



**Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood
Development Plan: Regulation 14 Pre-Submission Consultation**

Representation by Newcastle-under-Lyme Borough Council

November 2018

Thank you for providing a copy of the pre-submission draft Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan to Newcastle-under-Lyme Borough Council. This is the second Regulation 14 consultation which arises from revisions to the Neighbourhood Plan following the previous consultation opportunity. The comments made in this document build on those already made at the previous consultation in the summer of 2018. The Draft Plan has evolved from earlier draft versions and previous comments have influenced preparation of this pre-submission draft. It is the product of a significant amount of hard work by volunteers and the local community; and suggests that a great deal of community engagement and consultation has taken place.

This response relates to the Regulation 14 Pre-Submission Draft Plan version 1.1 and any advice provided is intended to assist the Neighbourhood Plan Group to review the Plan to consider whether it will meet the basic conditions and that the strategy and policies as currently drafted will deliver the desired outcomes.

A neighbourhood plan must meet 'basic conditions' and other legal requirements, and these are a series of tests set out in the Localism Act 2011 against which the policies in the neighbourhood plan will be tested through an independent examination before it can proceed to referendum¹. In meeting these conditions regard must be paid to the way in which the plan is prepared, its relationship to higher tier plans and policies and to how robust the policy conclusions reached are, in relation to the evidence prepared.

It is required that Neighbourhood Plan policies must be in general conformity to the Strategic Policies of the adopted Local Plan, should be clear, unambiguous, concise and precise; and be supported by robust, yet proportional evidence, whilst being distinct to reflect and respond to the specific characteristics of the local area. For neighbourhood plans produced in the Borough of Newcastle-under-Lyme, this means conforming to the 'saved' policies of the Newcastle-under-Lyme Local Plan (adopted 2003) and to the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) (adopted 2009).

Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are currently preparing a Joint Local Plan which will eventually replace the existing development plan. The Councils recently consulted on the Preferred Options Document which sets out the preferred approach to future levels of housing and employment growth that Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are planning for over a twenty year period.

¹ Paragraph 37 NPPF 2018

The Councils are currently considering the responses to this consultation and intend to consult on a Draft Plan in 2019.

Where a new Local Plan is in preparation, the reasoning and evidence underpinning the plan is relevant and should be taken into account when assessing whether a neighbourhood plan meets the basic conditions.

The following, further comments on the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood plan are intended to assist the Parish Council to refine their proposals to meet the tests of the basic conditions. General comments in relation to the Plan are provided first and then a table follows with more detailed commentary on specific paragraphs/ policies etc. This is followed by comments on the proposed Local Greenspace Designations. We would welcome the opportunity to discuss the comments made with the Parish Council if they wish to do so, prior to the plan being submitted to the Local Planning Authority.

General Comments

The Neighbourhood Plan states it has recognised and responded to the views of the local residents of the three Parishes as determined by the earlier public consultation. It objectively and constructively considers the opportunities and challenges that the communities of the three Parish Councils face in the coming decade. It is forward-looking and recognises the need for change and development along with balancing the needs of the community and seeking to retain many of the rural characteristics and heritage that are valued by established long-time and new residents. It aims to create a community, in which residents can enjoy a fulfilling work-life balance, yet provides opportunities for economic and social improvements, including for those of its future generations.

Whilst it is not specifically allocating sites for further housing development, it has accepted extensions to the village envelope of Baldwins Gate (see Map 33) for sites where housing has been approved outline/reserved matters consent, but it seeks to constrain further development in accordance with the Borough development plan, and to protect key historic and natural assets in accordance with the Government's 25 year Environment Plan published in early 2018.

The Neighbourhood Plan considers itself generally in conformity with national policy and its objectives for achieving economic, social and environmental sustainable development.

It demonstrates a desire to increase and improve the range of current community infrastructure and social facilities, particularly for leisure and recreation to promote active lifestyles and healthy communities across all ages. It also demonstrates a need to support diversification of the rural economy to create opportunity for enterprise and rural employment, for example through Policy EB2 to facilitate growth and promote employment development of rural businesses but does not allocate any sites for rural business.

This Plan suggests it forges a vision from and for the Community that preserves its rural heritage yet offers opportunities for future change. If accepted by examination and following referendum it will become part of the Development Plan.

It is evident that a great deal of work and effort has gone into the development of this Neighbourhood Plan; it is noted that revisions to the document have been made and the policies are therefore easier to find. Each policy does have a helpful section entitled 'evidence' which sign posts its conformity with the principles and aims of the National Planning Policy Framework (NPPF), adopted Core Spatial Strategy (CSS), Newcastle-Under-Lyme Local Plan 2011 Saved Policies and Emerging Joint Local Plan. However officers still consider that a shorter document would make it easier to read, with a main document containing the policies and a single proposals map; supported by the evidence base in a separate document.

