

Rotherham local plan

Consultation Statement

accompanying adoption of the following
Supplementary Planning Documents:

Affordable Housing
Community Facilities
Development Viability
Natural Environment
Transport Assessments, Travel
Plans and Parking Standards

June 2021

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Introduction

1. This Statement accompanies the following Supplementary Planning Documents (SPDs):
 - Affordable Housing SPD
 - Community Facilities SPD
 - Development Viability SPD
 - Natural Environment SPD
 - Transport Assessments, Travel Plans and Parking Standards SPD
2. SPD must be prepared in line with the requirements of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (hereafter referred to as 'the Regulations').
3. Before adopting any SPD local authorities are required¹ to prepare a 'Consultation Statement' setting out who was consulted in connection with the preparation of the SPD, the main issues raised in response to the consultation, and how those issues were addressed in finalising the SPD.
4. Once adopted, they are a material consideration which can be taken into account when determining planning applications.

Background

5. Rotherham's Local Plan consists of:
 - Rotherham Core Strategy 2013 – 2028 (adopted September 2014)
 - Rotherham Sites and Policies Document (adopted June 2018)
 - Barnsley, Doncaster and Rotherham Joint Waste Plan Core Strategy (adopted March 2012)
6. The Local Plan provides the framework for determining planning applications. SPDs provide additional detail and guidance on how policies in the Local Plan will be applied when determining planning applications.
7. Following adoption of the Local Plan, the Council is in the process of updating a number of existing planning guidance documents and preparing new guidance documents to offer further assistance and clarification to applicants when preparing planning applications.

Consultation

8. Preparation of the SPDs has been undertaken by, or in conjunction and consultation with, relevant services within the Council. The Council's Development Management team within Planning service has reviewed all the draft SPDs.
9. The Council's Cabinet approved public consultation on the draft Supplementary Planning Documents at its meeting on 20 July 2020.

¹ Regulation 12 The Town and Country Planning (Local Planning) (England) Regulations 2012

10. In October 2019 the Council adopted a revised Statement of Community Involvement, which sets out how and when people can influence new planning documents. Consultation on the draft SPDs has been undertaken in accordance with the guidance in this document.
11. The table below sets out more detail regarding the consultation exercise.

Table 1: Consultation Plan

| | | |
|--------------------------------------|--|---|
| When were the SPDs consulted on? | Regulation 12(b) of the Regulations requires consultation over a minimum of four weeks. Consultation took place over a four week period, from 17 August to 14 September 2020. | |
| What documents were published? | <p>The following documents were made available as part of the consultation:</p> <ul style="list-style-type: none"> • Draft Affordable Housing SPD • Draft Community Facilities SPD • Draft Development Viability SPD • Draft Natural Environment SPD • Draft Transport Assessments, Travel Plans and Parking Standards SPD • A consultation statement • A representation form | |
| Where were documents published? | Website | <p>The draft SPDs were available to view on the Council's consultation website: https://rotherham-consult.objective.co.uk/portal/</p> <p>Links were also provided from the main Planning Policy webpage: https://www.rotherham.gov.uk/localplan</p> <p>The consultation complied with The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 which removed the requirement on a local planning authority to make hard copy documents available for public inspection.</p> |
| How was the consultation publicised? | Notifications | The Council's Planning Policy team maintain a database of those interested in preparation of the Local Plan and other planning documents (general and specific consultees). Consultees were notified of the consultation by email. |
| | Press notice | Notices publicising the consultation were placed in local newspapers prior to the consultation starting. |
| How could people comment? | Website, email and post | Comments could be provided through our consultation website, by email or by post. Details of how to comment were set out in the press notice, on the website, in the consultation statement, and in consultee notifications. |

12. The Council published a consultation statement alongside the draft SPDs, in line with the requirements of Regulation 12(a) of the Regulations. This statement has been updated post-consultation, setting out who was consulted in connection with the preparation of the SPDs, the main issues raised in response to the consultation, and how those issues were addressed in finalising the SPDs.
13. Regulation 12(b) states that when seeking representations on an SPD, documents must be made available in accordance with Regulation 35. This requires the Council to make documents available at its principal office and other places within the area that the Council considers appropriate, and to publish the document on the Council’s website. However, The Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 came into force on 16th July 2020. This made a temporary modification to the 2012 Regulations (as a result of the effects of the coronavirus pandemic) removing the requirement on a local planning authority to make documents available for public inspection at the authority’s principal office and at such other places as the authority considers appropriate. Table 1 above sets out how the requirements of the Regulations have been met.

Consultation responses

14. The Council received 28 responses to the consultation from 19 individuals or organisations as follows:

Table 2: Number of representations received

| Document | Number of representations received |
|---|---|
| Affordable Housing SPD | 6 |
| Community Facilities SPD | 4 |
| Development Viability SPD | 2 |
| Natural Environment SPD | 10 |
| Transport Assessments, Travel Plans and Parking Standards SPD | 6 |

15. Tables 3 to 7 in Appendix 1 set out the details of representations from consultees, the Council’s response, and any subsequent changes to SPDs. The following section summarises the main issues raised in representations received on each draft SPD and how they have been addressed in preparing the final SPDs. Across all draft SPDs, where typographical errors have been identified these have been addressed and are not detailed below.

Main issues raised and proposed changes

Affordable Housing SPD

16. Table 3 in Appendix 1 sets out details of the representations received, the Council’s response to these, and the proposed changes to the SPD as a result.
17. The main issues raised in the representations were:
 - Statements that aren’t necessarily backed up by the figures presented within the evidence base.

- The SPD should be amended to allow for greater flexibility.
- The review mechanism is not effective, justified or positively planned, is complex, time consuming and bears financial obligations on applicants over and above what is already required through the planning process.
- Requirements should align with the Framework and be better defined and not overly onerous on the developer.
- Should include reference to the "Dinnington St John's Neighbourhood Plan".
- The SPD is sound and sets out appropriate targets and expectations.
- Supportive of the appropriate management of water as it will result in a more sustainable development overall.
- Development should be built to Secured by Design standards.

18. In summary, changes made to the SPD following consultation are:
- Include reference to Secured By Design accreditation and additional guidance regarding security in designing new developments.
 - Contact details section added.
 - Included an appendix with further guidance on abnormal development costs.

Community Facilities SPD

19. Table 4 in Appendix 1 sets out details of the representations received, the Council's response to these, and the proposed changes to the SPD as a result.
20. The main issues raised in the representations were:
- SPD is vague in places and does not provide effective guidance to help applicants – further information on the information required to be submitted should be provided.
 - SPD needs to provide flexibility for developers to provide community facilities that the community (they are serving) require.
 - Developers and applicants should be encouraged to engage with the communities they are building within.
 - Support the creation of community facilities so that areas can be more self-sustaining.
 - Refer to specific Sport England guidance.
 - It is unrealistic for applicants to undertake sports and recreational assessments and these should be undertaken borough-wide by the Council.
21. In summary, changes made to the SPD following consultation are:
- Included reference to encouraging engagement with communities and to work with the community to deliver the community facilities and services which are required.
 - Clarified that it will be important to clearly establish the relevant geographical area within which to assess currently available provision and for this to be agreed with the Local Planning Authority.
 - Amended paragraph 29 to clarify that assessments and evidence submitted shall be undertaken in accordance with current good practice guidance; shall provide a robust, impartial, independent, and transparent assessment of the supply of, and current and future demand for, those uses proposed to be lost. The assessment shall be based on an appropriate and justified catchment area. Clarify that depending on circumstances then the catchment may be borough-wide and or require

consideration of cross-boundary demand with other Local Authority areas. The involvement of, and discussion with, key stakeholders will be required. Refer specifically to Sport England guidance: Assessing Needs and Opportunities and Playing Pitch Strategy Guidance.

Development Viability SPD

22. Table 5 in Appendix 1 sets out details of the representations received, the Council's response to these, and the proposed changes to the SPD as a result.
23. The main issues raised in the representations were:
- The review mechanism is not effective, justified or positively planned, is complex, time consuming and bears financial obligations on applicants over and above what is already required through the planning process.
 - There is a lack of clarity on the process and no guidance on the level of fees required.
 - The SPD is very vague about the implications of the review mechanism process.
 - The SPD is thorough, carefully explained and defined, allows for review of non-viable cases subsequent to planning permission and makes the process 'open book' as far as is possible.
24. In summary, changes made to the SPD following consultation are:
- Paragraph's 40 and 44: references to 'competitive return' replaced with 'minimum return' to reflect guidance and ensure consistency.
 - Included a contacts section consistent with other SPDs.
 - Included an appendix with further guidance on abnormal development costs.

In addition, the Council will include a schedule of Fees on its website, that will be reviewed annually. The Fees Schedule will set out standard costs to be paid by applicants in relation to the review mechanism.

