

**From:** Steven Stroud [REDACTED]  
**Sent:** 11 July 2025 11:33  
**To:** [REDACTED] SheffieldPlan  
**Cc:** James Bailey – James Bailey Planning Ltd.; Steph Oliver-Beech; claire pennington  
**Subject:** Sheffield Plan: Proposed Additional Site Allocations May 2025  
**Attachments:** Sheffield LP - Save S13 Consultation Response.pdf  
**Importance:** High

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Good morning,

On behalf of our clients, 'Save S13 Green Belt – The Sapphire McCarthy Campaign', please find attached submissions in response to the current consultation for newly proposed site allocations in the Green Belt.

For the avoidance of doubt, we confirm that:

- a. We wish to be kept updated in respect of the Plan and its examination in public.
- b. We also wish to attend and be heard at future hearing sessions.

I would be grateful if you could please acknowledge receipt.

Regards,

Steven Stroud **MRTPI**

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**RTPI**  
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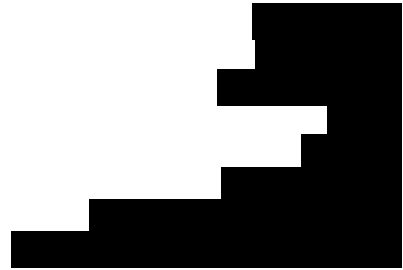
**James Bailey**  
**PLANNING**

**Document:** Sheffield Local Plan

**Title:** Proposed Additional Site Allocations May 2025

**Client:** Save S13 Green Belt – The Sapphire McCarthy Campaign

**Date:** July 2025



**Date:** 11<sup>th</sup> July 2025

**Our Ref:** 25.031

Strategic Planning Team  
Planning Service  
5th Floor, Howden House  
Sheffield  
S1 2SH

Sent via email

Dear Sirs,

**Sheffield Plan: Proposed Additional Site Allocations May 2025**

- 1.1 On behalf our clients, Save S13 Green Belt – The Sapphire McCarthy Campaign ('S13 Campaign'), James Bailey Planning Ltd. ('JBPL') are writing in response to the above proposed changes to the draft Sheffield Plan ('Plan'), including updates to supporting evidence base documents.
- 1.2 The S13 Campaign comprises a core group of 13 individuals<sup>1</sup> representing over 1,700 resident members, the vast majority being directly affected by the newly proposed allocations that present a significant change from the Plan as originally submitted for examination. It follows that they are key stakeholders in the plan-making process and in the currency of this consultation, irrespective of whether they have participated previously. It is disappointing for the Council to state that it does not wish to reopen assessment of issues considered through previous consultation on the Plan: not only do the newly proposed changes turn on the Council's treatment of those previous considerations, but this represents an exclusionary

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<sup>1</sup> Debi Dent; Laura Marples; Sue Smelt; Sadie Blue; Steph Oliver-Beech; Cheryl Hague; Nicola Oates; Jane Waller; Claire Pennington; Roxanne Myles; Adam Bishop; Lorraine Mellor; Michael Parkin.

approach to members of the public who may not have been directly affected by the Plan previously – the sheer groundswell of new public representation in light of the current consultation is testament to that point.

- 1.3 We understand that prior to this stage there has been very little, if any at all, engagement with the local communities in the S13 post code area, specifically in relation to the newly proposed site allocations. The general plan-making process is already procedurally dense and complex, without the added confusion now caused for local people in trying to reconcile the differences between the proposed changes and the submission Plan and its evidence base. It is therefore unrealistic and wholly unfair to expect local newly affected residents to get up-to-speed and make meaningful representations in such a limited time.
- 1.4 As a basic matter of process, we are genuinely concerned with the apparently rushed nature of the consultation which has afforded very little time for people to consider and comment. It is therefore important to remember that up until this point many residents will have been casual observers to the process, content with the protections afforded to undeveloped sites omitted from allocation. Indeed, had those residents been following the plan-making process prior to the submission of the Plan, they will have been comforted by the Council's original position which highlighted the importance of the Green Belt and confirmed that, with very limited exception, no release of such land was to be proposed (and no release on greenfield Green Belt land).
- 1.5 It cannot be overstated how significant the newly proposed changes are, for a significant proportion of the City's population. It is therefore very difficult to understand how such changes, essentially being made on the fly, accord with the *National Planning Policy Framework's* ('NPPF')<sup>2</sup> aims of an up-to-date plan being a 'platform for people to shape their surroundings' (para. 15), having been 'shaped by early, proportionate and effective

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<sup>2</sup> Due to transitional arrangements, we understand from the examining Inspectors' letter of 6<sup>th</sup> February 2025 that the Plan is being examined against the July 2021 publication of the NPPF. All references are therefore made to that version but remain applicable to later publications of the Framework.

engagement between plan-makers and communities’ (para. 16) or engaging with their local communities on strategic matters (para. 25).

- 1.6 We therefore do not accept that the Plan has been (or is being) positively prepared in a general sense and cannot agree that it is consistent with national policy on the preparation of sound plans.
- 1.7 Our clients would like to stress that they are not “NIMBYs” and recognise the very difficult decisions that must be taken in order to provide for the new homes and employment land that are needed now and over the coming years. They also recognise that any sustainable plan for growth may necessitate the release of land from within the Green Belt where unmet housing need is, at least in principle, capable of amounting to exceptional circumstances on a site by site basis. However, they vehemently object to the manner with which the Council proposes to address the matters raised by the Inspectors in their letter of 6<sup>th</sup> February 2025<sup>3</sup>. These are objections of process and substance, articulated through this representation.
- 1.8 You have asked that respondents consider two specific questions in making their representations:
- i. Is the plan legally compliant when including these proposed new allocations?
  - ii. Is the plan ‘sound’ when including these proposed new allocations?
- 1.9 These representations proceed on that basis, and form the following sections, highlighting a range of concerns layering down from matters of procedure through to site allocation: issues and flaws in relation to the Duty to Cooperate (‘DtC’) and Integrated Impact Assessment (‘IIA’); an unsound and disproportionate spatial distribution of new sites; a lack of clarity and soundness relating to the deliverability of those Green Belt sites now proposed to be allocated and the exceptional circumstances justifying their release on a case-by-case basis; and, lastly, fundamental issues of soundness with one site in particular, known as ‘SES30: Land between

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<sup>3</sup> Examination Document Reference: EXAM 120.

Bramley Lane and Beaver Hill Road’ (also given site references: ‘S03020’ and ‘S02502’, ‘C4SS02502’, and ‘SE-3-a’)<sup>4</sup> which, at the very least and notwithstanding all other concerns, should be removed as a proposed allocation and remain as part of the extant Green Belt designation.

1.10 In accordance with the consultation documentation, we confirm that:

- i. We wish to be kept updated in respect of the Plan and its examination in public.
- ii. We also wish to attend and be heard at future hearing sessions.

1.11 In light of the possibly prejudicial nature of the consultation, that compels many previously disinterested people (pre-May 2025) to understand and respond to the entirety of the Plan in a limited period of time, we reserve our position in making further representations / Hearing Statements, and legal submissions if deemed necessary, prior to the reconvened sessions.

## **2. Legal Compliance and Soundness (DtC and IIA)**

### Duty to Cooperate (DtC)

- 2.1 The DtC is a legal obligation in accordance with s.33A of the *Planning and Compulsory Purchase Act 2004* (‘2004 Act’) and applies to plan-making. It requires local planning authorities and prescribed bodies to engage constructively, actively, and on an ongoing basis, in relation to strategic matters that cross administrative boundaries – such as housing need, infrastructure, and transport.
- 2.2 This obligation is reinforced through the NPPF at paragraphs 24 and 27, further directing that regard should be paid to national guidance in preparing statements of common ground relevant to the issues being cooperated on. The national *Planning Practice Guidance* (‘PPG’)

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<sup>4</sup> This of itself has created an unfortunate paper chase in trying to cross-reference various assessments and documents across the vast evidence base.

explains the important role played by such documents in evidencing whether the DtC has been complied with. The PPG also makes clear that:

*‘As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further. The most appropriate course of action is likely to be for the local planning authority to withdraw the plan and engage in the necessary discussions and actions with other relevant local planning authorities and bodies. In these circumstances the local planning authority will need to re-publish the revised plan for consultation before it is re-submitted for examination.’<sup>5</sup>*

- 2.3 It is well-known that the DtC is not a duty to ‘agree’. Nevertheless, it should be robustly demonstrated that a local planning authority has made every effort to secure necessary cooperation on relevant cross boundary matters. Evidently, this is usually expected to occur before a plan is submitted for examination<sup>6</sup>. We would respectfully submit that this duty should continue through examination, particularly in cases where a significant departure from the submission Plan is proposed.
- 2.4 The Inspectors’ letter of 6<sup>th</sup> February 2025 concludes that the Council has failed to plan for sufficient homes to meet its minimum housing requirement<sup>7</sup>. This deficiency represents a material shift in the strategic circumstances of the Plan and its examination, particularly given that the Council now solely proposes release of Green Belt land to address this gap (and, in fact, exceed it). This has direct implications for compliance with the DtC, both in terms of legal obligation and soundness under NPPF para. 141.c). Indeed, the Inspectors at paragraph 34 of their letter suggested that the Council ‘may look to discuss unmet needs with other nearby local authorities’.
- 2.5 While the Council has previously published various statements and a regional Statement of Common Ground (notably evidence base documents DC01 – DC05, and examination document EXAM 37), there has been consistent criticism across multiple representations that

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<sup>5</sup> Plan-making, paragraph: 031 Reference ID: 61-031-20190315.