References to individual paragraphs from the NPPF have been revised noting that these are now in respect of the 2018 NPPF however this has not been consistently applied and there are still references to the 2012 NPPF, e.g. on each of the Local Green Space proformas. The NPPF 2018 sets out transitional arrangements in respect of the applying the policies from either the 2012 or the 2018 NPPF. Paragraph 214 sets out transitional arrangements and states 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.' For NPs, 'submission' in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012. It is therefore important to ascertain at which point in time the NP will be submitted to the local planning authority because if prior to 24 January 2019 the 2012 NPPF would still apply. This is a point for discussion and clarification so that both the qualifying body and the local planning authority can be clear about which NPPF applies. There may be some confusion from this response as it refers to both. Perhaps together we can clarify and amend references to the correct NPPF accordingly.

Despite revisions, officers still find the document difficult to navigate and find what you want. For example section 2.1.2 sets out a policies matrix, one would then assume that the following text would be in the order of the sections, NE, COM, DC and so on, but it starts with Local Green Space designations and then to back to biodiversity and natural environment policies; so the order is different. Although, the maps play an important role within the Neighbourhood Plan with the supporting text and policies often making reference to them, therefore, were the document to be divided, the maps should be retained within the main Neighbourhood Plan document. In addition to the existing table of contents at the front of the document, officers still consider that it would be useful to have a list of the policies in that table of contents, which would make it easier and quicker to locate each of the policies when needed. It is acknowledged that HS2 will affect the local area and a large amount of evidence is included in relation to that, but Neighbourhood Plan policies do not influence this major national project. It is therefore questioned whether this should be included in the Plan itself or as supporting evidence. If extracted from the Neighbourhood Plan and used as a separate evidence document, it could be amended and kept up to date quite easily, avoiding the Neighbourhood Plan appearing out of date if HS2 plans were changed.

Generally we note that most Neighbourhood Plans are around one hundred pages long, or smaller, hence our reason for suggesting shortening the Plan. A shorter document would also make it so much easier to use. Officers are still of the opinion that the document is

difficult to navigate and are concerned about the structure and ease of use were it to be part of the Development Plan.

Habitats Regulations Assessment Screening

In April 2018 the European Court of Justice issued a judgement on Habitats Regulations Assessment. Its ruling in the case 'People Over Wind and Sweetman v Coillte Teoranta' states that a full and precise analysis of the measures capable of avoiding or reducing any likely significant effects on a European site must be carried out **not** at the screening stage but specifically at the stage of Appropriate Assessment. The Borough Council has reviewed the content of the Habitats Regulations Assessment Screening Report in light of the Sweetman case and considers it still fit for purpose because it does not build in mitigation in order to screen 'no likely significant effect'.

Strategic Environmental Assessment (SEA) Screening

Officers have rescreened the NP for SEA and do not consider that the revisions made to the Neighbourhood Plan result in a different outcome to the screening exercise already undertaken.

Updated HRA and SEA screening reports can be presented at the Regulation 16 consultation.

Changes to the National Planning Policy Framework

The National Planning Policy Framework (NPPF) was revised and updated in summer 2018, one of the changes to the NPPF related to the circumstances in which a NDP can be relied on when considering planning applications which might otherwise fall within the presumption in favour of sustainable development. In the former Housing Minister Gavin Barwell's written statement of December 2016, he drew attention to the frustration felt by communities that had worked to put together a Neighbourhood Plan – which would in other circumstances mean that planning applications conflicting with that plan would normally be refused – but found that the presumption in favour of sustainable development nevertheless kicked in, because the local planning authority could not demonstrate a five-year land supply of deliverable homes. The statement therefore said that (with certain other conditions) the Neighbourhood Plan's policies for supply of housing should not be considered out-of-date if that plan was less than two years old.

In some circumstances, an emerging NDP can carry weight in determining planning applications. Guidance on these circumstances is also set out in PPG². The PPG also sets out the relationship between an NDP and a Local Plan. It provides guidance about what happens if an NDP is brought forward before an up-to-date Local Plan is in place. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan; the emerging Local Plan; the adopted development plan and with appropriate regard to national policy and guidance.

² <https://www.gov.uk/guidance/neighbourhood-planning--2>

Work on the Local Plan is not at a sufficiently advanced stage to identify whether there are any possible points of conflict with the NP, and whether there may be reason in the future for the Local Plan to override policies contained within the NP. The Council recently published a 5 year housing land supply statement indicating that it has a 5-year supply of housing. However it should be noted that this position is likely to be tested at planning appeals, and, that methods for calculating supply, local housing need and assessing land supply set in planning practice guidance could change over the coming months, particularly as a result of a recent Government consultation³. These factors could have implications for the Borough's land supply position going forward. The PPG provides guidance on how planning applications should be determined. A NP can allocate sites for housing even if that land is not allocated in the Local Plan.

