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## Statement of Common Ground for the

**Ashfield Local Plan 2023 to 2040**

**Regulation 19 Pre-Submission Draft**

Between

Ashfield District Council

and

Natural England

**November 2023**

# Introduction

* 1. This Statement of Common Ground (SoCG) has been prepared in relation to the Ashfield Local Plan 2023 to 2040: Regulation 19 Pre-Submission Draft (subsequently referred to as the ‘Local Plan’ throughout the remainder of this statement).
	2. The purpose of the SoCG is to inform the Inspector of the Ashfield Local Plan, and other interested parties, about the areas of agreement or otherwise between Ashfield District Council and Natural England with regard to Strategic Planning Matters.
	3. Ashfield District Council is the Local Planning Authority (LPA) for Ashfield District. Natural England is a public body whose purpose is to help conserve, enhance and manage the natural environment for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs.
	4. Local planning authorities, county councils and other prescribed bodies are under a duty to cooperate with each other on strategic matters that cross administrative boundaries. (Section 33A of the Planning and Compulsory Purchase Act 2004). Specific Consultees and Duty to Cooperate Bodies are identified in the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended. This approach is also a requirement of the National Planning Policy Framework, 2023 (NPPF) in paragraphs 24 to 27 inclusive. Paragraph 35 of the NPPF seeks to ensure that the Local Plan is ‘Effective’ i.e. deliverable over the plan period, and is based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
	5. Part 15 of the NPPF: Conserving and enhancing the natural environment, sets out that planning policies and decisions should contribute to and enhance the natural and local environment.

* 1. This Statement sets out the confirmed points of agreement between the parties with regard to:
* The findings and conclusions of the Ashfield Habitat Regulation Assessment, October 2023
* Changes to Local Plan policies and supporting text, in particular Policy EV4: Green Infrastructure, Biodiversity and Geodiversity

# Background

* 1. Ashfield is recognised as one of the most biodiverse areas in Nottinghamshire, due largely to its varied geological context of magnesian limestone, triassic sandstone (to the east) and coal measures (to the west). The District supports a broad range of habitats, including heathland, ancient woodland dumbles, calcareous grasslands (often on post-industrial sites) and fields rich in wildflowers. The east is characterised by small fields and streams, while the west and south contains large blocks of tree planting. The rivers and streams within the District provide habitat for significant populations of water vole and native crayfish.
	2. Local Plan Strategic Policy S13: Protecting and Enhancing Our Green Infrastructure and the Natural Environment, seeks to protect, conserve and enhance the natural environment, including blue and green infrastructure corridors.
	3. Local Plan Development Management Policy EV4: Green Infrastructure (GI), Biodiversity and Geodiversity, seeks to protect and enhance GI, biodiversity and geodiversity, through the protection of the following designated sites:
* Sites of Special Scientific Interest (SSSI), representing some of the County’s richest habitats and covering 92 hectares. These are spread across the area, and based on varied geology of limestone, coal measures and sandstone. Ashfield currently has nine SSSIs.
* Local Nature Reserves (LNR), are sites mainly under the control of the local authority, designated in consultation with Natural England to encourage public access and enjoyment of the natural environment. Ashfield currently has four LNR.
* Local Wildlife Sites (LWS) represent sites that are of at least County-wide importance and form a crucial framework of ‘steppingstones’ for the migration and dispersal of species.
* Eleven Ancient Woodlands (an area which has had continuous cover of native trees and plants since at least 1600 A.D., neither having been cleared nor extensively replanted since then) have been identified by Natural England within Ashfield.
	1. Representations were invited and submitted from Natural England during the consultation for the Regulation 18 Draft Local Plan (October 2021). These representations have been considered and the Council has made a number of minor amendments to the policies and supporting text. A summary is provided in Appendix 1.
	2. Also raised was the requirements of the Conservation of Habitats and Species Regulation 2017 (as amended), known as the Habitat Regulations. The Regulations require by law, a Habitat Regulation Assessment (HRA) to be undertaken when preparing development plan documents.
	3. The Council has engaged and worked with Natural England in preparing a HRA in order to provide an assessment of the potential effects of the Local Plan on European Union designated sites, and to identify whether proposals in the Plan have a negative impact on the integrity of any existing or potential sites (Special Protection Areas and Special Areas of Conservation). There are two EU designated sites within 15 kilometres of the District boundary and one possible potential site within the District boundary:
* The Birklands and Bilhaugh Special Area of Conservation located at Sherwood Forest within Newark & Sherwood District Council’s administrative boundary, and
* The South Pennine Moors Special Area of Conservation and Special Protection Area located in the counties of Cheshire, Derbyshire, Lancashire, Staffordshire and Yorkshire.
* The Sherwood Forest possible potential Special Protection Area (ppSPA) falls partially within Ashfield District’s boundary, with importance for breeding woodlarks and nightjar.
	1. Matters of strategic importance raised by Natural England were in regard to the proposed strategic allocations (S6 & S7) at Wyburn Farm, Hucknall and Cauldwell Road, Sutton In Ashfield, as both sites are located (in part) within 400m of the Sherwood Forest ppSPA. Since the Regulation 18 Local Plan consultation both of these new settlement sites have been removed as allocations, as such this is no longer an issue.
	2. A summary of the all representations received, the Councils responses and proposed changes to the Draft Local Plan can be seen in the Council’s Regulation 18 Statement of Consultation Document at: <https://www.ashfield.gov.uk/planning-building-control/local-plan/emerging-local-plan/ashfield-draft-local-plan-consultation-regulation-18/>