<sup>6</sup> *Ibid.*, paragraph: 022 Reference ID: 61-022-20190315.

<sup>7</sup> We do not seek to gainsay those findings for the purposes of this response.

the process of cooperation was light-touch and failed to deliver any meaningful outcomes. Meetings and data-sharing do not equate to effective cooperation unless they yield strategic alignment or formal agreements. It bears repeating that cooperation must be more than dialogue: it must be ‘active, constructive and on-going’, particularly where housing shortfalls and cross-boundary implications arise.

- 2.6 The proposed release of Green Belt land constitutes a fundamental policy shift, and this was recognised in the Inspectors’ letter. Para. 141.c) of the NPPF is unequivocal that, before concluding that exceptional circumstances exist, the authority must demonstrate that it has ‘examined fully all other reasonable options’, including whether ‘neighbouring authorities can accommodate some of the identified need’. Without renewed dialogue and up-to-date evidence of strategic engagement – for example with Rotherham MBC, whose proximity and shared housing links are evident – it is not open to the Council to conclude that this requirement has been discharged.
- 2.7 At the point this consultation began, the most recently published Statement of Common Ground was dated May 2024 (EXAM 37). The Council’s known position by May 2025 was entirely reliant on earlier refusals from neighbouring authorities to take Sheffield’s housing need, most of which pre-dated the Inspectors’ February 2025 letter and the associated uplift in the housing requirement. If failing to revisit this matter post-February 2025, the Council would not have met the obligation for ongoing cooperation in light of materially changed circumstances. That certainly appeared to be the case at the start of this consultation process.
- 2.8 However, with this response already substantially drafted, and with many residents having already committed substantial time and effort to review and comment, we observe that a new bundle of DtC correspondence was uploaded to the examination website on 1<sup>st</sup> July 2025 i.e. only 8 working days before the consultation closes (and over four weeks since it began) (EXAM 122). That is most unsatisfactory and does little to assuage the concerns of our clients that this exercise has been rushed and disorganised, being prejudicial to interested parties. We note that the new DtC correspondence is limited to neighbouring planning authorities only.

2.9 In respect of this new and hitherto unseen and partially redacted correspondence, concerns remain. Firstly, the timing of the Council's decision to engage with other planning authorities appears to have taken place after the Council's officers had already shortlisted and prepared the newly proposed sites for allocation (following a letter from the Council's head of planning issued on 17<sup>th</sup> April 2025). It is also not clear from the full Council papers that the nature of the previously unseen DtC correspondence was made available for consideration by councillors when deciding to proceed with the proposed allocations and this consultation. At the very least, the responses from neighbouring planning authorities were being received whilst this consultation was being prepared i.e. this belated engagement is being used to justify the approach taken after the event, not inform it.

2.10 Secondly, it would appear that the engagement that did take place, amounting to a single letter dated 17<sup>th</sup> April 2025, shows little by way of 'active' and 'constructive' engagement as required by the DtC. Instead, the Council merely invited its neighbours to agree that nothing has changed, stating:

*'I would be grateful if you could confirm whether that is still the case with your rational [sic], to assist in informing the next steps we take in progressing the Sheffield Plan.'*

2.11 This is an obviously loaded question, and the responses submitted in return are unsurprising, some of which offer nothing at all by way of reasoning (e.g. Peak District, Barnsley, and Derbyshire Dales).

2.12 In short, the Council cannot rely on previously completed (and outdated) cooperation exercises to justify its revised strategy. The limited and superficial engagement that has taken place since May 2024, or at the very least February 2025, appears to amount to a single letter inviting respondents to agree to agree. That is, we say, obviously deficient.

2.13 The proposed Green Belt release represents a strategic response to an uplifted housing requirement, the justification for which must itself be underpinned by new evidence of active and constructive engagement. This is not present, nor has been clearly demonstrated.

- 2.14 We would also observe that there would appear to be no details of agreements in place with the local NHS / Integrated Care Board which are relevant strategic bodies under the DtC. This is of particular concern given the substantial growth planned in the S13/South East Sheffield Sub Area and local complaints of access to healthcare and pressures on such infrastructure.
- 2.15 Other previous agreements are also obviously now out of date, including the agreement with Natural England. Their views on the new allocations will be important.
- 2.16 For these reasons, our clients consider that the legal DtC has not been complied with. Moreover, even if it were argued that the technical legal duty was discharged prior to submission, the absence of renewed active and constructive engagement with neighbouring authorities in response to the Inspectors' findings renders the Plan unsound under para. 35 of the NPPF and fails the tests of being positively prepared, justified, and effective.
- 2.17 The lack of any evidence of further active and constructive cooperation, is in our view a fatal omission. The PPG is clear that the DtC must be evidenced appropriately and cannot be rectified *ex post facto*.

#### Integrated Impact Assessment (IIA)

- 2.18 Section 19(5) of the 2004 Act requires a planning authority to carry out an appraisal of the sustainability of the proposals in each development plan document and to prepare a report of the findings of that appraisal. This is known as a 'Sustainability Appraisal'. The legal obligations in relation to a sustainability appraisal derive from European Directive 2001/42/EC, which is transposed into English law by the *Environmental Assessment of Plans and Programmes Regulations 2004* ('2004 Regulations'). They require plans to be subject to an environmental assessment, supported by an environmental report. The 2004 Regulations further dictate that a plan is prohibited from being adopted until various other regulations have been complied with, dealing with matters such as effective consultation and consideration of reasonable alternatives.

- 2.19 The Council purports to meet the legislative requirements under the 2004 Act and Regulations through the production of the IIA that comprises a Sustainability Appraisal/Strategic Environmental Assessment, Equalities Impact Assessment, and Health Assessment. We make no criticism of that approach; our focus is on the SA/SEA element.
- 2.20 It should be noted that the *Integrated Impact Assessment Report (Update and Addendum) April 2025* document is misleading in its title. Only at the end of the IIA document does it explain that the 'Addendum' will follow later, 'prepared to understand the overall effects of the final Plan (taking into account Modifications to both the housing and employment strategies / allocations considered together).'<sup>8</sup> It is further explained that: 'There will also be a need to update the whole plan appraisal to take account of Modifications, which is likely to change the findings in relation to several SA topics.'<sup>9</sup>
- 2.21 We have some concern with this choreography because it would appear that the Council is not keeping an open mind if it is pursuing the new allocations without having properly and fully assessed the likely overall effects. Instead, there is a danger that the Council will be retrospectively seeking to justify predetermined policy outcomes. This would also run contrary to national guidance which states that a sustainability appraisal should be 'integral to the preparation and development of a local plan'.<sup>10</sup>
- 2.22 In respect of the options tested, there appear to be some basic errors. For example, the options tested under IIA relate to housing numbers that do not correspond with what is now proposed.<sup>11</sup> Thus, the consequential impacts of an additional c.1,200 homes have not been accounted for or assessed.
- 2.23 In accordance with Table 8.1 (p. 68), Option 6 is stated to have tested a scenario of 38,012 homes but calculation of the numbers in the 'variables' column demonstrates that this

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<sup>8</sup> Paragraph 12.1.3.

<sup>9</sup> Paragraph 12.1.11.

<sup>10</sup> Plan-making, paragraph: 006 Reference ID: 11-006-20140306.

<sup>11</sup> For example, Options 4, 5, and 6, relate to the assessment of a total of 38,012 homes across the Plan as a housing requirement but do not account for the newly proposed Green Belt allocations creating an overall supply of 39,286 homes.

equates to 100 dwellings less than Options 4 and 5. This is a minor error, but nevertheless this leads us to question the overall credibility and robustness of the process in the very limited time available for the public to review it and other evidence base documents.

2.24 Furthermore, we have concerns with the robustness of the assessment undertaken in relation to proposed allocation sites which appears to be a somewhat opaque process. The IIA explains that the appraisals of the submitted Plan and its reasonable alternatives were undertaken by qualified professionals using information from the evidence base and from GIS. It is inferred that this same approach was undertaken in relation to the newly proposed site allocations appraised at Appendix J (and analysis of strategic housing locations, Appendix G – Strategic Location 1, Handsworth). However, we have serious concerns with the treatment of the SES30 site.

