

Council Meeting – 1st November 2023

Remaining Written Answers Provided To Members' Questions

(Published on 22 November 2023)

Questions of Councillor Julie Grocutt to the Chair of the Transport, Regeneration and Climate Policy Committee (Councillor Ben Miskell)

Q.2 How many accidents have cyclists been involved in on tram track across the city each year for the last five years?

A.2 The collisions statistics for the period 2018–2022 reveal 21 collision injuries:

2018 - 1
2019 – 5
2020 – 7
2021 – 4
2022 – 4

Of the 21 collision injuries 9 were serious and 12 were slight.

Questions of Councillor Douglas Johnson to the Chair of the Waste and Streetscene Policy Committee (Councillor Joe Otten)

Q.4 Will the Council use its statutory enforcement powers under section 80 of the Environmental Protection Act 1990 and consider serving an abatement notice on those responsible for the recent outbreaks of moorland burning that have affected large numbers of residents in the city?

A.4 It was established that there were at least three separate moorland estates that were burning on the 9th October. The Environmental Protection Service has written to the three landowners to establish what went wrong on this occasion and to seek assurances that measures are put in place to minimise the impact in future. We have advised them of the provisions of the Environmental Protection Act 1990 and the potential consequences if an authorised officer from this Service finds that a statutory nuisance exists during future burns. We are awaiting their responses.

It seems that on this occasion the high pressure weather event played a part in forcing the smoke down into Sheffield.

We also contacted Natural England, who enforce the Heather and Grass Burning Regulations (England) 2021. We received this response, which indicates the landowners are likely to have consent to burn, and that Natural England are investigating whether damage has been caused to SSSIs (Sites of Special Scientific Interest):

"The regulations prohibit individuals from burning any specified vegetation (including heather, rough grass, bracken, gorse and vaccinium) on a European designated site on peat that is of a depth of more than 40 centimetres unless an exception applies, or the burning is carried out under and in accordance with a license issued by the Secretary of State. The burning season takes place between the 1st October to 1st April for land within an upland area.

The Regulations do not prevent burning of vegetation on areas of heathland with shallow peat soils or on areas of deep peat outside the Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). There may be other restrictions on burning in such areas, but there will be many situations where burning can be carried out legitimately provided it is done in accordance with the Heather and Grass etc. Burning (England) Regulations 2007 and any other relevant requirements. The 2007 Regulation requires burning to be carried out safely and they put restrictions on scale and timings of burns.

Natural England has a statutory role to identify and protect Sites of Special Scientific Interest (SSSi) in England under the Wildlife and Countryside Act 1981 (as amended). Owners and occupiers of Sites of SSSI must give notice and get Natural England's permission to carry out a planned activity, or allow someone else to carry out a planned activity, that has the potential to cause an impact upon the site's notified features.

The moorland estates located within Sites of Special Scientific Interest (SSSi's) close to Sheffield do tend to have Agri-Environment Higher Level Stewardship agreements that contain burning plans. These are compliant with the Heather and Grass Burning Regulations, which are the effective detailed consent under the Wildlife and Countryside Act for the agreement period. As part of this process the estates keep burning records ensuring agreed levels are not exceeded as well as regularly updated deep peat location maps.

Natural England view any breaches of the Wildlife and Countryside Act very seriously and we have a range of enforcement actions we can take with landowners to ensure damage is rectified.

We are currently investigating, using the evidence available to us, where the burn sites occurred. Once we have more detailed information regarding burn locations, we will be assessing whether these recent burns are compliant with agreed activity. We've also been in contact with local estates to gather information from them about recent burning. Following a review, we will

determine whether any breaches have occurred and if site visits are necessary to gather additional information as well as whether any remediation activities may be necessary. Once we have established the circumstances leading to the incident this year we will consider if the service of a S80 notice is appropriate.

I trust that this information reassures you that we will be investigating the situation and helps to address the issues you have raised".

The EPS will continue to liaise with Natural England regarding the moorland burning and minimising the potential for smoke nuisance.

Questions of Councillor Minesh Parekh to the Chair of the Communities, Parks and Leisure Policy Committee (Councillor Richard Williams)

Q.3 How is the Council using Natural England's Urban Greening Factor tool to identify opportunities and priorities for BNG?

A.3 The Council is not currently using Natural England's Urban Greening Factor but may do so in the future. It's a voluntary tool developed by Natural England, with the technical document released earlier this year. The Council have only just released its BNG 'Technical Advice Note' (September 2023) which is our interim position until mandatory net gain comes into force, now delayed until January 2024. The BNG TAN will likely undergo further review to eventually become 'supplementary planning guidance' at some point to integrate with the Local Plan, with tools such as the 'UGF' possibly included.

Questions relating to the South Yorkshire Fire and Rescue Authority to be asked at the meeting by Councillor Douglas Johnson – To be answered at the meeting by the Council's Fire and Rescue Authority Spokesperson (Councillor Tony Damms)

(Provided in written form, in advance of being asked and answered at the meeting, for the benefit of attendees)

Q.1 Has SYF&R been consulted this year about any intended moorland burning?

A.1 There is no legal requirement to inform SYFR of any planned moorland burning, albeit we do ask people to notify the service if they are carrying out any legal controlled burning. Our records do not show any current notifications of moorland burning.

Q.2 What is SYF&R's response to moorland burning?

A.2 If the burning is controlled and well managed there will be no impact on the service other than potential calls from concerned members of the public due to the smoke. Clearly, if the burning becomes out of control then we would send resources to deal with the fire and this can range depending on the size and scale of the fire. SYFR has dedicated wildfire tactical advisors and they would work alongside incident commanders and firefighters using a range of equipment and vehicles designed specifically for fighting fires on moorland and rough terrain. In addition to local resources, we have arrangements to call in additional regional and/or national resources through formal resilience arrangements.

Q.3 What is the impact on SYF&R of moorland burning?

A.3 As per response to question 2.