

Bassetlaw District Council Response to Inspectors Matters, Issues and Questions

Matter 10 – Local Character and Distinctiveness

4 November 2022

(Issue 10)

Please note: Where the Council is proposing changes to policies or reasoned justification in the submitted plan these are detailed in the responses as follows:

- Additional and new text proposed underlined
- ~~Deleted text~~ proposed strike through

(Policies ST35 – ST42)

Issue 10 – Does the Plan set out a positively prepared strategy and policies for local character and distinctiveness which is justified, effective and consistent with national policy?

10.1 Are the main modifications suggested to Policy ST35 and the supporting text necessary for soundness?

BDC Response:

Modifications M1.83 and M1.84 is proposed as a factual change to delete reference to the Bassetlaw Garden Village, as a consequence of part of the site being withdrawn by one landowner in March 2022, to be internally consistent with Policy ST1 and the remainder of the Local Plan.

The justification for M1.85 is in response to representations received from the Home Builders Federation following consultation of the publication version of the local plan, for clarification purposes and to be internally consistent with Policy 33. Therefore it is considered this change is justified in order to produce an effective local plan and the modifications are necessary to enhance soundness.

10.2 Is the suggested main modification to ST37 necessary for soundness?

BDC Response:

M1.86 is not necessary for soundness but help to strengthen the implementation effectiveness of the policy.

10.3 a) Is the approach taken by policy ST38 consistent with the Framework and the aims of sustainable development? In relation to the location and extent of Green Gaps, are these supported by robust and up to date evidence?

BDC Response:

The Council considers the approach taken by Policy ST38 is consistent with paragraph 8; specifically objective (c) of the NPPF, and is also in accordance with paragraph 9 in that it takes local circumstances into account, to reflect the character, needs and opportunities of each area, so thereby supports the aims of achieving sustainable development.

Paragraph 15 of the NPPF states that Local Plans should set a framework for addressing environmental priorities. The identification of Green Gaps forms an integral role of the Local Plan vision, strategic objectives 1 and 9 and the delivery of the wider spatial strategy through directing development to the most sustainable places, whilst

limiting its impact on the wider environment in conjunction with other Local Plan policies and local and national environmental designations.

The location and extent of Green Gaps is robustly justified through a comprehensive evidence base that builds on the Bassetlaw Landscape Character Assessment, 2009 [CD-011] and within some made Neighbourhood Plans.

In the case of Neighbourhood Plans the purpose of identifying Green Gaps, at a more localised level, is to help manage the location and scale of development, whilst protect the setting and character of the relevant settlements. Nevertheless, the Council consider this localised evidence to be an important starting point when considering the principles of Green Gaps at a strategic level.

As such, the designation of Green Gaps, through Policy ST38, are intended to promote the effective use of land and enable high quality development to continue to be proposed in and adjoining locations identified within the Policy ST1 settlement hierarchy in response to paragraph 120 of the NPPF. Due to the varied nature of the landscape in Bassetlaw, the function of each Green Gap differs slightly to reflect its role, local context and distinctiveness. This has been reflected in the approach to the allocation of land in locations where significant development between or around existing settlements could adversely impact the openness, character, function, appearance and therefore the quality of these locally valued landscapes.

The Green Gap Study [CD-007] sets out a detailed methodology within Section 5, for the establishment and identification of Green Gaps within Bassetlaw. Section 6 [of CD-007] supplements information from relevant up to date national and local contextual assessments with extensive field work covering eight general locations around various settlements which are the focus for development within the Local Plan. A consistent set of criteria were used to assess the value of each location; identified within Table 1 [of CD-007].

CD-007 was also cross referenced to the parallel Site Allocations Landscape Study, November 2019 [CD-008] of potential Local Plan site allocations and reasonable alternatives. In addition, Section 4 [of CD-007] provides an analysis of comparable Green Gap designations within other Local Plans; the approach taken is reflective of good practice.

The proposed boundaries of the Green Gaps generally follow recognisable physical features on the ground and were subject to consultation throughout the plan-making process.