2.25 Our specific objections regarding the soundness of SES30 are considered later in this representation, however for the purposes of the IIA we are concerned with the site appraisal scoring matrix at Appendix J. For example, in respect of loss of BMV land, the site is scored as ‘neutral’. However, as we will explain, there is a likelihood that there will be a permanent loss of such land which is obviously an adverse outcome. There is good reason to consider that the IIA has not properly assessed for BMV land impacts because the SES30 site is not listed as being a Grade 3 land allocation under para. 10.6.2 and 10.6.4, but this is recognised in other evidence base documents (e.g. *Green Belt Release Topic Paper*). Flood risk is scored as being ‘minor positive’ (IIA, page 350) and that there are ‘no significant flood risk constraints’ (page 239) but that fails to recognise the obvious flood constraints that apply to the site and where areas of risk are currently unmodelled in the SFRA (apparently due to time constraints, which is ironic). The IIA was produced in April and therefore predates the Level 2 SFRA produced a month later. Impact on landscape character is ‘minor negative’, but that would appear inconsistent with the outcomes of the *Landscape Character Study*<sup>12</sup> which placed the site within ‘Band B’ as an area of high landscape sensitivity and low capacity for development.

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<sup>12</sup> Evidence Base document GB08: *Landscape Character and Green Belt Capacity Study* (2018).

2.26 We therefore consider that site SES30 is more constrained than has been assessed, and this therefore brings into question the overall treatment of Strategic Location 1 under both assessed scenarios 'Scenario A' and 'Scenario B'. This is notwithstanding that the Strategic Location contains two, large and unconnected site allocations which hold different constraints and sensitivities.

2.27 In respect of the sensitivity testing applied to the different Strategic Locations i.e. housing delivery strategy 'Option 4', table 7.5 sets out the potential for strategic delivery across the 13 areas that were not discounted in the Council's shortlist for the IIA. For ease, the table is reproduced below.

**Table 7.5: The potential to deliver strategic housing growth at each location**

|  |                                                       |                                                                                                                                 |                                                                                                                                 |                                                                 |
|-------------------------------------------------------------------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Strategic Location / Sites                                                          | Any parcels with significant constraints (Scenario A) | Potential to deliver strategic growth if all parcels of land identified as 'significantly constrained' are avoided (Scenario A) | Potential to deliver strategic growth if all parcels of land identified as 'significantly constrained' are avoided (Scenario B) | Recommended changes to the strategic cluster boundaries / sites |
| Strategic Location 1 (Handsworth)                                                   | No                                                    | Very likely                                                                                                                     | Very unlikely                                                                                                                   | No change to Scenario A                                         |
| Strategic Location 2 (West of Mosborough)                                           | No                                                    | Very likely                                                                                                                     | Very unlikely                                                                                                                   | No change to Scenario A                                         |
| Strategic Location 3 (South of Birley Estate)                                       | No                                                    | Very likely                                                                                                                     | Very likely                                                                                                                     | No change to Scenario A                                         |
| Strategic Location 4 (Owlthorpe/ Mosborough)                                        | Yes                                                   | Very Likely                                                                                                                     | Very unlikely                                                                                                                   | Remove S2904 and S2910                                          |
| Strategic Location 5 (Beighton)                                                     | No                                                    | Likely                                                                                                                          | Unlikely                                                                                                                        | No change to Scenario A                                         |
| Strategic Location 6 (Norton/ Charnock)                                             | No                                                    | Likely                                                                                                                          | Likely                                                                                                                          | No change to Scenario A                                         |
| Strategic Location 7 (Land between Dore/Whirlow)                                    | Yes                                                   | Likely                                                                                                                          | Uncertain                                                                                                                       | Remove constrained sites                                        |
| Strategic Location 8 (South of Chapelton)                                           | Yes                                                   | Uncertain                                                                                                                       | Very unlikely                                                                                                                   | Remove S3050 and S3077                                          |
| Strategic Location 9 (Grenoside / Ecclesfield)                                      | Yes                                                   | Likely                                                                                                                          | Very unlikely                                                                                                                   | Remove S02831                                                   |
| Strategic Location 10 (Birley Edge)                                                 | Yes                                                   | Uncertain                                                                                                                       | Very unlikely                                                                                                                   | Discount                                                        |
| Strategic Location 11 (Worrall/ Middlewood)                                         | Yes                                                   | Unlikely                                                                                                                        | Very unlikely                                                                                                                   | Discount                                                        |
| Strategic Location 12 (South of Deepcar)                                            | Yes                                                   | Uncertain                                                                                                                       | Very unlikely                                                                                                                   | No change to Scenario A                                         |
| Strategic Location 13 (Oughtibridge / Wharmcliffe Side)                             | No                                                    | Unlikely                                                                                                                        | Unlikely                                                                                                                        | Discount                                                        |

*Fig. 1: Strategic Growth table from IIA Report – Update and Addendum (p.61).*

2.28 The table is noteworthy because Strategic Locations 3 and 6 were both considered to be likely to deliver strategic growth across both Scenarios (i.e., they performed equally, or better, than Strategic Location 1). Nevertheless, the Council has evidently preferred to pursue Strategic Location 1 for the purpose of allocating strategic housing growth (other than additional sites in the north-east of the City), which may highlight an inconsistent approach to site assessment.

- 2.29 Strategic Location 3 comprises several parcels, the largest being an existing golf club that has been assessed by the Council as being ‘unsuitable’ (EXAM 95). The second largest parcel in that location, over 10ha, is site reference S03004; Land Registry information suggests this land is owned by the Council. It was discounted for allocation in the *Green Belt Release Topic Paper*, but was not scored as being unsuitable and was considered to have a better capacity for growth from a landscape perspective than site SES30. The site also performed less well and received a lower score for Green Belt overall and for purpose (a). It is directly adjacent to submission Plan allocation SES10. We would submit that there would have been some logic in allocating that site for development.
- 2.30 Strategic Location 6 was assessed as a single, large parcel and contains an allocation already proposed within the submission Plan: SS17, Former Norton Aerodrome. Land immediately to the east was excluded from the proposed allocation, but is also owned by the Council. It is not immediately clear from evidence base documents why that additional land, of some 2ha, was excluded.
- 2.31 To the south-west of the City, Strategic Location 7 was considered to have potential for delivering a strategic allocation; again, no allocations have been proposed by the Council in this location. The location includes various parcels. The IIA recommended that through removing sites/parcels with significant constraints that there would remain ‘potential for strategic growth of over 1200 dwellings in total’. Notably is parcel reference: S03012, Ryecroft Farm. Land Registry information indicates that this land is also owned by the Council. Ryecroft Farm forms part of the DW-2-b Green Belt assessment reference and was poorer performing than SES30 (overall and in respect of purpose (a)). The IIA suggested that this parcel could give rise to negative effects to the historic environment, but that ‘such effects could be mitigated through layout and design’. The *Landscape Character Study* identified a lower landscape sensitivity and greater capacity for growth in this location in comparison with SES30; it was also identified as an ‘opportunity’ in the master assessment.
- 2.32 We accept it is for Council to allocate those sites it prefers. However, our concern is that, in light of the circumstances now faced, the Council has not taken sufficient time to engage with

communities and properly explore other reasonable locations for growth in the Green Belt in order to justify those preferences (seeking to avoid the most constrained areas and adhere to the NPPF).

- 2.33 Whilst the exclusion of sites within those areas would mean that strategic growth may not be possible (according to the 1000+ dwellings definition applied in the IIA), that does not mean that a more dispersed approach / use of those smaller sites would still assist in meeting the Council's housing needs. This would be more akin to Options 5 or 6 in the IIA.
- 2.34 The above examples were identified in the time available and fall within the Strategic Locations assessed within the IIA and in relation to sites already known to the Council. In light of the change in circumstances, it may well be the case that a further Call for Sites exercise would have revealed other sites that are suitable, available, and achievable.
- 2.35 Various Strategic Locations to the west of the city were discounted by the Council and not shortlisted for further assessment in the IIA, generally for landscape reasons, but recognising that some individual sites/parcels may merit further consideration (see Table 7.1). In light of the significant change of circumstances now being faced, this raises a question as to whether those areas should be reevaluated and assessed as reasonable alternatives for the purposes of the IIA. [See also section 'Omission Sites' in this representation, below]
- 2.36 As above, it is evident that much of the IIA is given over to assessment of Strategic Growth in accordance with Option 4. The predicted effects of Options 4, 5, 6 (being the greenfield Green Belt release options), are now included in the amended/consultation IIA at Section 10. It is made clear that the Council is pursuing Option 6 (combination of strategic locations and wider dispersal of smaller sites). As we explain in the next section of our representations, we do not agree that there is a sustainable distribution of new homes in light of the new allocations being proposed.

