

STATEMENT OF COMMON GROUND BETWEEN NEWCASTLE-UNDER-LYME BOROUGH COUNCIL AND NATURAL ENGLAND

1. Introduction

- 1.1 This statement of common ground ("SOCG") has been prepared by Newcastle-under-Lyme Borough Council and Natural England in relation to the Newcastle-under-Lyme Borough Council Final Draft Borough Local Plan. It reflects the position between the two parties on a number of strategic matters and shared issues. This SOCG covers the Local Authority area of Newcastle-under-Lyme.
- 1.2 This SoCG has been prepared in accordance with national guidance and is intended to cover matters of strategic importance relevant to the parties. It documents those matters agreed by the parties with regard to the Newcastle Under Lyme Borough Council Local Plan and any areas which remain subject to further discussion. This Statement of Common Ground covers the following matters:
 - a. Habitats Regulations Assessment ("HRA")
 - i. Air Quality
 - ii. Water Quality
 - iii. Recreational Pressure
- 1.3 This SOCG has been prepared to fulfil the duty to cooperate requirements in accordance with paragraph 28 of the NPPF and the section of the Planning Practice Guidance on Maintaining Effective Cooperation.
- 1.4 This initial statement of common ground has focused on air quality and the preparation of the Habitats Regulations Assessment at the request of Newcastle-under-Lyme Borough Council. Natural England have also provided specific advice on a number of related topics as listed in their Regulation 19 response.
- 1.5 A supplementary SOCG document will be prepared, which will include the following matters:
 - a. Best and Most Versatile Agricultural Land / Soils
 - b. Sustainability Appraisal
 - c. Other Policy Matters and Minor Wording Changes

The purpose of the supplementary statement of common ground will be to cover areas of agreement and disagreement on matters that Natural England have provided specific advice upon.

- 1.6 The purpose of the Statement is to document the strategic matters being considered and the progress made in cooperating to address them in relation to air quality and the Habitats Regulations Assessment specifically. It focuses on areas where there is agreement, and if appropriate those matters where work is ongoing to resolve differences. Matters which are

resolved and those where there is disagreement are presented under each topic heading. The Statement is intended to be 'live' and updated as circumstances change, and agreement occurs on any outstanding issues.

- 1.7 The Statement also forms part of the evidence to demonstrate compliance with the Duty to Co-operate during the preparation of the Newcastle-under-Lyme Borough Local Plan 2020-2040.
- 1.8 Natural England were consulted at each consultation stage associated with the Local Plan at Issues and Strategic Options, First Draft Local Plan and Final Draft Local Plan stages.

2. Purpose and List of Parties Involved

- 2.1 This SoCG has been produced to support the Newcastle-under-Lyme Borough Council Local Plan 2020-2040. It sets out how the Newcastle - Under-Lyme Borough Council have engaged with statutory consultation body Natural England in order to fulfil its duty to Cooperate requirements. The parties involved include Newcastle-under-Lyme Borough Council and Natural England.
- 2.2 This is a statement of common ground between the parties. The statement provides a record of discussions between the parties and how far this has gone towards resolving issues. Meetings will continue on an ongoing basis and the statement of common ground may be updated accordingly.

3. Strategic Matters and Record of Agreement / Areas of Ongoing Discussion

- 3.1 Natural England commented on 19th December 2024 at Regulation 18 First Draft Local Plan Stage (Ref 439360), Regulation 19 Final Draft Local Plan response (Ref 486256) and in response to NUL's letter of 5th December 2024 (Ref GM/cor11/0512a) requesting further information on two sites at Oakhanger Moss and Black Firs and Cranberry Bog SSSI. Natural England responded on the 19 December 2024 to this request (ref CEO202424139). Natural England also provided a response to the Council's Air Quality Report and Ecological Interpretation Report on the 20 February 2025 and have continued to engage with the Borough Council on this matter.
- 3.2 In their representation made on the Final Draft Local Plan (at Regulation 19 stage), Natural England have expressed that they consider the Final Draft Local Plan in its current form is not sound or legally compliant due to the lack of evidence with regards to air quality and its implications for the HRA undertaken by the Council and its consultants. This SOCG focuses principally on the air quality implications of the Local Plan and other related Habitats Regulations Assessment matters.

Habitats Regulations Assessment("HRA")

- 3.3 In respect of the Habitats Regulations Assessment ("HRA") that supports the Final Draft Local Plan, the parties agree with the scope of sites identified for assessment as part of the study.