As such, it is considered that the evidence is robust and has evolved where relevant in response to comments made during the plan-making process forming a comprehensive up to date evidence suite: with the Green Gap Study Addendum, October 2020 [CD-004] and the Green Gap Study Addendum, April 2021 [CD-001].

b) Is the proposed use of buffer zones for the green corridors in ST39 justified and would they be effective? Is it supported by appropriate evidence? Does it duplicate other policies in the plan?

BDC Response:

The Council considers that the proposed use of buffer zones for green corridors in Policy ST39 to be justified and consistent with national policy. The NPPF paragraph

175 ask that plans take a landscape scale approach to green infrastructure; the Bassetlaw Green Infrastructure Study, 2010 [HC-006] Section 6 recognises that green corridors 'are the linkages that connect the nodes into coherent, landscape scale frameworks that deliver significantly greater value than the nodes in isolation.' This includes for biodiversity (NPPF paragraph 179), natural capital (NPPF paragraph 175), healthy, inclusive and safe places (NPPF paragraph 92 c), air quality (NPPF paragraph 186) and to help manage the impacts arising from climate change, (NPPF paragraph 154 a)).

The Study concluded that the four main corridors [within Policy ST39] are the 'most significant green infrastructure assets in Bassetlaw' whilst the seven minor corridors [within Policy ST39] have high potential to 'deliver greater value through increases in their accessibility to all users, facilities provision or habitat value'. HC-006 also recognised that gaps and opportunities to enhance functionality existed.

A robust evidence base including; Nottinghamshire Biodiversity Opportunity Mapping 2016 [EX-008], the Open Space Assessment Update [HC-002], the Worksop Central Green Infrastructure Strategy 2021 [DPD-001], as well as for landscape and flood and water management reinforces the approach taken by the Green Infrastructure Study [HC-006] to green corridors. These indicate that different opportunities and deficiencies exist between corridors and within them (for landscape character, biodiversity and geodiversity, trees and woodland, historic environment, natural processes and environmental systems, recreation and tourism and access and movement).

The purpose of Policy ST39 is to emphasise the existing positive qualities of each corridor, or locality within a corridor and seek, through quality design and place-making, to add value and multi-functionality through new development so is considered to be robust, justified and up to date.

The Study [HC-006] considers that the quality and multi-functionality of green corridors can be maximised through adjacent new development in that 'their status could also be increased through expansion and buffering' to secure the widest achievable benefits.

Responsive to the robust evidence suite and the acknowledged benefits green infrastructure can bring, identified by national policy, Policy ST39 identifies two minimum buffer zones within which new development can add value and functionality. The minimum width of the buffer zones reflects good practice and is considered to be the minimum width needed for habitats to viably function in ecological terms, a landscape to be recognised and/or to provide functional space for access and recreation. As such the buffer zones are considered justified.

Policy ST39 is considered to provide an effective framework to guide development within a buffer zone over the Plan period. The policy is considered to be sufficiently flexible to allow for issues to be overcome that are unknown at the time of plan preparation; at planning application stage Policy ST39 asks proposals to respond to local context, the existing green infrastructure quality and features in that part of the corridor and the nature of the proposal, and through technical assessments confirm the extent of the buffer zone in that locality and deliver a design solution responsive to the evidence.

As such, the policy provides clear, justified but flexible parameters within which a planning application and therefore a design solution would be considered.

The Council considers that Policy ST39 complements a range of other policies in the Plan and does not duplicate them. The purpose of the buffer zones is to maximise the value and functionality of green corridors by promoting a quality design responsive to place.

The policy framework is considered to be effective, but in order to provide greater clarity and sufficient flexibility a modification is proposed to Part 2c) of the policy as:

c) All major development proposals that lie wholly or partly within the minimum buffer zone of a main green corridor (30m ~~width each side of the centre point~~), or a minor green corridor (15m ~~width each side of the centre point~~) should be supported by an Ecological Impact Assessment and landscape statement proportionate to the nature and scale of the proposal. This should confirm the extent of the buffer zone in that location and demonstrate how the design and layout of the proposal will positively respond to its green/blue infrastructure location.