### 3. Soundness (Other Issues)

#### Omission Sites

- 3.1 A number of potentially suitable omission sites were submitted during and after the initial Call for Sites but have not been included in the amended Plan / newly proposed allocations. The Council previously discounted many of these on the basis that Green Belt land would not be developed. However, that position has since shifted following the Inspectors' post-submission letter of February 2025, which potentially endorsed exceptional circumstances for some Green Belt release. It is therefore unclear why some of these omission sites – many of which are comparable in character and constraints to allocations now proposed for release – have not been revisited. The failure to reassess them not only undermines the robustness of the site selection methodology but contributes to an unbalanced spatial distribution of development, disproportionately affecting particular parts of the city. This selective and inconsistent approach further calls into question the fairness and soundness of the plan.
- 3.2 In the time available we briefly discuss one example below (and refer to others elsewhere in this response), although it is strongly suspected that other parties will be making representations to that effect. This also brings into question whether the Council should have undertaken a further Call for Sites exercise to reappraise availability, suitability, and achievability.
- 3.3 The site known as 'High Riggs Farm', in Stannington is located to the west of the city (HELAA ref. S04128, Omission ref. OM04). This land is being promoted by Boyer, on behalf of Barrett David Wilson Homes, and they have made various representations throughout the plan-making process, and this has included the preparation of a vision document indicating how the land could be brought forward for residential development<sup>13</sup>. It is not a particularly strongly scoring site for Green Belt purposes and is identical to SES30 in respect of purposes

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<sup>13</sup> Evidence Base Document ref. PDSP020. Regrettably, this document was not available online when the consultation began and still does not appear online at the time of making this representation (the hyperlink is broken). It had to be obtained directly from the Council, and they have evidently not rectified this issue nor presumably brought it to the attention of the Programme Officer, which is material to this consultation.

(a) and (b) (EXAM 95). It is significantly less-constrained, too (e.g. in respect of fundamental flood risk issues discussed later). The vision document identifies that it could expeditiously deliver approximately 120 homes.

### Spatial Distribution

- 3.4 The spatial distribution of housing growth proposed in the Plan is unsound and inconsistent with both the plan's own stated strategy and national planning policy. While Policy SP1 in the submission Plan articulates a clear objective to focus development within the existing urban area, make optimal use of brownfield land, and proportion growth appropriately across the city's nine identified sub-areas, the actual pattern of site allocations significantly departs from that intended approach. The strategy is also supported by Policy SP2, which seeks to distribute development according to: accessibility; infrastructure capacity; and the distinct character of place.
- 3.5 The figures now being proposed reveal a marked and unjustified overconcentration of new housing in the South East Sheffield Sub-Area, which includes the S13 postcode area. This sub-area is allocated 3,064 homes on sites already identified in the plan and now a further 1,638 homes are being proposed through Green Belt release, principally on two newly proposed sites: SES29 and SES30. This results in a combined total of 4,702 homes for the South East area, which is significantly more than any other outer sub-area of the city. By contrast, North West Sheffield is allocated just 1,335 homes in total; South West Sheffield 1,473; and Chapeltown/High Green only 629. The only area with a higher overall allocation is Central Sheffield, which is expected to accommodate around 17,940 homes – an urban core location that is explicitly identified in the plan as suitable for high-density development.

| <u>Sub-Area</u>                    | <u>Already Identified</u> | <u>New Allocations</u> | <u>Total Proposed</u> |
|------------------------------------|---------------------------|------------------------|-----------------------|
| Stocksbridge / Deepcar             | 1,055                     | 0                      | 1,055                 |
| North West Sheffield               | 1,163                     | 172                    | 1,335                 |
| South West Sheffield               | 1,133                     | 340                    | 1,473                 |
| South Sheffield                    | 808                       | 304                    | 1,112                 |
| <b><u>South East Sheffield</u></b> | <b><u>3,064</u></b>       | <b><u>1,638</u></b>    | <b><u>4,702</u></b>   |
| East Sheffield                     | 1,479                     | 0                      | 1,479                 |
| North East Sheffield               | 941                       | 945                    | 1,886                 |
| Chapelton / High Green             | 80                        | 549                    | 629                   |
| Central                            | 17,940                    | 0                      | 17,940                |

3.6 A visual representation of the above figures is stark.

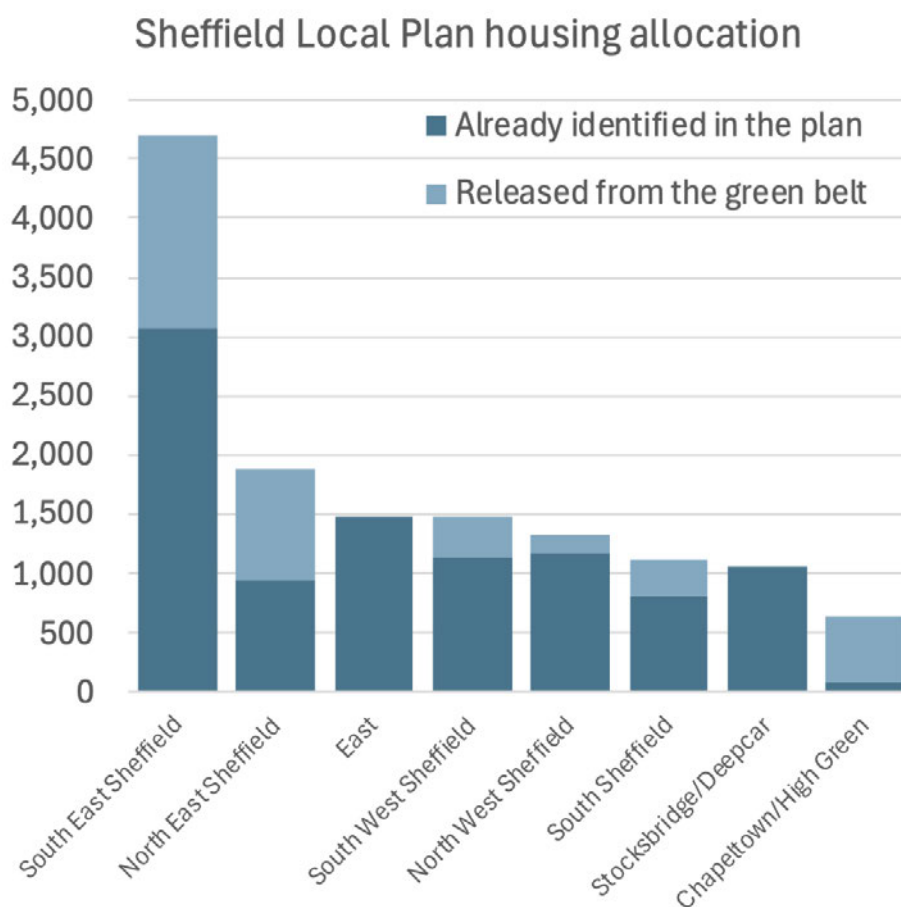


Fig. 2: Distribution of housing allocations across Plan area.

- 3.7 Such a disproportionate spatial concentration is inconsistent with the principles of good plan-making. It places an unreasonable burden on a single area of the city without compelling justification or a clear evidential basis. The issue becomes even more acute when considered in the wider spatial context. Within approximately a 2km radius of SES30, the cumulative level of housing development planned or committed between 2012 and 2039 exceeds 6,300 dwellings. This includes 3,890 homes at the Waverley new settlement in Rotherham, which adjoins the city boundary and is functionally and physically integrated with the communities of Handsworth and Woodhouse (and where the two authorities have a shared housing market area). In addition to the proposed allocations of SES29 (770 dwellings) and SES30 (868 dwellings), the area is also subject to a series of existing commitments and allocations including SES19 through SES28.
- 3.8 This level of cumulative development, when assessed in spatial and temporal terms, amounts to a fundamental overdevelopment of the S13 area. It raises serious concerns in relation to infrastructure capacity, particularly for transport, education, and health services, and poses a material risk to the character and identity of neighbourhoods in the south-east of the city. These concerns are not adequately addressed in either the *Green Belt Topic Paper* or the IIA. There is no meaningful analysis of cumulative impacts, no proper accounting for the major strategic growth at Waverley, and no assessment of the compounding harm that would arise from the interaction of these sites.
- 3.9 A rationale that Waverley should not count because it falls within a neighbouring authority would be both arbitrary and flawed. Administrative boundaries are irrelevant to the functional geography of development impacts. Residents in S13 will experience the consequences of Waverley's growth irrespective of whether the housing lies technically within Rotherham. By ignoring this material consideration, the Council has failed to engage with the real-world implications of its spatial strategy. Properly, the cross-boundary impacts of this significant and newly-proposed growth should be the subject of discussions between authorities; this compounds our concerns in relation to the DtC, set out above.

