

CD6.21b

APPLICATION No: 17/04673/OUT

APPEAL REF: J4423/W/21/3267168



Town and Country Planning Act 1990

Appeal by Hallam Land Management Ltd.

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

**SUMMARY PROOF OF EVIDENCE:
ECOLOGY & NATURE CONSERVATION**

Mr Kurt Goodman, BSc (Hons), MSc, MCIEEM

May 2021

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Rev	Issue Status	Prepared / Date	Approved/Date
-	Final	KG / 22.05.21	KG / 22.05.21

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1.0 SUMMARY PROOF OF EVIDENCE

- 1.1 My name is Kurt Goodman, I hold an Honours Degree in Environmental Biology from the University of Sunderland, an MSc in Environmental Management for Conservation and Recreation from Sheffield Hallam University and I am a Member of the Chartered Institute of Ecology and Environmental Management. I am employed as a Director at FPCR Environment and Design Ltd. based at the Lockington Office. I have day to day responsibility for the Ecology Department across the practise. I have over twenty years' experience of dealing with ecological matters on complex developments and recommending appropriate mitigation, if required.
- 1.2 I am instructed on behalf of the appellant to provide evidence relating to Ecological matters relevant to this planning appeal.
- 1.3 FPCR have been involved with the project since the initial stages of the project design, in the preparation of the material for the planning application, over the determination period and throughout the preparation of this planning appeal. Over this period, I have been directly involved with the project and I can confirm I am familiar with the appeal site and relevant ecological receptors surrounding the appeal site.
- 1.4 The outline planning application for the development of up to 93 residential units was submitted to Sheffield City Council (SCC) in November 2017 (Planning Reference Number: 17/04673/OUT). In January 2020, the proposals were revised reducing the number of dwellings to 85 residential units. As part of this appeal, further refinements to the proposals have been submitted. These are shown on the 'Revised Illustrative Masterplan (April 2021)' which has been accepted by the Inspector.
- 1.5 The original planning submission was supported by an Ecological Appraisal & Protected Species Report (November 2017) (CD1.14). Over the determination period, additional ecological information providing clarification and further information was submitted to SCC in October 2017 (CD1.17a-c). These reports provide:
- the results of extensive ecological survey work completed within the appeal site and Fox Glen Local Wildlife Site (LWS),
 - robust assessments of the potential effects of the proposals, and
 - outline appropriate mitigation strategies where necessary.
- 1.6 In preparation for this appeal, and to assist the Inspector determining the appeal, further ecological surveys have been completed over the appropriate survey periods of 2018 – 2021. A Biodiversity Impact Assessment (BIA) using the DEFRA Metric (Version 2) has also been undertaken. The results of these surveys and the BIA are presented at Appendix 2 of the submitted Proof of Evidence (PoE) on matter relating to Ecology & Nature Conservation.
- 1.7 No significant ecological constraints, for which adequate mitigation is not capable of being provided, were identified prior to submission of the planning application; during the determination period; or during the recent surveys. The results of the recent survey work also confirm there have been no substantive changes to the ecological baseline since the original survey work was completed in 2016.
- 1.8 Consideration has been given to the potential effects of the proposals on the statutory designated sites of the South Pennine Moors Phase 1 Special Protection Area (SPA) and the South Pennine

Moors Special Area of Conservation (SAC). The Dark Peak SSSI forms one of the underlying SSSI of these designated sites. These designated sites are situated 3.6km west of the Appeal Site.

