

Town and Country Planning Act 1990 (as amended)
Appeal by: Avant Homes Central

An Appeal Against the refusal of Full Planning Permission
for 74 no. dwellings at land off Moorthorpe Way, Sheffield.

Proof of evidence on
Ecology and Nature Conservation
Summary

By

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1 Qualifications and Experience

- 1.1 I am Andrew Baker and I am Director of the ecological consultancy Baker Consultants Limited, which I established in March 2009. I hold the degree of Bachelor of Science with Honours in Botany from the University of Nottingham (1986). I have been a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM) since 1994. My experience as a practicing ecologist is extensive with over 30 years, across many organisations and client, in public, private and voluntary sectors. I was made a Fellow of CIEEM in 2016.

2 Background

- 2.1 Avant Homes was refused planning permission by Sheffield City Council on 5th June 2020 for the proposed residential development of land off Moorthorpe way, Owlthorpe, Sheffield, S20 6PD (Ref. 19/03143/FUL; formerly PP-08037032). The land has been allocated for development for over 20 years. Since allocation the area has become colonised by dense bramble scrub, mixed scrub, immature broadleaved trees, rank grassland and ruderal vegetation. Two hedgerows on the western edge of Area E have been subsumed into the developing scrub and woodland habitat. Changes in the vegetation over time can clearly be seen in the aerial photographs of the site since 1999 (Appendix 1). The planning application was not refused on ecological grounds.

3 Scope of Evidence

- 3.1 My evidence addresses issues of ecology both in relation to the site (within the red line boundary) and the surrounding areas. I consider in detail the ecological impacts of the scheme, how these impacts can be mitigated/compensated and how funds (£230,440) which are proposed to provide biodiversity gain through the 106 agreement, could be

spent by Sheffield City Council (SCC).

3.2 Based on the written evidence I will present my professional opinion on;

- The new layout scheme (Layout B),
- Ecological data presented by BWB Consulting (previous consultancy employed by Avant Homes) and ecological data presented by Wildscape's Ltd. (consultancy employed by Owlthorpe Fields Action Group (OAG),
- Points raised by consultees and objectors,
- The development proposals with regards to local and national policy and legislation,
- An approach to net gain management proposals.

4 Site E Baseline Ecological Condition

Current Ecology of the site.

- 4.1 I concur with the findings of the survey and the impact assessment of the proposed development that has been presented to the inquiry. The surveys were carried out by suitably qualified surveyors, following the appropriate guidelines and were completed at the correct time of year. In my view the level of survey effort employed by BWB was proportionate to the habitats present on the site. I also concur with the assessment set out in the EcIA addendum.
- 4.2 In summary, the site supports habitats which have colonised, over a period of c.20 years on former farmland which was previously managed as arable and pasture. As such these habitats are neither rare, nor uncommon. The botanical species which make up the

grasslands do not exhibit high levels of diversity nor are there species present which are considered to be rare or otherwise remarkable.

- 4.3 Given the above it is my view that the ecological loss which the development will cause can be mitigated/compensated for, and I have a high level of confidence that the proposed mitigation will be successful.

Ecological Mitigation

- 4.4 The planning application is accompanied by a suite of ecological mitigation measures. These comprise two main elements, onsite habitat creation and protection of measures, and funding for offsite biodiversity net gain (BNG).
- 4.5 Owlthorpe Site E does not support any species protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 or the Wildlife and Countryside Act 1981 (as amended) which require translocation, habitat creation or other mitigation/compensation measures.

5 Rule 6 and Third Party Representations

- 5.1 I have addressed a wide range of concerns that have been raised by the Rule 6 party and third parties. These include:
- Impacts on Areas of Natural History Interest
 - Impact on Ochre Dike and LWS and Owlthorpe LWS
 - Impact on nearby SSSI.
 - Removal of a Species-rich Hedgerow
 - Adequacy of the Ecological Surveys
 - Ecological Value of the Development Site
- 5.2 I have found that the impacts on nearby wildlife sites are indirect (there is no loss of habitat within the sites), the indirect impacts are will be fully mitigated. The funding for biodiversity net gain will result in significant ecological benefits to these sites.

5.3 I can find no significant fault with the ecological surveys which would change my assessment of the impacts. The surveys followed CIEEM guidelines. Two areas were not surveyed in detail (the Local Equipped Area for Play (LEAP) and a Sustainable Urban Drainage System (SUDS) basin however these were assessed and were found to support the same habitat as present on the main development site. Both of these areas are located on land that is allocated for development.

6 Biodiversity Net Gain

6.1 While there is no legal requirement to provide biodiversity net gain nor to use a defined metric to calculate gains and losses the applicant has agreed with SCC to pay £230,400 to fund biodiversity improvements. Based on published government figures I have concluded that that the figure offered is sufficient to offset the loss of biodiversity arising from the development.

6.2 I have proposed that the payment should fund the introduction of the conservation management to the nearby Local Wildlife Sites which are currently not being fully managed to maximise their ecological value.

6.3 I am currently in contact with SCC's ecologists to agree the management actions based on a management brief which we have developed (Appendix 4 of my main proof).

7 Impacts on Protected Species

7.1 I have considered the potential impacts on protected species including,

- Bats
- Birds
- Amphibians
- Reptiles
- Hedgehog
- Badger

7.2 Those species which are present (bats (foraging) and breeding birds) the impacts can be fully mitigated through sensitive design and use of the BNG fund.

8 Planning Policy

Local Planning Policy

8.1 The LWS's are not protected through 'saved' Policy GE13 of the UDP (1998). The only site which is protected under this policy is Westfield Plantation ANHI and this area will not be affect by the development.

8.2 The proposed development complies with Policy GE13 as no direct or indirect effects upon Westfield Plantation are anticipated. Furthermore, the BNG fund will assist SCC in introducing appropriate conservation management to the site.

National Planning Policy Framework (NPPF)

8.3 The proposed mitigation and landscaping within the site and the provision of the significant BNG payment will ensure that the policies of the NPPF (Paragraph 170 and 175) will be met.

9 Conclusions

9.1 Having reviewed the ecological data present with the planning application I am of the view that the ecological surveys were comprehensive and proportionate. They have given an accurate evaluation of the ecological value of the site and are compliant with CIEEM guidance.

9.2 Only Westfield plantation LWS is protected through 'saved' policy GE13 of the Sheffield UDP.

9.3 The proposed development will not directly or indirectly damage any of the LWS's. There will be a buffer zone of non-developed land between the proposed development

and Ochre Dike LWS. In my view the buffer is sufficient in to protect Ochre Dike.

- 9.4 The proposed development will not cause a significant increase in recreational pressure within the LWS's and any effect would be offset by the proposed mitigation measures supported by the BNG funding.
- 9.5 In addition to the buffer zone between the development and Ochre Dike LWS, a sensitive lighting design will be used to protect dark corridors for nocturnal fauna using retained habitat features.
- 9.6 The appellant is offering £230,400 to fund offsite BNG which will compensate the loss of biodiversity arising from the scheme. This funding should be targeted on management of the LWS's close to the development site. It is my view that the BNG fund is sufficient to balance the losses caused by the development.
- 9.7 Any loss of nesting habitat for birds will be compensated for by the biodiversity gains that will be created by the BNG funding.
- 9.8 Taking into account the proposed mitigations/compensation the proposed development is compliant with the biodiversity policies of both the NPPF and the local plan.