# Areas of Common Ground

Ashfield Habitat Regulation Assessment (HRA) 2023

* 1. The parties agree that:

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| The HRA sets out a comprehensive assessment of the Local Plan impacts (both alone and in-combination) on the identified Habitats Sites, including the Sherwood Forest ppSPA. |
| The conclusions of the HRA are accurate in identifying that the Local Plan will have no adverse impact on site integrity of the Habitats sites, or upon the ppSPA, either alone or in-combination. |

Minor Amendments to Regulation 18 Policies and Supporting Text

* 1. Appendix 1 and Appendix 2 of this statement provide full details of the re-worded policies to be included in the Regulation 19 Pre-Submission Draft Local Plan.
	2. The parties agree that:

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| The proposed changes to the policies and supporting text in respect of environmental issues, in particular Policy S2: Meeting the Challenges of Climate Change (now Policy S3) and Policy EV4: Green Infrastructure, Biodiversity and Geodiversity, as set out in the Council’s Regulation 18 Consultation Document (see link above) are considered acceptable in seeking to protect the natural environment.  |

# Outstanding Areas of Disagreement

4.1 There are no outstanding areas of disagreement between Ashfield District Council and Natural England.

# Governance

* 1. Ashfield District Council and Natural England will work together to agree and apply mitigation measure for sites within the 400m of the Sherwood Forest ppSPA to ensure that the integrity of the ppSPA is maintained.
	2. Ashfield District Council and Natural England will continue to work together on matters of joint interest in order to protect and enhance the natural environment.

**AGREEMENT**

Both parties agree that this statement is an accurate representation of matters

discussed and issues agreed upon.