- 3.10 Furthermore, the extent of proposed Green Belt release in the South East Sheffield Sub-Area is inconsistent with the Plan's own commitments to ensure that such release only occurs where it can be clearly justified as a last resort, and where no less harmful spatial alternatives exist. The evidence base, including the site selection methodology and sustainability appraisal, does not demonstrate that a fair or proportionate spatial distribution has been achieved. Nor does it explain why alternative locations with lesser Green Belt harm have been discounted in favour of sites in S13, which already faces significant development pressures.
- 3.11 This approach conflicts with the tests of soundness in paragraph 35 of the NPPF. In particular, the Plan is not "justified", since there is no credible explanation as to why this particular spatial distribution represents the most appropriate strategy, when considered against reasonable alternatives. Nor is it consistent with national policy, given that paragraph 140 of the NPPF requires local authorities to seek development outside the Green Belt before concluding that release is necessary. Additionally, the failure to consider reasonable spatial alternatives and to assess cumulative effects in the sustainability appraisal process raises concerns about compliance with the 2004 Regulations, which require the identification and evaluation of significant environmental effects and the reasons for selecting alternatives.
- 3.12 The result is a pattern of development that is neither equitable nor sustainable. It imposes a disproportionate share of the city's growth on a single outer sub-area and fails to demonstrate that such an approach is appropriate, necessary, or supported by proportionate evidence. The plan's spatial distribution must therefore be revisited if it is to comply with the principles of soundness, legality, and good strategic planning.

#### Deliverability

- 3.13 A further and significant concern relates to the deliverability of the fourteen newly proposed Green Belt allocations, which together account for almost 4,000 dwellings. However, in the first instance there appears to be limited evidence that they are available and achievable (suitability aside) for development within the plan period, as required by national policy. If evidence of the deliverability and trajectories for those newly proposed allocations is

available, then it should be published and should have been published as part of this consultation.

- 3.14 The *Green Belt Release Topic Paper* includes a generic commentary on site suitability and a high-level achievability assessment, but this is not supported by contemporaneous statements of availability from landowners, options holders or developers. The identification of sites appears to rely on historic call-for-sites submissions, with the assumption that availability persists unless withdrawn. This is not sufficient to satisfy the requirement that deliverable sites must be available now.
- 3.15 The assessment of achievability is likewise deficient. There is no indication of whether any of the new allocations are subject to active developer interest, nor is there any detailed trajectory indicating likely build-out timelines or completion rates. The only viability evidence provided is the *Whole Plan Viability Assessment – Further Note*, which provides a re-testing of tenure mixes based on assumptions, but does not offer site-specific viability assessments.<sup>14</sup>
- 3.16 In relation to site abnormal costs, and particularly in relation to SES30, it is understood that areas of the Site were historically used for drift mining. This is corroborated by reference to GIS data from the Mining Remediation Authority, which indicates mine entry points and known shallow coal mine workings along the southern and south-western boundaries, as well as probable areas of workings<sup>15</sup>. These are areas designated as being a ‘high risk’ to development where they pose a potential risk to surface stability and public safety<sup>16</sup>. An area of development high risk is also identified to the north of the Site. It is not clear whether these constraints have been taken into account when determining the Site as being suitable and achievable for the proposed development, alongside any possible implications for viability

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<sup>14</sup> Incidentally, it is noted that SES30 is unviable / the Residual Land Value would be below Benchmark Land Value in various tested scenarios and is not expected to deliver anything above 40% affordable housing (the usual ‘Golden Rules’ expectation is 50%). That is on an assumption of no ‘abnormal flood risks’ which is plainly wrong given the findings in the Level 2 SFRA discussed later in this response. That is not a criticism of the authors of the updated *Viability Assessment*; plainly the rushed nature of the Council’s actions has meant that the right information was not shared when needed.

<sup>15</sup> <https://datamine-cauk.hub.arcgis.com> (Mining Remediation Authority). See Fig. 3, below.

<sup>16</sup> As defined by the Coal Authority.

due to the need for further investigative work and any necessary remediation when proposing development on or close to those areas.



Fig. 3: Map of mining constraints including 'high risk areas' outlined and hatched in grey.

3.17 Further, the *Infrastructure Delivery Plan Addendum* ('IDP', May 2025) acknowledges that the inclusion of these new sites generates substantial additional infrastructure requirements, notably in relation to transport and highways improvements, secondary education provision, sewerage capacity, and healthcare. In several instances, the IDP admits that specific mitigation schemes have not yet been identified or agreed with infrastructure providers. In such cases, the Plan cannot credibly conclude that these sites are developable, let alone deliverable over the plan period.

3.18 It is also important to note that in the February 2025 letter from the Inspectors, there was particular concern in relation to establishing a rolling five-year housing land supply from point of adoption. Indeed, the Inspectors characterised this as a 'fundamental issue'. It is therefore crucial that the deliverability and supply trajectories for the newly proposed allocations be established. We consider it likely that significant, strategic allocations at SES29/SES30 will be unlikely to deliver homes early in the plan period and there is no evidence available through

the current consultation to suggest otherwise. As we set out in the next section, there are very serious constraints that would affect the deliverability of SES30.

- 3.19 These deficiencies significantly undermine the credibility of the Plan's housing trajectory and raise serious doubts as to whether the plan will be effective in meeting its housing requirement across the plan period. In the absence of cogent evidence to the contrary, the Plan is therefore unsound in relation to the new Green Belt site allocations. In the absence of firm evidence to support deliverability, their inclusion is premature and unjustified.

#### Exceptional Circumstances

- 3.20 Paragraph 140 of the NPPF requires that Green Belt boundaries should only be altered in exceptional circumstances, and only through the preparation or updating of plans. Paragraph 141 further directs that, before concluding that such exceptional circumstances exist, the authority must demonstrate that it has examined fully all other reasonable options. This is a high threshold, and one that must be satisfied with compelling evidence.

- 3.21 This is a litigious area of planning. We understand that a key judgment comes from the case of *Calverton*<sup>17</sup> which set out a framework of considerations that to be addressed when assessing whether exceptional circumstances exist. These include:

- i. The acuteness or intensity of the objectively assessed housing need;
- ii. The inherent constraints on the supply of land suitable for development;
- iii. The extent to which sustainable development could otherwise be achieved without impinging on the Green Belt;
- iv. The nature and extent of harm to the Green Belt that would arise from release;  
and
- v. The scope for mitigating such harm.

- 3.22 We are assuming that matters i. – iii. have been addressed to the satisfaction of the Inspectors, albeit that Green Belt release was identified by them as something that the

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<sup>17</sup> *Calverton Parish Council v Nottingham City Council* [2015] EWHC 1078 (Admin).

Council could rather than should, do. However, in our view the Council's current approach fails to engage with the final two considerations in a sufficiently granular or site-specific manner. Rather than demonstrating that exceptional circumstances exist for the release of each individual Green Belt site now proposed for allocation – including SES29 and SES30 – the Council has relied upon a strategic-level justification. This sweeping, generic approach does not meet the standard required.

- 3.23 It does not appear to us that there is any evidence of a systematic or comparative application of the *Calverton* principles to each of the 14 Green Belt sites proposed for release in May 2025. The *Green Belt Release Topic Paper* presents high-level assessments, with limited reference to alternative options and no individualised conclusions on the exceptional circumstances for each site. The exceptional circumstances justification has not been tailored to reflect the scale, harm, and constraints of the individual sites.
- 3.24 This is particularly problematic in the case of SES30. The site performs better in terms of Green Belt purposes than many other sites, and has notable constraints in respect of landscape sensitivity, agricultural land quality (quite possibly comprising BMV land), flood risk, and biodiversity impact (including adjacent ancient woodland and notable trees). Moreover, there is no evidence that alternative spatial strategies were fully explored which might have distributed development more equitably across the city or minimised Green Belt harm.
- 3.25 The *Calverton* judgment emphasises the importance of considering the degree to which Green Belt harm could be mitigated. There is no evidence that such mitigation has been explored in relation to SES30 or other proposed sites, nor that any clear framework for such mitigation exists in the supporting infrastructure or design evidence. In fact, it is suggested through the allocation policies that mitigatory matters pertaining to the Green Belt will only come forward at application stage.
- 3.26 The Council's failure to apply the *Calverton* tests robustly and individually, particularly given the major shift in strategy triggered by the Inspectors' February 2025 letter, amounts to a fundamental flaw in the plan-making process. The assertion of exceptional circumstances cannot simply rest on the existence of housing need. There must be a demonstrable case that

Green Belt release is necessary and proportionate in each instance, and that no less harmful alternative strategy is available. That case has not been made.

- 3.27 As such, the proposed Green Belt allocations are not properly justified. The Plan is unsound and potentially unlawful in this regard.

#### **4. Proposed Allocation SES30 – Land between Bramley Lane and Beaver Hill**

- 4.1 As stated at the outset, even if the Plan is to proceed, which our clients would not object to *per se*, then at the very least there should be a fundamental review of the approach to development in the South East Sheffield sub-area; as minimum this should include the removal of SES30 as a proposed allocation and its retention as Green Belt.
- 4.2 In this section, we set out the various site specific-issues that make this proposed allocation unsound and, at the very least, unsuitable for the strategic-level growth that the Council has suggested that it can deliver.
- 4.3 Before doing so, we would like to observe that there is no apparent record of SES30 having been promoted before; it does not feature, for example, in any previous Call for Sites exercise. As stated above, land title information would suggest that with the exception of a small area to the northwest, it is solely under the ownership of the Council and no other party. We therefore trust that the Council has remained suitably open-minded in selecting this new site for allocation in light of the obvious financial incentive that arises in doing so.

