

Application Reference Number: 17/04673/OUT

Appeal Reference: J4423/W/21/3267168



Appeal by Hallam Land Management Ltd.

Land at Junction with Carr Road and Hollin Busk Lane, Sheffield.

**ECOLOGY STATEMENT OF COMMON GROUND BETWEEN
HALLAM LAND MANAGEMENT LTD. & SHEFFIELD CITY COUNCIL**

20 May 2021

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FPCR Environment and Design Ltd

Registered Office: Lockington Hall, Lockington, Derby DE74 2RH

Company No. 07128076. [T] 01509 672772 [F] 01509 674565 [E] mail@fpcr.co.uk [W] www.fpcr.co.uk

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1.0 INTRODUCTION & SCOPE

- 1.1 This statement of common ground has been jointly prepared between Hallam Land Management Ltd ("the Appellant") and Sheffield City Council (SCC) for matters relating to ecology and nature conservation relating to an outline planning application for a residential development of up to 85 residential dwellings on land at the junction with Carr Road and Hollins Busk Lane, Deepcar, Sheffield. Despite officers' recommendations for approval, the planning application was refused at committee. There are no putative Reason for Refusals (RfR) relating to ecology or nature conservation on the decision notice dated 20 July 2020.
- 1.2 Over the determination period third parties raised issues relating to ecology and nature conservation and this joint statement has been prepared to clarify the position between the Appellant and SCC.

2.0 AGREED COMMON GROUND

Overview

- 2.1 Further to the submission of the planning application the appellant has worked with the Local Planning Authority (LPA) to address matters relating to Ecology and Nature Conservation. This has resulted in several formal submissions to the LPA, complementing the original submission referenced 'Land off Carr Road, Deepcar. Ecological Appraisal & Protected Species Report. FPCR November 2017' (CD1.14)'. These further submissions include:
- Land off Carr Road, Deepcar. Ecology: Additional Information Document. October 2018 (CD1.17a-c); and
 - Land off Carr Road, Deepcar (Planning Reference Number: 17/04673). Ecological Update & Review. Letter Dated 17th January 2020 (CD1.18).
- 2.2 Through the determination period the LPA agreed that the completed survey work is in accordance with standard methodologies. This remains agreed. The Appellant also completed all relevant additional surveys / assessment work as requested by the LPA. It is agreed that the scope, content, and conclusions of the submitted documentation is comprehensive and robust providing the necessary information on all material ecological considerations to determine the application.
- 2.3 It is also agreed that the submitted Water Framework Directive Assessment (CD1.17c: Appendix 4) provides all necessary information relating the potential effects of the drainage outfall to the Clough Dike and the sustainable urban drainage system (SUDs) would mitigate potential impacts during the operational phase of the development and any additional control measures required during construction phases can be secured by condition (Committee Report, Page 80).
- 2.4 During preparation of relevant appeal documentation, the results of an additional Phase 1 Habitat Survey completed in August 2020 have been provided to LPA '7301 Eco Tech Note Updated Phase 1 Survey FULL (FPCR, April 2021)' (CD1.31). The content and conclusions are consistent with the surveys and reports previously submitted. Further to reviewing the updated ecological information, the LPA agree there is no need for a planning condition requiring further ecological survey prior to commencement of development.

- 2.5 It is common ground between the main parties that the level of ecological survey work is comprehensive and up to date and provides all relevant ecological information relating to material ecological considerations to allow determination of this appeal.
- 2.6 In addition, the following documents are apposite to the determination of the appeal:
- National Planning Policy Framework (CD4.1); and
 - Natural England's Comments (CD2.8 and CD2.9).

