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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

Environment Agency

**December 2023**

# 1. 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 (ADC) and the Environment Agency (EA) with regard to Strategic Planning Matters.
  3. Ashfield District Council is the Local Planning Authority (LPA) for Ashfield District. The Environment Agency is an Executive Agency of the Department for Environment, Food and Rural Affairs (DEFRA) established in 1996 with responsibilities relating to protect and improve the environment. The EA is a specific consultee under the Town and Country Planning (Local Development) (England) Regulations 2012. More specifically the Agency is responsible for:
* flood risk management from main rivers, reservoirs, and the sea
* water quality and resources
* rivers, estuaries, and harbour navigation
* conservation and ecology
* fisheries
* treatment of contaminated land
  1. 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.

1.5. Paragraph 20 of the NPPF - Strategic policies should set out an overall strategy for the pattern, scale, and design quality of places, and make sufficient provision for:

1. housing (including affordable housing), employment, retail, leisure, and other commercial development;
2. infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
3. community facilities (such as health, education, and cultural infrastructure); and
4. conservation and enhancement of the natural, built, and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

1.6. As can be seen from the above points b. and d. fall within the Environment Agency’s remits of responsibility. The EA is also a prescribed body under the duty to cooperate on strategic matters. We have therefore drafted a SoCG for agreement with the EA to demonstrate ongoing and active cooperation.

1.7. The statement should be considered alongside the representations made on the Draft Local Plan Consultation 2021 (Regulation 18). These have been considered and informed the development of Local Plan.

# 2. Background

2.1 The Environment Agency’s representations to the to the Draft Regulation 18 stage of the Local Plan made in November 2021 were generally supportive of the content and the approach taken. The Agency also made some suggestions for improvement which have largely been accepted.

2.2 Issues raised by the Environment Agency at the Regulation 18 draft plan stage related to the following:

* Strategic Policy S2: Meeting the Challenge of Climate Change (Renumbered S3 in Publication LP, 2023)
* Strategic Policy S8: Meeting Future Needs - Strategic Employment Allocation Junction 27, M1 Motorway, Annesley (Renumbered S6 in Publication LP, 2023)
* Strategic Policy S11: Aligning Growth and Infrastructure (Renumbered S9 in Publication LP, 2023).
* Strategic Policy S15 Protecting and Enhancing Our Green Infrastructure and the Natural Environment (Renumbered S13 in Publication LP, 2023).
* Policy CC2: Water Resource Management
* Policy CC3: Flood Risk and SuDS.
* Water Quality
* Policy EV4: Green Infrastructure, Biodiversity and Geodiversity
* Policy H1: Housing Allocations
* Policy SD8: Contaminated Land and Unstable Land.

2.3 A number of changes to Policy wording have been made to satisfy the EA and other consultees.

2.4 A summary of the all representations received, the Council’s 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/>

# 3. Areas of Common Ground

3.1 The EA has reviewed the Draft Local Plan and the supporting evidence and considers that the Ashfield Local Plan does not raise any issues of soundness in relation to its areas of responsibility covering flood risk, biodiversity and the protection of water resources and quality.

3.2 This Statement sets out the confirmed points of agreement between the parties with regard to:

* The Council’s updated Strategic Flood Risk Assessment (SFRA) Level 1, 2023 which informed the selection of site allocations, detailed criteria for sites together with Policy CC1 Flood Risk are robust.
* None of these sites allocated for housing are situated in fluvial flood zones 2 or 3.
* That Policy CC3 of the Publication Ashfield Local Plan on Flood Risk and Sustainable Drainage Systems provides the framework for ADC and the EA to work together through the development management system to bring forward and implement a comprehensive range of solutions across river catchments including measures to reduce run off rates.
* That the Council has taken a proactive approach to mitigating and adapting to climate change in accordance with the NPPF as set out under Policy S3: Meeting the Challenge of Climate Change.
* That there has been engagement with Severn Trent Ltd in reaching an understanding on wastewater treatment and supply and the additional infrastructure capacity required for allocated sites.
* ADC will continue to work with Severn Trent Water Ltd, The Environment Agency and neighbouring authorities to maximise opportunities to improve water quality.
* That the plan’s approach to safeguarding biodiversity in Policy EV4 sets out a positive basis for more detailed work to address the impact upon habitats and species.

# 4. Outstanding Areas of Disagreement

4.1 There are no outstanding areas of disagreement between Ashfield District Council and the Environment Agency.

# 5. Governance

5.1 Ashfield District Council and the Environment Agency agree to continue work together in circumstances where material changes to strategy and policy which may occur.

**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 and Regulatory Services

Dated: 30-1-2024

Signed on behalf of **Environment Agency**

Name: Paul Goldsmith

Position: Planning Specialist

Dated: 29/01/2024