Paragraph 8.5.5: At the heart of Bassetlaw's green/blue infrastructure network is a network of four main green corridors - including the Chesterfield Canal and the River Idle – which function within and across the District's boundaries, and seven minor green corridors - including the Cuckoo Way – which connect neighbourhoods and/or the urban and rural areas. Identified by the Bassetlaw Green Infrastructure Study as valuable assets that provide 'a coherent, landscape scale framework that delivers significantly greater value' Policy ST39 seeks to protect their features but recognises that potential exists to maximise their environmental and amenity value, and to improve connectivity between them and other green/blue assets.

Add new Paragraph 8.5.7: The Green Infrastructure Study recognises that the status of the green corridors could be increased 'through expansion and buffering'. As such, Policy ST39 seeks opportunities to maximise the multi-functionality and connectivity of the natural environment to secure the widest achievable benefits for the District.

Paragraph 8.5.8: On that basis, Policy ST39 identifies the minimum buffer zone for each corridor. Reflecting their value the buffer zone for main corridors are wider (30m each side of the centre point) than minor corridors (15m each side of the centre point). The minimum width of each buffer zone is measured from the centre point of each corridor. These are considered to be the minimum width needed for habitats ~~within or adjacent to the corridor~~ to function, for a distinct landscape to be recognised, or to provide functional space for access and recreation. ~~Each buffer zone is measured from the centre point of each corridor.~~

Paragraph 8.5.9: However, Policy ST39 also recognises that the extent of the buffer zone may vary in response ~~should be responsive~~ to local context, the existing quality and features of the green corridor in that location and the nature of the development proposal. On that basis, proposals lying wholly or partly within the buffer zone of a green corridor will be expected to evidence through an Ecological Impact Assessment and landscape statement the extent of the buffer zone; these should be proportionate to the type, nature and scale of the proposal. ~~The design and how the design and layout will~~ should positively respond to make provision for the green/blue infrastructure functions and opportunities that exist and the activities expected to take place through the proposal. This could be related to landscape, biodiversity, recreation, movement, and/or drainage.

This is considered necessary for clarification purposes to aid the understanding of the policy. Therefore it is considered these changes are justified in order to produce an effective local plan and the modifications are necessary to enhance soundness.

c) Are the suggested main modifications to Policy ST39 and the supporting text necessary for soundness?

BDC Response:

Modification M1.87 is proposed as a grammatical change and to delete reference to the Bassetlaw Garden Village as a consequence of part of the site being withdrawn by one landowner in March 2022, to be internally consistent with Policy ST1 and the remainder of the local plan.

Modification M1.88 is proposed for internal consistency with the Plan and to strengthen the implementation effectiveness of the Policy.

10.4 a) Would ST40 provide an effective framework to protect and enhance the biodiversity and geodiversity of the district? Is it justified by robust evidence including on viability?

BDC Response:

The Council considers that Policy ST40 would provide an effective, strategic framework to maintain and enhance the network of biodiversity and geodiversity of the district as identified by paragraph 179 of the NPPF. Furthermore, Policy ST40 seeks to prevent harm to biodiversity and geodiversity: from direct impacts such as land take; and from indirect impacts: such as recreation; changes to the quality of a watercourse; as well as any potential cumulative impacts. It also pursues opportunities for securing measurable net gains (NPPF, paragraph 179).

The Sustainability Appraisal [PUB-024] recognises (in paragraph 5.10) that the policy is *“likely to go a long way to mitigating the identified effects”*, and (as per paragraph 6.268), is *“expected to have a significant positive effect in relation to SA objective 1: Biodiversity”*.

The Habitats Regulation Assessment (HRA) [PUB-026] (text boxes after paragraphs 5.11 and 5.36) concludes that the Local Plan would not lead to adverse effects on the integrity on Birklands and Bilhaugh SAC or Sherwood Forest ppSPA in relation to increases in recreational pressure.

