

Appeal by Gladman Developments Ltd

Land south of Eccleshall Road, Loggerheads

Appeal against the non-determination of a planning application submitted to Newcastle-under-Lyme Borough Council for:

“Outline planning application for the erection of up to 150 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access. All matters reserved except for means of access.”

Statement of Common Ground between

Gladman Developments Ltd

and

Newcastle-under-Lyme Borough Council

FINAL



January 2025

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1 INTRODUCTION

1.1 Background

1.1.1 This Statement of Common Ground (SoCG) has been prepared jointly by Gladman Developments Ltd (herein referred to as 'the Appellant') and Newcastle-under-Lyme Borough Council (herein referred to as the 'NuLBC' or 'the Council').

1.1.2 The Statement concerns an appeal made pursuant to the non-determination of planning application ref: 24/00162/OUT by the Council at land south of Eccleshall Road, Loggerheads (herein referred to as 'the site').

1.1.3 This Statement sets out the agreed matters of fact and agreed positions between the Council and the Appellant in respect of the planning matters raised by this appeal and identifies matters which are the subject of specific disagreement. It follows guidance contained within Annex R of The Planning Inspectorate Procedural Guide: Planning appeals - England (Updated 17th September 2024).

1.2 Additional Statements of Common Ground

1.2.1 Separate Statements of Common Ground have been prepared on:

- Five Year Housing Land Supply
- Ecology
- Landscape
- Highways (with Staffordshire County Council)

1.3 Parties

1.3.1 This SoCG is jointly agreed by:



Signed

Date 13/1/25

Name Stuart Carvel

On behalf of Gladman Developments Ltd



Signed

Date 10/1/25

Name Rachel Killeen

On behalf of Newcastle-under-Lyme Borough Council

2 BACKGROUND TO THE APPEAL PROPOSALS

2.1 Context

2.1.1 The planning application that is subject of this appeal was registered valid by NuLBC on 20th March 2024. The application was accompanied by a comprehensive suite of technical reports (CD1), in accordance with the Council's planning application validation requirements. A full list of plans and documents which were submitted in support of the outline planning application is included in section 1.2.2 of the Planning and Affordable Housing Statement (CD1.21).

2.1.2 The original statutory 13-week period for determining the Appellant's application proposals expired on 16th June 2024, after which point the Appellant and the Council agreed extensions of time ('EoT') for the determination of the application to address issues raised by statutory consultees. The most recent EoT agreed by both parties expired on 27th September 2024.

2.1.3 On 26th September, Officers met with the appellant to discuss the then current position with the application. At that time Staffordshire Wildlife Trust maintained an objection to the application. A further meeting was held on 2nd October following a site visit by the case officer and the appellant was advised that it was likely that the application would be recommended for refusal, on the grounds of landscape and ecology.

2.1.4 No decision was made within the statutory time period (as extended) and no written reasons for refusal were identified. The Appellant appealed against non-determination

2.1.5 A chronology of subsequent correspondence between the Appellant and the Council is set out in CD3.

2.2 The Appeal Site and its Surroundings

2.2.1 The appeal site extends to 9.11 hectares and lies outside of, but adjacent to, the existing built-up area to the west of Loggerheads, a village in the borough of Newcastle-under-Lyme. The appeal site is shown at CD1.02.

2.2.2 The appeal site comprises an irregularly shaped field currently in agricultural use, is adjacent to the settlement and presents with physical features, such as established hedgerows, a large tree belt and domestic boundary fencing. It is located on the western edge of Loggerheads, north of existing Tagedale Brook. To the north of the site is the under-construction housing development 'Shropshire Heights' of 150 homes by Wain Homes, which is separated from the site by Eccleshall Road (B5026).

- 2.2.3 To the east, the site is bound by a cluster of residential dwellings and includes hedgerows and garden fences along the boundary. A Waste Water Treatment Plant is situated to the south-east beyond the site boundary. To the immediate south of the site is a dense and mature tree line along the Tadgedale Brook, with arable farmland and Ben's Eggs Farm located immediately beyond. Further south is Oakley Folly Road (A53) bounded by a partial hedgerow to either side. Beyond lies a small cluster of residential dwellings within arable land and a large area of woodland (Burnt Wood SSSI), with a cul-de-sac residential development located within it. The Leightons Drumble Local Wildlife Site is located partially on-site, within the south east section along the stream corridor encompassing the woodland belt, ponds and Tadgedale Brook. To the west, the site is bound by a hedgerow with scattered trees.
- 2.2.4 The appeal site is not subject to any specific planning designations, related to environmental, historic environment or open space.
- 2.2.5 Loggerheads is designated as a 'Rural Centre' in the Council's emerging settlement hierarchy (draft Policy SP2) and is intended to provide the focus for some housing growth in the borough commensurate with its role as a village.
- 2.2.6 From an accessibility/sustainability perspective, the appeal site benefits from access to a good range of services and facilities that would be available to meet the day-to-day needs of future residents. The range of local services and amenities include: a primary school, post office, convenience store, public house, a pharmacy, butchers and a village hall which are all within accessible walking and cycling distance of the appeal site.
- 2.2.7 Loggerheads is situated approximately 4.8km to the east of Market Drayton (straight line distance) and approximately 15km (straight line distance) south-west of Newcastle-under-Lyme. Slightly further afield, the larger settlements of Stoke-on-Trent, Shrewsbury and Hanley provide a wide range of employment and leisure opportunities which are accessible via multi-modal, sustainable public transport options.
- ## 2.3 The Appeal Proposal
- 2.3.1 The Appellant seeks outline planning permission for up to 150 dwellings, including 25% affordable housing, along with public open space, structural planting, landscaping and surface water flood mitigation and attenuation. All matters are reserved except for the main vehicular access point, in the form of a single priority controlled junction from Eccleshall Road.

