWT as soon as possible an agreed position between Dr Rivers and myself, as OAG's witnesses, as to the key evolutions of national policy on biodiversity since 1998 and their relevance to planning. A non-exhaustive list of reference points includes:

Natural Environment and Rural Communities Act (2006);

Conservation of Habitats and Species Regulations (2010);

Biodiversity 2020: A Strategy for England's wildlife and ecosystem services (2011);

25 Year Environment Plan (2018);

Planning Practice Guidance – Natural Environment (2016/2019);

Environment Bill (2020).

Their implications for the case will clearly be a matter for our Proofs of Evidence.

I can clarify that the NPPF conflicts we have principally identified are with:

- NPPF 170(d) in relation to ecological networks;
- NPPF 175(a) in relation to whether harm can be avoided or adequately mitigated;
- NPPF 175(c) in terms of the loss or deterioration of irreplaceable habitats.

On this last point, NPPF 175(c), I should also draw your attention to our SoC para 6.4. In addition to the on-site biodiversity losses that our evidence will confirm, there is a concern about the hydrological impact on the Ochre Dike ancient woodland resulting from rainwater being diverted from its catchment and directly downstream into the SUDS basin. It is not our intention to present

any hydrological data for the site, but rather to flag up a potential risk that we cannot see has been assessed.

Environmental Impact Assessment

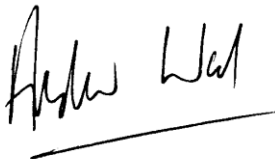
OAG's ecology witness is Dr Nicola Rivers. In her capacity as Living Landscapes Manager for Sheffield & Rotherham Wildlife Trust, Dr Rivers provided several representations to SCC during the application process. Throughout this time Dr Rivers maintained that, when taken as a whole, the three sites met the qualifying criteria for requiring an Environmental Impact Assessment, namely that it concerned a development of over 150 dwellings and a land area greater than 5 hectares. It remains Dr Rivers' view that an EIA should have been carried out.

I have now reviewed the EIA Regulations myself, and I agree with Dr Rivers: it is not possible for the Appellant's Ecological Impact Assessment (EcIA) to provide a complete picture of impacts and their scope for mitigation, when the three sites need to be considered collectively. We are working with OAG's advocate on the specific question of how the Inspector should deal with this matter, recognising that the Appellant has undertaken the assessments it was asked to do. There is no EIA screening opinion shown on the Council's portal for the application and, as far as we can see, the only reference to whether an EIA is needed is contained discursively within the Officer's report to Committee. Without proper evidence of how the Council's decision not to require EIA was reached, it is unclear how to proceed.

Conditions and S106 items

We will endeavour to provide comments on these over the next few days, mindful of the timetable set by the Inspector, with the caveat that we may seek further changes to the conditions in light of the Proofs of Evidence and as the Inquiry proceeds.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Wood', with a horizontal line underneath it.

Andrew Wood
Managing Director