While a Neighbourhood Plan is a formal development plan document, its weight when taking planning decisions is often challenged if it relates to an area where the LPA cannot demonstrate its five-year supply of housing. For applications involving the provision of housing where a Plan is out of date⁴ 'the presumption in favour of sustainable development' from paragraph 11 of the NPPF applies, meaning planning permission should be granted unless the NPPF policies protecting areas or assets of particular importance provide a clear reason for refusal or the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

An up-to-date adopted Local Plan and/or 5-year housing supply is therefore important for local planning authorities wishing to control where development should go and to avoid speculative development. It would be short-sighted not to point out that in circumstances where an application would normally be refused it can be found that the presumption in favour of sustainable development nevertheless kicks in, because the LPA could not demonstrate a five-year land supply of deliverable homes. Where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, decision makers may still give weight to relevant policies in an emerging neighbourhood plan, even though these policies should not be considered up-to-date.

In the future the local planning authority may find itself considering applications in an area with a neighbourhood plan that has passed referendum and is therefore in force and forms part of the development plan, but where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. The PPG states 'A written ministerial statement on 12 December 2016 set out how planning applications and appeals should be determined in circumstances where the local planning authority cannot demonstrate a 5-year supply of housing, but there is a neighbourhood plan in force where all of the following criteria apply:

- the written ministerial statement is less than 2 years old, or the neighbourhood plan been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and

³ MHCLG Oct 2018 - Changes to planning policy and guidance including the standard method for assessing local housing need: <https://www.gov.uk/government/consultations/changes-to-planning-policy-and-guidance-including-the-standard-method-for-assessing-local-housing-need>

⁴ 2018 NPPF states 'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1'.

- the local planning authority can demonstrate a 3-year supply of deliverable housing sites against its 5 year housing requirement.

The written ministerial statement stated that in such circumstances, relevant policies for the supply of housing in the neighbourhood plan should not be deemed to be ‘out-of-date’ under paragraph 49 of the National Planning Policy Framework.

Subsequently, the Supreme Court in *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* [2017] UKSC 37 has explained that it is not necessary to determine whether a policy is a “relevant policy for the supply of housing” in paragraph 49 of the National Planning Policy Framework, and deem it “out-of-date” in order to determine the weight that is attached to that policy. Weight is a matter of planning judgement for the decision maker. In circumstances where the development plan is absent, silent or relevant policies are out of date, paragraph 14 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or restrictive policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning. This includes paragraphs 183-185 of the Framework; and paragraph 198.

Paragraph 198 of the Framework states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. In determining applications, decision-makers should take into account the impact of granting permission for an application that conflicts with a neighbourhood plan.

Where the criteria in the written ministerial statement apply, decision makers should give significant weight to the neighbourhood plan notwithstanding the fact that the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.⁵

This NP does not allocate sites for housing; therefore even at the point the NP has passed referendum the presumption in favour of sustainable development could still apply. Further guidance in relation to housing needs and calculating housing land supply can be found in other planning practice guidance.⁶

Detailed Comments

Section	Comments
Contents and Layout	<p>We welcome the changes made to the layout of the Plan, bringing the policies forward in the document and moving the other topics back, but it still could be improved (see comments in the General section above).</p> <p>We welcome information being included for the proposed Local Green Space designations. Comments on these can be found later in this response.</p>

⁵ Paragraph: 083 Reference ID: 41-083-20170810 (<https://www.gov.uk/guidance/neighbourhood-planning--2>)

⁶ <https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment> ; and <https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

Policy NE1: Natural Environment	We note the content of the policy to protect and enhance sites and features of local interest. However, the policy could be expanded to require mitigation or compensation to cover any instances where a development proposal could otherwise be contrary to this policy. This would enable a positive outcome to be secured from a proposal that could otherwise cause harm, particularly where there may be instances where development could be approved.
Policy NE2: Sustainable Drainage	It's not considered that this policy is clear or precise enough to deliver what the NP intends it to do. For instance if the developer provided either a soakaway or water butts, would this be sufficient to comply with the policy? We ask that further consideration is given to the precise wording as its meaning is open to interpretation.
Policy COM1: Community Facilities	We welcome the revisions made to this policy so that it can approve facilities in appropriate locations, but can the NP define sustainable and accessible locations to support the meaning of the policy?
Section 2.2 and 2.4.2 Local Green Space and Policy COM2: Local Green Space	<p>We welcome your inclusion of an appendix which contains a proforma for each of the proposed Local Green Space sites, along with a proforma to show where each of the proposed designations meet the criteria for Local Green Space designations as set out in the NPPF, Para 77.</p> <p>The policy needs further text, firstly it needs to designate the Local Green Spaces, and define them, which at present it doesn't do. Although the policy has been reworded since the previous version after further consideration we consider that it is not worded in the manner required by the NPPF where it would set out that development would only be approved in very special circumstances and then set out what those circumstances are. We do not consider that the policy is as strong or as clear as it could be.</p> <p>On a wider note we consider that there are far too many proposed Local Green Space designations and that many of them are unlikely to meet the NPPF criteria. Many are linear routes such as public rights of way which are protected under separate legislation, along with roadside verges, of fairly ordinary value that may be difficult to demonstrate are demonstrably special or possess some elements of local significance to meet the NPPF criteria. It is unclear about what the Neighbourhood Plan will achieve through effectively giving such strips of land Green Belt status. If verges are part of local character they could be conserved and enhanced, and increased through other policies. Further information on each of the designations is included later in this response and briefly in our response to policies DC3 and DC4. Government guidance⁷ on Open Space provides more information about Local Green Space designations.</p> <p>The supporting text to this policy makes reference to enabling small scale storage or changing facility for a sports or recreational area or play</p>

