



1. **Owlthorpe Fields Action Group's Headline Position**

- 1.1 Owlthorpe Fields have been regenerating ecologically for several decades and are a prime example of the types of natural processes that need to be enabled across Sheffield's ecological network if the city is to address the challenges of the climate and biodiversity emergencies.
- 1.2 The ecological value of the appeal site must be considered in an integrated, cumulative way with adjacent sites, and the standalone appeal scheme does not adequately do so.
- 1.3 When an integrated, cumulative approach is taken, it is evident that harm to ecology itself, and harm to the resulting character of the area, significantly outweigh the benefits of development. On ecological impact alone, we therefore consider that there are sufficient grounds to refuse the appeal scheme.
- 1.4 In the event that the Inspector decides a form of residential development could still be acceptable in principle despite the ecological harm, then the appeal scheme falls well short of the standards a development would need to show in order for benefits to outweigh harm.
- 1.5 Therefore the appeal scheme would not constitute sustainable development, and Owlthorpe Fields Action Group asks that the appeal be dismissed.



2. Introduction

- 2.1 This Statement of Case is made on behalf of Owlthorpe Fields Action Group (OAG). OAG is a not-for-profit, non-political community group, established in September 2018. In October 2018 it submitted a petition to Sheffield City Council with over 900 signatories, calling for Owlthorpe Fields to be protected from development. OAG currently has a mailing list of around 400 members and a strong social media presence, and has successfully raised funds from within the local community, in order to have the capacity to be represented at the Inquiry.
- 2.2 OAG has the support of a range of heritage and conservation groups, and has already undertaken significant work to build robust evidence on ecological matters.
- 2.3 OAG will provide evidence and witnesses to the Inquiry on planning and ecological matters. This evidence will address the reason for refusal, and will also support our position that there are compelling ecological grounds to refuse the application. In doing so we will draw attention to a number of other aspects of Development Plan policies and of national planning policy, beyond those cited in the reason for refusal, with which we consider the appeal scheme conflicts.
- 2.4 OAG was granted Rule 6 status for this Public Inquiry on 22nd October 2020.
- 2.5 OAG's agent for the Inquiry is Andrew Wood, Managing Director of Stride Works Ltd Planning & Sustainability Consultancy. Mr Wood will be the lead witness, presenting evidence on planning matters. Ecological evidence will be presented by another witness(es) to be confirmed. OAG's will also be appointing an advocate for the Inquiry.



3. Summary of Owlthorpe Action Group's Case

3.1 The reason for refusal subdivides into distinct elements. Our evidence will address these elements as follows, which we detail in Sections 5 to 8 of this Statement.

Harm associated with the standalone proposal

3.2 The standalone proposal is prejudicial to the proper planning of the wider area, because it does not take proper account of the ecological value of the appeal site E itself; nor of sites C, D and E together; nor of their collective, cumulative ecological function within the wider ecological network. The proposal is therefore in conflict with UDP Policies GE11, GE13, CS63 and CS73, and runs contrary to NPPF paras 170, 174, 175 and 177, by failing to adequately conserve and enhance the natural environment.

3.3 The appeal scheme will exacerbate the problem of residential parcels being developed in the area without the walkable local amenities which were originally envisaged for the site when it was allocated, thereby increasing car dependence and running contrary to Core Strategy Policy CS39, and NPPF para 91.

Harm to the character of the area

3.4 We agree with the Council that the proposal does not respond sufficiently to the area's prevailing character of abundant green infrastructure and open space. As outlined above, the appeal scheme will compromise the ecological integrity of the area, the amenity it brings to surrounding communities, and the potential for continued ecological enhancement. The proposal also fails to address several aspects of the Owlthorpe Planning & Design Brief and the Sheffield Climate Change & Design SPD;



and fails to fulfil the expectations of NPPF paras 130 and 131 for good design, NPPF 150 and 153 on climate change, and Core Strategy CS39 (Neighbourhood Centres).

- 3.5 Additionally, we find the proposals relating to open space provision and the drainage attenuation basin to be harmful in themselves to the character of the area, and therefore inconsistent with Core Strategy Policy CS47 and with aspects of NPPF.

Density

- 3.6 In principle we agree with the Council that the proposal fails to make efficient use of land due to the low housing density proposed. OAG's position is that the most efficient use of the land in this instance would be to optimise its ecological potential, and that built development should not therefore go ahead. Without prejudice to that principle, we also consider that the appeal scheme falls well short of what should be expected of any residential development, in terms of a density, form and design that can be considered sustainable in the context of the climate emergency, with reference to the Sheffield Climate Change & Design SPD as a material consideration.