Natural Environment SPD

25. Table 6 in Appendix 1 sets out details of the representations received, the Council's response to these, and the proposed changes to the SPD as a result.
26. The main issues raised in the representations were:
- Should include principles for development in proximity to larger watercourses.
 - Include further guidance in relation to lighting in areas likely to be used by bats.
 - Add reference to water plants or improving fringe species in watercourses.
 - Stress the importance of biodiversity net gain that should be achieved by all development that impacts on the natural environment.
 - Should be greater emphasis on enhancement of the water environment and the Water Framework Directive, and re-naturalising watercourses, and aligning with the other ambitions of the 25YEP.
 - Should provide more detailed guidance on biodiversity net gain and embrace 10% biodiversity net gain as a key principle for the delivery of biodiversity enhancements.

- Biodiversity decline requires significant enhancement of the ecological network, and the wider green infrastructure network.
- Should take a wider approach to the natural environment.
- Natural England's Impact Risk Zones (IRZs) should be referred to.
- There is no reference in the SPD to protected species.
- Recommend that SuDS Design considers biodiversity and amenity benefits alongside the water quantity and quality aspects.
- Consider use of Building with Nature standard and accreditation.
- Various suggestions for amendments throughout the document and restructuring to improve clarity.
- Broad support for the SPD; concerns around the Council's digital mapping system.
- Comments related to delivery of new housing developments and the impact of congestion.

27. In summary, changes made to the SPD following consultation are:

- Provided further guidance in relation to watercourses, blue / green infrastructure, landscape buffers, bats, biodiversity decline, biodiversity benefits in the design of SuDS, water plants, wildflower-rich grassland, and hedgehog holes in fences and walls.
- Further guidance regarding Biodiversity Net Gain provided.
- Included reference to and guidance in relation to other documents including RMBC Waterways Strategy, Water Framework Directive, River Basin Management Plan, Our Green Future, The Wildlife & Countryside Act 1981 and Protection of Badgers Act.
- Greater reference to biodiversity, connectivity, and amenity in relation to blue/green infrastructure.
- Guidance provided on Impact Risk Zones.
- Various changes to paragraphs to improve structure and clarity.
- Appendix 4 updated to remove duplicated reference to Sheffield and Rotherham Wildlife.
- Minor amendments to correct typographical errors and to replace references to 'we' with 'the Council'.
- Paragraph 22 updated to reflect the current position following the UK's departure from the EU.

Transport Assessments, Travel Plans and Parking Standards SPD

28. Table 7 in Appendix 1 sets out details of the representations received, the Council's response to these, and the proposed changes to the SPD as a result.

29. The main issues raised in the representations were:

- Support for promotion of active travel and creation of denser development around commuter hub.
- Suggest additional reference to promotion and advertising of walking and cycling routes in proximity to new development.
- The SPD should set out a requirement for developers to contribute towards the improvement or enhancement of existing walking and cycling routes.
- More specific references to Highways England and the Strategic Road Network requested.

- Suggest that reference is made to strategically locate vehicle charging point infrastructure throughout the estate and/or at key nodes should be explored.
 - Parking standards will require updating to reflect the new use Classes Order
 - Assessment of level crossing safety should be required for applications that are likely to increase their use and require cycle parking at stations where these are within cycling distance of a development.
 - Include reference to secure parking standards for car parks.
30. In summary, changes made to the SPD following consultation are:
- Paragraph 14 amended to clarify that the Council will consider on a case by case basis whether a Transport Statement or Transport Assessment will be required, and that the scope should be agreed prior to submission of a planning application.
 - Various changes made to reflect the role of Highways England and consideration of impacts on the Strategic Road Network, including amendments to provide further clarity in paragraphs 19, 21, 30, 31 and 45.
 - Additional guidance provided regarding electrical vehicle charging infrastructure within larger estates or landholdings.
 - Updated parking standards to reflect the recent changes to the Use Classes Order by removing references to specific use classes but retaining the descriptions of uses to which specific standards apply, and amending table headings and titles to remove reference to specific use classes and provide appropriate descriptions.
 - Clarified that the minimum length of a parking bay between the highway boundary and a garage door is 5.5 metres but that the preferred length is 6 metres.

Adoption Statement

31. In accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), notice is hereby given that the following Supplementary Planning Documents were formally adopted on 21 June 2021 by the Council:
- Affordable Housing SPD
 - Community Facilities SPD
 - Development Viability SPD
 - Natural Environment SPD
 - Transport Assessments, Travel Plans and Parking Standards SPD
32. The adopted SPDs, along with the consultation statement and this adoption statement, can be viewed on the Council's website: www.rotherham.gov.uk/localplan.
- The documents are also available to view at the Council's principal offices: Riverside House, Main Street, Rotherham, S60 1AE.
33. Any person with sufficient interest in the decision to adopt the Supplementary Planning Documents listed above may apply to the High Court for permission to apply for judicial review of the Council's decision to adopt it. Any such application must be made promptly and, in any event, not later than 3 months after the date on which this Supplementary Planning Document was adopted (21 June 2021).

Appendix 1: Consideration of representations received

Table 3: Affordable Housing SPD

| Consultee | Summary of representation |
|--|--|
| <p>Barton Willmore on behalf of Harworth Group</p> | <p>It is argued that the SPD includes a number of sweeping statements that aren't necessarily backed up by the figures presented within the evidence base. It is suggested that the SPD should be amended to allow for greater flexibility in the percentage requirement of onsite contributions and allow for offsite provision and commuted sums on larger strategic sites. The requirement in the first bullet point on page 3 is objected to because the requirement is vague. The reference to 'at least' 56% of homes for rent is subject to variation and constitutes a range.</p> <p>It is argued that the review mechanism as drafted is not effective, justified or positively planned and therefore cannot be found sound. It is considered to be complex, time consuming and bears financial obligations on applicants over and above what is already required through the planning process.</p> <p>A mechanism that allows contributions in lieu of affordable housing provision on site is supported, however the consultee objects to the wording of the guidance as written because it is not explicit.</p> <p>The Draft SPD expects residential developments, including all affordable homes, to achieve a number of key principles of good design including water efficiency standards, building standards and a reduction in carbon emissions. The consultee broadly supports the aims of this policy, but objects on the basis that the policy wording is not effective; it should align with the Framework and be better defined and not overly onerous on the developer.</p> <p>It is argued that wording within the Draft SPD relating to early engagement is amended to include flexibility where timeframes do not allow for lengthy pre-application discussions.</p> |
| | <p>Council response</p> |
| | <p>The Council recognises the achievements to date of the new housing and commercial development taking place in the new Waverley Community. It also recognises that the development of new housing is progressing in phases at the same time that the housing market has recorded significant improvement [since the financial crisis of 2007-09] in terms of outturn prices, mortgage availability and householder demand.</p> <p>As well as market improvement, both national and local planning policies' context, have also undergone a significant transformation, especially in respect of affordable housing policy requirements. In terms of changes in national policy these include minimum site capacity and threshold; redefining affordable housing products; rebalancing the test of viability especially in relation to establishing a benchmark land value; and the adoption of standardised inputs in the conduct of viability appraisals. All of these matters have been embraced and reflected in the Council's approach and philosophy. The Council's Core Strategy adopted a new affordable housing policy [CS7, <i>Core Strategy, 2014</i>] which <i>inter alia</i> requires that of a housing development [with more than 14 dwellings or 0.5 hectares</p> |

or more] 25% of these shall be delivered as affordable dwellings; their mix comprising 14% affordable for rent and 11% affordable for sale. The newly adopted plan and its policies were corroborated by two viability studies which demonstrated that new development is not rendered unviable.

Subsequently, the Council has carefully monitored the performance of its policies, particularly with regard to its affordable housing policy provision. Additionally, the Council introduced its Community Infrastructure Levy [with different rates according to the sub-housing areas in the borough in 2017], which again were set at levels to ensure that the CIL does not render new development unviable.

As part of the Council's monitoring, it commissioned a focused study on the borough's housing market and in particular re-testing a representative sample of housing sites that are allocated in the borough's adopted local plan [Sites & Policies Document, 2018] with regard to their continuing viability position. This refresh study has been published and serves as the evidence base for the Affordable Housing Supplementary Planning Document. In terms of current national guidance, the results of the refresh study demonstrate that the greenfield sites pass the key test of viability by a large margin. Indeed, the Council had the opportunity to reset and raise the affordable housing threshold, but has decided that given cyclical nature of the housing market – generated by exogenous impacts as well as those specific to the housing markets in South Yorkshire – it was reasonable and cautionary to hold the policy position to ensure that viability continues so that the goals and growth explicit in its adopted local plan can be delivered.

A particular aspect of the refresh study, focusing on policy performance, revealed that the Council was able to demonstrate that the extant affordable housing was being delivered in over 80% of cases. Indeed, on only three occasions [out of forty-two] was it found that it could not deliver full policy compliance, because of viability concerns and in line with its declaration that in such cases the Council shall be flexible, recognising the special circumstances of these kinds of situations.