⁷ <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#Local-Green-Space-designation>

	<p>equipment, however most of the proposed designations are not recreational or play areas. To designate so many, minute spaces, seems excessive when so many of them would rarely be used for any other purpose than for highway visibility or general amenity. Further commentary can be found later in this response.</p>
<p>Policy COM3: Developer Contributions</p>	<p>The policy does not set out any instances when S106 or CIL monies would be charged. At the moment the Council does not have a CIL policy. We consider the policy as worded is vague and may be difficult to apply.</p>
<p>Section 2.5 Design, Character and Built Heritage</p> <p>Policy DC1: Local Heritage</p>	<p>At the last consultation we said it is important that the NP is clear about the meaning of the term ‘heritage assets’ and ‘heritage designations’ and ‘non-designated heritage assets’. Whilst revisions have been made to the terminology used to describe heritage assets, whereby the term ‘special designations’ has been replaced, it has not been replaced as suggested with the term heritage assets or non-designated heritage assets as suggested in our earlier response. The policy refers to historic buildings, is it intended that this policy is solely applicable to buildings? Again, the plethora of terms adds to confusion for the reader making the policy difficult to interpret, apply and more open to challenge. The reader has to keep checking what is meant by the different terms used, and looking for the place where the definition might be found. We suggest that the term ‘non designated local historic buildings’ is rephrased with ‘non-designated heritage assets’ to be consistent with terms used earlier within the heritage section. The NP uses the term historic buildings, which then restricts the policy to buildings and not a wider range of historical assets. We would still prefer the term ‘designated heritage assets or non-designated heritage assets’ to be used; or that the NP is clear and precise about what terms are used and what they mean. Does this policy have any relationship to the Boroughs list of ‘locally listed’ buildings and structures?</p> <p>Can the NP define the term ‘high quality and durable materials’?</p> <p>The Neighbourhood Plan includes a policy relating to non-designated heritage assets that are considered to be important to the neighbourhood area, any policy should recognise that the level of protection to be afforded will depend on its significance. While the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (see NPPF Section 16, Para 197).</p> <p>It is suggested that the Neighbourhood Plan Group give consideration to the wording of paragraph 79 of the NPPF to ensure that the policy is consistent with national policy. The NPPF seeks to avoid new isolated homes in the open countryside unless there are special circumstances. Supporting text could be expanded to signpost to this part of the NPPF.</p> <p>It is important to consider that commercial and residential conversions will often necessitate additional development and this can include various paraphernalia including the creation of an improved or new access/driveway, parking areas, gardens, boundary treatments, lighting and outbuildings, all of which can have a significant visual impact.</p> <p>It is worth noting that many conversions do not require planning permission</p>

	<p>as there are extensive permitted development rights available. In these circumstances, the policy could not be applied (nor planning policies from higher tier plans).</p> <p>The steering group may also want to consider also paragraph 146 of the NPPF in relation to the re-use of buildings within the Green Belt.</p> <p>We still consider that a section on definitions or a glossary would be helpful, and included at some key point in the NP to save the reader from hunting in the document to find the meanings of terms. Again more consistency would be welcomed and if possible a reduction in the number of terms used. This would provide more clarity for the reader and those applying the policies to make planning decisions or recommendations.</p>
DC2: Sustainable Design	<p>What are the views and landmarks that the policy seeks to protect? Again, can a definition of 'high quality and durable materials' be included. Officers still consider that developers community engagement on design matters can be assisted through Neighbourhood Planning. The supporting evidence on local character can be used by developers to shape and inform proposals coming forward for consideration.</p>
DC3: Public Realm and Car Parking & DC4: Connectivity and Spaces	<p>This policy has been amended to clarify the meaning of 'new development'.</p> <p>This policy could be expanded to cover roadside verges as so many are included in the list of proposed Local Green Space designations. If evidence suggests that grassed verges are part of local character they could be further influenced through this policy.</p> <p>Point 7 of this policy could be the 'hook' to provide for the enhancement of public rights of way where they could be affected by development proposals. It may require slight revision to the wording to do this but may be considered a more appropriate means than proposing to designate so many linear routes as Local Green Spaces. Alternatively DC4 could be reworded to give effective provision for protecting and enhancing connectivity within the NP area to ensure that these routes where they may cross development sites are given adequate consideration where they could be affected by development proposals.</p>
Policy DC4 Connectivity and Spaces	<p>This policy has now been amended to reflect new build development proposals. Although there is a sentence at the start of the interpretation section that defines 'new build development' it uses a different terminology to the previous policy. It would be better if there was consistency throughout the Plan and use one or the other, either 'new development' or 'new build development'.</p>
Policy DC5: Street Lighting and Illuminated Signage	<p>This policy appears to attempt to control matters that would not normally be subject to a planning application. For example, street lighting would normally be permitted development under Part 12 of the General Permitted Development Order. Although lighting provided as part of a development scheme could be considered by the planning system at the planning application stage, and you could use this policy to influence the scale and design of lighting as part of a scheme. At the moment this policy does not do that, but it could. Highway signage provided by the statutory undertaker</p>

