



## SHEFFIELD CITY COUNCIL Report to Council

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**Report of:** Executive Director, City Futures

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**Date:** 6<sup>th</sup> September 2023

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**Subject:** Recommended Responses to Representations on the Publication Draft Sheffield Local Plan ('The Draft Sheffield Plan') and approval to submit the Plan to Government

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### **Purpose of Report:**

This report seeks approval of responses to representations received on the Publication Draft Sheffield Local Plan ('The Draft Sheffield Plan') and approval to submit the Plan and associated 'submission documents' to the Government for public examination. The report in Appendix 1 was considered by the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023. The recommendations in the report were endorsed by the Policy Committee.

The report updates some of the appendices that were endorsed by the Strategy and Resources Policy Committee to reflect a small number of further suggested amendments to the Publication Draft Plan.

Appendix 2 of this report includes some updates to the Consultation Statement that was attached as Appendix 1 of the report to the Strategy & Resources Policy Committee. Appendices 2a to 2g are schedules setting out recommended responses to each of the individual comments raised in relation to all the Sheffield Plan documents. The Strategy & Resources Policy Committee had previously endorsed the responses to the main issues raised during the public consultation and the representations made on Annex A and the Policies Map (now included as Appendices 2c and 2f of this report). The additional schedules (covering individual representations on Parts 1 and 2 of the Plan, Annex B and the Glossary) are now included as Appendices 2a, 2b, 2d, 2e and 2g.

Appendix 3 of this report sets out the suggested minor amendments which officers consider are necessary to make the Plan 'sound'. This includes a few additional amendments that were not considered by the Strategy & Resources Committee but which are now proposed to take account of ongoing work on the evidence base that supports the Plan, as well as the debate that took place at the Committee. If the

recommendations in this report are approved, all the amendments will be submitted to the Government alongside the Draft Plan.

Appendix 4 of this report lists other additional minor amendments to the Plan that are needed to correct errors (mainly typographical) or update factual information. This includes a further amendment that has come to light since the report was endorsed by the Strategy & Resources Policy Committee. These amendments do not need to be considered by the Planning Inspector.

For ease, Appendix 5 updates the tracked change versions of the Sheffield Plan documents, reflecting the amendments that were endorsed by the Strategy & Resources Policy Committee, as well as the further amendments that full Council is now asked to approve.

Appendix 6 provides the list of the 'submission documents' and, where relevant, refers to the latest updated positions on these documents. This is an update to the similar Appendix in the report to the Strategy & Resources Policy Committee. These further updates reflect the on-going work on the evidence base which is iterative in nature. The documents listed in Appendix 6 will also be submitted to the Government if full Council approves the recommendations in this report.

The recently completed Infrastructure Delivery Plan Part 2 is included as Appendix 7.

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### **Recommendations:**

It is recommended that Council:

- a) Approves the recommended responses to the main issues raised in representations on the Publication Draft Plan set out in the Consultation Statement (already endorsed by the Strategy and Resources Policy Committee and presented in Appendix 2, 2c & 2f of this report);
- b) Approves the more detailed responses to the individual representations received on the Publication Draft Plan Part 1, Part 2, Annex B and the Glossary, as well as the responses to representations on the other submission documents (not previously considered by the Strategy & Resources Policy Committee unless the matter(s) raised was addressed as part of a 'main issue') – now set out in Appendix 2a, 2b, 2d, 2e and 2g of this report;
- c) Approves the suggested amendments to the Publication Draft Sheffield Plan set out in Appendix 3 of this report and shown as tracked changes within Appendices 5a-5e (which have already been endorsed by the Strategy & Resources Policy Committee);
- d) Approves the further suggested amendments to the Publication Draft Sheffield Plan summarised in this report and highlighted in red in Appendix 3 (also shown as tracked changes in Appendices 5a- 5e);
- e) Approves the suggested other minor amendments to the Publication Draft Sheffield Plan set out in Appendix 4 of this report and shown as tracked

changes within Appendices 5a-5e (which have already been endorsed by the Strategy & Resources Policy Committee),

- f) Approves the further suggested minor amendments to the Publication Draft Sheffield Plan highlighted in red in Appendix 4 (also shown as tracked changes in Appendices 5a-5e);
- g) Notes the ongoing evidence updates with respect to the relevant 'submission documents' as set out in Appendix 6 of this report;
- h) Endorses the Infrastructure Delivery Plan Part 2 (Appendix 7 of this report);
- i) Approves submission of the Draft Sheffield Plan and associated documentation to the Government for independent examination.