##### Site Parcel S02502

- 4.4 The proposed SES30 allocation comprises two sites – S03020 and S02502, the latter being a smaller, roughly triangular-shaped parcel to the north-east of the allocation, immediately abutting Beaver Hill Road.

4.5 Parcel S02502 is noteworthy because in the submission Plan it is designated as an ‘Urban Green Space Zone’<sup>18</sup>. The relevant policy to that designation is policy GS1, which is a protective policy that only permits loss in very specific circumstances and sets a very high threshold. Self-evidently that policy designation is now rendered moot. We know that to be the case because the *Green Belt Release Topic Paper* explains that the main access point to the allocation would ‘need to be through’ that particular land (SES30 appraisal, p. 42). Again, this is surprising because elsewhere in the *Topic Paper* it is explained that sites which entirely comprised open space were to be rejected – by implication, that would have included site S02502. This is a further example of the Council contriving an approach to justify its decision to allocate, which is not a transparent or consistent process.

4.6 The issue of taking access via site S02502 is dealt with in the next two subsections, below.

#### Flood Risk

4.7 The suitability assessment for SES30 in the *Topic Paper* identifies that flood risk issues are present on some areas of the allocated site and therefore ‘a Level 2 SFRA site assessment will identify any specific mitigation required’ (SES30 appraisal, p. 42). This language is noteworthy because it clearly implies that when assessing the site for suitability no flood risk assessment for the allocation had been undertaken. We also know that must be the case because Council officers were proposing to allocate the site(s) in April 2025, possibly earlier, given published Council papers (such as the Policy Committee Decision Report, 30<sup>th</sup> April 2025). The Level 2 SFRA does not appear to have been produced until May 2025.

4.8 That the Level 2 SFRA has followed the assessment of the allocation as being suitable is of crucial importance because it means that issues arising from the SFRA exercise may have fundamental implications for the soundness of the allocation. Implications that will not have been factored into account when proposing the sites for allocation. A review of the papers for the Council meeting of 14<sup>th</sup> May 2025, where the decision was formally taken to pursue

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<sup>18</sup> CD13: Policies Map, South East Sheffield Sub Area.

the newly proposed Green Belt release allocations, indicates that councillors were not provided with the Level 2 SFRA (or Transport Assessments).

4.9 Action (h) of the Council's resolution of 14<sup>th</sup> May 2025:

*'notes that the evidence base/submission documents have been/are being updated to reflect the proposed additional site allocations (as well as to address certain other concerns raised during Examination) and that this evidence as updated will be submitted to the Examination at the same time as the proposed additional site allocations;'*

4.10 There is no indication that officers would undertake further review of the new evidence base documents in order to ensure that any previous decisions relating to the soundness and suitability of proposed allocations remained correct. Again, this does not appear to present a positive plan-making approach. In our view, the results of the Level 2 SFRA, and its recommendations for mitigation, have significant implications for the allocation and should have been taken into account before proceeding with consultation.

4.11 The Level 2 SFRA states that the site (comprising parcels S03020 and S02502) is '100%' within Flood Zone 1. However, this cannot be reconciled with Environment Agency ('EA') flood map data which identifies Flood Zones 2 and 3 running through, and adjacent to the southern boundary of, the Site. These areas are understood to be related to the Shirtcliff Brook and an unnamed tributary which forks from the Brook close to Beaver Hill Road. That tributary extends across the majority of the allocation. A copy of EA flood map data is shown below. It is not clear how this discrepancy has arisen when the SFRA states that the latest EA mapping has been consulted.

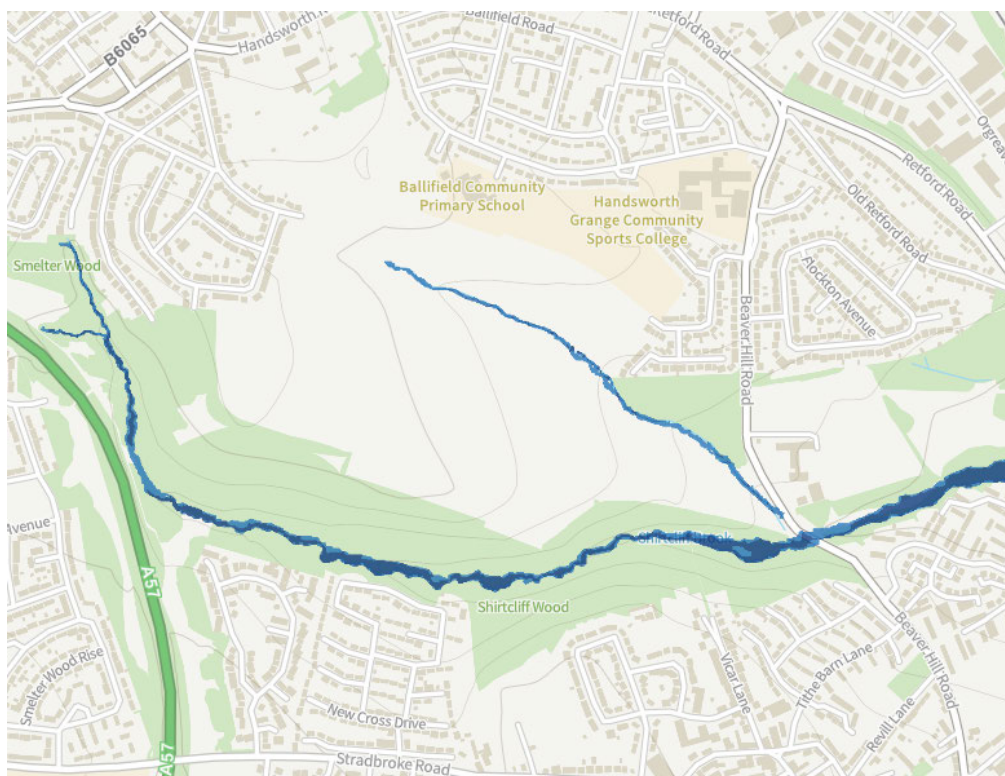


Fig 4: EA mapping of Flood Zones 2 and 3.

4.12 Irrespective, the SFRA recognises those areas as potential fluvial risks and yet concedes that the extent of risk is 'unknown'. However, modelling was not undertaken because this was not feasible in the timelines for the Local Plan i.e., they ran out of time as the Council rushed to consultation having already determined to allocate. It is assumed in the SFRA that risk from the Brook is low, albeit the tributary should be incorporated as a blue-green corridor in any future site design. To 'fully understand the onsite fluvial risk' it is advised that a further flood risk assessment will be needed at application stage, but we contest that this is too late in the planning process. The impacts of climate change on fluvial flood risk from the tributary and Shirtcliff Brook have also not been modelled. In our view that is an unsatisfactory response bearing in mind the apparent importance of the site as a strategic allocation.

4.13 In respect of surface water risk, this also corresponds to the Brook and tributary and there are areas of higher risk across the site extending through the north of the site to Richworth Road (close to Bramley Lane/Grange Lane). Surface water risk also flows along the eastern boundary of the sites. In the southeastern corner, it is advised that 'groundwater may emerge

at significant rates and has the capacity to flow overland and/or pond within any topographic low spots’.

4.14 The SFRA also states that the EA’s *Historic Flood Map* has been consulted (§2.4). Whilst the site is not recorded to have experienced historic flooding, it is noted that there has been a recorded incident on Beaver Hill Road, near where Shirtcliff Brook is culverted under the road. That event was in 2019, but we understand from our clients that flood events are far more frequent than the historic data suggest.

4.15 On that basis the SFRA (for both parcels of the site) provides various recommendations, including the need for further modelling and the need to show that development can be designed to be safe. To that end, it is advised that ‘no development should take place within 8m either side of the onsite ordinary watercourse which should be included within a blue green corridor’ and that:

*‘Channels onsite should be kept in place and remain unobstructed. They should be maintained and included within the landscaping design of the development as a blue green corridor including for an 8 metre no development buffer of the channel’.*

4.16 It is also recommended that in order to account for future events and climate change ‘approximately 9.9% of the total area of the site would be required for flood storage’.

4.17 Considering the foregoing, there are numerous significant implications arising:

- Firstly, if 10% (c.3.6ha) of land is required for flood storage then this brings into question the achievability of the site in delivering a strategic number of homes, as well as 5ha for education, and 4ha for a multi-faith burial site (which potentially brings its own risks in respect of groundwater contamination).
- Secondly, and in light of the need to keep the one-site tributary and flood pathways free from development, with an 8m buffer, this further erodes the developable area of the allocation. Moreover, and as the figure below, this effectively means that the

northern part of site S03020, and the entirety of site S02502 are marooned and cannot be connected to the main body of the allocation.

