

STATEMENT OF COMMON GROUND

BASSETLAW DISTRICT COUNCIL

AND

NATURAL ENGLAND

May 2022

Parties:

Bassetlaw District Council

Natural England

1.0 Introduction

- 1.1 The purpose of the Statement of Common Ground (SoCG) is to set out areas of common agreement between Bassetlaw District Council and Natural England and any areas of disagreement in relation to the Bassetlaw Local Plan and key strategic matters affecting the natural environment.
- 1.2 In relation to strategic planning matters, section 33A(1) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) indicates that Local Planning Authorities have a duty to cooperate with bodies (or other persons) within subsection (9) and paragraphs (a), (b) and (c) of subsection (1), in section 33A(1) of the PCPA 2004. This approach is also a requirement of national planning policy. Paragraph 35 of the National Planning Policy Framework seeks to ensure that the Local Plan is deliverable over the plan period, and based on effective joint working on strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
- 1.3 The Duty to Cooperate was established in the Localism Act 2011. The Duty to Cooperate requires all Local Planning Authorities, county councils and public bodies such as Natural England to engage constructively, actively and on an ongoing basis in relation to cross-boundary issues.
- 1.4 This Statement of Common Ground acts as the framework for Bassetlaw District Council's delivery of duties and obligations under the Localism Act 2011 and accords with Paragraph 27 of the National Planning Policy Framework which requires LPA's to produce and publish one or more Statements of Common Ground. This is detailed further in the government's Planning Practice Guidance (PPG).

2.0 Background and Governance

- 2.1 Bassetlaw DC is the Local Planning Authority for its administrative area and Natural England is a statutory consultee and the government's advisor for the natural environment in England, on a range of environmental matters such as, nature reserves, protected sites and species, recreation and wildlife and habitat conservation helping protect England's nature and landscapes.
- 2.2 Paragraph 170 of the NPPF (2021) indicates:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

 - a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the

economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

2.3 It adds at Paragraph 171 that plans should:

- distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework;
- take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and
- plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

2.4 This Statement of Common Ground sets out the confirmed points of agreement, or otherwise between the parties with regard to strategic planning matters arising from planning policy proposals in the Bassetlaw Local Plan, specifically in relation to:

- Bassetlaw Local Plan and Worksop Central DPD;
- The former Bassetlaw Garden Village allocation; and
- Clumber Park SSSI, Birklands and Bilhaugh SAC, and Sherwood Forest National Nature Reserve Recreational Impact Assessment.

2.5 Natural England is a key strategic partner in the preparation of the draft Local Plan. Bassetlaw DC communicates regularly with Natural England in relation to the preparation of the draft Local Plan. Key studies have been shared and discussed during the Local Plan preparation process from 2015 and are ongoing in relation to the Bassetlaw Habitats Regulation Assessment; this is in line with duty to co-operate guidelines.

2.6 Natural England also sat on the Collaborative Group and Project Group for the development of the Bassetlaw Garden Village which met quarterly. Natural England also acted as an adviser to the cross authority Project Group producing

the Recreational Impact Assessment (RIA). Additionally, meetings continue to be held in relation to strategic matters and on specific issues. Emails and calls have also been made between the parties in relation to this Statement.

- 2.7 Both parties agree to continue to collaborate on all key evidence base studies when required to resolve strategic matters relating to the natural environment.

3.0 Bassetlaw Local Plan Consultations

- 3.1 An initial Draft Bassetlaw Local Plan was consulted upon in 2016 and led to additional evidence base work being undertaken. Together this informed policy development in the Draft Bassetlaw Local Plan: Strategic Plan January 2019.

- 3.2 Bassetlaw DC then consulted on Strategic policies and the Garden Village in January to March 2019 (in line with Regulation 18), (in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. A further round of consultation was undertaken on a full draft Bassetlaw Local Plan in January- February 2020, and again in November 2020 – January 2021 (both in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

- 3.3 From an early stage in the Local Plan process, BDC engaged Natural England in discussions about the range of strategic issues around the Local Plan. This includes site selection, potential impacts on natural assets, flood management and Worksop Town Centre. Importantly, the Council shared draft policies relating to the natural environment to inform the Regulation 18 consultations which resulted in broad support for policies and themes of the draft Plan. Natural England’s representations and Bassetlaw DC incorporated changes to reflect their comments in the Regulation 19 documents. Emails, meetings and phone calls took place in response to the representations.