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**Background Papers:**

- Publication Draft Sheffield Plan:
  - Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations
  - Part 2: Development Management Policies and Implementation
  - Annex A: Site Allocations
  - Annex B: Parking Guidelines
  - Key Diagram
  - Policies Map (digital map only)
  - Glossary¶

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial &amp; Commercial Implications</b>
YES – Cleared by Kerry Darlow
<b>Legal Implications</b>
YES – Vicky Clayton
<b>Equality of Opportunity Implications</b>
YES – Louise Nunn
<b>Climate impact</b>
YES
<b>Tackling Health Inequalities implications</b>
YES
<b>Human Rights implications</b>
NO
<b>Economic impact</b>
YES
<b>Community Safety implications</b>
NO
<b>Human Resources implications</b>
NO
<b>Property implications</b>
YES
<b>Area(s) affected</b>
ALL
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press release</b>
YES

## 1. PROPOSAL

- 1.1 This report asks the Council to approve the recommended responses to issues raised in the representations made on the Publication (Pre-Submission) Draft Sheffield Local Plan (what we are calling 'The Sheffield Plan'). Public consultation took place from 9<sup>th</sup> January to 20<sup>th</sup> February 2023.
- 1.2 The Strategy & Resources Policy Committee (2<sup>nd</sup> August 2023) received a report of the Executive Director, City Futures, recommending responses to the main issues raised in the representations made on the Publication Draft Sheffield Plan. The report considered by the Committee is attached as Appendix 1 to this report.
- 1.3 The report to Strategy & Resources Policy Committee discussed updates to the Draft Sheffield Plan documents that officers consider are required to make the plan 'sound'. The soundness tests are set out in the National Planning Policy Framework (NPPF). Other minor amendments were also suggested to correct typographical errors or update factual information.
- 1.4 If the suggested amendments are approved by full Council, the Publication Draft Sheffield Plan and the suggested amendments will be submitted to the Government who will appoint an independent inspector to carry out a public examination of the Plan. The Planning Inspector will consider whether the Plan is sound and whether it complies with the legislation. As part of the Inspector's examination of the Plan, they will consider the amendments proposed by the Council as well as those put forward by objectors to the Plan. The Inspector will recommend '**Main Modifications**' where they are necessary to make the Plan sound – this may or may not include the amendments set out in Appendix 3 of this report.
- 1.5 The report also confirms the list of relevant 'submission documents', which are submitted to the Government alongside the Draft Sheffield Plan (see Appendix 6 of this report).
- 1.6 The Strategy & Resources Policy Committee resolved to:
- (a) Endorse the recommended responses to the main issues raised in representations on the Publication Draft Plan set out in the Consultation Statement (Appendix 1);
  - (b) Endorse the suggested amendments to the Publication Draft Sheffield Plan set out in Appendix 2 and shown as tracked changes within Appendix 4;
  - (c) Endorse the suggested other minor amendments to the Publication Draft Sheffield Plan set out in Appendix 3 and shown as tracked changes within Appendix 4;

- (d) Note the ongoing evidence updates with respect to the relevant 'submission documents' as set out in the main body of the report and within Appendix 5;
- (e) Delegate authority to the Chief Planning Officer, in consultation with the Chair, deputy chair and spokesperson of the Transport, Regeneration and Climate Policy Committee, to bring forward further minor amendments to the Publication Draft Sheffield Plan and updates to associated documentation prior to consideration by full Council;
- (f) Refer the report to full Council in accordance with the constitution to seek approval to submit the Draft Sheffield Plan and associated documentation to the Government for independent examination.

1.7 The Strategy & Resources Policy Committee heard there were significant public concerns about the proposal for a Gypsy and Traveller/Employment Site on Land East of Eckington Way (Site SES03). Given these concerns, the Chair of the Committee asked officers to consider whether a 'topic paper' could be prepared that would be submitted to the Local Plan Inspector, highlighting the issues that have been raised and the Council's response. A topic paper is being prepared and will be made available to the Planning Inspector to assist them in their consideration of the matters raised by the public and other stakeholders. This would also be available on the examination website.

1.8 At the Strategy & Resources Policy Committee concerns were raised about whether the impacts of Policy NC12 'Hot-Food Takeaways' on Black, Asian and Minority Ethnic Communities had been fully taken into account in the Equality Impact Assessment (EIA). Officers agreed to consider whether changes to the EIA and/or policy were required; the conclusions are discussed in paragraphs 1.16 to 1.18 below.

### **Consultation Statement and further detailed responses to Representations**

1.9 The Consultation Statement was attached as Appendix 1 of the report to the Strategy & Resources Policy Committee and is included as Appendix 2 of this report. This set out responses to the main issues raised during the public consultation.