	<p>does not normally require advertisement consent, and is therefore beyond the control of the planning system. Therefore, it would be more appropriate to pursue matters relating to highway signage with the Highway Authority.</p> <p>Advertisements are dealt with under a different process to planning applications. Many advertisements do not require express consent from the Local Planning Authority. Those that do are considered with reference to their effect on amenity and public safety only. Therefore, the opportunities to influence this are limited. Whilst illuminated signage is included within the Neighbourhood Plan policy it lacks detail concerning this matter.</p>
<p>Policy DC7: renewable Energy</p>	<p>We consider that the policy is imprecise and may not achieve uptake of renewable energy technologies as the supporting text suggests. We consider that further consideration should be given to the aims and wording of the policy. What about schemes that sit outside community energy schemes and micro-generation schemes? Is the policy not relevant in those situations?</p> <p>The policy makes no mention of encouraging retrofitting renewable energy technologies on existing buildings. Does the NP intend this?</p>
<p>Chapter 6. Policy EB1: High Speed Connectivity and Telecommunications</p>	<p>The policy states that new development must incorporate high speed internet connectivity. It important to consider that it may be outside of the developers control to provide this due to availability or cost. Consideration could be given to requiring high speed internet connectivity unless it can be demonstrated that this would not be possible, practical or economically viable.</p> <p>It is not clear how the second requirement ‘not impact negatively on the functionality of the existing telecommunications infrastructure’ would be assessed in terms of a development proposal at the planning application stage.</p> <p>Whilst a policy that supports the provision of better broadband connectivity to new developments is aspirational, we would prefer to see a less restrictive policy that requires developers to demonstrate how the development will contribute to, and be compatible with current high speed digital connectivity where practical. Such a policy could also generally support proposals that have access to high speed broadband to serve residential properties and businesses. There may be instances where the provision for high speed broadband is not physically possible or necessary. Therefore, those developments could be designed to facilitate connection when it is available. As worded, the policy would not support development where this is not provided at the outset which could be unduly negative.</p>
<p>Policy EB2: Commercial and Tourism Development</p>	<p>We acknowledge the policy to broadly support rural diversification, but consider that more consideration ought to be given to the precise wording to ensure that it is effective. As written, the first paragraph states that it will consider impacts on residential amenity and local character; and the second paragraph adds a further range of impacts along with and ‘and other impacts’. We suggest that the wording is given more consideration in order that it is clear, precise and unambiguous; and less open to interpretation.</p>

<p>Section 2.7 Housing Growth</p>	<p>The Core Spatial Strategy identifies a hierarchy of five centres. The lowest level is identified as a 'village' in which Baldwin's Gate and Whitmore currently sit. The Core Spatial Strategy identifies these 'villages' as centres for no further growth, and efforts must be made to ensure that existing services and facilities are protected.</p> <p>In terms of the range of figures, the Preferred Options consultation identifies the housing requirement (OAN) as 11,720 for Newcastle Borough, 586 dwellings per annum (dpa).</p> <p>Consideration could be given to building in some flexibility to any policies and proposals to enable the management of development in the event that the Council cannot demonstrate adequate housing land supply, should the Joint Local Plan change the settlement boundaries, or otherwise indicate additional housing development is required. To help the plan to be flexible i.e. to be more future proofed, the plan could contain policies on the scale and/or form of housing development that might be preferred in the event that additional housing is pursued within or beyond the existing village envelope.</p>
<p>Policy HG1: New Housing</p>	<p>We acknowledge the revised village envelope boundary for Baldwin's Gate, and that it is presented in Map 33.</p> <p>Please define 'other built settlements'.</p> <p>The criteria in the first part of the policy suggest that a sustainable location includes the conversion of an agricultural building, without any reference to its location. Is this correct?</p> <p>Can the NP define 'adequate infrastructure', 'sensitive landscapes and habitats' and 'important community facility'?</p>
<p>Section 2.7.2 Policy HG2: Housing Mix</p>	<p>We acknowledge the revision of this policy to be compatible with the current Core Spatial Strategy policy CSP6 which applies a 5 dwelling threshold to the rural area.</p>
<p>Policy HG3: Local Play, Sports and Recreational Facilities</p>	<p>We acknowledge the revision to this policy, but consider it ought to be strengthened e.g. by adding some text from the interpretation section whereby the application should demonstrate how it meets the needs for play, open space and sports facilities etc. in accordance with the Borough's standards. The policy is written in a way that complying with it is open to interpretation and it's difficult to determine exactly what it wants to deliver. It is also very generic and unspecific to the Neighbourhood Area.</p>

Proposed Local Greenspace Designations

Local Green Space designation through neighbourhood plans is a way for local communities to provide special protection against development for green areas of particular importance to local communities.

Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.⁸ They can be designated where those spaces are demonstrably special to the local community.⁹ The green area will need to meet the criteria set out in paragraph 77 of the National Planning Policy Framework.

The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife
- where the green area concerned is local in character and is not an extensive tract of land.

The NPPF suggests that Local Green Space designation will not be appropriate for most green areas or open space. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis.¹⁰ Spaces do not have to benefit from rights of public access and a designation does not confer such a right. The guidance states that a Local Green Space does not need to be in public ownership but the qualifying body should contact landowners about proposals to designate part of their land. Designating a green area as Local Green Space would give it protection consistent with that in respect of Green Belt, but otherwise there are no new restrictions or obligations on landowners.¹¹ Management remains with the landowner.

Were the NP not to reach Regulation 15 by 24 January 2019 then the relevant paragraphs from the 2018 NPPF would apply, but the criteria are the same.

Paragraphs 99 to 101 of the 2018 NPPF set out the government's policy for the designation of Local Green Spaces and enable local and neighbourhood plans to allow communities to identify and protect green areas of particular importance to them through designating land as Local Green Space. It states that designation should 'be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period'. It states three criteria where the designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

⁸ Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space - Paragraph: 007 Reference ID: 37-007-20140306

⁹ Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space - Paragraph: 009 Reference ID: 37-009-20140306

¹⁰ Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space - Paragraph: 013 Reference ID: 37-013-20140306

¹¹ Planning Practice Guidance Open space, sports and recreation facilities, public rights of way and local green space - Paragraph: 020 Reference ID: 37-020-20140306

- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

It further states that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

The Neighbourhood Plan proposes the designation of 85 Local Green Spaces (LGSs). They are shown individually on proformas for each site, but there is no composite map of all the proposed designations. We would welcome a composite proposals map for the next stage that shows all the proposed designations together on one map, or a map for each parish.

Each proforma provides a simple assessment of the site against the NPPF criteria.

This response can group the sites together depending on their characteristics, some are linear routes focussed around public rights of way; highway verges and visibility splays; utilities; agricultural land or woodland; open space or recreational sites; or memorials; and provide comments accordingly as follows:

Linear routes/Public Rights of Way

LGSC1, LGSC5, LGSM6, LGSM7, LGSW28,

We do not consider that these routes pass the tests in paragraph 77; and planning guidance states that there is no need to designate linear corridors simply to protect rights of way that are already protected under other legislation.

Highway Verges and Visibility Splays

LGSC2, LGSC3, LGSC4, LGSC7, LGSC9, LGSC10, LGSC11, LGSC12, LGSC13, LGSC14, LGSC15, LGSC16, LGSM1, LGSM2, LGSM3, LGSM4, LGSM5, LGSM8, LGSM9, LGSM10, LGSM11, LGSM12, LGSM13, LGSM14, LGSM15, LGSM16, LGSM17, LGSM18, LGSM19, LGSM20, LGSM2, LGSM24, LGSM26, LGSW1, LGSW2, LGSW3, LGSW4, LGSW5, LGSW6, LGSW7, LGSW8, LGSW12, LGSW13, LGSW14, LGSW15, LGSW16, LGSW18, LGSW20, LGSW21, LGSW22, LGSW23, LGSW24, LGSW26, LGSW27, LGSW29, LGSW30, LGSW31, LGSW32, LGSW34, LGSW35, LGSW36, LGSW37, LGSW38

We do not consider that these highway verges pass the tests in paragraph 77; because it is not considered that they are demonstrably special to the local community and hold any particular local significance because of their beauty, historic significance recreational value, tranquillity or richness of their wildlife.

Utilities

LGCS6 STW Reed Bed

We do not consider that the Severn Trent reed bed passes the tests in paragraph 77; because it is not considered that it is demonstrably special to the local community and holds any particular local significance because of its beauty, historic significance recreational value, tranquillity or richness of wildlife.