The Council shall continue to hold this position in light of openness and to ensure consistency in approach; the Council is keen to confirm to all applicants that its policies do not render new developments unviable and shall keep under review and provide evidence that its adopted plans are deliverable.

The Council wishes to stress that in current national guidance and in the statutory status of its local plans, that applicants, developers and landowners shall take into account the extant policy positions and local market conditions in determining the worth of land and the transacted prices that are subsequently agreed. These so-called policy costs are amortised in the land's worth and thus do not affect the developer's target rates profit. The Council is fully aware of development risk and its refresh studies reveal that viability is not being compromised.

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| | Changes to SPD |
| | None required. The Evidence Base confirms that Core Strategy policy CS7 Housing Mix and Affordability remains deliverable. |
| Mr Brian Keeley | Summary of representation |
| | Housing Mix and Affordability Policy CS7: Council will seek every opportunity to work positively with developers and OTHER PARTNERS to deliver affordable housing etc. This should include reference to the "Dinnington St John's Neighbourhood Plan" which was formally accepted by RMBC. |
| | Council response |
| | The reference to "Other Partners" relates to the Council's normal partners who provide social and affordable housing in the borough. |
| | Changes to SPD |
| | None required. |
| CPRE | Summary of representation |
| | We believe it is sound and updates the RMBC policy approach to meet revised NPPF targets. It sets out appropriate targets and expectations, the mix of tenure required and encourages 'pepper-potting' to create mixed communities. It also responds to the increasing affordability gap in Rotherham. We therefore support the SPD; no amendments required. |
| | Council response |
| | Your comments of support are welcomed. |
| | Changes to SPD |
| | None required. |
| Historic England | Summary of representation |
| | Our specialist staff have reviewed the information and have no further comments. |
| | Council response |
| | Your comments are welcomed. |
| | Changes to SPD |
| | None required. |
| Severn Trent Water | Summary of representation |
| | Paragraph 102 details the need to design affordable housing to incorporate the water efficiency standard of 110 l/p/d, whilst Severn Trent do not supply water for consumption to the Rotherham Area, we are supportive of the appropriate management of water as it will reduce the amount of water entering the sewerage system, resulting in a more sustainable development overall. |
| | Council response |
| | Your comments are welcomed. |
| | Changes to SPD |

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|---|--|
| | None required. |
| South Yorkshire Police | Summary of representation |
| | Having read this document, it makes no reference to either safety or security of the dwellings to be constructed. Whilst we appreciate that these would be covered by the minimum standards of Approved Document Q, we must stress that these are MINIMUM STANDARDS. As Rotherham is above the national average for burglary of dwellings, it would appear to be relevant and beneficial to make sure that every new home constructed within Rotherham should be built to Secured by Design standards. This would be in keeping with creating safer, stronger and more sustainable communities which has been a long term aspiration of many successive governments, and as such should be the goal for Rotherham. |
| | Council response |
| | The Council agrees with these comments. Policy CS28 Sustainable Design of the Core Strategy references the encouragement to be give the incorporation of Secured by Design principles and paragraph 5.7.23 of the policy references the significant contribution design of buildings and spaces can make to reducing or removing opportunities for crime. It also recognises that building layout, the mix of uses and integration of lighting, landscaping and surveillance measures can help deter crime and make people feel safer by creating safe, accessible and secure layouts which minimise conflict between traffic and cyclists or pedestrians. |
| | Changes to SPD |
| | Additional references will be added in the section entitled "Sustainable Design and Construction" [paragraphs 100-103]. 103. ... <ul style="list-style-type: none"> ▪ Secured By Design accreditation. 104. Homes with blank gable ends should be avoided in any new developments, and the presence of windows will provide extra surveillance over the area. Front and back entrances should be well lit. Where feasible access to the rear of the properties should be prevented. In addition, any garage doors should comply with recommended standards. |
| Other changes to the SPD by the Council | |
| <ul style="list-style-type: none"> - Included a contacts section consistent with other SPDs - Corrected an error in paragraph 120 to clarify that standard development costs are not included within abnormal costs: 120. The Borough Council shall consider any legitimate abnormal development costs associated with development proposals when assessing the proportion of affordable housing sought, but this does not include the impact of standard development costs such as demolition, contamination, landscaping costs, as well as archaeological, ecological and other technical surveys. - Included a further appendix with guidance on abnormal development costs to provide clarity regarding the Council's approach, in response to internal comments; along with appropriate cross referencing in footnote 17 (paragraph 79) and paragraph 120. | |

Table 4: Community Facilities SPD

| Consultee | Summary of representation |
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| <p>Barton Willmore on behalf of Harworth Group</p> | <p>The detail of the SPD is vague in places and does not provide effective guidance to help applicants. There is a lack of information on the evidence required by applicants, how to obtain relevant information and there is no promotion of pre-application discussions.</p> <p>The SPD needs to provide flexibility for developers to provide community facilities that the community (they are serving) require, as opposed to the results of a borough wide study of community facility needs. Adaptation is key and therefore flexibility in the guidance is required. Working with the community to deliver community facilities and services should be embedded in this SPD and promoted to encourage developers and applicants to engage with the communities they are building within. This requires flexibility to permissions where the specific community facility can be provided as a part of a collaborative and adaptive process with both RMBC and the community. This collaborative approach should be promoted in the SPD.</p> <p>Paragraph 17 is not clear and just cites existing planning policy set out in the Sites and Policies SPD. This should be removed and simply refer to the Sites and Policy DPD and paragraph 11 which clearly sets out it is not an exhaustive list of facilities. This would be a more effective and unambiguous when explaining what a reasonable range of services and facilities are to applicants.</p> <p>Paragraph 40 - further information needs to be added for applicants on the type and level of information required. Examples could be given to demonstrate what the Council require to provide transparency.</p> <p>Adequate Alternative Provision - geographical area of need – the SPD should provide guidance on what areas applicants should look at, and the process of obtaining this information. Currently it does not set out that applicants should agree with an officer what information is required and what area is studied to provide the relevant evidence.</p> |
| | <p>Council response</p> |
| | <p>The Council supports pre-application discussions in all instances and the contact details section contains reference to this service along with contact details. It is not considered that further reference is required.</p> <p>Local Plan policies and this accompanying SPD does include flexibility; however, it is acknowledged that reference to encouraging developers to work with communities should be included.</p> |

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| | <p>It is considered that paragraph 17 remains appropriate as drafted. This emphasises that what constitutes a 'reasonable range' of facilities and services will vary on a case by case basis depending upon a number of factors including the location of the site, the site context, and the details of any proposed development. As such it is not possible to provide further detail.</p> <p>Paragraphs 41 to 49 provide further guidance on how the criteria can be met. However, it is not considered appropriate to provide specific examples of acceptable evidence as this will vary depending on the precise use involved and the nature of each proposal.</p> <p>It is agreed that reference to agreeing the geographical area of need with the LPA is appropriate; however as indicated above, the nature of uses covered by this policy varies considerably and it is inappropriate to suggest how this shall apply in each instance – the relevant geographical area will vary in each case.</p> |
| | Changes to SPD |
| | <p>Insert after paragraph 17: "Applicants and developers are encouraged to engage with the communities they are building within and to work with the community to deliver the community facilities and services which are required."</p> |
| | <p>Amend paragraph 44 to read: "It will be important for the application to clearly establish the relevant geographical area within which to assess currently available provision and for this to be agreed with the Local Planning Authority."</p> |
| Mrs Brenda Keeley | Summary of representation |
| | <p>Further details will be most welcome when they become available.</p> |
| | Council response |
| | <p>The final SPD, once adopted, will be made available on the Council's website at: https://www.rotherham.gov.uk/planning-development/planning-guidance/1</p> |
| | Changes to SPD |
| | <p>None</p> |
| CPRE | Summary of representation |
| | <p>Support without amendment. CPRE PDSY supports the creation of community facilities so that areas can be more self-sustaining. This would also support other objectives such as encouraging active travel, helping to cut local carbon emissions.</p> |