1.10 Schedules setting out responses to each of the individual comments on the Publication Draft Plan are also included as Appendices 2a to 2g of this report. Detailed responses to comments on the Site Schedule (Annex A of the Sheffield Plan) and the Policies Map were considered by the Strategy & Resources Policy Committee. However, due to time constraints, it was not possible to fully complete the schedules for all the Sheffield Plan documents before the Policy Committee meeting. The other schedules have now been completed; these cover responses to each of the individual representations made on Parts 1 and 2 of the Plan, the Parking Guidelines (Annex B) and the Glossary. The

additional schedules are attached as Appendices 2a, 2b, 2d, 2e and 2g of this report. When relevant a number of these matters were considered as part of a 'main issue' at the Strategy and Resources Committee meeting.

### **Further Proposed Amendments to the Publication Draft Sheffield Plan**

- 1.11 A further limited number of proposed officer amendments to the Publication Draft Plan are set out in Appendices 3 and 4 of this report (and included in the tracked change versions of the Sheffield Plan documents in Appendices 5a to 5e). The most significant proposed changes are explained in the following paragraphs.

#### *Site SES03 Land off Eckington Way – Proposed Employment/Gypsy & Traveller Site*

- 1.12 A large number of written questions relating to the site were submitted to the Strategy & Resources Policy Committee. Written replies have been provided to all these questions.
- 1.13 Our conclusion continues to be that the site is suitable for the proposed employment and Gypsy & Traveller Site uses, having considered all the planning issues relevant to the site. One of the main concerns raised by the public is the level of existing traffic congestion in the area and the associated impact on air quality. The report to the Strategy and Resources Committee confirms that the intention is to produce a new Transport Strategy by summer 2024 which will seek to address the transport problems in that area of the city. It is also worth noting that the new Transport Strategy will be produced before the Sheffield Plan is due to be adopted around the end of 2024.
- 1.14 The Strategy & Resources Committee endorsed an amendment to the Annex A of the Plan that reduced the developable area of the site from 5.35 to 4.9 hectares. However, the amendment implies that a further 1.5 hectares is needed for the Gypsy and Traveller site when, in fact, this is part of the 4.9 hectares (leaving 3.4 hectares for employment). We recognise that this is unclear, so a further amendment to Annex A is proposed to clarify this point. The total site area should also be amended from 6.85 to 6.8 hectares. It should be noted that the developable areas specified for the allocated sites in Annex A are estimates and are indicative only (unless the site already has planning permission). The precise layout and developable area would be determined at the planning application stage.
- 1.15 In estimating the developable area, we have assumed that a minimum 10m buffer between the developed part of the site and the housing. In places this would be wider to allow for the 6m standoff either side of the gas pipeline. The wooded area on the western boundary of the site has been excluded from the developable area and we have allowed for landscaping along the northern boundary of the site to provide a soft edge to the land adjoining the Green Belt. Much of the area beneath the

overhead powerlines has been included in the developable area but development here may be limited to access roads/car parking (meaning buildings are likely to mainly be located to the west of the powerlines on land furthest from the housing). We have asked National Grid to confirm whether any buildings would be permitted under the powerlines.

#### Policy NC12 Hot-Food Takeaways

- 1.16 There was some discussion at the Strategy & Resources Policy Committee about whether the impact of Policy NC12 on the BAME community had been fully considered as part of the Equality Impact Assessment. Officers undertook to give this further consideration.
- 1.17 Our conclusion is that Policy NC12 potentially has both positive and negative effects on the BAME community. The policy aims to improve the health of Sheffield's population and is one aspect of coordinated action on obesity. It seeks to create a healthier environment and contribute to actions to reduce obesity. In considering restrictions in locations close to schools, the proposed guidance will particularly seek to influence improved health in children and young people, including children from BAME communities. Public Health statistics show that BAME communities have higher rates of obesity than the population as a whole.
- 1.18 It should, however, be noted that hot food takeaways may have a higher representation of business owners from BAME groups (although we have not been able to obtain any specific statistics to support this assumption). The Policy may therefore have a differential impact. That said, the Policy would only apply in very specific circumstances. On balance, we consider that a minor amendment to the Policy should be proposed that would further limit the impact of the Policy on *existing* hot-food takeaways in District Centres where hot food takeaways already make up 25% of the units in the Centre. This amendment would allow existing business that are more than 800 metres from a secondary school to extend their opening hours and also their premises to provide, say, better kitchen facilities. However, extensions into adjoining shop units in such District Centres would be restricted. The revised Policy wording is shown in Appendices 3 and 5c of this report (and means that the minor change to Policy NC12 proposed in the report to the Strategy & Resources Policy Committee is withdrawn).

