

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. Best and Most Versatile Agricultural Land (BMV Land)
 - b. Duty-to-Co-operate with Stoke-on-Trent City Council
 - c. Sustainability Appraisal
 - d. Other Matters and Minor Wording Changes
- 1.3 This Statement of Common Ground (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 A separate SOCG has also been prepared between the parties on the Habitats Regulations Assessment and Air Quality. This is published in the Local Plan examination library, as document EX/SCG/03.
- 1.5 The purpose of the Statement is to document the strategic matters being considered and the progress made in cooperating to address them. 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 are disagreement are presented under each topic area. The Statement is intended to be 'live' and updated as circumstances change, and agreement occurs on any outstanding issues.
- 1.6 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.
- 1.7 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. Strategic Matters and Record of Agreement / Areas of Ongoing Discussion

- 2.1 The approach to the Statement of Common Ground is to follow the structure of the representations made by Natural England at Regulation 19 stage.

Best and Most Versatile (BMV Agricultural Land)

- 2.2 Natural England have noted that allocations proposed in the Final Draft Local Plan result in the loss of Best and Most Versatile Land. Natural England is a statutory consultee on development that would lead to the loss of over 20 hectares of best and most versatile agricultural land. Natural England asked for more information on how NUL has produced its evidence base and options assessment to inform the strategic site allocations, individually and cumulatively for impacts on Best and Most Versatile Land.
- 2.3 Following further engagement on this matter, NUL have prepared a note to explain the role of Best and Most Versatile Land in the identification and selection of sites in the Local Plan. This has been provided by NUL to Natural England and is document reference ED038 in the examination library. Following receipt of document reference ED038, the position of the respective parties are as follows: -

Newcastle-under-Lyme Borough Council

- 2.4 The Council, in document reference ED038, has set out the approach and role of Best and Most Versatile Land in the site selection process. The briefing note and approach to the identification of best and most versatile land has utilised data accessed on the Magic Map system to help inform the site selection process. Document reference ED038 sets out the Council's approach to site selection and recognises the balanced judgement made including several factors such as the loss of best and most versatile land of appropriate site allocations. The approach in ED038 recognises that the proposed loss of mapped grades 1, 2 and 3 land (259.39 ha representing 1.73% of the Borough's total), spread over the 20-year plan period, results in a low annual loss (12.97 ha, or 0.19% of England's BMV from 2020-2040) and is below the IEMA significance threshold for cumulative impact of individual developments.
- 2.5 It is also the case that several sites included in the note now have planning permission or a resolution to grant planning permission including: -
- LW53, land at Mucklestone Wood Lane (application reference 23/0002/OUT) outline planning permission for 150 dwellings, granted at appeal on the 29 January 2025
 - LW87, former Petrol Station, Eccleshall Road, resolution to grant planning permission (21/00677/FUL)
 - MD29, land at Bar Hill, resolution to grant outline planning permission, subject to S.106 agreement for 155 dwellings

Natural England

- 2.6 Natural England's Regulation 19 response (ref 486256) advised that the plan was at risk of being unsound and/or not legally compliant due to issues including but not limited to the justification for the potential loss of 263ha best and most versatile (BMV) agricultural land noting the lack of evidence with regards to "the cumulative loss of BMV agricultural land both in a local and national context".
- 2.7 In response NUL produced a position statement dated 29 11 24 entitled 'Briefing Note Newcastle-under-Lyme Local Plan Best and Most Versatile Land ("BMV") Required for Housing and Employment in the Local Plan'.
- 2.8 Natural England provided clarification to NUL with regards to the Agricultural Land Classification (ALC) system and the following advice on the briefing note:
- 2.9 The briefing note assumes throughout that all mapped ALC Grade 3 is Subgrade 3a and thus contributes to BMV agricultural land. This will over-estimate the amount of BMV land within the Borough and the allocated sites and makes it impossible to use this site allocation process to avoid or minimise potential impacts to BMV agricultural land.
- 2.10 The data presented shows the amount of ALC Grades 1, 2 and 3, and does not differentiate between Subgrade 3a and 3b, therefore it is impossible to determine the area of BMV across the proposed allocated sites. As such, the statement provided in Paragraph 6 'This high proportion of BMV land inherently limits development options' is incorrect.
- 2.11 Assuming that the provisionally mapped ALC Grade 3 land is subgrade 3a makes it impossible to provide an accurate baseline and demonstrate the likely potential impacts. So, whilst this may set out a 'worst-case' scenario, it means that the site allocation process is unable to show how it avoids or minimises potential impacts to BMV agricultural land. Natural England does not concur with the 'worst-case' scenario when assessment of proposals impact on agricultural land is required.
- 2.12 It is not clear how the ALC grade (and therefore BMV land) has been determined in the methodology set out in the Site Selection Process. What ALC mapping was utilised? What surveying was undertaken? Therefore, it is not currently appropriate to state that a robust assessment has been undertaken with regards to ALC. (Para 14)
- 2.13 Finally during this review Natural England's soils advisors also noted that in the final draft plan 'Policy SE13 Soil and Agricultural Land', reference is made to a mitigation strategy for the 'Creation of new agricultural land: Exploring opportunities for creating new agricultural land or enhancing the quality of existing lower-grade agricultural land to offset the loss of BMV land', Whilst we promote and encourage the sustainable re-use of soils both on and off site, it is inappropriate to state BMV land will be created on non-BMV land."

Duty to Co-operate with Stoke-on-Trent City Council

2.14 In terms of working with neighbouring authorities, the representation received at Regulation 19 from Natural England notes how Local Plan was originally (between the period of 2013 – 2020) intended to be produced jointly with Stoke-on-Trent City Council. Natural England have asked for reference to the evidence base that demonstrates that a collaborative approach has been adopted and that the Duty to Co-operate has been fully complied with.

2.15 Natural England have now been provided with a copy of the DTC which sets out that the Council has discussed several issues with neighbouring authorities regarding strategic cross boundary matters in preparation of the Local Plan.

Sustainability Appraisal

2.16 Natural England have reviewed the Sustainability Appraisal and agree that the SA is a comprehensive document which could be used to strengthen any revisions to the Habitats Regulations Assessment document particularly with regards to residual adverse effects that would be expected to remain in terms of wastewater following the implementation of the Local Plan policies.

Other Matters

2.17 Natural England have requested amendments / additions to some of the wording in the Local Plan. The following table shows the response to the comments made by Natural England. The table below acknowledges when a matter raised is considered of strategic significance: -

Policy / Page	NE Recommendation in Regulation 19 Representation	NUL Comment / Proposed Amendment	NE Position
Vision for the Borough (page 10, paragraph 4.3)	To enhance references to environmental matters in the Vision	<p>This is a strategic matter for the NUL Local Plan to consider. NUL propose to add the following text to the vision (in paragraph 4.3, shown in bold and underline),</p> <p>“We will have respected and improved the character and distinctiveness of our market towns, villages and other rural areas,</p>	The vision and the related objectives should also set out the environmental ambition for the plan area and form the basis for nature recovery and enhancement, supported by the policies and proposals in the plan.

		<p><u>including the surrounding rural landscape framed by trees and distant hills,</u> with a particular focus on broadening our network of Neighbourhood Plans”</p>	
Strategic Objectives	Reference should be made to air quality, water quality and quantity, soils and landscape.	<p>The Council has balanced a number of competing issues in the identification of appropriate strategic objectives in the Plan. This is a strategic matter for the NUL Local Plan to consider. NUL propose to add the following text to the strategic objectives, after paragraph 4.16: -</p> <p><u>SO14 (XIV) To seek to address the local causes of pollution and contamination of land.</u></p> <p><u>SO15 (XV) To support the implementation of the Nature Recovery Network</u></p> <p><u>SO16(XVI) To avoid, where possible, the loss of best and most versatile land and valued soils</u></p>	Noted
Policy PSD5L Green Belt	For sites involving Green Belt release, the Council should satisfy itself that it is making a balanced decision for sustainable development	Noted, the Council is satisfied that it has made balanced decisions regarding the allocation of land in the Local Plan.	As per Regulation 19 letter and strategic site allocation comments.
Policy PSD6: Health and Wellbeing	Natural England welcome this policy direction in terms of safeguarding health and amenity and supporting healthy communities, through the protection and provision of high-quality open spaces, including	Noted	Noted