Affordable housing

- 3.7 We agree that the affordable housing proposals are contrary to Policy GAH5 of the CIL & Planning Obligations SPD, and we note that the Appellant has submitted a revised layout which the Council does not consider resolves the problem. We will not be submitting evidence on this matter but reserve the right to respond to further revised proposals.



Sustainable Development

The harm resulting from the appeal scheme, as identified in our evidence, would significantly outweigh its benefits, and it does not constitute sustainable development for the purposes of NPPF para 8.

4. Relevant Local and National Policies

In addition to those policies identified in the Council's Statement of Case (para 4.1) we will also be referring to the following policies in support of our case:

UDP

H16 - Open Space Provision [is this a saved policy or replaced by CS45?]

GE11 - Nature Conservation and Development

GE13 - Natural History Interest and Local Wildlife Sites

Core Strategy

CS39 – Neighbourhood Centres

CS47 - Safeguarding of Open Space

CS63 - Responses to Climate Change

CS73 - Strategic Green Network

NPPF

Para 91 – Promoting healthy and safe communities

Para 110 – Promoting sustainable transport



Para 130 and 131- Achieving well-designed places

Para 150 and 153 - Planning for climate change

Para 165 - Sustainable drainage systems

Paras 170, 174, 175 and 177 - Conserving and enhancing the natural environment

5. Harm associated with the standalone proposal

- 5.1** OAG's position is that the three sites C, D, E should all remain undeveloped and their ecological assets allowed to fully regenerate and thrive for the benefit of people, nature and climate. We recognise the potential merits of development that makes efficient use of land in a location close to the Supertram, but our evidence will demonstrate that the appeal scheme both fails to realise those potential merits, and also causes significant environmental harm. Therefore, by any measure, it is an unsustainable solution for the site and should be refused.
- 5.2** In this context, we will submit ecological and planning evidence to demonstrate the following points.
- 5.3** The ecological importance of Site E alone, and of Sites C, D, and E together, has grown significantly since the allocation of the sites in the UDP. OAG has made extensive historical and ecological investigations and commissioned a professional ecological assessment, and our evidence will bring the results of this work together with other data, to demonstrate that Site E fulfils the criteria for designation as Local Wildlife Site (or in practical terms as an extension of the existing Owlthorpe



Wildlife Site) as do sites C and D. Whilst residential developments on these sites may be compliant with UDP Policies H10 and H13, it would be contrary to UDP Policies GE11 and GE13. Consequently the principle of development can no longer be accepted as being consistent with the Development Plan. Further, for the same reason, the appeal scheme is contrary to NPPF paras 170 and 175, and this is an important material consideration weighing significantly against the application's approval.

- 5.4 Due to these ecological matters, the standalone development of Site E would not only be prejudicial to a comprehensive approach to built development across Sites C-D-E, as per the reason for refusal, but it would also cause material harm by failing to account for the ecological integrity of the three sites and the adjacent, contiguous ecological assets.
- 5.5 Our evidence will show that Sites C-D-E together meet the threshold for an Environmental Impact Assessment (EIA). We disagree with both the Appellant and the Council on this point, due to the total size of the three sites and because, given our ecological evidence, it is very unlikely that the biodiversity harm across the three sites can be satisfactorily mitigated or compensated.
- 5.6 Our evidence will also demonstrate that significant evolution of national policy on biodiversity since the UDP's adoption means that the policy status of the appeal site as an allocation under UDP Policy H13 should carry reduced weight.



5.7 We will also demonstrate that neither the appeal scheme itself, nor the current development expectations for Sites C-D-E together, are in conformity with national or local policy in regard to walkable neighbourhoods, due the removal of the local shops envisaged for the site when the sites were allocated in the UDP. The scheme is therefore in conflict with Core Strategy Policy CS39 and NPPF para 91.

5.8 The appeal scheme proposes that only 30% of homes on the development will have electric vehicle charging points. This is in conflict with NPPF Para 110. To the extent that this may, as the Appellant has argued, be due to constraints on local electricity supply capacity, this is further evidence of the need to plan properly for sustainable development rather than permit piecemeal schemes in hope of future infrastructure upgrades.

