

Matter 23 - Natural Environment Policies

Issue 1 – Does the Plan set out positively prepared policies relating to the protection and enhancement of open space, landscape character and the countryside which are justified, effective and consistent with national policy?

[Policy GS1: Development in Urban Greenspace Zones]

[Policy GS3: Landscape Character]

[Policy GS4: Safeguarding the Best and Most Versatile Agricultural Land]

Questions

Policy GS1: Development in Urban Greenspace Zones

23.1 How have the Urban Greenspace Zones referred to in Policy GS1, and shown on the Policies Map, been identified?

23.2 Paragraph 8.6 says that Policy GS1 will apply to Urban Greenspace Zones shown on the policies map, but also to smaller greenspaces of less than 0.4ha. On what basis will such smaller sites be identified for the purposes of applying Policy GS1? Have they been identified and mapped?

23.3 How would any greenspaces created during the lifetime of the plan be protected?

23.4 Is it the intention of Policy GS1 that criteria a) – g) all would need to be met for development in Urban Greenspace Zones to be acceptable?

Is this justified, and if so, are any changes required to assist with interpretation?

Policy GS3: Landscape Character

23.5 Is the approach to landscape character in Policy GS3 supported by evidence and consistent with national policy?

Policy GS4: Safeguarding the Best and Most Versatile Agricultural Land

23.6 Should the Plan include measures to promote equitable access to healthy food, safeguard land capable of sustainable local food production, and support related food infrastructure?

Issue 2: Does the Plan set out positively prepared policies relating to the protection and enhancement of biodiversity and geodiversity which are justified, effective and consistent with national policy?

[Policy GS5: Development and Biodiversity]

[Policy GS6: Biodiversity Net Gain]

[Policy GS7: Trees, Woodlands and Hedgerows]

[Policy GS8: Safeguarding Geodiversity]

Questions

Policy GS5: Development and Biodiversity

23.7 Does Policy GS5 set out a clear and effective approach to the protection and enhancement of biodiversity, which accords with the requirements of paragraph 179 of the

NPPF, the Planning Practice Guidance, and the recent emphasis on nature recovery in the Environment Act 2021 and the Environment Improvement Plan 2023?

23.8 What is meant by 'provide opportunities for natural process to occur' in Policy GS5 d)?

23.9 How does Policy GS5 e) differ from the requirements for protection of priority species in the first part of Policy GS5? Should a definition be included for locally and nationally vulnerable species?

23.10 Is part f) of Policy GS5 clear as to its intention? It requires a reduction in human impact resulting from various activities, but on what and where?

23.11 What is meant by 'biosecurity hazards' in Policy GS5 h)? What is the justification for the suggested practices and measures to protect and build resilience in native species?

What form would these measures take, and how would they be secured?

23.12 Are criteria b) and j) both needed? Could they be combined?

Policy GS6: Biodiversity Net Gain

23.13 Is Policy GS6 consistent with the statutory framework and national guidance, including the Planning Practice Guidance for Biodiversity Net Gain (BNG)? Are any modifications needed to make the policy sound in this respect?

1. This policy states that there will be a minimum of 10% gain from pre to post development and must be achieved for all habitat types evident on site. It goes on to state that BNG in excess of 10% may be required where there is a particular ecological need, there is evidence of rare or protected species, or the site starts with a very low or nil existing biodiversity value.
2. It should be noted that BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Therefore, developers must deliver a biodiversity net gain of 10%. The PPG¹ is clear that plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. It goes on to state that it will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework. Therefore, the HBF considers that much of this policy is not necessary and could be deleted.
3. The PPG goes on to suggest that plan-makers can complement the statutory framework for biodiversity net gain by including policies which support appropriate local off-site biodiversity sites. It also states that '*plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific development unless justified*'. It provides details as to how such policies could be justified this include evidence of a local need, local opportunities, the impacts on viability, and how the policy would be implemented. The HBF does not consider that the Council have justified the policy requirements for any BNG in excess of the 10%, and the viability assessment clearly highlights the challenges faced in Sheffield. Therefore, the HBF considers that this requirement should be deleted.