#### Development near to the South Pennine Moors Special Protection Area (SPA) and Special Area for Conservation (SAC)

- 1.19 In discussions held with Natural England under the 'duty to cooperate', they raised concerns that the cumulative impacts of visitor pressure on the designated European wildlife sites in the Peak Park had not been adequately assessed in the Habitat Regulations Assessment Appropriate Assessment (HRAAA). The European wildlife sites are the South Pennine Moors Special Protection Area (SPA) and Special Area for Conservation (SAC). An addendum to the HRAAA has now been completed; this makes recommendations on further steps that should be



taken by developments within 7km of the European designated sites. Additional minor changes to the supporting text of policies NC15 and GS5 are proposed in response to the HRAAA addendum. These are shown in Appendix 3 of this report (and as tracked changes in Appendix 5b).

#### Site allocations CW02 and CW07

- 1.20 In response to further comments and questions from the Sheaf and Porter Rivers Trust, we have proposed two minor amendments to the conditions attached to site allocations CW02 and CW07. The minor changes relate to the de-culverting of the River Sheaf in the Castlegate area of the City Centre. The amendments are shown in Appendices 3 and 5c.

#### Other Additional Minor Amendments

- 1.21 Two further minor amendments are proposed to correct typographical errors in the original text. These were not reported to the Strategy and Resources Policy Committee Appendix but are set out in Appendices 4 and 5b of this report.
- 1.22 The Foreword from the Council Leader has also been updated. As this is a political statement and is not related to the soundness of the Plan, it has been included in Appendix 4. The revised text is also shown as tracked changes in Appendix 5a.

### **Evidence Updates to the List of Submission Documents**

#### Habitat Regulations Assessment Appropriate Assessment Addendum

- 1.23 As noted above, an addendum to the Habitat Regulations Assessment Appropriate Assessment (HRAA) has now been completed and this will be submitted to the Government if the recommendations in this report are approved. Consultees on the Sheffield Plan mailing list will be notified of the update which will be made available on the examination website.

#### Infrastructure Delivery Plan

- 1.24 The Infrastructure Delivery Plan (IDP) Part 2 has now been completed and is attached as Appendix 7 to this report. It sets out the current expectation (ahead of the submission of the Sheffield Plan for examination) of specific infrastructure schemes to support growth. It also provides updates, where relevant, to the Part 1 Infrastructure Needs Assessment which was produced prior to Regulation 19 public consultation on the Sheffield Plan.
- 1.25 Part 2 of the IDP has been informed by an ongoing programme of engagement with infrastructure stakeholders. This has re-confirmed the fundamental conclusion from Part 1 of the IDP, that there are currently no infrastructure types for which constraints suggest there could be a

fundamental inability to deliver the level of growth proposed in the Sheffield Plan.

1.26 A range of nearly 100 specific infrastructure schemes have been identified – many a direct response to the growth proposals in the Sheffield Plan. These have been prioritised based upon the realities of funding them in a scarce funding environment, necessarily reliant upon limited funds available both from developer contributions and outside investment such as that available from Government. It is therefore acknowledged that not all of the infrastructure schemes set out in the infrastructure schedule can or will be delivered but the schedule will nevertheless form a basis upon which the Council and its partners can make informed funding decisions in the future.

1.27 There are a number of areas where discussions with infrastructure stakeholders have identified known or foreseeable needs for future investment but where it has not yet been possible to establish specific infrastructure schemes. The IDP is intended as a ‘live’ document that will be updated as the Sheffield Plan progresses through examination and into its implementation phase over the coming years. However, the intention is to publish a further iteration in advance of the public hearings on the Sheffield Plan (so, by the end of this year).

## **2.0 HOW DOES THIS DECISION CONTRIBUTE?**

2.1 This is set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraphs 2.1-2.3 (see Appendix 1 of this report).

## **3.0 CONSULTATION**

3.1 This is set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraphs 3.1 to 3.2 (see Appendix 1 of this report).

## **4.0 RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

### **4.1 Equality of Opportunity Implications**

4.1.1 These are set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraphs 4.1.1 to 4.1.8 (see Appendix 1 of this report).

4.1.2 In response to concerns raised by Members of the Strategy and Resources Policy Committee, we have updated the Equality Impact Assessment to consider the implications of Policy NC12 ‘Hot-food Takeaways’ on Black and Minority Ethnic Communities. The conclusions of that assessment are set out in paragraphs 1.15 to 1.17 above.