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| | <p style="text-align: center;">Council response</p> <p>Your comments of support are welcomed.</p> <p style="text-align: center;">Changes to SPD</p> <p>None</p> |
| Sport England | <p style="text-align: center;">Summary of representation</p> <p>Paragraph 29 should make specific reference to Sport England guidance relating to assessments for playing fields (Playing Pitch Strategies) and built sport facilities (Assessing Needs and Opportunities Guidance).</p> <p>Paragraph 29 makes reference to an assessment being based on appropriate and justified catchment area. In order for any assessment to be robust, Sport England would expect the assessment to be Borough wide and also take into account any imported and exported demand into neighbouring Council areas.</p> <p>Regarding paragraph 29 Sport England suggests that the option for an applicant to undertake an assessment is likely to be unrealistic (given the expectation that any catchment would be borough-wide, the need to involve key stakeholders, the need to ensure that any assessment is impartial and independent, and the timescales likely to be required). Sport England suggests instead that such assessments should be undertaken by the Council and paragraph 29 omitted from the SPD.</p> <p>Rotherham is the only Council in South Yorkshire who do not have an up to date Playing Pitch Strategy (PPS). Sport England would welcome the opportunity to engage in a proactive partnership with the Council to prepare a full and comprehensive sports evidence base.</p> <p style="text-align: center;">Council response</p> <p>It is agreed that it would be preferable to make reference to specific Sport England guidance documents.</p> <p>The Council recognises that the preference would be for an up to date borough wide sports evidence base. The Council will continue to work towards achieving this; however, in view of the lack of funding available to finance this at present, it is considered that the requirement to ensure that applicants provide robust assessments at planning application stage represents a reasonable and pragmatic approach. This was supported by the Inspector examining the Sites and Policies document and remains a requirement in Policy SP 38 Protecting Green Space (relating to proposals involving the loss of open space, sports and recreational land) and Policy SP 62 Safeguarding Community Facilities (relating to loss of existing sports and recreational buildings). As such deletion of paragraph 29 of the SPD is not considered appropriate.</p> |

The Council acknowledges that in some circumstances the catchment for assessment may be borough-wide and may also require consideration of cross-boundary demand. However, without an up to date playing pitch strategy and assessment of built sport and recreational facilities, an assessment provided by a developer will need to be proportionate and have regard to the precise type, scale and nature of loss proposed. It is acknowledged that the guidance could be amended in this respect, and also reflect the need to involve key stakeholders in decision-taking and be impartial and independent.

Changes to SPD

Amend paragraph 29 to read: "Assessments and evidence submitted shall be undertaken in accordance with current good practice guidance. The assessment shall provide a robust, impartial, independent, and transparent assessment of the supply of, and current and future demand for, those uses proposed to be lost. The assessment shall be based on an appropriate and justified catchment area.

Depending on the type, scale, nature and location of loss proposed, then the catchment may be borough-wide and or require consideration of cross-boundary demand with other Local Authority areas. Any assessment will require involvement of, and discussion with, key stakeholders, prior to submission of any planning application; to ensure the parameters of the assessment are appropriate. The Assessment will take account of the quantity, quality, accessibility and availability of provision. Sport England provide a number of planning tools to assist in the undertaking of up to date assessments:

Assessing Needs and Opportunities guidance

Playing Pitch Strategy Guidance

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

Other changes to the SPD by the Council

Table 5: Development Viability SPD

| Consultee | Summary of representation |
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| <p>Barton Willmore on behalf of Harworth Group</p> | <p>Object to the review mechanism set out in Section 4 as it is not justified or effective, and there is a lack of clarity on the process and no guidance on the level of fees required. It is argued that the review mechanism as drafted is not effective, justified or positively planned and therefore cannot be found sound. It is considered to be complex, time consuming and bears financial obligations on applicants over and above what is already required through the planning process. It is noted that Council's fees for review in this process are not set out in the SPD or elsewhere, and there is no benchmark/worst case cost figure which applicants can use to ascertain the cost of this process.</p> <p>The SPD is very vague about the implications of the review mechanism process. If the updated Viability Assessments submitted for review are found to provide an increased viability, the SPD simply states that more affordable housing will be added to the scheme and that the Section 106 Agreement schedule and plan will be updated (at early and mid-stages). It is argued that this is a vague and naïve explanation of the implications and is strongly objected to.</p> |
| | <p style="text-align: center;">Council response</p> |
| | <p>The whole purpose and philosophy embodied in the SPD is to ensure consistency, fairness and transparency of treatment in dealing with all applications, but especially those applicants who wish to contest viability. The Council believes the viability review mechanism is fair, reasonable and accountable.</p> <p>The Council has sought to embrace the best advice and evidence and importantly good practice in situations where viability has been contested. The Council believes that the procedures and the evidence needed to contest viability must be demonstrably valid. To this end the Council has provided a separate section in the SPD which prompts the applicant to consider the critical issues affecting viability and specifies the kinds of evidence and their format that will need to be presented in order that viability can be thoroughly evaluated by the Council and its advisors. In this way the Council believes that this will also ensure that all parties can have confidence in the review process.</p> <p>The SPD starts from the premise that all applications are not rendered unviable. Both national guidance and the Council's statutory Local Plan are predicated on the fact that all sites in the borough's local plan are viable and hence deliverable. It is up to the applicant to present convincing and documented evidence to the contrary. It is only in exceptional circumstances that the Council believe that the mechanisms and procedures set out in the SPD will need to be used. Indeed, the Council's record on seeking and securing affordable housing provision [including other mitigating measures delivered through S106 legal agreements] demonstrate very clearly that sites in the borough's Local Plan are viable and continue to be so by a wide margin. The foundations upon which the SPD rests have been published and have been open to scrutiny.</p> <p>The Council holds the view that contesting viability should therefore be an occasional and infrequent event. Of course, the Council welcomes the engagement with applicants if they can present authoritative, audited and corroborated evidence in cases where viability is thought to be compromised. The review mechanism serves to</p> |

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| | <p>enable the Council to claim the deficiency in the delivery of affordable housing based on a documented improvement in market conditions [i.e. improved viability]. These provisions shall be included in a legal agreement which will only be triggered once planning permission has been granted and at times or occasions as stipulated in the legal agreement. Of course, if it is shown that there is an absence of improvement in viability then no additional claim for additional contributions for affordable housing shall be required.</p> <p>The Council believes it is reasonable that the applicant is responsible for generating and presenting the requisite information in the manner specified by the SPD and to pay all reasonable costs incurred by the Council in conducting and managing the viability review including such costs in relation to external advisors if required. It is the intention of the Council to inform applicants of the likely costs from the outset and the mechanism for updating where relevant. Such costs, the Council believe, will be a small fraction of the whole costs incurred in building out any development and because these costs will be known in advance they can be legitimately included in a viability appraisal so that such costs are amortised in the calculated residual land value.</p> |
| | Changes to SPD |
| | None. The Council shall include a schedule of Fees on its website, that will be reviewed annually. The Fees Schedule will set out standard costs to be paid by applicants in relation to the review mechanism. |
| CPRE | Summary of representation |
| | Support. The SPD is thorough, carefully explained and defined, allows for review of non-viable cases subsequent to planning permission and makes the process 'open book' as far as is possible [so open to public scrutiny]. We are content that it doesn't predefine acceptable profit levels but has clear guidance on how to determine what is reasonable, proposal by proposal [i.e. site by site]. We support it placing the cost of the Financial Viability Appraisal and its review with the developer and requiring the developer to submit the full working viability model, not just the numbers. |
| | Council response |
| | Your comments of support are welcomed. |
| | Changes to SPD |
| | None required. |
| Other changes to the SPD by the Council | |
| <p>Included a contacts section consistent with other SPDs</p> <p>Changes made to reflect guidance and ensure consistency within the SPD:</p> <ul style="list-style-type: none"> • Paragraph 40: change from 'achieve a competitive return' to 'achieve a minimum return' • Paragraph 44: change 'competitive return' to 'minimum return'; corrected typographical error - changed 'satisfactorily level' to 'satisfactory level' <p>Included a further appendix with guidance on abnormal development costs to provide clarity regarding the Council's approach, in response to internal comments; along with appropriate cross referencing in paragraph 22, Table 1 (3rd bullet in the notes column under build costs), and Appendix 1 (under the Abnormal Costs glossary entry).</p> | |

Table 6: Natural Environment SPD

| Consultee | Summary of representation |
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| Canal & River Trust | <p>We advise that the General Principles should include reference to watercourses in the Borough, to make it clearer to decision makers about the need to protect and enhance the biodiversity alongside these waterway corridors, which form an important part of Rotherham’s Green Infrastructure network.</p> <p>We advise that the general principles should include measures to promote the biodiversity of waterway corridors and to improve their connectivity to other aquatic and terrestrial features, increasing the effectiveness of watercourses to promote local biodiversity.</p> <p><u>Paragraph 54 – Watercourses, wetlands and their banks</u></p> <p>Whilst the title of this section refers to watercourses, the description focusses on ‘streams, wet ditches and seasonal watercourses’, which infers that the guidance in this section does not refer to larger watercourses such as the River Don, associated navigation nor the Chesterfield Canal.</p> <p>Given the importance of these watercourses as part of Rotherham’s Strategic Green Infrastructure network, we do believe that this section of the document should include principles for development in proximity to them.</p> <p>We advise that measures to incorporate native species in neighbouring developments to these watercourses should be promoted in the guidance, which could help to enhance the biodiversity of the neighbouring river or canal, and could also help promote the role of the watercourse as part of Rotherham’s Strategic Green Infrastructure.</p> <p>The River Don and Chesterfield Canal can form an attractive setting for development. For example, the regeneration of Forge Island as part of the wider Town Centre Masterplan includes mixed use development that would directly overlook and interlink with the River Don corridor. To maximise the regenerative benefits of waterfront development next to the River and Canal, we suggest that the formation of landscape buffers should not be a blanket policy for all waterfront development, as this could disconnect development from watercourses (reducing the potential for natural surveillance and connections to walking and cycling routes that may be present alongside them). We therefore advise that the wording within the guidance should state that vegetated buffers next to the Don and Canal should include the caveat that they should be created where appropriate, as opposed to in all circumstances.</p> <p>Watercourses, as well as ponds, can offer habitats for protected flora and fauna, including Floating Water Plantain. We therefore advise that this section includes reference to the protection and enhancement of these species, which could help improve the effectiveness of existing Green Infrastructure Corridors in the Borough.</p> |

Paragraph 65 – Bat Species

Bats are a protected species that commonly forage along watercourses, including the Don and Chesterfield Canal.