- Thirdly, and therefore obviously, the “necessary” main access to the allocation via site S02502 is undeliverable. If the main access is undeliverable then the allocation simply cannot move forward.
- Fourthly, the other potential access points, being identified as either being from Bramley Lane/Grange Lane or Beaver Avenue/Grange Lane, are equally unworkable due to their location in relation to the no-development buffer that would run across the allocation; those accesses being north of that dividing boundary. That is apart from other highway issues, dealt with below.
- Fifthly, access anywhere else along the eastern boundary of the allocation would be similarly frustrated by the flood constraints, in addition to the recorded issues at the southeastern corner of the allocation and in relation to the culvert on Beaver Hill Road.
- Sixthly, there is no evidence of downstream effects being considered as a result of the development, such as potential impacts on the River Rother, and at Catcliffe, where flood events are understood to be frequent.
- Seventhly, and aside from the physical constraints, there are policy implications because the identified areas of flood risk (from fluvial and other sources) means that the Sequential Test will need to be satisfied, and this includes at the plan-making stage. This is in accordance with paragraphs 161 and 162 of the NPPF. The PPG is abundantly clear that this relates to all sources of flood risk, including surface and groundwater. National policy and guidance direct that development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is relevant to note that a Sequential Test should be applied when any part of the site is at risk of flooding and this would include areas required for access or where properties may be put at risk. Furthermore, flood risk mapping is not an exact science, and it may be that the extent

of flood risk is greater than that shown (hence, it being alarming that no detailed modelling has been undertaken due to the rushed nature of this new allocation process). Ultimately, the Sequential Test should still be applied as such sites present greater risk than those within areas in Flood Zone 1 or outside of the risk of surface water or groundwater flooding. Matters such as undertaking a sequential approach to layout at application stage, can be part of any exception test, but that follows only after the Sequential Test has been complied with. There is no evidence that the Sequential Test exercise has been undertaken in the context of the Plan as now amended and subject to the newly proposed allocations. In the absence of that Test being satisfied, the allocation is unsound.

- Eighthly, the SFRA has followed after the latest iteration of IIA and after the decision to allocate new sites including SES30. It is therefore not possible for issues relating to flood risk to have informed the updated IIA and for those assessments to inform the new site selection and allocation process. The Council is now compelling itself to retrospectively justify its decision, which is an unsound (and, potentially, unlawful) approach.

4.18 In summary, the cumulative effect of the unresolved fluvial, surface water and groundwater risks across SES30 renders the allocation fundamentally unsound. The Level 2 SFRA confirms that the site includes an unnamed tributary with unmodelled fluvial flood risk, areas of significant surface water hazard, and groundwater emergence potential, particularly in the southeastern corner. Despite these issues, no bespoke modelling of the tributary or Shirtcliff Brook was undertaken, and the impacts of climate change remain unassessed. These omissions are particularly problematic given the site's newly proposed strategic role in housing delivery. The SFRA's recommendation for an 8m no-development buffer and the need to safeguard land for attenuation (up to 10% of the site area) fundamentally constrain the site's developable capacity. Crucially, the required safeguarding maroons the key access land (S02502) from the main developable area, casting serious doubt on the site's deliverability. There is no evidence that a Sequential Test has been undertaken in accordance with paragraphs 161–162 of the NPPF to demonstrate that there are no reasonably available

alternative sites in areas at lower risk of flooding. Given these constraints and the absence of adequate supporting evidence, the proposed allocation of SES30 cannot be justified and should be removed from the Plan, on issues of flood risk alone.



*Fig 5: Extent of allocation SES30 overlaid with fluvial and pluvial flood risk constraints and PRow routes.*

#### Access and Transport

- 4.19 Matters of access and transport are of significant concern to our clients and these are also fundamental to the soundness of the allocation.
- 4.20 We understand that during the South East Sheffield Sub-Area committee meeting, Tuesday 17<sup>th</sup> June 2025, the Council planning officers stated that matters of access would be considered at application stage. Whilst hearsay, that is evidently likely to be correct given the paucity of development-specific assessments that form part of the consultation. Such a position is deeply troubling.
- 4.21 It is surprising that access feasibility has not been provided to support the allocation of a large strategic site serving nearly 900 dwellings; this is a wholly unsound approach as it is not

consistent with national policy. Paragraph 110 of the NPPF states that (emphasis added below):

*'In assessing sites that may be allocated for development in plans or specific applications for development, it should be ensured that....b) safe and suitable access to the site can be achieved for all users'.*

4.22 It is clear that paragraph 110 requires access to be assessed prior to allocation. The feasibility of the access off Beaver Hill Road (the only logical place from where it could be taken) has not been addressed. The *Transport Assessment* only deals with network impacts; it does not consider suitability of access. That is especially important in this case given the scale and geometry of a sole point of access that would be expected to cater for around 900 dwellings and include means of access for vehicles (including emergency vehicles), pedestrians and cyclists i.e. all users<sup>19</sup>. Accounting for the gradient of the highway along Beaver Hill Road and its current width within the confines of the public highway, it is not clear how this could be safely accommodated. That is before considering that the point of access would be crossing areas of increased flood risk and would need to avoid harm to features of ecological interest including the Ancient Woodland that runs to the south of the site. None of this appears to have been considered from the published evidence.

4.23 The risk of failing to properly assess and resolve access at the plan-making stage is not theoretical. In a recent appeal decision (determined through public inquiry) concerning an allocated site in Devon (APP/K1128/W/24/3347514), the Inspector dismissed the appeal on the grounds of pedestrian and highway safety, notwithstanding the site's allocation in the development plan. The Inspector found that insufficient assessment had been undertaken during the allocation process and that access concerns justified refusal at the application stage. A similar risk exists in relation to the SES30 allocation. Without the ability to secure a safe and suitable, deliverable access, for all users, there is a clear prospect that any future planning application may be refused by the Council on highway access grounds – frustrating delivery. There is no evidence to suggest that this can be secured.

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<sup>19</sup> Also noting that an existing PRoW crosses the site where the access would need to go, as does the Shirtcliff Brook tributary that the SFRA recommends is kept free from development with a buffer either side.

- 4.24 As set out above, it is misleading for the SFRA to suggest that the site is wholly within Flood Zone 1. Aside from the on-site impacts, this also ignores that the highway access would need to be engineered through areas of increased flood risk. This has not been accounted for in the SFRA or in any assessments of the site (including the IIA). This should have been considered because it is a fundamental aspect of the proposed allocation and how it will function; access cannot be taken from any other location. This is a further, fundamental failing of the soundness of the allocation related to the flood risk issues already discussed.
- 4.25 The *Topic Paper* suggests that other access points may be taken from Bramley Lane/Grange Lane and Beaver Avenue/Grange Lane. Again, there is little evidence to suggest how those routes would be adequate as points of access for such a quantum of development, where they would also come into conflict with existing PRow.
- 4.26 In respect of transport impacts on the road network, it is noted that there would be considerable change as a result of the newly proposed allocations, particularly in the South East where significant growth is now proposed to take place. The submitted *Transport Assessment* documents that form part of the consultation suggest that all impacts can be successfully mitigated. However, in review the detailed assessment results, this is less than clear. For example, Table 13 of the Strategic Road Network report shows that even with mitigation many junctions will be operating at or over (sometimes significantly over) capacity at the end of the plan period. The same is true in relation to the Local Road Network.
- 4.27 Regarding allocation SES30, the nearest affected junction is likely to be Retford Road / Beaver Hill Road<sup>20</sup> directly north of the likely site access. The assessment identifies that this junction would be virtually at maximum capacity in 2039 (98%), even with mitigation (>150% without), with a maximum queue length of 52PCU<sup>21</sup> i.e. this is the equivalent of 52 cars in the PM peak. This is of great concern to residents, and they would consider this impact to be severe.
- 4.28 In light of all the above, it is our view that safe and suitable access has not been assessed or demonstrated in relation to SES30 (and we say it is doubtful that it can be established at all,

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<sup>20</sup> Although inexplicably identified as being within the 'North East Area' of the City.

<sup>21</sup> Passenger Car Units.

due to the fundamental site constraints). Even if access could be established then the impacts on the road network would be severe in light of the significant growth anticipated for the area with many junctions remaining over capacity even with 'mitigation'. This is further evidence that there needs to be a serious re-evaluation of the distribution of growth across the Plan area and that, as a minimum, site allocation SES30 should be deleted.

### Air Quality

- 4.29 Air quality is a serious public health issue in Sheffield and a major concern to the residents of S13, where we are advised that the Council has previously recognised that approximately 1 in 20 deaths in the city are attributable to air pollution. In that context, the allocation of greenfield Green Belt land for large-scale development in areas already subject to poor air quality must be approached with great care and scrutiny.
- 4.30 Proposed allocation SES30 lies in close proximity to the A57 Parkway corridor – one of the most polluted routes in the city and an area explicitly identified in the Government's National Air Quality Plan as at risk of breaching statutory NO<sub>2</sub> limits (40µg/m<sup>3</sup> annual mean)<sup>22</sup>. The Handsworth Road area, including the junction with the Parkway, is a well-known historic poor air quality hotspot. Recent 2023 monitoring data published in the Council's annual *Air Quality Status Report* ('AQSR') indicates that NO<sub>2</sub> levels at this location are comparable with those in Tinsley, a locality subject to extensive monitoring due to its proximity to the M1 and high baseline pollution levels.
- 4.31 Despite these facts, no air quality assessment appears to have been undertaken for SES30 as part of the plan-making process, nor is there a requirement for one within the draft allocation policy. This contrasts with proposed allocation SES29, where the draft policy requires the submission of an air quality assessment at the planning application stage. The omission of a similar requirement for SES30 is difficult to justify, particularly given the similar scale of the allocation, its adjacency to recognised areas of concern, and the significant increase in vehicle movements that would result from the development.