¹ PPG ID: 74-006-20240214

4. The HBF does not consider that this policy is consistent with the statutory framework and national guidance including the PPG. The HBF considers that requiring BNG above 10% is not in line with the statutory requirement or the PPG and does not meet the tests set out in paragraph 57 of the NPPF and in particular that it is not necessary to make the development acceptable in planning terms. Given Paragraph 174(d) of the NPPF states that planning policies should “*minimise impacts on and provide net gains for biodiversity*” if a development delivers the 10% minimum requirement by law it will ensure that paragraphs 174(d) of the NPPF is addressed as it will ensure a net gain. As such any level above this is not necessary to make a development acceptable in planning terms and cannot be made a requirement in the local plan.
5. We consider it should be for the developer to decide whether they go beyond the 10% figure not the Council. This is a position the Government also supports stating on page 9 of their response to the consultation on net gain that the 10% should not be a cap on the aspirations of developers who want to go further “voluntarily”. It is important to remember that it is impossible to know what the cost of delivering net gain is until the base level of biodiversity on a site is known and consequently what is required to achieve a 10% net gain. On some sites this may be achievable on site with no reduction in developable area, for others it may require a large proportion of it to be addressed offsite or a significant reduction in the developable area – a far more expensive option that could render a site unviable without a reduction in other policy requirements.
6. Rather than require an increase in the level of BNG achieved on site above legal minimums we would suggest that the Council instead work with developers to ensure they can meet the 10% whilst maximising the number of homes that can be delivered. The HBF would also note that the creation of net biodiversity gain is a significant benefit of increased housing development and should be considered as such as part of any assessment of the housing requirement, housing developments and housing allocations.
7. The HBF also has concerns that many of the requirements of new development set out in parts (a) to (f) are also no longer consistent with the PPG and guidance available in relation to BNG on gov.uk. For example, gov.uk provides guidance for making off-site biodiversity gains as a developer, and it states that: *‘Biodiversity gains may be delivered anywhere in England, but you should consider the following when deciding where to source your off-site biodiversity gains. The biodiversity metric incentivises off-site gains close to your development. This is so that communities local to the development benefit from increases in biodiversity. Except for intertidal, watercourse or linear habitat, off-site gains in a neighbouring local planning authority (LPA) will be worth fewer biodiversity units than off-site gains in the same LPA as the development. Off-site gains beyond the neighbouring LPA will be worth even fewer. The metric also provides an incentive to achieve off-site biodiversity gains in areas of strategic significance. Strategically significant areas are areas which are especially positive for off-site interventions, and are set in your local nature recovery strategy’.*

23.14 Is the requirement for BNG in excess of 10% in certain circumstances justified? How would areas with a ‘particular ecological need’ be identified, and what level of

BNG would be required? What would be the effect of the requirement for BNG in excess of 10% on development viability?

8. As set out above, the HBF does not consider that the requirement for BNG in excess of 10% is justified. Whilst it is not clear what would be required over and above the 10% it is not straightforward to assess what the impacts on viability may be, however, given the challenges already identified, it is expected that any level in excess of the 10% could have significant impacts on the viability of development.

23.15 With reference to Policy GS6 b), how will appropriate sites for off-site BNG be identified in advance of the Local Nature Recovery Strategy being completed?

9. The HBF considers that this is a question for the Council.

Policy GS7: Trees, Woodlands and Hedgerows

23.16 With reference to Policy GS7 a), would the requirement to replace any trees that need to be removed on a greater than one for one basis, with trees of an extra heavy standard, apply in all circumstances? Would it always be justified and appropriate?

10. This policy states any trees that need to be removed should be replaced on a basis greater than one for one using trees that are a minimum size of extra heavy standard. The HBF considers that this policy is not justified by the Council, the HBF is not aware of any evidence that the Council have provided to support this policy requirement.

23.17 With reference to Policy GS7 d), how would opportunities for off-site tree planting be identified? How would any financial contribution be calculated?

11. The HBF considers that this is a question for the Council.

23.18 What is the basis for the specific requirements for tree planting in residential and non-residential developments contained in part e)?