- 3.4 In response to the Regulation 18 consultation in November 2020-January 2021 relating to the Draft Bassetlaw Local Plan, Natural England:

“welcome(d) the positive approach that the Plan takes to promoting issues under the Green Agenda including recognition that climate change is probably the biggest challenge to the delivery of Sustainable development.”¹

- 3.5 Natural England welcomed the Council’s commitment in the draft Local Plan to a range of initiatives including the Draft Plan’s aims to:

- re-create woodland coverage in the context of the government’s 25 year Environment Plan; however Natural England requested clarification on the proposed scale of tree planting;
- expand and connect habitats to address wildlife decline and provide wider environmental benefits for both nature and people.

¹ Natural England Representation, Regulation 18 Consultation, Feb 2020

- 3.6 Natural England did also suggest that consideration should be made to the location of planting and natural habitats (such as wetlands, heathlands and species rich grassland) which also provide valuable carbon sequestration. In addition, they suggest that consideration should be made to areas which could be left to “re-wild” to allow natural regeneration of woodlands.
- 3.7 Natural England also welcomed the vision and objectives of the draft Local Plan that focus on sustainable development (including the aim of protecting Best and Most Versatile (BMV) agricultural land) and climate change; the aim to protect and enhance the green and blue infrastructure, the commitment to the transition to a low carbon district and their support for green infrastructure within new development.

Rural Bassetlaw

- 3.8 Natural England noted that additional housing development is proposed at both Carlton-in-Lindrick and Langold both of which are in proximity to the Dyscarr Wood Site of Special Scientific Interest (SSSI). Neighbourhood Plan allocations in these locations have now been granted planning consent.

Bassetlaw Garden Village

- 3.9 The Bassetlaw Garden Village was a proposed site allocation in the Bassetlaw Local Plan. However, in March 2022, the Garden Village was withdrawn by one of the two landowners from the Local Plan process, and as such is no longer available and or deliverable.
- 3.10 As such, the Garden Village no longer features as an allocation within the draft Bassetlaw Local Plan. It is expected that the housing need as identified within the Addendum Document (January 2022), can be met through existing provision and allocations, and as such, no additional sites are required to be allocated going forward.
- 3.11 In January 2020, Natural England expressed concern about the potential impacts of Bassetlaw Garden Village on Clumber Park Site of Special Scientific Interest (SSSI). Concerns were expressed about the location of a large village of 4,000 homes located 950m from the Clumber Park SSSI and the potential visitor pressure, impact on sensitive habitats and disturbance of bird habitats, air quality and detrimental effect on soils, ground floras and ancient tree health.
- 3.12 Natural England also had concerns about any potential impact from development on Birklands and Bilhaugh SAC in Newark and Sherwood District. The Bassetlaw Habitats Regulation Assessment considered impacts on SAC designations within a 15 km area. Birklands and Bilhaugh is just outside that distance and was therefore screened out of the HRA. Natural England therefore requested robust evidence to show that the proposal will not damage or destroy the interest features of the SAC.

- 3.13 In response, Bassetlaw DC and Newark and Sherwood DC commissioned a RIA for the Clumber Park SSSI and Sherwood Forest NNR, and Birklands and Bilhaugh SAC. This was undertaken by Footprint Ecology. The RIA commission was developed in partnership with a Project Group (which included Bassetlaw DC, Natural England, National Trust, RSPB, Newark and Sherwood DC, Nottinghamshire County Council, Rotherham MBC, Bolsover DC, Gedling BC, Ashfield DC and Mansfield DC). It assessed the potential impact of recreational pressure on Clumber Park SSSI, Birklands & Bilhaugh SAC and Sherwood Forest NNR from the housing allocations within Bassetlaw and Newark & Sherwood (alone and in-combination). The study looked at the potential recreational impact of development, both individually and cumulatively in both districts upon the designated sites. It concluded by making recommendations for mitigation and monitoring which were proportional to potential impacts to inform policy development in both the Bassetlaw Local Plan and Newark and Sherwood Local Plan and any other authorities whom were considered to potentially impact the sites with future development
- 3.14 Natural England were consulted on the brief for the RIA. They also sat on the Project Group. Visitor survey work, breeding bird surveys and habitat/recreation impact walkover have taken place which helped to identify potential recreational impacts, and a draft 'zone of influence'. The final RIA is intended to be published to support the submission of the Bassetlaw Local Plan in spring 2022.