In addition, the HRA [PUB-026] concluded (as per paragraphs 6.4 – 6.6) that no adverse effects on integrity of any European site would occur as a result of the Local Plan. In addition, the Appropriate Assessment (paragraph 6.6) concluded that no adverse effects on integrity of the Sherwood Forrest ppSPA would occur as a result of physical loss or damage to off-site habitat, noise / vibration and light pollution to off-site habitat, air pollution or impacts of recreation.

To further justify the framework in place, the draft Nottinghamshire Biodiversity Opportunity Mapping (Bassetlaw and Idle Valley) (2018) [EX-008] provides a robust local baseline to inform the Nature Recovery Network, identifying opportunities to help tackle network fragmentation and to enhance and expand its functionality and biodiversity particularly for the four main local habitat networks - woodland, heathland and acid grassland, and other grassland and wetland. Planning for biodiversity through opportunity mapping is considered to be an effective approach endorsed by Natural England.

The impact of recreation on Clumber Park (SSSI) and Birklands and Bilhaugh SAC has been robustly assessed through Recreation Impact Assessments [CD-020 and CD-022]. This is discussed further below.

Policy ST40 states that where development is expected to have an impact on biodiversity and geodiversity, that the mitigation hierarchy be followed. This is considered to be a justified and effective framework within which to manage biodiversity impacts, consistent with the NPPF (paragraph 175) and the Natural Environment PPG (Paragraph: 021 Reference ID: 8-021-20190721, Revision date: 21 07 2019).

Policy ST40 reflects the requirements of the Environment Act 2022 by securing 10% net biodiversity gain through new development. The approach taken to delivery is considered to be effective in that it complements the mitigation hierarchy in Part 2 of the Policy. A general allowance for biodiversity net gain has been tested through the Whole Plan Viability Assessment 2022 [PUB-028]; it is considered that it can be achieved without undermining the deliverability of the Local Plan.

As such, the Council considers that the policy is justified by robust evidence 'based on local priorities', as required by the Natural Environment PPG Paragraph: 010 Reference ID: 8-010-20190721 Revision date: 21 07 2019

b) Are the potential impacts arising from development proposed in the plan on Clumber Park SSSI adequately addressed?

BDC Response:

In response to the Local Plan Addendum, January 2022 [PUB-015] the Council received a number of representations to Policy ST40 from statutory consultees (including neighbouring Local Authorities) as well as development industry representatives, suggesting that the policy required further consideration, especially in relation to Recreational Impact.

The Council recognised that the potential impacts arising from development proposed in the plan on the Clumber Park SSSI were not fully addressed. Modification M1.91 (below) has been proposed in relation to Policy ST40 which specifically addresses this impact. As such, development of 50 or more dwellings that fall within an 'Impact Risk Zone' of a SSSI will be required to give appropriate consideration, in particular relating to the potential recreational impact from the proposal upon that SSSI.

To demonstrate how revised Policy ST40 would work in practice, the Council has produced a Recreational Impact Briefing Paper [BDC-04]. The Briefing Paper specifically explores the implementation of how Policy ST40 relates to and addresses recreational impact on the Clumber Park SSSI. The Briefing Paper confirms that all of the proposed site allocations within the Local Plan that propose 50 residential units or more, will be subject to the proposed M1.91 and may result in bespoke mitigation on a site by site basis which is to be agreed at the planning application stage.

c) Are the proposed main modifications to Policy ST40 and the supporting text necessary to make the plan sound?

BDC Response:

The justification for M1.90 and M1.91 were in response to representations made by the National Trust during consultation on the Local Plan Second Addendum, May 2022 [PUB-023] to better align with the Local Plan evidence base, to more effectively address the potential impacts arising from residential development proposed in the plan, on the Clumber Park SSSI, and clarify the implementation effectiveness of Policy ST40 (as set out within the Briefing Paper [BDC-04]). Therefore it is considered these changes are justified in order to produce an effective local plan and the modifications are necessary to enhance soundness.

M1.89 is proposed for internal consistency with proposed modification M1.90 and M1.91 for clarification purposes to aid the understanding of the policy. Therefore it is considered these changes are justified in order to produce an effective local plan and the modifications are necessary to enhance soundness.