

RESPONSE FROM THE PEAK DISTRICT NATIONAL PARK AUTHORITY

NATIONAL PARK CONTEXT AND DUTY OF PUBLIC BODIES MAKING DECISIONS THAT IMPACT ON THE NATIONAL PARK.

Firstly, we remind Sheffield City Council (SCC), that it has a duty to the National Park under Section 62(2) of the Environment Act. This duty is in relation to any decision taken by a public body that may impact on the National Park. We are keen that SCC demonstrates how they have regard to that duty towards the National Park in determining this particular case, irrespective of the decision you reach.

PRE APPLICATION ENGAGEMENT WITH STAKEHOLDERS

Given the sensitive green belt location and close proximity to the National Park, we are disappointed that the applicant has not engaged constructively with us in preparing their outline plan. This may be the reason that there is no real recognition of the National Park, or the potential impacts on it. The applicant's Statement of Community Involvement (SCI) document states on page 9 paragraph 3.9 that there has been direct engagement with the National Park Authority on this application. This isn't the case, and gives us cause for concern.

We have made constructive contributions at public open consultation meetings, and followed them up with requests to meet officers of the Council. However the request has not been accepted. We consider therefore that whilst the City Council has had long engagement with the applicant, no serious recognition has as yet been given to the Council's duty to the National Park under the Environment Act Section 62(2).

STATUS OF THE APPLICATION

We are surprised that the Council is prepared to consider granting outline permission for this significant development. Whilst the documentation provides illustrations of the proposed scheme and site layout, these are indicative, with the applicant's desire that all matters other than access arrangements being reserved for future agreement between themselves and officers. We consider this unacceptable for such a significant development in the green belt. We also consider that granting outline permission will greatly reduce the ability of the Council to secure good outcomes on reserved matters. For example, whilst there is good tree coverage on the site, and the developer is proposing additional planting in some areas, there is no certainty around what trees would be removed as part of the development. This is not acceptable for a greenbelt site where tree cover is an integral part of the character of the area.

THE IMPLICATIONS FOR GREEN BELT POLICY AND THE PRIMACY OF THE DEVELOPMENT PLAN.

Notwithstanding the applicant's examples of green belt cases permitted on appeal, we consider that there are contrary examples, as provided for example by CPRE Friends of the Peak District (FOPD). These undermine the applicant's assertions with regard to the issue of impact on openness of the green belt from proposed development. In this regard, we urge officers to require further work with CPRE FOPD and groups such as the Friends of Loxley Valley in order that any proposed scheme achieves the best outcome for the Greenbelt and the valley as a whole.

We also remind the Council that there are several key cases nationally where applicants have tried, but failed to assert undue weight to the NPPF in order to undermine the adopted development plan.

Two cases in particular make it clear that the development plan has primacy. Firstly, *Hopkins Homes v SSCLG* [2017] UKSC37 [37] reminds us that Section 38(6) of the 2004 Act creates the statutory presumption that development control decisions will be made in accordance with the development plan. *Hopkins Homes* [21] also states the following: “The NPPF cannot and does not purport to displace the primacy given by statute and policy to the development plan. It must be exercised consistently with, and not so as to displace or distort the statutory scheme”.

Secondly, *Gladman v Daventry* (2016) EWCA Civ 1146 states that “ The mere age of a policy does not cause it to cease to be part of the development plan.... The policy continues to have priority given to it [by statute].....” It goes on to state that “Significant weight should be given to the general public interest in having plan led decisions, even if particular policies in a development plan might be old. There may still be a considerable benefit in directing decision making according to a coherent set of plan policies, even though they are old, rather than having no coherent plan led approach at all”.

The applicant’s assertion therefore that policies of the Sheffield development plan with regards to green belt are not consistent with the NPPF must be seriously questioned by the Council, and the primacy of the development plan asserted. There are other examples to illustrate how the tilted balance should be applied where some policies are considered not be coherent with the NPPF, and we would be happy to pass them onto SCC if required. In essence though the message is that if the spatial strategy of the Council and the policies of the development plan clearly serve a purpose in delivering the adopted spatial strategy, the Council should be confident to assert their policies, however old they are. Even where policies are clearly out of date, and considered to be incompatible with the NPPF, they should be afforded some weight as a material consideration.

LANDSCAPE IMPLICATIONS

We are disappointed that the Peak District Landscape Strategy for this area has not been recognised in the applicant’s submission. This strategy flows beyond the National Park boundary, recognising that there is no hard edge to landscape character. Whilst this has no statutory status in plan making or decision making outside the National Park, it does offer detailed commentary on valued landscape character, and it offers guidance on how to protect, manage and plan particular characteristics of each landscape character type. The Landscape Strategy is an exemplar of good practice, and landscape protection is a requirement of all councils under the European Landscape Convention. This will remain, irrespective of other changes in the relationship between the UK and Europe. Significant local organisations such as CPRE South Yorkshire/ Friends of the Peak District were a key stakeholder in producing this strategy, so its significance and relevance to Sheffield has always been embedded.

The Strategy states that this area falls within the Slope and Valleys with Woodland part of the Dark Peak Yorkshire Fringe. In the Action Plan section it states, for example that “managing and enhancing existing woodland and creating new broadleaved woodland is a priority throughout this area”. Whilst the application site contains a significant amount of woodland, the impacts of this development on the woodland are uncertain. Prior consultation with us in a meaningful way may have alleviated some of this concern. It also states that “a priority for this area is to manage the network of minor roads to maintain character and access”. Schemes such as this may not be considered large to a housing developer, but in the context of a fragile minor road network, the adverse impact through construction phases and beyond can be considerable. Again, recognition of this aspect of the Landscape Strategy Action Plan, and prior consultation with us may have alleviated our concerns.

TRAFFIC AND TRAVEL IMPLICATIONS

Developing the previous point, there is little indication in the transport assessment or travel plan that the impact on the National Park and its communities has been considered, although we note, and welcome that the developer recognises the value of pedestrian links to the countryside from the development. Notwithstanding this, the Authority recognises that most visits to the National Park are car borne, and that major efforts must be made on all sides to encourage the use of alternatives.

For example, the Authority has recently trialled a visitor bus service which takes a route around particularly popular areas of the Edale and Hope Valleys and picks up and drops off from the nearby urban areas (Peak Explorer). A similar offer to provide easy accessible public transport into the Sheffield fringe areas of the National Park from the Loxley Valley would help alleviate concerns for us and communities who are already experiencing significant numbers of visitors in sensitive landscapes and villages. The Authority is open to suggestions as to how the applicant might be prepared to support such a scheme and would have welcomed discussions around this in advance of this application.

The focus at the moment seems to be about providing public transport alternatives for residents from the site towards the city, with little or no thought that public transport could be enhanced to encourage sustainable travel into and out of the Peak District from this site. Given the pressure that already exists on fringe areas and communities just inside the National Park, we would expect to see that addressed satisfactorily before any permission is granted.

There are also acknowledged impacts on the surrounding road network from works traffic through the construction period. (though we note the applicant does not consider this would be an adverse impact) We would want to know much more detail about the impact before any permissions are granted. Local minor roads are important for local residents and businesses and there are often few if any alternatives. Any interruption or disruption to networks must be fully understood and any concerns alleviated before any permission is granted. Without this, there is risk that the frustration of being held up in traffic queues running into and out of the Malin Bridge bottle neck will encourage vehicle users to rat run on inadequate minor road networks in order to access Sheffield centre and the application site by other routes.

CARBON FOOTPRINT

We consider this development will do little to contribute towards carbon reduction in Sheffield because the development is some way from Sheffield centre and will increase polluting car journeys in an already congested part of the city at Malin Bridge. This in turn has implications for air quality and public health. The enhanced public transport service should help mitigate some of the impact, but the elevated location of the site means other sustainable modes of transport, such as bike, are not likely to be a sustainable option for many residents if they need access to and from the city centre.

Given the traffic and travel implications of the development, the scheme could do far more to offset that by demonstrating exemplary practice in low carbon living through its design and materials, and its energy efficiency. The fact that everything except the access arrangements are proposed to be reserved matters offers us no confidence that this will be the outcome of re development of this site.