Recreational Impact Assessment

- 3.15 The reports concluded that the Garden Village proposed within the Local Plan would not have an adverse recreational impact on the Birklands & Bilhaugh SAC, however the Garden Village would have an adverse recreational impact on the Clumber Park SSSI.
- 3.16 For Birklands and Bilhaugh there would be a very marked increase in visitor use of Birklands & Bilhaugh SAC/Sherwood Forest NNR of 250% compared to the current level, as a result of the increase in dwellings from the allocations in the Bassetlaw and Newark and Sherwood Local Plans.
- 3.17 For Clumber Park, there would be there would be an increase in visitor use of Clumber Park SSSI of 55% compared to the current level, as a result of the increase in dwellings from the allocations detailed in the Bassetlaw and Newark and Sherwood Local Plans. This increase was further broken down between Bassetlaw Local Plan allocations (35% increase, with 9% from the Garden Village alone) and Newark and Sherwood Plan allocations (20%).
- 3.18 A recreation zone of influence of 8.9km radius was calculated for the Birklands & Bilhaugh SAC/Sherwood Forest NNR study area. A recreation zone of influence of 24.7km radius was calculated for the Clumber Park SSSI.
- 3.19 Mitigation measures were proposed for both areas comprising of Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural

Greenspace (SANG) / infrastructure projects away from the SSSI and the SAC. These approaches would need to dovetail and complement each other.

- 3.20 Several Local Authorities were identified as being within the Clumber Park Zone of Influence (ZOI). These authorities were informed of this and the development of the RIA work associated with Clumber Park.
- 3.21 The Addendum Local Plan (January 2022) set out requirements for a Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to address the identified recreational impacts at Clumber Park. It was acknowledged that a strategic solution would be required to agree and implement the required mitigation as set out within the RIA. This strategic solution was proposed to be led by Natural England. Natural England confirmed that they did not require a finalised RAMS to be produced in the short term, however an 'interim plan' was required prior to the adoption of the Bassetlaw Local Plan. The interim plan was expected to set out proposed solutions and the implementation timescales.
- 3.22 Bassetlaw District Council were committed to this interim arrangement and as per this commitment, shared the draft RIA for Clumber Park with all 14 authorities falling within the draft 'zone of influence'. It was Bassetlaw's intention to set up a steering group (to be made up of those authorities already on the project group, plus the additional authorities falling within the zone of influence). The steering group was going to be hosted by Bassetlaw and lead by Natural England to assist in the delivery of the RAMs. It was acknowledged that any costs associated with the RAMS would have been proportionate, fair and reasonable for each of the affected Local Authorities.
- 3.23 Following with withdrawal of the Garden Village, Natural England subsequently advised that as Clumber Park is a SSSI (rather than a European site) a strategic solution would be hard to justify as recommended within the Clumber Park SSSI RIA (noting that the Garden Village was the main driver). To establish the potential recreation impact on all SSSIs, allocated sites of 50 units or more, that fall within an 'Impact Risk Zone' will now be required to provide bespoke mitigation on a site by site basis which is to be agreed at the planning application stage.
- 3.24 The two RIAs commissioned are still considered to be useful evidence, and so have been published as background evidence to support the Local Plan. They demonstrate the recreational impact on both the Clumber Park SSSI and Birklands & Bilhaugh SAC. They set out a technical understanding of how these areas are used and the impacts of recreational use.
- 3.25 Upon the adoption of the Local Plan, there may still be the potential to seek funding towards a Strategic Access Management and Monitoring (SAMM) for one of both sites as suggested in both assessments.

Policy ST40

- 3.26 Policy ST40 (Biodiversity and Geodiversity) of the emerging Local Plan has now been updated to clarify that a strategic solution is no longer required, and that mitigation will be sought on a site by site basis through the planning application process. Some elements of the former ST40a policy (from the January 2022 Addendum) have now been incorporated into ST40 to ensure that recreational disturbance mitigation are adequately dealt with.
- 3.27 The Local Plan is expected to go out for a further Addendum consultation in May 2022 with submission expected shortly afterwards.

Other Local Plan Policies and Proposals

- 3.28 With regard to Cottam Priority Regeneration Area, in November 2020 - January 2021 Natural England welcome the promotion of linkages to the wider green infrastructure network. They suggested that opportunities to link the lowland fen priority habitat, which is present on the site, to surrounding habitats should be taken and contribute to the Nature Recovery Network. They also suggested that integrated water management (as mentioned above) could be a useful approach given the history of contamination on this site, and that integrated water management could be a useful approach given the history of contamination on this site.
- 3.29 With regard to Policy ST10: Site SEM01: Apleyhead Junction, Worksop, Natural England welcome the requirement for an Air Quality Management Strategy and Landscape Visual Impact Assessment to protect the special characteristics of Clumber Park SSSI and the Sherwood Forest ppSPA.
- 3.30 Natural England also welcome the requirements set out within the section on Green Infrastructure and Biodiversity including a project level Habitats Regulations Assessment (note this would be a “shadow” HRA) and winter bird surveys to ensure there are no adverse impacts upon Clumber Park SSSI and Sherwood Forest ppSPA.
- 3.31 Natural England support policies relating to strategic matters of climate change, biodiversity, open space, landscape character and healthy lifestyles as set out in Policies ST36, ST39 and ST41 and ST47 on Sustainable Urban Drainage and ST48. Natural England intends to work closely with BDC in preparing a Supplementary Planning Document ‘Greening Bassetlaw’.

