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Mr Allan Clarke
Planning Policy Manager
Newcastle-under-Lyme Borough Council
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Dear Mr Clarke

**Examination of the Newcastle Under Lyme Local Plan
Inspector's Initial Questions and Comments to the Council**

Introduction

I have now made progress with my initial preparatory work and have some preliminary questions in relation to the Habitats Regulation Assessment (HRA) submitted by the Council.

Natural England have advised the Council prior to submission that they consider the HRA to be deficient insofar as it fails to take account of ammonia sourced from traffic emissions and the impact from this source on designated sites. I note that, the Council have commissioned Lepus Consulting to carry out additional work to the HRA and that discussion is ongoing with Natural England.

My colleague, during his advisory visit, advised that additional work on the HRA should be undertaken prior to submission of the Plan for examination. S20 of the 2004 Act requires that all legal compliance matters have been complied with at the point of submission. The Local Planning Authority must not submit a Plan for examination unless they have complied with any relevant requirements contained in regulations.

I am mindful that because the outcome of the HRA and the response of Natural England is not yet known, at this stage any resultant outcome on the Plan's policies, including individual site allocations and their potential viability and/or deliverability is

also unknown. Additional work may also need to be carried out on the Sustainability Appraisal (SA).

Once the work has been completed and the advice of Natural England has been provided, the Council will need to consider the implications for the Plan, in particular the site selection process and relevant assumptions on viability and deliverability. The Council will need to formally set out its approach in light of the HRA findings, and advise on any changes to the Council's proposed modifications to the Plan.

I will be unable to continue with the examination of the Plan until the additional HRA work has been completed and the Council have advised on any implications to the Plan as submitted.

The Council will be aware of the Minister of State's Letter to the Planning Inspectorate of 30 July 2024 (the Letter). This sets out the Government's expectations relating to the conduct of plan examinations, including in terms of the length of any pauses needed to address fundamental issues, which the Minister advises should not exceed a period of 6 months in total. Such pauses include any delays prior to the examination hearings.

I am therefore requesting that by **Monday 10th of February** the Council provide a timetable for the completion of the HRA work, an indication of the likely timescale for receipt of comments on it from Natural England, and a timeframe in which the Council will set out how the Plan addresses the finding of the additional HRA work.

Once these matters are clear, I will be able to prepare Matters Issues and Questions for the examination. Whilst I am hoping that this matter will not significantly delay the examination, and that the hearing sessions will be able to start in May, this cannot be assured until the outcome of the above work is known.

Please contact me through the Programme Officer if you would like any clarification on the matters set out above. I look forward to hearing from you.

Anne Jordan

INSPECTOR