Agricultural Land or Woodland

LGSC8 Green Gap at junction of Moss Lane and A51, Hill Chorlton

This is an agricultural field with highway frontage in Hill Chorlton, it is described as an important area of pasture providing definition and separation between the built form of dwellings on the A51 and open countryside. The green gap is an important element in rural the character and setting of this settlement.

We do not consider that this field passes the tests in paragraph 77; although it does provide separation there is no justification to suggest why this gap is of greater significance than other green gaps, or why this singly is more demonstrably special to the local community or holds any greater local significance because of its beauty, historic significance recreational value, tranquillity or richness of their wildlife. We therefore do not support the designation of this field as Local Green Space.

LGSM23 Beech Tree Copse at Maerfield Gate Farm

This is a small fenced copse of mature Beech and Sycamore trees, covered by a TPO, located in an elevated position amongst grazing land, visible from the A51. It is described as an important feature within the landscape and provides a legible reference point.

We consider that this copse, although protected by a TPO and visible within the landscape does not pass the tests in paragraph 77. Insufficient justification has been provided of its beauty or other value to the community to warrant its designation. We therefore do not support the designation of this copse as Local Green Space.

LGSM25 Sandy Low Plantation

This is a small, fenced, mixed plantation of Pine and broadleaved tree, covered by a TPO, elevated within a large field adjacent to and visible from the A51 and Woodside. It is described as a significant feature in the wider landscape of the Neighbourhood Area and provides a legible point for reference and navigation.

We consider that this copse, although protected by a TPO and visible within the landscape does not pass the tests in paragraph 77. Insufficient justification has been provided of its beauty or other value to the community to warrant its designation. We therefore do not support the designation of this plantation as Local Green Space.

LGSW9 Woodland on Whitmore Heath

This is an area of unmanaged scrub woodland in a former sand quarrying area, enclosed behind residential plots on Whitmore Heath and agricultural land. There are accesses on Snape Hall Road, Birch Tree Lane and Heath Rise, and informal paths for walking and cycling. It is considered an important recreation area for local residents. Believed to be in ownership of Whitmore Estate. It is valued for well-being and makes a contribution to local green infrastructure; and provides an important local walking route.

We consider that this woodland passes the tests set out in paragraph 77; and is demonstrably special to the local community.

LGSW10 Raddle Hill

This is an area of managed, broadleaf woodland on elevated ground on the eastern approach to Baldwins Gate on the A53. It has informal access on Coneygreave Lane and

informal paths used for walking and cycling. It is described as contributing to the character of Baldwins Gate village and has high visual amenity value due to its prominence in the main eastward view through settlement and prominent in the wider landscape. In ownership of and maintained by Whitmore Estate.

We consider that this woodland passes the tests set out in paragraph 77; and is demonstrably special to the local community.

LGSW19 Green Gap Fair Green Road

This is described as a small, triangular field of pasture land that provides definition and visual separation between the Baldwins Gate village envelope and a small group of cottages in the Open Countryside. It is bounded to the north-east by the school playing field and farmland, to the south by Open Countryside and dwellings, west by local right of way (see LGSW28). The site is visible from PRoW Whitmore No. 7, which forms part of an important local walking route.

We do not consider that this field passes the tests in paragraph 77; although it does provide separation there is no justification to suggest why this gap is of greater significance than other green gaps, or why this singly is more demonstrably special to the local community or holds any greater local significance because of its beauty, historic significance recreational value, tranquillity or richness of their wildlife. We therefore do not support the designation of this field as Local Green Space. The field has formed part of the application site of a development proposal for 97 homes. Consent was refused on 27 April 2018 (17/01024/FUL), and the Borough Council is not aware that any planning appeal has been submitted.

LGSW40 Poplar Trees at Swallow Hill, Camp Hill

Described as a row of mature Poplar trees on a high ridge to the north-west of Baldwins Gate and overlooking the valley. The trees are prominently visible from many points to the south and south-east, up to 7.5km distance. The NP considers that they contribute significantly to the wider landscape of the Neighbourhood Area and beyond, and provide a legible point for reference and navigation within landscape.

We do not consider that a line of trees passes the tests set out in paragraph 77 of the NPPF and they could not be described as a green space.

LGSW41 Dismantled Railway Line Manor Road, Baldwins Gate

Described in the Newcastle-under-Lyme Green Infrastructure Strategy (2017) as a dismantled railway line which runs with gaps from the centre of Newcastle to the River Lea and beyond. It forms part of the wider Green Space linkages between the NA and other areas. Within the NA it is bounded on both sides by mature, tall hedgerows and runs westwards from Manor Road and merges into a track north of Aston village, from where it connects to the rural road network.

We consider that the dismantled line could pass the tests set out in paragraph 77; and could be demonstrably special to the local community. This designation would effectively give Green Belt status and may prevent future development unless in very special circumstances.