We welcome the reference in the document to the Bat Conservation Trust guidance on lighting, which could help to ensure that developers and decision makers protect existing habitats used by Bats.

As the spaces above watercourses are commonly used by bats, we advise that the guidance would be more effective in protecting bats if it was expanded to include a requirement for developers to provide information on the luminance over areas likely to be used by bats. Suggested wording is provided below:

“Where new lighting schemes are proposed near to spaces likely to be used by bats, information on lighting levels over these spaces should be provided to demonstrate that the proposal will not adversely impact upon this species”.

Paragraph 70

We advise that consideration could be given to including measures to add water plants or improve fringe species in watercourses, as well as ponds referred to in this section.

Council response

The Council welcomes these comments and agrees that further changes should be made to:

- Expand on watercourses along the lines suggested.
- Ensure larger watercourses notably rivers and canals are referred to.
- Include references to Green Infrastructure where appropriate
- Clarify guidance on landscape buffers within river and canal corridors
- Add the additional references to bats
- Include reference to native water plants, however if these are non-native plants it is easy to add/encourage invasive species without the right knowledge.

Changes to SPD

- Reference to protecting and enhancing the biodiversity alongside Rotherham’s watercourses added to general principles in part 1.
- Reference to rivers and canals added to paragraph 54
- Reference to the planting of landscape buffers in appropriate situations, to maintain connectivity between pedestrians and cyclists; and provide natural surveillance of any footpaths and cycle links.
- Reference to planting of native water plants added to paragraph 54

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| CPRE | <p>We are encouraged by paragraph 44 of the SPD that the natural environment should be considered at every stage during the planning process and would like to stress the importance of biodiversity net gain that should be achieved by all development that impacts on the natural environment. We would urge RMBC to join the Government scheme where surveys and population distribution models are developed across local authority areas in advance in order to identify areas where action can be directed. RMBC should promulgate strong messages in support of the natural environment and the countryside wherever possible. The restrictions enforced by Covid-19 has increased public awareness of the value of rural areas and the natural environment; therefore, we encourage every and any opportunity is taken to protect, enhance and care for the natural environment.</p> <p>Council response</p> <p>RMBC is working with SY Local Nature Partnership and Natural England to map the Borough (and the rest of South Yorkshire) for the purposes of Biodiversity Net Gain and District Level Licensing for great crested newts. It is agreed that further information regarding delivery of biodiversity net gain would be helpful.</p> <p>Changes to SPD</p> <p>Further guidance regarding Biodiversity Net Gain has been included after paragraph 30.</p> |
| Environment Agency | <p style="text-align: center;">Summary of representation</p> <p>Introduction – Planning Policy - Local Planning Policy The document fails to refer to an important part of the “natural environment” – that is the conservation and enhancement of the water environment. As such, the SPD should not only refer to Policy CS 24 Conserving and Enhancing the Water Environment within Section 11, but also provide additional detail explaining how proposed developments can satisfy its requirements. This should include further guidance on the requirements and process of carrying out a Water Framework Directive (WFD) assessment for proposed developments and information on how themes of environmental protection (avoidance and mitigation of impacts) and enhancement (delivery of improvements) can be achieved within the framework.</p> <p>Introduction – Planning Policy - Emerging Legislation and National Guidance</p> <p>We welcome reference to the 25 Year Environment Plan (25YEP), and at the highest level, the key principles for conservation and enhancement that the Natural Environment SPD should look to align with are set out within the plan.</p> |

Reference should be made to the Water Framework Directive (WFD), as the most far-reaching piece of legislation established to protect and enhance the water environment.

The objectives of the WFD, where all waterbodies should reach good ecological status by 2027 or sooner, should be considered in the development of environmental planning policy to ensure that the riverine environment is incorporated in nature conservation.

Opportunities to re-naturalise watercourses should be supported, for example by removing existing artificial engineering works. Any new physical changes to watercourses in the district should be avoided unless there are compelling grounds for doing so and all alternative options have been considered.

When considering new development, local councils should aim to ensure best practice is followed regarding foul and surface water drainage, by following the hierarchy and guidance set out within the National Planning Policy Framework and Planning Practice Guidance, and the storage of oils, paints and chemicals, which could cause water pollution.

Developer contributions from new development can help to enhance watercourses in the district and their value as an amenity to the local community.

We would encourage consideration of the WFD classifications for 2016 as baseline data for current water quality, and to highlight the key issues for the waterbodies within the district, which are stopping the waterbodies from reaching “good” status under WFD. Any targets around nature conservation should include the need for all waterbodies to reach “good” status under the WFD by 2027 or sooner.

Background – Key Strategies and Initiatives – Rotherham Biodiversity Action Plan

The SPD does not really provide an advance on earlier policies within the Local Plan and should perhaps refer to the RMBC Waterways Strategy, as well as the Biodiversity Action Plan.

The Rotherham Local Plan states that the Council will conserve and enhance Rotherham's natural environment; this includes ensuring that planning decisions safeguard biodiversity...The removal of weirs and introduction of fish passes is helping increase biodiversity in these rivers and reinstate historic passages for a number of fish species e.g. salmon.'

Rotherham Waterways Strategy

The overarching goal of the Rotherham Waterways Strategy is to nurture, restore, celebrate and care for Rotherham's unique network of rivers, canals and water spaces.

Background – Key Strategies and Initiatives - Biodiversity Net Gain

We welcome the inclusion of Biodiversity Net Gain (BNG) under the ‘Key strategies and initiatives’ section of the SPD. However, with the Government confirming that BNG will be mandated through the forthcoming Environment Bill, and the ambition of 10% being explored, we would recommend that the Natural Environment SPD not only mentions this but goes beyond this ambition and embraces 10% BNG as a key principle for the delivery of biodiversity enhancements in tackling the biodiversity crisis within the borough.

Background – Key Strategies and Initiatives - Humber River Basin Management Plan (Suggested)

The background ‘Key strategies and initiatives’ should also align with the principles of the current River Basin Management Plan for the Humber River Basin District, considering water quality as well as water quantity.

Part 1: Opportunities for biodiversity mitigation and enhancement - Watercourses, wetlands and their banks

It is positive to see de-culverting of watercourses and re-naturalisation prioritised. We would welcome additional reference to the protection and enhancement of the water environment.

You should also look to align with the other ambitions of the 25YEP under the heading of ‘Clean and plentiful water’

A useful addition to Section 54 would also be to reference the benefits of watercourses in providing connectivity for biodiversity. Sustainable Drainage Systems are referred to for water pollution reduction, but not with respect to the benefits in reducing flood risk, and the general benefits of avoiding impermeable surfaces for biodiversity, water quality and flood risk.

Council response

The majority of proposed changes suggested and summarised above have been incorporated within the SPD. This includes reference to Core Strategy policy CS24 and the Water Framework Directive. Planning policy provides a supportive role to the EA and some of the issues raised such as water quality are not directly dealt with by the Council. It is difficult for the Council to improve water quality (or quantity) when we don’t monitor it, but our policies and measures included within planning conditions, should help improve water quality (i.e. by requesting oil filters are installed in lorry parks, warehouse developments, and potentially the inclusion of fat digestors included for restaurants). The inclusion of buffer strips to protect Local Wildlife Sites (LWS), are often requested in determining planning applications.