6. Harm to the character of the area

6.1 'Character' must be understood as a multi-functional set of attributes, not simply aesthetic preferences. For the purposes of our case we include the following attributes as making up the character of the area:

- Ecological integrity and the dynamism of habitats that are in the process of regenerating;
- A rich, diverse and tranquil ecological corridor that is highly valued by the local community and contributes to the quality of life of surrounding neighbourhoods;
- Cultural heritage associated with Ochre Dike;



- The role of ecological networks and green infrastructure, both within and surrounding the appeal site, as part of a nature recovery network in responding to the challenges of the climate and biodiversity emergency.

6.2 Our evidence will demonstrate that the three sites C-D-E are critical assets both for wildlife and the local community within a wider corridor, and that, by harming that opportunity, the appeal scheme is inconsistent with NPPF paras 170, 175 and 177.

6.3 We will show that the current buffer zone proposals are inadequate, because the woodland at Ochre Dike is indeed ancient woodland and should be protected accordingly, and there is currently no buffer zone on the western edge against that part of the Local Wildlife Site.

6.4 We will demonstrate that the proposed Sustainable Drainage (SUDS) scheme is unacceptable, because it poses risks of ecological harm that have not been properly assessed.

6.5 We will show that the proposed provisions for public open space and children's play are in themselves harmful to the character of the area, and are therefore contrary to Core Strategy Policy CS47.

6.6 We will show that the proposed approach to biodiversity net gain is inconsistent with good practice.



- 6.7 We will show that the appeal scheme does not take adequate account of the role of the site's current characteristics or of the proposed development in responding to climate change, and that it is therefore contrary to Core Strategy Policy CS63 and NPPF paras 150 and 153.
- 6.8 We will show that, notwithstanding our other evidence that built development on the site is unsustainable, the appeal scheme also departs significantly from the Owlthorpe Planning & Design Brief, the Climate Change & Design SPD and Core Strategy Policy CS74 with reference to the South Yorkshire Residential Design Guide. This constitutes an important material consideration weighing against the application's approval.
- 7. Density and Efficient Use of Land**
- 7.1 The proposed net density is significantly lower than that set out in Core Strategy Policy CS26.
- 7.2 The Owlthorpe Planning & Design Brief allows for net densities to be reduced to the 30-40 dpha range "*where the development achieves good design or protects a sensitive area or where development is restricted due to site constraints such as the existing landscape or topography for example*".
- 7.3 Our evidence will show that the appeal scheme is harmful to the character of the area because, in addition to the ecological harm we have already detailed, the scheme is inconsistent with the Owlthorpe Planning & Design Brief, the Climate Change &



Design SPD, and current good practice in residential design for the changing climate.

There is therefore no policy justification for reduced density.

8. Sustainable Development

8.1 The Appellant has intimated an area of disagreement with the Council in terms of Sheffield's 5-year housing land supply (5YHLS).

8.2 OAG will not be submitting evidence or contributing to the Inquiry on the matter of whether or not there is a 5YHLS. However, our position is that lack of a 5YHLS would not carry significant weight in this case. Our rationale for this position is as follows:

- The proposals are contrary to several aspects of the Development Plan, as we have already set out;
- The proposals are also at odds with key aspects of NPPF, and are inconsistent with the Owlthorpe Planning & Design Brief;
- There are therefore significant material considerations to show that the harmful impacts of the development would outweigh the benefits;
- Further, the development's total contribution to 5YHLS is marginal.

8.3 The appeal scheme does not constitute sustainable development, for the reasons set out above, and consequently any lack of 5YHLS would not carry any weight in its determination.

**9. Conclusion**

9.1 Our evidence will reinforce the reasons for refusal and will demonstrate significant harm to ecological assets and opportunity. We will therefore ask the Inspector to dismiss the appeal.

10. Conditions

We will endeavour to submit in advance of the Inquiry a statement of the conditions we would seek in the event that the Inspector is minded to uphold the appeal.

11. Documents to be Used in OAG's Case

In addition to documents already in the Core Documents list, we will refer to the following documents. This list is up to date at present but we reserve the right to add further references in support of our proofs of evidence.

- OAG proofs of evidence and appended ecological data
- Owlthorpe Planning & Design Brief
- Sheffield Climate Change & Design SPD
- South Yorkshire Residential Design Guide
- Biodiversity Net Gain Good Practice Principles (2016), CIEEM, CIRIA, IEMA
- Biodiversity Net Gain: good practice principles for development. A practical guide (2019), CIEEM, CIRIA, IEMA