Bassetlaw Habitat Regulation Assessment (HRA) and Bassetlaw Sustainability Appraisal (SA)

- 3.32 Natural England also provided comments on the Sustainability Appraisal and HRA and as a statutory consultee; Natural England welcomed the results of the HRA and agree that the assessment follows the accepted methodology and guidance. Natural England suggested that the ppSPA Sherwood Forest could be presented within a separate section of further iterations of the HRA to distinguish it from the HRA for the fully designated sites. Natural England welcomes an assessment of the ppSPA within the HRA. The Joint Nature

Conservation Committee (JNCC) has not made a recommendation on the formal designation as yet.

- 3.33 The HRA concludes that the screening assessment identified potential effects as a result of increased recreational pressure at Birklands and Bilhaugh SAC, particularly in proximity to the Sherwood Forest Visitor Centre. The Appropriate Assessment concluded that, given the protections now provided by Policy ST42: Biodiversity and Geodiversity and the ongoing Recreational Impact Assessment work, adverse effects on integrity of the SAC should be able to be ruled out at the Regulation 19 stage, both as a result of the plan alone and in combination with other plans and programmes. As such, no adverse effects on integrity of any European site would occur as a result of the Local Plan.
- 3.34 During the Publication Version consultation in October 2021, Natural England concluded that they were *“satisfied that the submission of this document ensures that a full assessment of the proposed policies within the Bassetlaw Local Plan has been carried out and the requirements of the Habitat Regulations have been met. We note that the Appropriate Assessment concluded that with the provision of both Policy ST40 (Biodiversity and Geodiversity), and the Recreational Impact Assessment (currently at draft stage), that adverse effects on the integrity of the Birklands and Bilhaugh SAC can be ruled out. We acknowledge that this document also incorporates a “Shadow” HRA for the Sherwood possible potential Special Protection Area (ppSPA). We can confirm that we agree with the conclusion of the “shadow” Appropriate Assessment that no adverse effects on integrity of the ppSPA would occur as a result of the identified impacts”.*

Bassetlaw HRA and Sherwood Forest ppSPA

- 3.35 The Appropriate Assessment 2021, undertaken as part of the HRA process identified potential likely significant effects resulting from the Bassetlaw Local Plan alone upon the Sherwood Forest ppSPA as a result of:
- Physical loss or damage to off-site habitat,
 - Noise/vibration and light pollution to off-site habitat.
 - Air pollution.
 - Impacts of recreation.
 - Cat predation.
- 3.36 The screening assessment also identified potential likely significant effects in combination with other plans and policies upon Sherwood Forest ppSPA as a result of the impacts listed above. However, due to examining further detail regarding the impact pathways (for noise/vibration and light pollution to off-site habitat) and the incorporation of recommended mitigation measures within relevant policies, the Appropriate Assessment concluded that no adverse effects on integrity of the ppSPA would occur as a result of the impact types

listed above. Natural England accept the findings of the Appropriate Assessment that demonstrates no impact on European sites.

4.0 Areas of Common Ground

- 4.1 Both parties agree that they have a positive working relationship and a track record of joint working in partnership projects.
- 4.2 Both agree to continue to work together collaboratively on the Strategic Matters of the Bassetlaw Local Plan.
- 4.3 Natural England and Bassetlaw District Council agree that the Local Plan adequately makes provision for habitat regulations and potential impacts on the environment within and outside of the district.

5.0 Outstanding Matters (Areas of Disagreement)

- 5.1 At this stage, Natural England has indicated that they are supportive of the approach taken. There are currently no outstanding matters. This will be reviewed during the examination period of the Bassetlaw Local Plan and in the production of the Regulation 19 Worksop Central DPD.

Agreement

Signed on behalf of Bassetlaw District Council

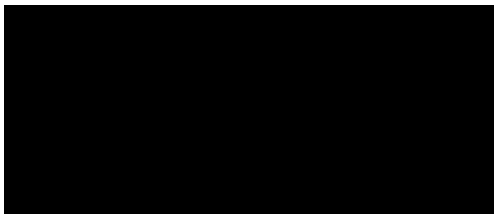


Councillor Jo White

Portfolio Holder for Regeneration and Deputy Leader of Bassetlaw District Council

Dated: 1 June 2022

Signed on behalf of Natural England



Senior Planning Advisor

Dated: 9 May 2022