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| | <p>Re-naturalising watercourses, and promoting best practice for foul and surface water drainage have been included, along with references to the RMBC Waterways Strategy and Rotherham Biodiversity Plan.</p> |
| | <p>Changes to SPD</p> |
| | <ul style="list-style-type: none"> • Reference to Policy CS 24 Conserving and Enhancing the Water Environment added to paragraph 11 • Additional reference in paragraph 15 and new paragraphs regarding ‘A Green Future’. • Further information regarding Biodiversity Net gain included at paragraph 21, after paragraph 31 and in paragraph 45 • Reference to Dearne Valley Nature Improvement Area added to paragraph 22. • Reference to the RMBC Waterways Strategy and the River Basin Management Plan for the Humber River Basin District included after paragraph 26 • A section with further guidance on the Water Framework Directive included after paragraph 46 • Paragraph 54 amended to include reference to biodiversity, connectivity, and amenity in relation to blue/green infrastructure. |
| <p>Mr & Mrs Kriklanis</p> | <p>Summary of representation</p> |
| | <p>Comments related to delivery of new housing developments and the impact of congestion</p> |
| | <p>Council response</p> |
| | <p>The comments are noted; however, they do not relate to the content of the draft SPD</p> |
| | <p>Changes to SPD</p> |
| | <p>None</p> |
| <p>Natural England</p> | <p>Summary of representation</p> |
| | <p>Natural England is strongly supportive of the preparation of this SPD and its commitment to producing a document with ambitions for the natural environment to support local plan policies. It would be helpful if this could highlight that biodiversity decline, through habitat loss and fragmentation, requires significant enhancement of the ecological network, and the wider green infrastructure network, to repair and re-connect habitats, to buffer more sensitive sites and to make these more resilient to growth and development pressures.</p> |

The SPD should set out the multi-functional benefits that protecting and enhancing the natural environment will deliver, in addition to wildlife enhancement. Also, the SPD should include specific references to policy requirements for relevant development to deliver green infrastructure and net gain.

The SPD should take a wider approach to the natural environment and incorporate additional aspirations to protect and enhance green infrastructure, geodiversity, local landscape and Best and Most Versatile land.

Rotherham Metropolitan Borough Council is a member of the Biodiversity Net Gain Task and Finish group the aim of which is to coordinate 'An agreed approach to delivering Biodiversity Net Gain (BNG) across South Yorkshire for the benefit of the natural environment, its communities and the economy'. It would be helpful to refer to this in the SPD in more detail. The SPD mentions the Council has been working with the South Yorkshire Local Nature Partnership on the possible development of separate planning guidance (including a metric) on Biodiversity Net Gain. However, until this is produced and adopted there is an absence of immediate guidance to follow and it is suggested that more detail is included in this SPD on how to implement the net gain approach in Rotherham in the meantime.

Net gain in biodiversity needs more emphasis, it would be helpful to indicate the % amount of BNG that will be required i.e. will it be the minimum 10% proposed through the Environment Bill and discussed at recent LNP meetings, it would also be helpful if the SPD could identify where off-site BNG will be targeted.

In order to establish whether a proposal might have an effect on one of the above designations, then Natural England's Impact Risk Zones (IRZs) should be consulted in the first instance. IRZs are a GIS tool developed by Natural England to make rapid initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest (SSSIs), Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. The IRZs can be used by local planning authorities (LPAs) to consider whether a proposed development is likely to affect a SSSI, SAC, SPA or Ramsar site and determine whether they will need to consult Natural England to seek advice on the nature of any potential impacts and how they might be avoided or mitigated.

The SPD could include a draft example of a planning condition relating to off-site net gain – see link here from NE BNG step by step guide Appendix 5 <https://www.lichfielddc.gov.uk/downloads/file/1112/supplementary-planning-documentbiodiversityand-development>

The SPD should make it very clear that BNG is not appropriate to address loss of irreplaceable habitats.

In addition to the provisions set out in the Local Plan, all development proposals should contribute to and enhance the natural and local environment by firstly avoiding impacts where possible, where avoidance isn't possible minimising impacts on biodiversity and providing measurable net gains for biodiversity.

In the absence of any nationally mandated mechanism to secure such 'net gains', it is recommended clear guidance is provided in the SPD. All development proposals must provide clear and robust evidence setting out: (a) information about the steps taken, or to be taken, to avoid and minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat, (b) the pre-development biodiversity value of the onsite habitat based on an up to date survey and using the Defra metric, (c) the post-development biodiversity value of the onsite habitat using the Defra metric; and (d) the ongoing management strategy for any proposals.

There should also include a requirement for relevant applications to submit a biodiversity calculator, preferably based on the Defra 2.0 metric or very similar.

Protected species

There is no reference in the SPD to protected species. A reference should be included.

Council response

The Council welcomes the comments and broadly agrees with the majority of suggested amendments. Whilst some additional guidance regarding Biodiversity Net Gain is appropriate it is not considered appropriate at this time to provide the level of detail suggested. The Council considers it more appropriate to await further national guidance and the emerging regional approach being pursued with other Local authorities. Reference to Impact Risk Zones will be made in the SPD – There are no SACs, SPAs or Ramsar sites within or immediately adjoining the borough boundary. A section on protected species will be included.

Changes to SPD

- Additional information provided after paragraph 4 regarding biodiversity decline and benefits that protecting and enhancing the natural environment deliver.
- Further information regarding Biodiversity Net gain included at paragraph 21, paragraph 27, after paragraph 31 and in paragraph 45. Paragraph 28 is deleted.
- Guidance provided on Impact Risk Zones after paragraph 32.
- Reference to protected species included after paragraph 46.

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| Severn Trent Water | <p style="text-align: center;">Summary of representation</p> <p>Severn Trent note that paragraph 11 references CS19 Green Infrastructure, Whilst Severn Trent understand that this policy is not being reviewed as part of the SPD consultation and have no objection to the principles of promoting biodiversity we would question if references should be made to Green Blue Infrastructure as to ensure that watercourses are also protected and enhanced to support the sustainable management of surface water and increase biodiversity. This may be particularly useful when developing SuDS within development to ensure that they form part of green spaces and result in multiple benefits including biodiversity and amenity alongside the surface water attenuation function.</p> <p>Severn Trent note that paragraph 70 references that SuDS could provide an opportunity to improve biodiversity, Severn Trent would support this position and recommend that SuDS Design considers biodiversity and amenity benefits alongside the water quantity and quality aspects, in line with the SuDS manual C753. We would however also note that whilst Severn Trent is now able to adopt some SuDS, following amendments to legislation. we cannot however adopt all SuDS and where SuDS are adoptable, we are only permitted to undertake maintenance from a hydraulic performance perspective. Further guidance is provided within our SuDS Position Statement circulated in May 2020.</p> <p>Severn Trent are also supportive of paragraph 71 which looks to protect watercourse and ditches, retaining these features as open assets within open space. Watercourses and ditches are needed to support wildlife and biodiversity, but are also needed to support the sustainable management of surface water in accordance with the Drainage hierarchy (Planning Practice Guidance paragraph 80)</p> <p style="text-align: center;">Council response</p> <p>The comments are noted and the Council agrees that reference should be made to green / blue infrastructure and to consideration of biodiversity and amenity benefits in the design of SuDS. However, the Council does not consider that SuDS necessarily lend themselves to performing as open space for amenity recreational purposes. It is important that all aspects of Local Plan policies are appropriately satisfied.</p> <p style="text-align: center;">Changes to SPD</p> <ul style="list-style-type: none"> • Reference to Green blue infrastructure and biodiversity benefits in the design of SuDS included in paragraph 54. |
| | Summary of representation |
| Don Rivers Trust | <p>Comment mainly related to the inclusion of reference to the Water Framework Directive.</p> <p style="text-align: center;">Council response</p> <p>As detailed in the response to other representations received the SPD has been amended to include reference to the Water Framework Directive.</p> |