### **4.2 Financial and Commercial Implications**

4.2.1 These are set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraphs 4.2.1 to 4.2.2 (see Appendix 1 of this report).

#### 4.3 Legal Implications

4.3.1 Submission of the Draft Plan to Government for examination will require compliance with Section 20 of Planning and Compulsory Purchase Act 2004 and Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. These detail what needs to be submitted alongside the Plan and also requirements to make various documentation publicly available and provide notification of submission of the plan to those that requested it. If the recommendations in this report are approved, the Publication Draft Plan and all the submission documents will therefore be made available on the Examination Website. Consultees on the Sheffield Plan mailing list will be notified of the submission date and information will be provided on where they can view the documentation.

4.3.2 Further information regarding the legal implications of the local plan process is contained in the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraphs 4.3.1 to 4.3.5 (see Appendix 1 of this report).

#### 4.4 Climate implications

4.4.1 These are set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraphs 4.4.1 to 4.4.5 (see Appendix 1 of this report).

#### 4.5 Biodiversity implications

These are set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraphs 4.5.1 to 4.5.5 (see Appendix 1 of this report).

#### 4.5 Other Implications

4.5.1 These are set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraph 4.6.1 (see Appendix 1 of this report):

### **5.0 ALTERNATIVE OPTIONS CONSIDERED**

5.1 This is set out in the report to the Strategy & Resources Policy Committee on 2<sup>nd</sup> August 2023, paragraph 5.1 (see Appendix 1 of this report).

5.2 In relation to this report, the options open to full Council are to:

- a) accept the recommendations, including submission of the Plan (together with the amendments in Appendices 3 and 4) to the Secretary of State for Public Examination; or
- b) propose and agree further *minor* amendments to the Plan which would mean the Plan could still be submitted to the Secretary of State; or
- c) defer approval of the Plan by proposing and agreeing major amendments which would then require a further period of public consultation – paragraph 1.5.4 of the report to the Strategy & Resources Policy Committee emphasises that this would cause **significant delay in adopting the Plan**.
- d) refuse the recommendations and request work is begun on a replacement plan – note this would cause **even greater delay** and bring **significant risks** associated with not having an up-to-date plan (economic development, housing supply, environmental standards, etc).

## 6.0 REASONS FOR RECOMMENDATIONS

- 6.1 These are set out in the report to the Strategy Resources Policy Committee on 2<sup>nd</sup> August 2023 (see Appendix 1 of that report, paragraphs 6.1 to 6.5).

# **APPENDIX 1: REPORT TO STRATEGY & RESOURCES POLICY COMMITTEE – 2<sup>ND</sup> AUGUST 2023**

Under a separate cover



## **APPENDIX 2: CONSULTATION STATEMENT**

Under a separate cover

(Note that this Appendix replaces Appendix 1 of the report to the Strategy & Resources Policy Committee (2<sup>nd</sup> August 2023))

**APPENDIX 2a: Responses to comments on Part 1 of the Publication Draft Plan**

**APPENDIX 2b: Responses to Comments on Part 2 of the Publication Draft Plan**

**APPENDIX 2c: Responses to Comments on Annex A of the Publication Draft Plan**

**APPENDIX 2d: Responses to Comments on Annex B of the Publication Draft Plan**

**APPENDIX 2e: Responses to Comments on the Glossary of the Publication Draft Plan**

**APPENDIX 2f: Responses to Comments on the Policies Map of the Publication Draft Plan**

**APPENDIX 2g: Responses to Comments on Other Submission Documents**

### **Appendix 3: Schedule of Suggested Amendments to the Publication Draft Plan (to Address Issues of Soundness)**

Under a separate cover

(Note that this Appendix replaces Appendix 2 of the report to the Strategy & Resources Policy Committee (2<sup>nd</sup> August 2023))



## **Appendix 4: Schedule of Suggested other Minor Amendments to the Publication Draft Sheffield Plan**

Under a separate cover

(Note that this Appendix replaces Appendix 3 of the report to the Strategy & Resources Policy Committee (2<sup>nd</sup> August 2023))



## **Appendix 5a-5e: Tracked Change Versions of the Publication Draft Sheffield Plan documents**

Under separate covers

(Note that these Appendices replaces Appendix 4 of the report to the Strategy & Resources Policy Committee (2<sup>nd</sup> August 2023))

## **Appendix 6: List of Submission Documents and Ongoing Evidence Updates**

Under a separate cover

(Note that this Appendix replaces Appendix 5 of the report to the Strategy & Resources Policy Committee (2<sup>nd</sup> August 2023))

## **APPENDIX 7: INFRASTRUCTURE DELIVERY PLAN: PART 2**

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