Air Quality

- 3.4 NUL note that the HRA at Regulation 19 stage, included an appropriate assessment on air quality impacts for a number of identified sites but acknowledge the concerns raised by Natural England, outlined below.
- 3.5 Natural England considered that the evidence base at Regulation 19 stage of the Plan could not rule out adverse impacts (individually and cumulatively), in respect of air quality / emissions on the following internationally designated sites: -
- Midlands Meres and Mosses Phase 2 Ramsar – Black Firs and Cranberry Bog SSSI
 - Midlands Meres and Mosses Phase 2 Ramsar – Oakhanger Moss SSSI
- 3.6 Following receipt of representations from Natural England and further engagement on this matter, NUL have provided additional data, including the Average Annual Daily Traffic (AADT) for the final suite of sites assessed in the Strategic Transport Assessment at Regulation 19 stage. This has led to an agreement between the parties that has required air quality emissions work, as relevant AADT thresholds have been achieved to inform updates to the existing Habitats Regulations Assessment with the engagement with Natural England
- 3.7 The additional HRA and air quality work has been undertaken following engagement with Natural England and has resulted in the production of two evidence base documents: -
- Assessment of Air Quality Impacts on Habitat Sites in Newcastle-under-Lyme – Air Quality Assessment Report (SWECO) (13/02/2025)
 - Habitats Regulations Assessment of the Newcastle-under-Lyme Publication Draft Local Plan – interpretation of Air Quality Modelling Data for the Components of the Midlands Meres and Mosses (Phase 2) Ramsar Site (March, 2025. Lepus Consulting)
- 3.8 Following a detailed review of the evidence, it is noted by Natural England that the HRA Interpretation of Air Quality Modelling Data Study (Lepus Consulting) is informed by the air pollutant dispersion modelling study by SWECO and the assumptions and limitations of the study are set out in Section 3.3 of the SWECO study with regards to the "inherent uncertainties in the monitoring and modelling undertaken".

3.9 Following a detailed review and engagement on the evidence by both parties, Natural England have provided the following comments: -

Site	Comments
Midlands Meres and Mosses Phase 2 Ramsar - Oakhanger Moss SSSI	It is noted that a very small area of the site could be impacted, when you take out the traffic increase from much wider growth across the Country but still include in the local contributions in combination with nearby plans. NOx – no exceedance. NH3 – less than 1% process contribution. N dep – will retard the restore objective by well under a year which is acceptable as we consider AQ impacts on an annual average basis. Therefore, as long as the LPA are going to adopt the Appropriate Assessment (AA) then Natural England can concur with the conclusion of no adverse effect on integrity of the designated site from Air Quality impacts and no harm to the SSSI.
Midlands Meres and Mosses Phase 2 Ramsar - Black Firs and Cranberry Bog - SSSI	NOx – Background PEC not exceeded NH3 - PC does not exceed 1% except at immediate road edge considered site fabric N Dep – Will retard the restore objective by fractionally over a year but this has been considered fully against the specifics of the designated site. Therefore as long as the LPA are going to adopt the (AA) then Natural England can concur with the conclusion of no adverse effect on integrity of the designated site from AQ impacts and no harm to the SSSI. Natural England note that additional information has also been considered with regards to the

	interest features of the sites and where they are located, backed up by designated site viewer information, maps and conservation objectives. A site visit and liaison with the Wildlife Trust regarding the management plan has also taken place. All the correct information has been considered in assessing the impacts on the site-specific features with regards to methodology. In summary as long as the LPA are going to adopt the final Air Quality HRA (AA) then Natural England can concur with the conclusion of no adverse effect on integrity with regards to Air Quality.
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3.10 Following the comments from Natural England, it is agreed by parties that as long as the Borough Council are going to adopt the final Air Quality HRA (AA) then Natural England can concur with the conclusion of no adverse effect on integrity with regards to Air Quality.

3.11 Following a review of the additional evidence, a number modifications are proposed to the Local Plan and agreed by the parties, these are:-

- Site AB2: Land at Junction 16, Criteria 13, an additional sentence to be added to the paragraph to read **“Travel Planning to the site should discourage the routing of traffic past the Black Firs and Cranberry Bog SSSI on the A531”**
- In Policy SA1: General Requirements, for all sites allocated in the Plan to add the following text under the biodiversity and geodiversity section of the policy:- **“In line with Policy SE8, criteria 2, sites should prepare a project level and site specific Habitats Regulations Assessment and targeted ecological surveys where development has the potential for a likely significant effect on any international designated site (as defined by the Habitats Regulations)”**

Water Quality

3.12 Natural England welcome that the HRA includes references to the Humber Estuary SAC, SPA and Ramsar site which is hydrologically connected to the River Trent. If the Local Plan resulted in significant water pollution, this European site could be affected and has therefore been screened in, in relation to water quality only, on a precautionary basis. The Council's position is that the water cycle study [ED014] indicates no change in water quality at any tributary associated with the

River Trent. In section 6 of the Habitats Regulations Assessment [CD05] it states that the water quality modelling shows that a significant deterioration in water quality can be prevented on all European sites (alone and in-combination) by improvements in treatment processes to be delivered outside of the Local Plan process.

Recreational Pressure

3.13 It is agreed that the Local Plan and Habitats Regulations Assessment [CD05] appropriately refers to the South Pennine Moors SAC and recreational impacts. A copy of the “Recreation use of the South Pennine Moors and implications for strategic housing growth’ report by Footprint Ecology Ref 778 date 27th March 2024” has been provided to NUL from Natural England. It was agreed that partnership working should continue in relation to combined cross boundary implications for housing growth in relation to the South Pennine Moors SAC.

4. Signatories and Governance Arrangements

4.1 In terms of governance, the authorities agree:

- that in response to any new evidence / changes in circumstances, informal discussions will occur between the parties on the issues referred to in this SoCG in the form of officer level meetings with escalation to more senior levels where necessary.
- that this SoCG will be reviewed when required including adding additional issues that may be identified through the process of forming the local plan;

Newcastle-under-Lyme Borough Council
Name: Allan Clarke
Position: Planning Policy Manager
Date Agreed: 21.03.2025
Signature: 

Natural England
Name: Emma Johnson
Position: West Midlands Deputy Director
Date Agreed: 25 03 2025

Signature:

