



**Rutland**  
County Council



**Rutland Local Plan**  
**Statement of Common Ground**  
**Rutland County Council & Natural England**  
**December 2020**

## **1. Introduction**

- 1.1 This Statement of Common Ground (SoCG) has been developed in order to address Strategic Planning issues between the parties consisting of Rutland County Council (RCC) and Natural England (NE). The parties have identified Strategic Planning matters and the approach of the respective parties in addressing these.
- 1.2 The Statement sets out the confirmed points of agreement between the parties with regard to:
- The proposed allocation of a New Garden Community at St George's Barracks, Edith Weston and how the plan seeks to mitigate potential impacts arising from growth.
  - Other site allocations and whether these satisfactorily consider and mitigate potential impacts on designated, protected and priority habitats, species and geo-diversity, based on evidence.
  - The wording of policies that seek to address good design, climate change and deliver Biodiversity Net Gain.
  - The wording of the natural environment policies.
  - The protection and enhancement of Blue and Green Infrastructure policies.
- 1.3 The purpose of the Statement of Common Ground is to inform the Inspector of the Rutland Local Plan and other parties about the areas of agreement between Rutland County Council and Natural England in relation to key strategic matters contained in the Rutland Local Plan (2018-2036). The agreement has been in a consideration in the development of the proposed allocations, policy wording and supporting explanatory text within the plan.
- 1.4 The Statement of Common Ground (SoCG) addresses strategic matters and shared issues between the parties. It provides a framework for the delivery of the Duty to Co-operate duties and obligations arising from Section 110 of the Localism Act 2011 and paragraphs 24 to 27 of the National Planning Policy Framework (2019). The statement is prepared in accordance with the Planning Practice Guidance.

## **2. Background**

- 2.1 Rutland County Council is a public body which is the Local Planning Authority (LPA) for its administrative area. Natural England is a public body and the government's adviser for the natural environment in England. Its aim is to help protect England's nature and landscapes for people to enjoy and for the services they provide. Both are 'Prescribed Bodies' for the purposes of the Duty to Cooperate.
- 2.2 During development of the Rutland Local Plan, Natural England has made representations which have informed the proposed allocations and policies. In particular, NE has had substantial input into the proposed allocation of a New Garden Community at St George's Barracks, Edith Weston and associated policy requirements. The development of the plan has been enhanced by engagement with NE which helped to ensure that strategic issues and matters are appropriately addressed.
- 2.3 This Statement of Common Ground reflects the agreed position between Rutland Council and Natural England for submission to the Inspector for the Local Plan Examination of the Rutland Local Plan.

### **3. Areas of Common Ground**

#### **3.1 Allocation of a New Garden Community at St George's Barracks**

- 3.1.1 Natural England's advice was sought via workshops, meetings, discussions and e-mail exchanges regarding the impact of proposed growth on important heritage assets. In particular the Council engaged with NE in terms of the potential impacts of the St George's New Garden Community on Rutland Water (A RAMSAR site, Special Protection Area, SSSI and Local Nature Reserve).
- 3.1.2 The parties agree that:
- 3.1.3 The proposed policies H2 and H3 that set a framework for development at St George's Barracks satisfactorily address potential impacts on Rutland Water including on any species and habitats and provide a satisfactory approach to mitigating any potentially adverse impacts arising from the proposed development.
- 3.1.4 The evidence gathered to assess the potential impacts of proposed development at St George's Barracks on Rutland Water, including the 'Habitats Regulation Assessment' and 'Phase 1 Habitat Surveys' provide a robust basis that supports the proposed allocation.

3.2 Other site allocations and whether the evidence and policies satisfactorily address potential impacts on habitats and species.

3.2.1 Rutland County has 18 Sites of Special Scientific Interest (SSSIs) in addition to Rutland Water, which are all protected under the Wildlife & Countryside Act 1981 (As Amended).

The parties agree that:

3.2.2 The natural environment evidence indicates that the housing, employment and other allocations proposed in the Rutland Local Plan are capable of being developed without insurmountable adverse impacts on protected and priority habitats and species. Where adverse impacts are identified these are capable of being mitigated.

3.2.3 Further detailed evidence and proposed mitigation measures in relation to potential impacts on habitats and species will be required upon submission of planning applications in relation to the proposed allocation sites.

3.2.4 There has been engagement with Natural England regarding other proposed allocations in the emerging Local Plan.

3.2.5 The evidence relating to the proposed allocations has not identified any insurmountable direct or indirect adverse impacts on protected habitats and species.

3.3 The wording of policies that seeks to address good design, climate change and deliver Biodiversity Net Gain.

3.3.1 The National Planning Policy Framework (2019) and updated Planning practice Guidance July 2019<sup>1</sup> now seeks to ensure that net gains for biodiversity are sought through planning policies and decisions. Early drafts of the Local Plan were prepared in advance of the updated NPPF and Planning Practice Guidance and did not include a net-gain policy. The introduction of a 'net-gain' policy (EN9) has evolved following changes to guidance.

3.3.2 The proposed wording changes set out below seek to address the increased emphasis on Bio-diversity Net Gain (BNG) and reflect the latest Government Guidance and legislation.

3.3.3 The parties have agreed that:

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<sup>1</sup> Paragraph: 022 Reference ID: 8-022-20190721 was inserted on 21<sup>st</sup> July 2019.

3.3.4 The following modifications to the Local Plan objectives and policies would improve its robustness in terms of protecting the Natural Environment, securing good design, addressing climate change and securing Bio-diversity Net gain:

- Strategic Objective 16 - Reference should be made to '**enhancement of Blue and Green Infrastructure and the connectivity of natural habitats**'.
- Paragraphs 7.17 (justification to policy EN3: Delivering Good Design) should be amended to state:

*"Incorporating ecologically sensitive design and features for biodiversity within a development scheme can achieve significant improvements for biodiversity **and climate change**".*

- Policy EN5 – 'Surface water management, water supply, foul drainage and sustainable drainage systems' (explanatory text). An additional paragraph should be added to state:

**"In areas where non-mains foul drainage solutions are necessary, such as septic tanks and package treatment plants, which may impact Rutland Water or other designated sites, they must be designed and sited appropriately to ensure no impacts to the conservation objectives of the designated site."**

- Policy EN5 Paragraph 4 should be amended to read:

*"Surface water management should be undertaken, wherever practicable through the utilisation of appropriate SuDS techniques which mimic natural drainage patterns, and where appropriate achieve net gains for nature through the creation of ponds and wetlands onsite or within close proximity. **Where there is potential for surface water run-off into a water sensitive designated site the SuDS must provide the highest level of water quality protection as described within the CIRIA SuDS Manual (2015) C753.**"*

### 3.4 The wording of the 'Natural Environment' policies

3.4.1 The National Planning Policy Framework (2019) and updated Planning practice Guidance July 2019 now seeks to ensure that net gains for biodiversity are sought through planning policies and decisions. Early drafts of the Local Plan were prepared in advance of the updated NPPF and Planning Practice

Guidance and did not include a net-gain policy. The introduction of a 'net-gain' policy (EN9) has evolved following guidance changes.

3.4.2 The proposed wording changes set out below seek to address the increased emphasis on Bio-diversity Net Gain (BNG) and reflect the latest Government Guidance and legislation. The wording of the Council's Natural Environment strategic policies EN9 to EN11 have evolved and has been refined following discussions between Rutland County Council and Natural England. At the time of drafting this Statement of Common Ground, the Environment Bill is still progressing through parliament and the Council does not want to try to pre-empt the introduction of national BNG targets which would supersede any local plan targets.

3.4.3 The parties have agreed that:

- Policy EN9 Paragraph 2 should be amended to read:

***"This includes seeking to enhance habitats which can contribute to the Nature Recovery Network and seeking to deliver a net gain on all proposals to meet agreed targets including any future national targets"***

- Policy EN9 bullet point (h) should be amended to read:

***"Maximise opportunities for the restoration, enhancement and connection of ecological or geological assets, which can contribute to the Nature Recovery Network, and are in line with the Leicestershire, Leicester and Rutland Biodiversity Action Plan (or its successive document)."***

- Policy EN9 explanatory text– Add justification text to support policy EN9 to state:

***"The Environment Bill is expected to introduce a requirement for applicants to demonstrate that there will be a Biodiversity net gain post construction. The Defra Biodiversity Metric 2.0 can be used to measure gains and losses to biodiversity resulting from development. Any action, as a result of development, that creates or enhances habitat features can be measured using the metric and as a result count towards biodiversity net gain. The Biodiversity Metric 2.0 can be used for this purpose as a fully tested metric that will ensure consistency across the plan-area"***

- Policy EN9 explanatory text suggest adding this to para 7.44– Add justification text to support policy EN9 to explain that further changes to legislation governing biodiversity enhancement are imminent. Add text to state:

**“It is anticipated that policies will need to be superseded following changes in government legislation on biodiversity.”**

- Paragraphs 7.49 (justification to Policy EN9 - the natural environment) should be amended to state:

*“The Council and its partners will carry out further work, where resources permit, to identify and map, where appropriate, any areas in Rutland for habitat restoration and creation, **Biodiversity Net Gain off-setting**, Nature Improvement Areas and ecological networks, including wildlife corridors and stepping stones between them, **which will contribute to the wider Nature Recovery Network**”*

3.4.4 Subject to the proposed modifications above, the parties agree that the wording of the Local Plan policies are broadly consistent with the National Planning Policy Framework insofar as they refer to the Natural Environment and Biodiversity Net Gain.

### 3.5 Policies for the protection and enhancement of Blue and Green Infrastructure.

3.5.1 The wording of the Council’s policy concerning Blue and Green Infrastructure (policy EN10) has evolved and has been refined following discussions between Rutland County Council and Natural England.

3.5.2 The parties have agreed that:

3.5.3 The wording of the Blue and Green Infrastructure (EN10) policy is an appropriate and proportionate approach to safeguarding, improving and enhancing the blue and green infrastructure within Rutland County.

3.5.4 The policy is consistent with the National Planning Policy Framework.

### 4.0 Governance

4.1 This SoCG commits the bodies to continue working together on planning matters that have impacts on designated habitats and species, including Rutland Water.

4.2 In terms of governance arrangements the two parties agree to:

- Keep a dialogue open on matters arising which are likely to have significant impacts and implications for designated species and habitats;
- To work together to achieve identified outcomes in relation to strategic matters;
- To review and update this Statement in light of any material change in circumstance such as: major changes to legislation or guidance; material changes to policy and strategy in the emerging plans;
- To adopt positive principles of cooperation.

5.0 Map of Strategic Area (Rutland County)





**Agreement**

**Signed on behalf of Rutland County Council**

**Mark Andrews**



**Chief Executive**

**Signed on behalf of Natural England**

**Roslyn Deeming**



**Senior Adviser**