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| | <p style="text-align: center;">Changes to SPD</p> <p>As detailed in the response to other representations received the SPD has been amended to include reference to the Water Framework Directive.</p> |
| <p>Sheffield & Rotherham Wildlife Trust, and Yorkshire Wildlife Trust</p> | <p style="text-align: center;">Summary of representation</p> <p>General comment. We recommend that RMBC look at and speak with Building with Nature www.buildingwithnature.org.uk. Their standards and accreditation can be used for both high quality LPA GI policies or for developments RMBC could consider the following (any or all):</p> <ul style="list-style-type: none"> • Utilise wording within the Standards to define requirements for high quality GI in policy documents. • Make specific reference to the BwN Standards in policy documents e.g. Cornwall County Council • Highlight BwN as a preferred mechanism for delivering high quality GI e.g. Tewkesbury • gain BwN Accreditation for local policy documents e.g. West Dunbartonshire LDP2 has just gained BwN Excellent Award • Encourage developers to consider BwN accreditation for their scheme if it over 10+houses, over 0.5Ha or 1000+square metres of floor space or a strategic site, such as a major regeneration scheme or urban extension. <p>We would recommend the second point as a minimum.</p> <p>Emerging legislation and national guidance</p> <p>Suggested rewording of paragraph 19. "The Environment Bill sets out a legally-binding target setting process and establishes a new independent Office for Environmental Protection to scrutinise environmental policy and law, investigate complaints and take enforcement action against public authorities. The Bill also includes the provision for a minimum 10% Biodiversity Net Gain to become mandatory for most developments from 2023, although Local Authorities can request it earlier."</p> <p>(CS 20 (5.6.41) already says "Development will be required to make a positive contribution to the natural environment by incorporating biodiversity gain, sustainable design, renewable energy technology and, where appropriate, direct contribution to the green infrastructure network and biodiversity opportunity areas" so you could refer to this?). "The Council is working towards a BNG requirement and has been working with the South Yorkshire Local Nature Partnership on the development of separate more detailed planning guidance on Biodiversity Net Gain. This is likely to be based on the existing national good practice principles and guidance (CIRIA/CIEEM) and forthcoming national guidance from Natural England and BSI. Exceptions will be outlined." Nb the guidance and principles are in your ref list already</p> <p>Key strategies and initiatives</p> <p>23. and 24. Check no duplication with DV NIA Planning Advice Note and refer to it</p> <p>Suggested change to paragraph 25 due to negative implications of the word impinge "Plans are in hand to designate part of the NIA area a Site of Special Scientific Interest which should partly fall within Rotherham..."</p> <p>Suggested change to paragraph 27 "Biodiversity Net Gain (BNG) is an approach to development that aims to leave biodiversity in a <i>measurably</i> better state than before. Where a development has an impact on biodiversity, forthcoming legislation (see 19) will require it encourages developers to provide an increase in appropriate natural habitat and ecological</p> |

features over and above that being affected in such a way ~~it is hoped~~ that the current loss of biodiversity through development will be halted and ecological networks can be restored.”

28. Current “Defra has recently consulted on making biodiversity net gain a mandatory element of the English planning system however many developers are already designing net gain into their development projects and national planning policy frameworks already encourage the net gain approach. Nationally, a policy of no net loss has not worked and there is a need to do something different if we are to make any progress towards reaching our biodiversity targets. This text was written whilst UK policy and standards on biodiversity net gain was rapidly developing and it seems very likely that it will become an increasingly important tool to create, enhance or protect wildlife and wildlife sites in the development process. Consequently, as with other local authorities, Rotherham MBC are likely to increasingly use biodiversity net gain (BNG) in the future.”

Suggested I do not think 28 is needed as you have already said this in 19 and 27. Suggest merging **Emerging legislation and national guidance and Key strategies and initiatives** so two BNG paragraphs are together (if you put BNG after the Brexit para) as it then says what is changing and what RMBC’s response to it is. Suggest merging 29 and 30 into this too.

33 and second sentence of 34 and 46 suggest these under a heading of **sites designated for nature conservation and wildlife legislation**.

Then another heading of **‘Priority habitats and species’** that could contain the Rotherham BAP, the first section of **34** and a similar reference to protected species and S41 species in Rotherham (could you put lists of these found in Rotherham in the appendix?) and the GCN section here too.

For both these paragraphs can you refer again to your CS and Sites and Policies doc as there is loads of good stuff in there and people may miss that if they are only looking at this.

That would leave the Avoid-Reduce-Mitigate-Compensate-Enhance section to be a bit clearer of 35-38, then a reference to the BNG section. But some of this is already covered in your policies so could be referred to.

37 remove this “the minimum requirement will be to maintain ‘no net loss’.” As inconsistent with (CS 20 (5.6.41) and forthcoming legislation.

39 This bit is a bit long – could it be broken up into bullet points of **what** the developer is expected to do and **when** in the process? In fact, you do this in 44 – maybe swap the sections round or merge ie Planning Process – the surveys etc as part of this. Include more on how the developer knows a surveyor is ‘suitably qualified’ and emphasis early engagement with the LPA and a professional ecologist due to seasonal surveys, to avoid delays for BNG to be considered from the outset. This is mentioned in 43 but not 39. In summary, I think sections 39-45 could be a little clearer for a developer to follow.

Part 1: Opportunities for biodiversity mitigation and enhancement

I think developers would find it easier if links (or footnotes to links) are included in each section – see the table in Barnsley biodiversity SPD as an example. Make links back to BAP for local priorities.

48 is rather long, could it be bullet points like the other sections or even a table.

53 Include the fact that wildflower-rich grassland will not appear/grow –even if seeded if the soil is high in fertility and has not been prepared.

Link to reputable suppliers of native seed e.g. Emorsage and naturescape

57 Move to be after **54**

55 should be a sub-section of **56**

56 Again, this is long, could it be a list? Link back to BNG

Suggested change to paragraph 56 Individual property developments should be encouraged to incorporate at least one feature; multiple dwelling and major developments are required to incorporate features on at least 20% of properties.

65 BCT guidance on lighting needs to be referenced here and added to list Bats and artificial lighting in the UK – joint publication by the Institution of Lighting Professionals and Bat Conservation Trust
<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

Suggestion to change paragraph 66 "Cutting holes measuring 13x13cm at suitable points in all new fences and walls to provide access for hedgehogs to all areas of the site and to the surrounding environment. Once cut a fence plate such as <https://www.nhbs.com/eco-hedgehog-hole-fence-plate?bkfno=242607> can be installed, indicating the purpose of the hole to deter homeowners/ tenants from blocking the holes in future.

67-71 Check no over-duplication of DV NIA PAN – refer to it. **69** is not relevant to this SPD. **70 and 71** should be the same as 56 do not needed? Merge into a more comprehensive 56 and 67 could refer back to it?

Appendix 4
 Sheffield and Rotherham Wildlife Trust appear to be in twice. Remove this one please "Wildlife Trust Sheffield & Rotherham."
<http://www.wildsheffield.com/>"

Council response

The Council welcomes the comments and broadly agrees with the majority of suggested changes. In light of representations received guidance regarding biodiversity net gain has been updated, which may not fully reflect the requested changes. Consideration can be given to the Building with Nature Standard and its implications would need to be explored. It would be inappropriate to commit the Council to this Standard at this point in time and without consultation. It is not considered that requiring incorporation of features on 'at least' 20% of properties is a justifiable approach, and that the existing wording referring to 'ideally' 20% or greater remains more appropriate.

Changes to SPD

- Amendments to paragraph 19 to reflect the suggested changes.
- Paragraph 25 amended to replace 'impinge on' with 'partly fall within'

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| | <ul style="list-style-type: none"> • Paragraph 27 amended to reflect requested changes regarding biodiversity net gain • In response to other representations paragraph 28 has been deleted • Paragraph 37 amended to remove reference to ‘no net loss’ • Paragraph 39 restructured to be presented in bullet points and reflect the suggested amendments to aid clarity • Paragraphs provided after paragraph 46 on The Wildlife & Countryside Act 1981 and Protection of Badgers Act (1992) • Paragraph 48 restructured to be presented in bullet points • Paragraph 53 amended to include the guidance suggested regarding wildflower-rich grassland • Paragraph 57 regarding amphibians and reptiles moved to follow paragraph 54 • Paragraph 55 merged into paragraph 56 and all restructured into bullet points to aid clarity • Paragraph 56 restructured to include bullet points • Reference to developers being required to provide information on projected luminance added to paragraph 65. • Paragraph 66 amended to provide more detailed guidance on cutting holes to fences and walls for hedgehog access. • Appendix 4 updated to provide additional references • Sub-section title before paragraph 67 amended to ‘Dearne Valley Nature Improvement Area’ for clarity • Paragraph 69 deleted. • Appendix 4 updated to remove duplicated reference to Sheffield and Rotherham Wildlife, and updated to include other appropriate references as a result of changes to the SPD |
| The Friends of Maltby Countryside | <p style="text-align: center;">Summary of representation</p> <p>Express broad support for the SPD, I add constructive criticism from a user perspective.</p> <p>Noted that the RMBC Digital Mapping System has been a struggle to use (in order to understand the SPD detail). There are issues with maps and user-requested pop-up boxes providing details of wildlife, geological and other sites and difficulties when displaying on tablets. This limitation is clearly a barrier to access to information which is and should be in the public domain.</p> <p>The current mapping system provides some useful information; however, it is unclear where differently designated sites are located in close proximity or are overlapping.</p> <p>There are limitations, particularly in rural areas, imposed by employment of the 1:50,000 base map rather than the 1:25,000. The larger scale map (i.e. the 1:25,000) provides, for example, more place names and details of ‘Access Land’ boundaries.</p> |

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| | <p>Production of separate maps for differently designated sites would be most helpful in enabling a really useful degree public access to information.</p> |
| <p>Council response</p> | |
| | <p>The comments made are noted and welcomed. The Council is aware that its on-line GIS / Mapping system may not be easy to use by everyone. The Council is adding more GIS data on-line, that will enable more user-friendly usage of the system. There is a significant amount of information to transfer to the on-line mapping system and this is taking some time to implement. The robust response from the consultee, clearly sets out the limitations of the current system.</p> |
| <p>Changes to SPD</p> | |
| | <p>No changes made to SPD.</p> |
| <p>Other changes to the SPD by the Council</p> | |
| <ul style="list-style-type: none"> • Minor amendments to correct typographical errors and to replace references to ‘we’ with ‘the Council’. • Paragraph 22 updated to reflect the current position following the UK’s departure from the EU. | |