Statutory Designated Sites and Habitat Regulation Assessment (HRA)

- 2.7 No statutory designated sites of nature conservation interest are present within the Site. Statutory designated sites for nature conservation are situated in the wider environment beyond the Site. The only designated site which required further consideration during determination of the application, and is therefore relevant to this Appeal, is the South Pennine Moors Phase 1 Special Protection Area (SPA) / South Pennine Moors (SAC) which includes the Dark Peak SSSI. This designate site is situated 3.6km to the west of the Site.
- 2.8 The South Pennine Moors (Phase 1) SPA is designated for breeding bird assemblage and South Pennine Moor (SAC) is designated for Annex 1 habitats. Neither the on-site survey nor the records provided from the Sheffield Biological Records Centre (SBRC) or the Sheffield Bird Study Group (SBSG) have identified any of the qualifying species listed in the designation criterion for the SPA within the site or in the grid squares surrounding the site. Qualifying habitats for the SAC are not present in the Appeal Site.
- 2.9 Two species of interest listed on the SPA designation lapwing / curlew have been recorded over the surveys. A maximum of up to two breeding pairs of lapwing, were recorded using the site. The Site does not provide an important resource for the overall population which records demonstrate is widely distributed on other suitable farmland in the 2km search area west of the Site. During the surveys, Curlew were only seen flying over the Site and consultees provided no records of Curlew using the Site. The Site does not form an important supporting habitat for Curlew. The data also demonstrates the Site does not represent 'Functionally Linked Land' (FLL) for species associated with the SPA.
- 2.10 Whilst some species listed on the designation criterion for the Dark Peak SSSI were recorded using the Appeal Site, the Site is situated outside the 'Impact Risk Zone' (IRZ) for residential development. Consequently, use of the Site by these species is unlikely to affect the conservation status of this designated site.
- 2.11 Natural England's (NE's) consultation response for the application, dated 30 January 2018, confirmed a position of 'no objection' to the proposals (CD2.8). NE considers that the proposed development will not have likely significant effect/adverse impacts on the designated sites. The consultation response advised that the LPA, as the Competent Authority (CA), had a duty under the Habitat Regulations to complete the screening part of the overall HRA process. However, it was NE's opinion that 'likely significant effects' on species listed on the SPA designation could be ruled out using the bird survey information submitted with the application. This correspondence also confirmed that it was NE's opinion that 'likely significant effects' from increased recreation pressure could also be discounted.
- 2.12 The LPA have completed the HRA screening assessment (CD2.25). The HRA screening exercise considers the potential impacts of the proposal on the designated sites conservation

objectives and their significance, including increase in population, visitor pressure (and or any other recreational pressure), domestic pets, local and construction traffic, air quality, and on supporting habitat on functionally linked land, and in combination.

- 2.13 Following assessment of the likely significant effects of the proposed development on any European site, the HRA concludes that the proposal is unlikely to have a significant effect on any Site of National Importance/SSSI and can therefore be screened out from any requirement for further assessment. The assessment was originally completed on the larger 95 scheme, as such the assessment presents a robust assessment of the smaller 85 unit scheme and as per the Committee report (Page 72) the council's conclusion remains unchanged.
- 2.14 It is agreed that adequate assessment has occurred by the Council pursuant to The Conservation of Habitats & Species Regulations 2017 (*as amended*) (CD2.25) and this assessment follows Natural England's (NE's) advice to the Council on 30 January 2018. Both parties also agree that proposals will not have any likely significant effects on the habitats or species within the SPA and SAC or SSSI designations and the proposals are unlikely to result in increased recreational pressure on the statutory designated sites or result in indirect effects to habitat quality from air borne pollutants. Natural England (NE) have not objected to the proposals and this position remains agreed.

Non-statutory Designated Site in proximity to the Site

- 2.15 No non-statutory designated sites of nature conservation interest are present within the Site. Several non-statutory designated sites for nature conservation are situated in the wider environment beyond the Site. The only non-statutory designated site which required further consideration during determination of the application, and is therefore relevant to this Appeal, is the Fox Glen Local Wildlife Site ("LWS") which is situated adjacent to the northern boundary of the Site.
- 2.16 This LWS is buffered from the proposals by proposed landscaping. Subject to detailed design, the landscaping would provide new woodland edge planting, native species scrub / hedgerow planting and the creation of species rich grassland, which will provide net biodiversity gain and minimise any potential effects to species usage in the woodland. Established Public Rights of Way (PRoW) are present throughout the woodland. These footpaths are well established and maintained by Sheffield City's Parks Department. Consequently, these footpaths with use of other local resources are adequate to absorb additional recreational use. Through the implementation of measures within the Site, the existing infrastructure in Fox Glen and other local recreational resources any material effects to the conservation value of the woodland can be avoided.
- 2.17 A new drainage channel will be created through the Fox Glen from the attenuation facility to Clough Dike. The implementation of this drainage channel will result in some minor losses in the LWS but the majority of these are short term disturbance during the work and with the implementation of mitigation agreed with the LA and the Sheffield City Council's Park Department no material residual effects have been identified. Furthermore, the submitted Water Framework Assessment Screening confirms no material effects to the Clough Dike.

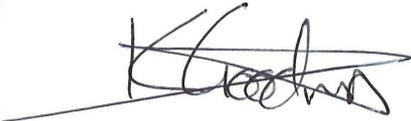
On site ecology

- 2.18 The dominant habitat present within the Site is species poor semi-improved grassland. This habitat is of low ecological value. Other habitats present within the Site are limited to a single hedgerow and small areas of scrub and tall ruderal habitats. The proposals will affect the species poor semi-improved grassland and the scrub and tall ruderal habitats, but the hedgerow is retained. Mitigation for these minor losses comprise the enhancement and long term management of the retained grassland to the west of the Site. Further mitigation includes:
- the creation of wetland in the balancing facility;
 - the provision of new hedgerows and trees; and
 - the creation of further areas of species rich grassland across the Sites open space. (Note that on the indicative masterplan (CD1.3a) this is marked as 'species rich grassland managed for biodiversity and recreational benefit' however this will be species rich grassland managed for biodiversity net gain).
- 2.19 On establishment of these provisions no residual effects to biodiversity have been identified and the proposals present would deliver a net gain to biodiversity.
- 2.20 Other than the woodland edge associated with Fox Glen, the only mature trees on site comprise a small group boarding the south west corner of the Site. No Veteran trees are present in the area of the proposed development, but two single Veteran trees are present to the south of the Fox Glen situated on the north western periphery of the Site. These Veteran trees and the Fox Glen are buffered with the appropriate standoff and would not be affected.
- 2.21 The detailed species survey work completed at the Site confirms no existence of any statutory ecological constraints from any species, including badger, great crested newts, water vole, white clawed crayfish or reptiles.
- 2.22 The breeding and winter bird survey only recorded species assemblages being classified as local level importance, which from an assemblage perspective is not material consideration in determination of the Appeal. Several species listed of the Red and Amber Bird of Concern List and listed as priority species in S41 of the NERC Act 2006 were identified. Again, the recorded number of these species were low and as such from a population level use of the site is not significant.
- 2.23 The proposals provide adequate mitigation and will be beneficial for a wide range of other species. This mitigation and enhancement would be provided in retained land to the west of the site and within the GI situated in the across the site. The mitigation and enhancement includes: the implementation of a wader scrape, the creation of species rich grassland, the implementation of native species scrub planting and hedgerows, the creation of wetland in the attenuation facility and the implementation of a range of bird boxes in the built environment. This package has been agreed with the LPA and no material residual effects to breeding or over wintering bird species have be concluded by both parties, rather enhancements would be delivered.
- 2.24 Bat survey work completed across the Site has not identified any potential roost Site which will be affected by the proposals. The activity survey and static detector surveys only identified common and widespread species using the site and the highest level of activity was associated with the edge of the Fox Glen which is unaffected and buffered by the proposals. The implementation of the proposed enhancements and the implementation of a sensitive lighting scheme adequately

mitigates for the loss of any foraging habitats and ensure the conservation status of this species is maintained.

3.0 DECLARATION

- 3.1 In summary, it is common ground that the proposals will not result in any 'likely significant effects' to the North Pennine Moors SAC and SPA or the Dark Peak SSSI, the minor short-term effects to the Fox Glen are fully mitigated and the proposals would fully mitigate any effects and provide net gain to the habitats and species recorded within the Site. It is also common ground that the completed survey work and mitigation proposals within the site is adequate to inform a relevant mitigation package which fully mitigates any effects of the proposals within the site.
- 3.2 Both parties also agreed that the proposals comply with any relevant legislation and all relevant development plan policies, and there are no ecological based reasons which would result in a reason to withhold planning permission. Rather, the development would lead to biodiversity net gain.

 Mr Kurt Goodman. Director of Ecology. FPCR Environment & Design Ltd.. Date: 20.05.21
 Chris Smith. Biodiversity Officer. Ecology Unit. Sheffield City Council. Date: 20/05 / 2021