12. This policy states that new trees should be planted at a ratio of at least 1 tree per dwelling, of which a minimum of 10% should be street trees on all residential developments of 10 or more homes.
13. The HBF considers that the provision of 1 tree per dwelling has potential to have a significant impact on the land uptake for any development and may have significant implications for the density of developments, this in itself has potential to have a significant impact on the viability of developments. The provision of a tree per dwelling may also have implications in relation to highway provision and highway maintenance and again may need to be given further consideration by the Council and the developers of these sites. The HBF considers that this policy is not justified by the Council.

23.19 Is the requirement for the provision of street trees in developments of 10 or more homes consistent with NPPF paragraph 131, which requires that planning policies and decisions ensure new streets are tree-lined, unless there are clear reasons by this would be inappropriate?

14. The HBF considers that the Council should ensure that the policy contains at least the same level of flexibility as provided by the NPPF in relation to specific cases with clear, justifiable and compelling reasons why this would be inappropriate. It also isn't clear why the 10% requirement, and this does not appear to be justified. As set out previously,

there are also concerns as to how this will impact on density of development and the viability of development.

23.20 Is Policy GS7 f) clearly expressed in terms of the types of species to be used and where?

15. The HBF considers that this is a question for the Council.

Policy GS8: Safeguarding Geodiversity

23.21 Having regard to Policy GS5 and the first paragraph of Policy GS8, does the Plan set out a consistent approach to the protection and enhancement of Local Wildlife Sites and Local Geological Sites? Are any modifications needed to reflect paragraph 179 of the NPPF and guidance on biodiversity and geodiversity in the Planning Practice Guidance?

23.22 Should Policy GS8 set out safeguards to minimise the impact of stone extraction on the geological interest of the site, the wider environment and the living conditions of any neighbouring properties?

Issue 3 – Does the Plan set out positively prepared policies relating to flood risk and water resources which are justified, effective and consistent with national policy?

[Policy GS9: Managing Flood Risk]

[Policy GS10: Protection and Enhancement of Water Resources]

[Policy GS11: Sustainable Drainage Systems]

Questions

Policy GS9: Managing Flood Risk

23.23 How has Policy GS9 been informed by the Council's Strategic Flood Risk Assessment? Does it take account of advice from the Environment Agency, the Local Lead Flood Authority and any other relevant flood risk management bodies?

23.24 Does the approach to managing flood risk in Policy GS9 reflect national policy in paragraph 161 of the NPPF, which requires plans to take account of all sources of flood risk?

23.25 What is meant by 'occupied footprint' in Policy GS9 a) of the Flood Risk Principles?

23.26 With reference to criteria c) and e) of the Flood Risk Principles, what is the justification for the approach to proposals for water compatible uses in the functional floodplain and areas of high probability of flooding? Is criterion e) consistent with national policy?

23.27 How has the land that is safeguarded for flood storage been identified? How would any impact of proposed development on the ability of this land to operate as flood storage be assessed?

23.28 What is the justification for the approach to culverting and building over open watercourses set out in Policy GS9 c) under Flood Risk Management for Development Sites? Does it reflect the advice of the Environment Agency?

23.29 Policy GS9 g) - k) under Flood Risk Management for Development Sites sets out requirements when developing on a site in a zone with a high probability of flooding. Should this include sites with a medium probability of flooding?

23.30 Does the Policy make clear the tests (sequential and exception) that would need to be satisfied for development to be considered acceptable before the measures in Policy GS9 g) - k) were applied?

23.31 Policy GS9 has two sets of criteria a) - f). Is this clear and unambiguous?

Policy GS10: Protection and Enhancement of Water Resources

23.32 Is it clear how proposals will achieve the objectives set out in Policy GS10 a) – e)?

23.33 Policy GS10 a) requires that development must enhance as well as conserve the features set out in (i)-(iii). Would this be achievable and reasonable in all cases?

23.34 Should Policy GS10 refer to the need to conserve heritage assets?

Policy GS11: Sustainable Drainage Systems (SuDS)

23.35 What should a SuDS statement contain? How has the requirement for SuDS statements in applications of 10 or more developments or 1,000 sqm been derived?

23.36 To be effective, should Policy GS11 refer to the need for ongoing monitoring and maintenance of SuDS?

23.37 If additional detail on SuDS is required to assist the implementation of Policy GS11, how would this best be provided?