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<sup>22</sup> Sheffield City Council, *2023 Air Quality Status Report*. (EXAM 75)

- 4.32 The absence of any plan-level assessment also raises questions about the cumulative impact of development in this part of the city, especially in relation to other existing and proposed allocations in the South East sub-area including SES29, and in Rotherham Borough (e.g., Waverley). The addition of built form and infrastructure would remove natural carbon sinks and green buffers, further exacerbating localised pollution and its impacts.
- 4.33 In this regard, we note that the AQSR acknowledges the strong correlation between areas of poor air quality and socio-economic disadvantage, raising broader concerns about equality, environmental justice, and compliance with the Public Sector Equality Duty.
- 4.34 In conclusion, the Council has failed to carry out an adequate assessment of the air quality implications of allocation SES30. This is contrary to paragraph 185 of the NPPF, which requires that planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Furthermore, para. 186 of the NPPF is clear that this should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining subsequent applications. The failure to consider air quality at this stage undermines the soundness of the allocation.

#### Landscape Character and Visual Amenity / PRoW / Trees

- 4.35 The proposed SES30 allocation would result in the loss of a locally-valued and visually sensitive landscape which previous evidence has recognised as having a low capacity for development and a high degree of sensitivity. Earlier studies prepared to inform the Local Plan, including the Council's own *Landscape Character Study* and *Green Belt Review(s)*, consistently identified this land and its surrounding context as forming part of an important open setting to the urban edge, contributing to both the perception of separation between settlements and the rural character of the Green Belt in this location. The land at SES30 rises gently in elevation and forms a prominent transition between the built-up edge and Shirtcliff Wood. The existing hedgerows, mature trees, and field boundaries all contribute to a locally distinctive landscape character which is of both visual and kinetic, experiential significance.

- 4.36 These qualities are not simply aesthetic or abstract; they are highly valued by the local community. The land is traversed by a well-used network of PRoW (see Fig. 4 above), providing immediate access to open countryside from the surrounding areas. These routes are used extensively for recreation, informal access, and everyday amenity, and they underpin the health and wellbeing benefits of this landscape to the community. The manner of allocation undoubtedly fails to protect and recognise the intrinsic character and beauty of the countryside and would not protect or enhance those existing public routes (NPPF paras. 100 and 174.b)). We understand that a number of other, informal routes, run across the land and that these have been subject to unrestricted use for over 20 years. We further understand that residents intend to pursue rights to claim those routes; if achieved, then this would undoubtedly impact upon the deliverability of the allocation.
- 4.37 Furthermore, there are several trees within and bordering SES30 that, by virtue of their substantial girth, form, and apparent age, warrant consideration as veteran or potentially ancient specimens. These trees are irreplaceable ecological features which are afforded the highest level of protection in planning policy (NPPF, para. 180.c)). Their presence should have triggered a careful site-specific assessment, both in arboricultural terms and in relation to wider ecological value. It is not evident from the current evidence base that any such assessment has been undertaken.
- 4.38 In totality, the proposed allocation would result in the loss of a landscape that is both valued and sensitive, in a location previously recognised as having a low capacity for change. The scale of land-take now proposed would denude the characteristics that define its inherent special qualities—its openness, its ecological interest, its historic structure, and its strong connection to surrounding communities. The absence of any detailed landscape or visual appraisal within the updated evidence based, in order to support the strategic-scale of growth now proposed, compounds these concerns. As such, the allocation of SES30 cannot be considered justified, effective, or consistent with the Plan’s own spatial and environmental objectives or the policies of the NPPF.

### Best and Most Versatile Land ('BMV')

- 4.39 The proposed SES30 allocation raises significant concerns in relation to the potential loss of BMV land, which have not been properly or transparently assessed as part of the Plan-making process. The Natural England Agricultural Land Classification maps indicate that the site is likely to fall within Grade 3, which may include both Grade 3a (good quality) and Grade 3b (moderate quality) land. Given that Grade 3a is classed as BMV land, this potential classification is of central importance to understanding the implications of the site's release, particularly when considering that the entirety of SES30 is currently in agricultural use and has been so for many years.
- 4.40 Notwithstanding this, the Plan defers any formal assessment to the planning application stage, stating in the allocation policy text that: 'Agricultural land surveys [are] required at planning application stage to determine whether the land is Grade 3a and ensure that development is consistent with policy GS4.'
- 4.41 However, policy GS4 itself introduces a circularity that renders this approach unsound. The policy states that development on BMV land will only be permitted where it can be demonstrated that either (a) the need for development outweighs the need to protect such land, or (b) no alternative lower-grade or brownfield land exists. These are tests of justification that ought to inform allocation decisions – not to be postponed until later development management stages. It is not logically or procedurally sound to defer the identification of BMV land and then rely on a policy that requires justification for its loss to be made after that land has already been allocated. This approach defeats the preventative and safeguarding purpose of the policy and risks undermining its effectiveness.
- 4.42 Moreover, para. 174.b) of the NPPF makes clear that the planning system should protect the natural environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMV agricultural land. That principle is not adequately reflected in the site selection process as presented. No assessment has been undertaken to identify the likely classification of land at SES30 or to evaluate the implications of potential loss. This represents

another shortfall in the evidence base, particularly where the entire allocation may consist of BMV land and where no mitigation or compensation strategy has been presented.

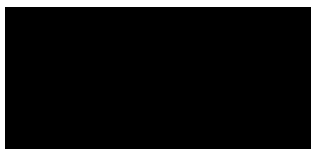
- 4.43 Ultimately, the Council's deferral of an important land quality issue to a later stage – while already asserting the soundness of the site for allocation – suggests, again, a reactive and unbalanced approach to plan-making that is based on *ex post facto* justification. It reinforces a broader perception, evidenced elsewhere in the allocation process, that constraints have not been properly interrogated and that sites have been advanced for allocation before adequate environmental or policy-based considerations have been fully explored. The implications of a finding that the SES30 allocation comprises wholly or predominantly BMV land, at planning application stage, would be material, and as such this issue must be addressed as part of the examination process rather than left to a future date. The allocation, in its current form, is therefore not justified and is again unsound.

## **5. Conclusion**

- 5.1 For the reasons set out in the preceding sections, it is our firm view that the proposed allocation of Site SES30 is unsound and legally flawed. There are significant and unresolved concerns with respect to the way in which this site has been selected and assessed. These include failures of legal compliance relating to the Duty to Cooperate and the Sustainability Appraisal process, the absence of a credible sequential approach to flood risk, a lack of site-specific testing to assess availability and deliverability, and a demonstrable inconsistency with national policy concerning the release of Green Belt land. The allocation also gives rise to policy conflicts relating to landscape character, BMV land, and access constraints that, individually and cumulatively, render the allocation unjustified.
- 5.2 The proposed allocation sits within the South East Sheffield Sub Area, an area already subject to disproportionate housing growth. As demonstrated, this approach conflicts with the Council's own spatial strategy, undermines the Plan's internal logic, and reflects a pattern of decision-making that lacks proper balance, environmental sensitivity, or long-term planning foresight.

- 5.3 Beyond these concerns, however, lies a broader strategic implication: the proposed number of dwellings to be delivered from SES30 appears, on the evidence available, to be highly uncertain and probably unachievable. If the allocation proves undeliverable – which is a material risk given the site’s constraints – then the Council will have no realistic prospect of meeting the housing requirement it has set for itself through the Plan. That shortfall would need to be addressed through the identification of alternative, less constrained sites. It is irrational, and contrary to national policy on effective plan-making, to allocate land that is unlikely to deliver while overlooking sites of higher environmental capacity and fewer policy conflicts.
- 5.4 Accordingly, we respectfully submit that **SES30 must be deleted from the Plan**. At the very least, the Council must revisit its site selection process and reconsider how to accommodate the housing requirement in a way that more genuinely aligns with the evidence, with legal obligations, and with the Plan’s own stated objectives alongside national policy requirements and guidance.
- 5.5 As set out at the beginning of this representation, we consider that the process leading to the identification of sites within the S13 area has been flawed (including SES29 and SES30). In light of the concerns detailed in this submission, the overall approach to allocated growth within the South East Sheffield Sub Area should be subject to further review and we would support other representations made to that effect.

Yours faithfully,



**Steven Stroud MRTPI**

James Bailey Planning