Signed on behalf of **Ashfield District Council**

Name: Christine Sarris

Position: Assistant Director - Planning

Dated: 16.01.2024

Signed on behalf of **Natural England**

Name: Roslyn Deeming

Position: Senior Adviser Strategic Plans for Places

Dated: 16/01/2024

## Appendix One: Regulation 18 Draft Local Plan Consultation 2021 – Ashfield DC Response to Natural England comments

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| **Policy Ref.** | **Natural England Comments** | **Ashfield DC Response** |
| General  | Habitats Regulations Assessment (HRA) is required to inform key decision making on strategic options and development sites. | HRA undertaken.  |
| Strategic Policy S2: Meeting the Challenge of Climate Change(Now Policy S3 in the Reg.19 Local Plan) | Welcomes the council’s commitment to tackling the cases and impacts of climate change. Paragraph 2 d states that development will integrate measures for flood and flood management. Natural England suggest that integrated water management rather than standard SuDs would improve resource and energy inputs to sites as well as improving water quality. | Support Noted.Change to Policy S2 2d: The Council will work with partners, stakeholders and developers to ensure, that development provides for integrated water management. (see Appendix 2 of this statement)  |
| Strategic Policy S6: Meeting Future Needs – New Settlement: Land at Whyburn Farm,Hucknall | Concerns including the layout and zoning of the proposed development. If new net residential development is located within 400m of habitat likely to support nightjar and woodlark it is not possible to conclude no adverse effect on ppSPA habitat.  | The New Settlement at Whyburn Farm has not been taken forward in the Regulation 19 Local Plan.  |
| Strategic Policy S7: Meeting Future Needs – New Settlement: Land at Cauldwell Road, S-I-A | Concerns over Policy if new net residential development is located within 400m of habitat likely to support nightjar and woodlark it is not possible to conclude no adverse effect on ppSPA habitat. | The New Settlement at Cauldwell Road has not been taken forward in the Regulation 19 Local Plan.  |
| Policy EV4: Green Infrastructure, Biodiversity and Geodiversity | Advise that all development should deliver a net gain for biodiversity. Raise that Paragraph 5.94 needs amendment in relation to the Ecological Impact Assessment (EcIA) Natural England are producing a Green Infrastructure Standards Framework to fulfil the Governments commitments in the 25 Year Environment Plan. | Policy EV4 has been strengthened to support net gain for biodiversity (see Appendix 3 of this statement).It is acknowledged that paragraph 5.94 is factually incorrect in saying that 'exceptions include sites with very low ecological features'. The text has been amended accordingly.The Council welcomes the production of NE’s Green Infrastructure Standards Framework. |
| Policy EV5: Protection of Green Spaces & Recreation Facilities | There is no reference to tranquillity as a criterion for the selection of Local Green Space, this is set out in Paragraph 102 (b) of the NPPF. | Policy EV5 aims to protect all green spaces and does not provide a criterion for selection. No changes proposed. |
| Policy SD9: Environmental Protection | Welcomes the wording related to the consideration of impacts of development on air quality, noise, light pollution, soils and agricultural land. Highlighted lack of reference to tranquillity. | Support noted. Policy amended to include protection of tranquil areas. |

## Appendix Two: Ashfield Local Plan Regulation 19 Pre-Submission Draft

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| **Strategic Policy S3: Meeting the Challenge of Climate Change** |
| Strategic Objectives | SO1, SO11, SO13. |
| 1. The Council will prioritise climate change in all planning decisions, tackling the causes and impacts of climate change and deliver a reduction in the District’s carbon footprint. Development and the use of land/ and buildings will be required to address climate change, adapting to anticipated future changes and mitigating against further change by reducing greenhouse gas emissions.
2. The Council will work with partners, stakeholders and developers to:
3. Promote energy generation from renewable and low-carbon sources, through supporting new development where it is able to demonstrate that its adverse impacts have been satisfactorily addressed.
4. Mitigate the impacts of climate change through ensuring that new development proposals minimise their potential adverse environmental impacts during their construction and eventual operation. New proposals for development should:
* Ensure that the impacts on natural resources are minimised and the use of renewable resources encouraged;
* Reduce carbon emissions;
* Be efficient in minimising the consumption of energy, water and other resources;
* Make new and existing buildings as energy efficient as possible;
* Protect and enhance the network of green and blue spaces; and
* Maintain and enhancing ecological resilience.
1. The Council will ensure no development is put at risk of flooding nor does it increase the risk of flooding to the surrounding areas, directing development and infrastructure to area at the lowest risk of flooding in the District.
2. Ensure, that development provides for integrated water management including:
3. Improving the quality of water resources and the natural features of Kings Mill Reservoir, the Rivers Leen, Erewash, Maun, Meden, Idle and Doe Lea, their tributary streams, ponds and associated habitats;
4. Minimising any risk to the quality of the groundwater in the principal aquifers, secondary aquifers or in groundwater source protection zones;
5. Applying a sequential approach to minimise flood risk;
6. Achieving greenfield run-off rates within the catchment of the River Leen to minimise the risk of flooding to Hucknall and the City of Nottingham;
7. Utilising Sustainable Drainage Systems (SuDS);
8. Ensure that surface water is managed so that there is no unacceptable impact from surface water flooding to the development, to surrounding areas or to the existing drainage regime; and
9. Discharge of surface water as high up the drainage hierarchy, as reasonably practicable:
10. to an infiltration based system wherever possible (such as soakaways),
11. discharge into a watercourse with the prior approval of the landowner and navigation authority (following treatment where necessary),
12. discharge to a surface water sewer, highway drain, or another drainage system,
13. discharge to a combined sewer.
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## Appendix Three: Ashfield Local Plan Regulation 19 Pre-Submission Draft

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| **Policy EV4: Green Infrastructure, Biodiversity and Geodiversity** |
| Strategic Objectives | SO1, SO4, SO11, SO13, SO14. |
| **Green Infrastructure**1. The delivery, conservation and enhancement of Green Infrastructure will be achieved through the establishment of a network of green corridors and assets, having regard to the Council’s Green and Blue Infrastructure and Biodiversity Strategy. This approach requires that:
2. Existing Green Infrastructure corridors and assets are protected and enhanced to maintain the integrity of the overall Green Infrastructure network. Priority for the creation of new or enhanced strategic Green Infrastructure will be given to strategic and local links;
3. Alternative scheme designs, including locations that minimise the impact on Green Infrastructure networks, should be considered before the use of mitigation (either on or off-site, as appropriate). Where new development has an adverse impact on Green Infrastructure (where no alternative is available), the need and benefit of the development will be weighed against the harm caused;
4. Linkages between Green Infrastructure assets will be preserved, enhanced or created to improve public access and biodiversity value; and
5. New or enhanced corridors and assets should be multi-functional, where appropriate. Proposals should demonstrate which functions will be delivered through the creation or enhancement of assets.

**Biodiversity and Geodiversity**1. All proposals for development, other than those exempted through national legislation, will be required to demonstrate and deliver a minimum of 10% biodiversity net gain, calculated using the latest Natural England biodiversity metric (or an alternative metric set out in legislation), and taking consideration of any national or local guidance on what values should be used.
2. All development proposals should avoid and minimise fragmentation of habitats, and facilitate opportunities for the preservation, creation, restoration, enhancement and connection of priority habitats, having regard for habitats identified in the District’s Biodiversity Opportunity Maps and for the recovery of priority species and habitats.
3. In considering development proposals affecting biodiversity and geodiversity the following will apply:
4. Development proposals likely to have an adverse effect on, Sites of Special Scientific Interest will not normally be permitted. An exception will only be made where the benefits of the development clearly outweighs the nature conservation value of the site and the broader impact on the national network of Sites of Special Scientific Interest;
5. Development proposals on, or affecting, Local Wildlife Sites (LWSs), Local Geological Sites (LGS), sites supporting priority habitats, or sites supporting protected or priority species, will not normally be permitted. Development may be permitted where it is clearly demonstrated that the need for the development outweighs the adverse impact on the nature conservation value of the site;
6. Development proposals on, or affecting, nationally and locally designated sites, habitats of Principle Importance, and priority, protected or notable species shall be supported by an up to date ecological impact assessment. Any significant harmful ecological impacts identified will be avoided through the design layout and detailing of development, with mitigation, and as a last resort, compensation (including off-site measures), provided where they cannot be avoided;
7. Development proposals, except for limited exemptions, will undertake a biodiversity assessment, using the most up-to-date DEFRA Biodiversity Matrix. A minimum biodiversity net gain (BNG) of 10% is mandatory. Biodiversity should be delivered on site in the first instance via habitat creation/enhancement, or by using off-site gains where necessary. As a last resort, biodiversity credits may be purchased where sufficient gains cannot be achieved on or off-site. Offsetting sites will need to be located in accordance with priority areas identified through the Nottinghamshire Biodiversity Opportunity Map (BOM) and the Local Nature Recovery Strategy (LNRS) process. Land used to deliver BNG off-site will need to be secured for a minimum of 30 years and will be in addition to any requirements for mitigating impacts on habitats or species.
8. All development within 400m of the Sherwood Forest possible potential Special Protection Area (ppSPA) should be avoided. Exceptional circumstances where development may be permitted, would require development to demonstrate appropriate mitigation is secured to avoid or mitigate any adverse impact upon the integrity of the ppSPA.

Designated sites including Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR) are listed in Appendix 6 and are identified on the Policies Map. Local Wildlife Sites (LWS) and Local Geological Sites (LGS) are listed in Appendix 6 and are identified on the map for information purposes. This Policy will also apply to any new sites identified after the Local Plan is adopted but will not be illustrated on the Policies Map. |