Greens, Open space or recreational sites

LGSC17 Chapel Chorlton Village Green

This is a large, triangular village green with a mature commemorative Silver Jubilee oak tree, seating, a small parking area, a parish notice board, a letter box, seating, a litter bin and a disused K6 telephone box. The area is well used. The parking area, seating and bench under the oak tree are all used by walkers and other visitors. The green is used by the local community. Contributes to the character of this rural settlement. In ownership of Chapel and Hill Chorlton Parish Council. Maintained by Chapel and Hill Chorlton Parish Council.

We consider that the village green would pass the tests set out in paragraph 77; and is demonstrably special to the local community. This designation would effectively give Green Belt status and may prevent future development unless in very special circumstances.

LGSW11 Whitmore Village Hall Playing Field

This is the Village playing field. The area has a mixture of hard and soft landscaping, with well-maintained and purpose-built facilities, including a 5-a-side football pitch with goals, outdoor gym, enclosed early years play area, young people's play area and picnic tables with benches. The sloping nature of the site means that the football pitch is not as well used as it might be. Owned and managed by Whitmore Parish Council.

We consider that this playing field would pass the tests set out in paragraph 77; and is demonstrably special to the local community. This designation would effectively give Green Belt status and may prevent future development unless in very special circumstances.

LGSW17 Jubilee Gardens, Baldwins Gate

Described as an informal landscaped and planted garden with a broad, accessible path (PRoW Whitmore No. 7) through the site. Includes an area of mown grass, wooded area, rockery and seating. There is a board with a map 'Whitmore and District Parish Walks' at the entrance to the gardens. In ownership of Whitmore Parish Council. Maintained by Whitmore Parish Council.

We consider that this garden would pass the tests set out in paragraph 77; and is demonstrably special to the local community. This designation would effectively give Green Belt status and may prevent future development unless in very special circumstances.

LGSW25 Baldwins Gate Primary School Playing Field

This is the playing field to the rear of the school. It provides a sports pitch for the village and the Neighbourhood Area, being level and well maintained. It has high amenity value to the school and the wider community, providing a sports facility.

We consider that this open space/recreation facility would pass the tests set out in paragraph 77; and is demonstrably special to the local community. This designation would effectively give Green Belt status and may prevent future development unless in very special circumstances.

LGSW33 Chapel Green, Baldwins Gate

This is a predominantly mown grassed area at the side of the A53, with formal planters, a community Christmas tree and a large silver birch tree. Includes paved paths and seating, a bus shelter and a dog waste bin belonging to Whitmore Parish Council. There is a gas

station at the western end. It is described as an important visual amenity, providing a 'gateway' area at the western end of the village, and contributing to the character of this rural settlement. In ownership of Newcastle-under-Lyme Borough Council, leased for no rent to Whitmore Parish Council and developed and maintained by Whitmore Parish Council.

We consider that this areas role as a small informal village green would pass the tests set out in paragraph 77; and is demonstrably special to the local community. This designation would effectively give Green Belt status and may prevent future development unless in very special circumstances.

LGSW39 Lakeside Estate, Baldwins Gate

Described as open space set within a residential development at the western end of the village, for the immediate benefit of residents of the Lakeside Estate. Consists of well-maintained grassed areas with a few trees, a small lake, a watercourse and an informal wooded area. The lake and wooded area are maintained as a nature reserve. A gravel bound path meanders past the lake and provides access to a Public Right of Way (PRoW), Chapel and Hill Chorlton No. 1, in the Open Countryside. Has high amenity and visual value for the residents of the development and contributes to the green spaces in the village. While it is not a public open space, and the gravel path is not a PRoW and is closed on one day each year, both are an important green space element linking the settlement of Baldwins Gate to the Open Countryside, as the path provides a link from the adopted highway network to the PRoW and the Open Countryside. Both the open space and pathway are owned and maintained by the Baldwins Gate Management Company which is owned by the residents.

We consider that this open space would pass the tests set out in paragraph 77; and is demonstrably special to the local community.

LGSW42 Whitmore Cricket Ground

Described as the village cricket ground on the SW side of Whitmore village, with access from Bent Lane, parking area and pavilion. An important community asset.

We consider that this recreation ground passes the tests set out in paragraph 77; and is demonstrably special to the local community. This designation would effectively give Green Belt status and may prevent future development unless in very special circumstances.

Memorials

LGSM22 Maer War Memorial

We support the Local Green Space designation for the Memorial and consider that it meets the criteria set out in paragraph 77 of the NPPF.

In reviewing each of these potential Local Green Space designations it became apparent how many grassed verges had been included and that these are clearly part of local character. Whilst we cannot support the designation of these verges as Local Green Space as it is considered that they do not meet the tests set out in the NPPF, you may want to consider whether it would be appropriate to consider inclusion of a policy about verges and their contribution to local character; for example, a policy to conserve and enhance their appearance and to ensure that any future development includes green verges as part of any

development proposals. The work you have presented would be part of the evidence base to justify such an approach.

This concludes the Council's response at this stage.