	allotments and the promotion of active travel transport choices		
Climate and Renewable Energy	Natural England welcomes this group of policies we recommend including Policy CRE1: Climate Change and Policy CRE2: Renewable Energy within the Sustainable Environment (SE) group of policies to achieve a collective strategic focus on sustainable development	Noted, the Local Plan is intended to be read as a whole and therefore the structure of the Plan is considered appropriate with no further changes proposed at this stage.	Noted
Infrastructure and Transport, Policy IN4, Cycleways, Bridleways and Public Rights of Way	Natural England welcomes the inclusion of this group of policies which seek to maintain and enhance the network of public rights of way that cross the borough	Noted	Noted
Policy SE1 Pollution and Air Quality	Natural England welcomes this policy that notes that development proposals which are likely to result in detrimental impacts on air quality, will not be permitted unless it can be demonstrated that mitigation measures effectively address these impacts. The promotion of sustainable and active travel options, low-emission technologies and enhancement of green infrastructure to absorb air pollution is also noted.	Noted	Noted
Policy SE7 Biodiversity Net Gain	The BNG policy should make it clear that biodiversity net gain is not applied to irreplaceable habitats, and that any mitigation and/or compensation requirements for Habitats sites should be dealt with separately from	The Council is proposing to add additional text at the end of the supporting text, paragraph 11.39 , as follows (shown as bold and underlined) 11.39....more successful nature recovery network. <u>Biodiversity Net Gain is</u>	Noted

	biodiversity net gain provision. The policy should also set out how biodiversity net gain will be delivered and managed through the lifetime of the scheme and including monitoring requirements.	<p><u>not applied to irreplaceable habitats. Any mitigation / compensation requirements for Habitats sites should be dealt with separately from Biodiversity Net Gain provision.</u></p> <p>In respect of monitoring, indicator MF19 on page 176 of the Local Plan refers to BNG requirements in line with statutory guidance.</p>	
Policy SE8 Biodiversity and Geodiversity	Support the inclusion of this policy	Noted	Noted
Policy SE10 Landscape	Support the inclusion of this policy Whilst agreeing with the conclusion of the SA relating to the combined infrastructure improvements of the plan being likely to lead to a long-term and irreversible cumulative effect on landscape character	Noted	Noted
Policy SE11 Trees, Hedgerows and Woodland	Support the inclusion of this policy	Noted	Noted
Policy SE13 Soil and Agricultural Land	Concerns regarding the justification for the loss of Best and Most Versatile Land as expressed at the relevant section of this SOCG. The representation from Natural England also highlights other important elements for Soil, reflective of the 25 Year Environment Plan	<p>A note has been prepared by NUL on the approach to Best and Most Versatile Land. On the specific comments on the approach to the soil policy, it is considered that policy SE13 as drafted covers a number of relevant elements of the comments made such as making reference to relevant DEFRA guidance.</p>	See position outlined in section 2 above

Policy SE14 Green and Blue Infrastructure	Reference should be made to local nature recovery strategies and the Green Infrastructure Framework of Principles and Standards for England	As acknowledged by Natural England. The local nature recovery strategy is currently in production and will be a material consideration in decision making, once finalised. This document will inform future Local Plan Reviews. The emerging local nature recovery strategy is referenced as a supporting document to policies SE7 and SE8 of the Local Plan. The Plan is intended to be read as a whole and so these policies will apply, as relevant In the determination of planning applications, once the Plan is adopted.	Noted
SA1 'General Requirements'	Outcome from the Habitats Regulations Assessment work	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:- <u>"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)"</u>	Noted
AB2 'Land at J16'	Outcome from the Habitats Regulations Assessment work	Site AB2: Land at Junction 16, Criteria 13, an additional sentence to be added to the paragraph to read	Noted

		<u>“Travel Planning to the site should discourage the routing of traffic past the Black Firs and Cranberry Bog SSSI on the A531”</u>	
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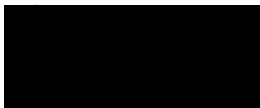
3. **Duty-to-Co-operate Agreement**

3.1 The parties agree that constructive and active engagement has taken place on strategic cross boundary matters to date and will continue to do. The parties recognise that there are outstanding issues and that both will continue to work closely and where relevant with other prescribed bodies on strategic cross boundary issues.

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: 17/04/2025
Signature: 

Natural England
Name: Joanna Redgwell

Position: Principal Manager - West Midlands area team
Date Agreed: 17/04/25
Signature: 