- 1.9 Based on the ecological information submitted with the planning application, Natural England (NE) confirmed their opinion that 'likely significant effects' to the conservation objectives of the designated sites could be discounted (CD2.8). When completing the screening assessment stage of a Habitat Regulation Assessment (HRA) (CD2.25), SCC followed Natural England's advice and concluded that whether considered alone or in-combination with other plans or projects, the scheme would not result in 'likely significant effects' to the designated sites., As such the proposals are compliant with the requirements of the Conservation of Habitats & Species Regulations 2017 (*as amended*). The is an agreed position between the main parties (CD6.11: Paragraph 2.14).
- 1.10 Fox Glen Wood Local Wildlife Site (LWS) is situated on the northern boundary of the appeal site. The proposals provide a buffer between the built form and the edge of Fox Glen. This buffer would ensure the Root Protection Areas (RPA) of the trees on the woodland would be protected (PoE Kurt Goodman: Appendix 2 – Annex E: Drawing Reference 7301-T-07 REVA & 7301-T-10 REVA). The proposals also provide grassland enhancements within the Site's south western field compartment. These enhancements would improve ecological connectivity to other LWSs situated in the wider environment south of the Site.
- 1.11 Local Wildlife Sites (LWSs) situated to the north, east and south east of the appeal site are currently isolated from Fox Glen by the existing built environment of Deepcar. As such ecological connectivity to these LWSs would not be affected by the proposals.
- 1.12 The only works proposed within the LWS comprise the implementation of a drainage channel to the Clough Dike. This channel is positioned to avoid sensitive ecological features of the LWS including existing habitat designed for willow tit (albeit the surveys suggest they are not currently present) in Fox Glen and the recent enhancements provided for this species on Clough Dike. The drainage channel would increase habitat diversity in the LWS and proposals outlined in the submitted documents would fully mitigate any additional temporary effects in the working area. Again, this position is agreed with the main parties (CD6.11: Paragraph 2.17).
- 1.13 There would be some increased recreational use of Fox Glen but the well-defined pathways will minimise any potential effects. Other potential effects are minimised through appropriate design. Both the Parks Department and the Ecology Unit are satisfied with this position (CD6.11: Paragraph 2.16).
- 1.14 The habitats within the Site are of low ecological value. The two veteran trees situated in the north west of the appeal site are the most valuable ecological receptors. These veteran trees would be retained and buffer treatment provided as part of the proposals.
- 1.15 The bat surveys confirmed the dominant species using the site are common and soprano pipistrelle. These species are common and widespread and readily found using urban areas. The proposals retain most areas where increased levels of activity have been recorded, and the mitigation and habitats enhancements provided by the proposals will ensure the development will not affect the local bat population.
- 1.16 Extensive bird surveys have been completed at the site over the periods of 2016 – 2017 and 2020 - 2021. These surveys have only recorded small numbers of overwinter and breeding birds

and the assemblage of birds using the site have only been identified as local level importance. This assemblage included one pair of lapwings using the retained land to the south west of application site in 2017. Lapwing were not recorded using the site in the survey period of 2016 or 2021. Curlew have not been recorded using the application site over the extended survey period. The proposals provide appropriate mitigation for all species identified using the appeal site. Further to the provision of mitigation, the overall effects to the local breeding bird population have been identified as negligible.

- 1.17 Assessment using the DEFRA Metric (Version 2) confirms the updated proposals submitted in Jan. 2020 would result in a material net gain of 6.78 habitat units (a net gain of 51.63%) and a net gain of 2.55 hedgerow units (a net gain exceeding 1000%). The net gain provided by the 'Revised Illustrative Masterplan (April 2021)' confirmed through assessment using the DEFRA Metric (Version 2) is slightly increased with a net gain of 7.0 habitat units (a net gain of 53.26%) and a net gain of 2.55 hedgerow units (a net gain exceeding 1000%).
- 1.18 These gains demonstrate that significant benefits for biodiversity would be provided by the proposals. A technical note confirming the BNG assessment is provided at Appendix 2: Annex K of the Ecological PoE.