Table 7: Transport Assessments, Travel Plans and Parking Standards SPD

| Consultee | Summary of representation |
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| Canal & River Trust | <p>Mostly positive comments about the promotion of active travel. In respect of transport assessments, the consultee suggests including additional wording: “Details of the existing quality of walking and cycling routes in proximity to the development and the impact of additional predicted use of these routes”.</p> <p>In respect of travel plans, suggested wording in paragraph 50 should, within the list of potential measures, include the promotion and advertising of walking and cycling routes in proximity to new development, and include measures to improve signage to and from walking and cycling routes.</p> <p>It is suggested that the SPD should set out a requirement for developers to contribute towards the improvement or enhancement of existing walking and cycling routes.</p> |
| | Council response |
| | <p>The positive response is welcomed. The Council is preparing a separate Developer Contributions SPD which is the most appropriate route to consider the suggested approach to enhancing walking and cycling routes.</p> |
| | Changes to SPD |
| | <p>None</p> |
| CPRE | Summary of representation |
| | <p>Positive comments regarding active travel. Notes that proposals to create denser development around commuter hubs should be supported in order to reduce the potential impact on the countryside, but these proposals should be backed up by schemes to support walking and cycling.</p> |
| | Council response |
| | <p>The positive response is welcomed. Existing Local Plan policy supports higher density developments in accessible locations as well as improvements to pedestrian and cycle access.</p> |
| | Changes to SPD |
| <p>None.</p> | |

Highways
England

Summary of representation

Broadly positive about the SPD but would like to see more specific references to Highways England and their network. They propose considerable changes to the wording of some sections:

- development that impacts at the SRN to demonstrate to Highways England's satisfaction that it can be safely and efficiently accommodated at the strategic road network
- Highways England should be consulted where development has a boundary with an element of the strategic road network
- provision of spreadsheet analysis and model files as being an efficient way in which to provide information and for it to be reviewed.
- Amendments to paragraph 19, 20, 31 for clarity
- Where a Travel Plan is being used as a mechanism to mitigate an impact, the measures should be tailored to providing a solution
- Where the Travel Plan relates to the mitigation of impact at the SRN, Highways England will need to be a named party within any planning condition.
- the standards suggested for electric vehicle charging points is specifically welcomed in line with the provisions of NPPF. There may be benefit, in relation to the provision of vehicle charging points for non-residential uses, in not only encouraging the quantum of provision, but also the type of provision (e.g. fast charge) that is suitable for the development being sought.

Council response

Whilst the Council appreciate the impact of development on the SRN, this SPD is designed to supplement the Council's Local Plan policies, rather than introduce guidance more properly published by HE. The Council is happy to refer to the need to consider impact of development on the SRN whether by physical proximity or traffic generation.

It is agreed that in a number of areas suggested changes would improve clarity of the guidance. With regard to electric vehicle charging infrastructure, the general support is welcomed. Given the rapid changes within this sector is not considered appropriate to provide more detailed guidance at this stage regarding this infrastructure.

Changes to SPD

- Insert after paragraph 32:
"Any application for planning permission that is in close physical proximity to the Strategic Road Network, or likely to have a material impact on the network due to traffic generation will have to satisfy Highways England that its impacts can be managed/mitigated to an appropriate degree. Where a Travel Plan is agreed the targets and monitoring therein will be agreed jointly between Highways England and the Council."

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| | <ul style="list-style-type: none"> • Paragraph 19, under ‘details of existing uses’: <ul style="list-style-type: none"> ○ Bullet point 1 – Amend to read “Table of existing uses or consented uses on the site”. ○ Bullet point 8 - Amend to read “Details of committed developments in the area (as agreed with the Local Planning Authority(ies)) along with the agreed transport impacts.” ○ Bullet point 16: - Insert “Validated” at start of sentence • Paragraph 19, under road safety considerations: <ul style="list-style-type: none"> ○ Bullet point 1: Amend to read “Analysis of accidents in the surrounding area (study area to be agreed with the Highways Authorities) • Paragraph 19, under Construction management plan: <ul style="list-style-type: none"> ○ Bullet point 1: Amend to read “Where the proposed development is likely to have a demonstrable effect on the local and/or strategic highway network during the construction phase” • Amend paragraph 21 to read: “Development proposals that are likely to have a demonstrable traffic impact on the Strategic Road Network should be discussed with Highways England as part of pre-application discussions.” • Insert after paragraph 30: “Where a Travel Plan is being used as a mechanism to mitigate an impact, the measures should be tailored to providing a solution (for example mitigating impacts at the strategic road network should involve measures associated with the journeys being made via the strategic road network).” • Amend paragraph 31 to read: “Some developments possess characteristics that indicate a Travel Plan is required. It is essential that applicants consult with the Council (and Highways England, where a material impact at the Strategic Road Network is identified) at an early stage...” • Amend paragraph 45 to read: “In straightforward cases, it will be possible to secure a Travel Plan by use of a planning condition, the wording of which will follow a form similar to that below (where the Travel Plan relates to the mitigation of impact at the Strategic Road Network, Highways England will need to be a named party within any planning condition): |
| Lichfields on behalf of Intertrust Trustees Ltd & Spread Trustee Company | Summary of representation |
| | Support the requirement for provision of EV charging points; however, suggests including: “Electrical vehicle charging infrastructure should usually be provided within or adjacent to new development. Within larger estates or landholdings, opportunities to strategically locate vehicle charging point infrastructure throughout the estate and/or at key nodes should be explored.” |
| | Highlights that the parking standards will require updating to reflect the new use class order. |
| | Council response |
| The Council agrees that provision of EV charging at nodes could be an appropriate approach in some circumstances, although the implementation might have to be subject to a S106 Planning Obligation with the landowner. | |

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| | <p>It is accepted that parking standards will be changed to reflect the new use Classes Order.</p> <p style="text-align: center;">Changes to SPD</p> <p>Insert after paragraph 81: “Electrical vehicle charging infrastructure should usually be provided within or adjacent to new development. Within larger estates or landholdings, opportunities to strategically locate vehicle charging point infrastructure throughout the estate and/or at key nodes should be explored.”</p> <p>Changed parking standards to reflect the recent changes to the Use Classes Order by:</p> <ul style="list-style-type: none"> • removing references to specific use classes but retaining the descriptions of uses to which specific standards apply • amending table headings and titles to remove reference to specific use classes and provide appropriate descriptions |
| Network Rail | <p style="text-align: center;">Summary of representation</p> <p>Supportive of the aims of the SPD. Suggest amendments which would require an assessment of level crossing safety for applications that are likely to increase their use and require cycle parking at stations where these are within cycling distance of a development</p> <p style="text-align: center;">Council response</p> <p>The Council welcomes the comments. Whilst recognising the issues raised the Council considers that as a consultee Network Rail would be able to raise these in response to planning applications for sites close to level crossings. Whilst supporting access to cycle infrastructure, it is not considered that further reference is necessary in the SPD. Cycle parking at public transport interchanges is already supported by Local Plan Policy CS14, which promotes accessibility by enabling walking and cycling to be used for shorter trips and for links to public transport interchanges. It is also considered that this infrastructure is something that Network Rail or the station operator should be providing already.</p> <p style="text-align: center;">Changes to SPD</p> <p>None</p> |
| South Yorkshire Police | <p style="text-align: center;">Summary of representation</p> <p>Suggests including reference to secure parking standards for car parks.</p> <p style="text-align: center;">Council response</p> <p>The comments are noted; however, it is considered that the issue applies to relatively few planning applications. The Police are consulted on most larger planning applications and therefore have the opportunity to comment on specific site requirements.</p> |

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| | Changes to SPD |
| | None |

Other changes to the SPD by the Council

Paragraph 60 and note 4 to appendix B amended to be consistent and clarify that the minimum length of a parking bay between the highway boundary and a garage door is 5.5 metres but that the preferred length is 6 metres.

In light of internal review of the document clarification is provided in paragraph 14 that the Council will consider on a case by case basis whether a Transport Statement or Transport Assessment will be required. The following is inserted after the first sentence:

“National Planning Policy Framework (paragraph 111) indicates that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment. The Council will make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis - the numeric thresholds should be taken as indicative rather than an absolute statement of what will be required. In some instances a Transport Statement may be required even though the application appears to be above the threshold for a Transport Assessment, with the reverse also being true. In any event the scope should be agreed prior to submission of any documents in support of a planning application.”