Third Party Representations

Sheffield & Rotherham Wildlife Trust

- 1.19 The Sheffield & Rotherham Wildlife Trust objected to the proposals. The objections can be categorised into three main areas:
- 1 – The Potential Effects to Lapwing, Curlew and Bats;
 - 2 – Isolation of Fox Glen; and
 - 3 - Biodiversity Net Gain has not been addressed.
- 1.20 The following summarises the appellant's position in relation to these matters.
- 1.21 Over the extended survey period, no significant occupation by lapwing has been recorded and Curlew have not been identified as using the Site. The proposals would retain the site's south western field compartment and enhancements including the provision of a wader scrape and grassland enhancements would be provided on this retained land. This mitigation provides a proportionate level of mitigation for a species that has only been recorded using the Site in 2017.
- 1.22 As to bats, common and soprano pipistrelle are the dominant species recorded using the site. The main habitats used by these species would be retained and the GI proposals provide adequate mitigation for the loss of any foraging habitats within the Site. In addition to the provision of mitigation in the GI, the proposals would adopt a sensitive lighting scheme to minimise any potential residual effects.
- 1.23 To avoid potential effects of isolation of Fox Glen, the proposals would provide enhancements to the retained grassland located in the south west of the site and in the northern area of the site a linear buffer would be provided. The implementation of these features avoids any potential effects of isolation and the improvements proposed to the south of Fox Glen are likely to improve connectivity to the LWSs present in the wider countryside south of the Site.

- 1.24 Flow rates in the Clough Dike are maintained by the 'issue' situated at the southern end of Fox Glen. The issue is supplied by ground water from an extensive catchment and neither the ground water catchment nor the issue would be affected by the proposals. Biodiversity Net Gain has been addressed and the proposals have been shown to provided significant net gains to biodiversity using the DEFRA Metric (Version 2).

Other Third-Party Representations

- 1.25 Over the determination period and preparation for this Appeal other third-party representations have been considered. Some of the matters raised are similar to those raised by the Wildlife Trust. The following only considers additional substantive third party comments and the appellants position on these matters.
- 1.26 The additional matters raised general relate to impact to Fox Glen and can be summarised as:
- a - the implementation of the drainage channel;
 - b - recreational impacts & disturbance;
 - c – effect of lighting;
 - d - effects to surface and ground water flows
- 1.27 The potential effects arising from the implementation of the drainage channel are assessed. It has been concluded that the proposals are only likely to result in temporary disturbance. On completion of the works no significant negative effects to the conservation status of Fox Glen have been predicted.
- 1.28 Fox Glen is an existing well managed recreational resource with a well-defined network of footpaths that is subject to regular recreational use. Given the current level of use any increase in use by the new residents is unlikely to be great in scale of impact and would not affect the conservation status of Fox Glen.
- 1.29 The effect of lighting would be controlled through the implementation of a low-level lighting scheme and the implementation of appropriate buffer planting adjacent to sensitive receptor such as a Fox Glen.
- 1.30 Mr Harvey deals with matters relating to flood risk and drainage. His evidence confirms that surface and ground water flows would not be affected by the proposed development such as would result in a material negative impact on Clough Dike/Fox Glen.

2.0 CONCLUSION

- 2.1 The proposals would not result in 'likely significant effects' to the conservation objectives of the South Pennine Moors Phase 1 Special Protection Area (SPA) and the South Pennine Moors Special Area of Conservation (SAC) or the conservation status of the Dark Peak SSSI. This is an agreed position with Natural England and SCC.
- 2.2 Over the determination period and in preparation for this appeal significant ecological survey work has been completed. Fox Glen and the veteran trees located to the north west of the appeal site have been identified as sensitive ecological receptor. These features would be retained, and appropriate mitigation would be provided to avoid and minimise potential effects to these receptors.

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- 2.3 The detailed species-specific survey work has not recorded any significant ecological constraints. The proposals would provide an appropriate level of mitigation for all of the species recorded during the surveys and no significant residual effects to the species using the Site is expected.
- 2.4 The revised proposals submitted in January 2020 and the 'Revised Illustrative Masterplan (April 2021)' submitted to this appeal have been assessed using the DEFRA Metric (Version 2.0). These assessments confirm both schemes provide significant net gains to biodiversity well in excess of the 10% threshold currently suggested in the Draft Environment Bill. The level of net gain shown by these proposals, in our opinion, is generally difficult to achieved by moderately size developments.
- 2.5 Given the extensive survey work and overall level of mitigation proposed, it is my opinion the appeal proposals accord with the requirements of the NPPF and all other relevant national, regional and local planning policies relating to ecology and nature conservation, and respectfully request that this appeal is allowed.