2.3.2 As the appeal is seeking outline planning permission, the precise housing mix is not yet set. In accordance with local policy, 25% of properties will be provided as affordable housing¹. Thus, if up to 150 homes were to be provided, 38 of these would be affordable dwellings.

2.3.3 The appeal proposals were also supported by a Development Framework Plan (CD1.03). The Development Framework Plan is an illustrative summary of how the appeal site could be developed, taking account of the reports submitted in support of the application. In doing so, it indicates the provision of approximately 4.31 hectares of publicly accessible green infrastructure to include structural landscape planting, areas of informal and formal public open space, new recreational routes, a high-quality children's play area and provision of a new community orchard, all of which are within suitable locations to ensure accessibility from new and existing residents.

2.4 Drawings Sought for Approval

2.4.1 The drawings for which the Appellant seeks planning permission are:

Drawing Name	Drawing Ref	Core Document Ref
Site Location Plan	DL01	CD1.02
Proposed Access Arrangements	1877/10/B	CD2.07 Page 227 of Transport Assessment Highways SoCG Appendix A
Proposed School Bus Stop Improvement: Mucklestone Wood Lane	Drg No 1877/11	Highways SoCG Appendix B
Existing and Proposed Pedestrian Infrastructure	Drg No 1877/12	Highways SoCG Appendix C

¹ In accordance with the definition of affordable housing in the National Planning Policy Framework (December 2023).

2.5 The Council's Position on the Appeal

2.5.1 The Council took the application to committee on Tuesday 3 December 2024. It issued four putative reasons for refusal.

2.5.2 Following the submission of information regarding protected species, the Council and its consultee Staffordshire Wildlife Trust confirmed that it no longer objected to the appeal scheme on ecology grounds subject to appropriate conditions.

2.5.3 The National Planning Policy Framework was updated in December 2024. The Council confirmed that it would no longer defend the appeal as a result of the marked change in the Council's housing land supply.

2.5.4 This position is reflected in the matters of agreement as below.

3 PLANNING POLICY

3.1 Development Plan

3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.1.2 The development plan documents for Newcastle-under-Lyme Borough Council that are of relevance to the appeal are:

- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (adopted 2009);
- Newcastle-under-Lyme Local Plan 2011 (adopted 2003). The Secretary of State's Direction in respect of saved Local Plan policies dated 27th September 2007; and
- Loggerheads Neighbourhood Plan ('made' in 2019).

3.1.3 It is agreed that the appeal proposal raised no conflict with the Minerals Local Plan for Staffordshire or the Staffordshire and Stoke-on-Trent Waste Local Plan.

3.2 Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy

3.2.1 The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) was adopted in 2009 and sets out strategic planning policy for the two local planning authority areas for the plan period 2006 to 2026.

3.2.2 The parties identify the following policies as of relevance to this appeal:

- Policy SP1: Spatial Principles of Targeted Regeneration
- Policy SP3: Spatial Principles of Movement and Access
- Policy ASP6: Rural Area Spatial Policy
- Policy CSP1: Design Quality
- Policy CSP3: Development and Climate Change
- Policy CSP4: Natural Assets
- Policy CSP5: Open Space, Sport and Recreation
- Policy CSP6: Affordable Housing
- Policy CSP10: Planning Obligations

3.3 Saved policies of the Newcastle-under-Lyme Local Plan 2011

3.3.1 The parties identify the following policies as of relevance to this appeal:

- Policy H1: Residential Development: Sustainable Development and Protection of the Countryside
- Policy C4: Open Space in New Housing Areas
- Policy N2: Development and Nature Conservation – Site Surveys
- Policy N3: Development and Nature Conservation – Protection and Enhancement Measurements
- Policy N4: Development and Nature Conservation – Use of Local Species
- Policy N8: Protection of Key Habitats
- Policy N10: New Woodland Considerations
- Policy N12: Development and the Protection of Trees
- Policy N14: Protection of Landscape Features of Major Importance to Flora and Fauna
- Policy N17: Landscape Character – General Considerations
- Policy N21: Areas of Landscape Restoration
- Policy IM1: Provision of Essential Supporting Infrastructure and Community Facilities

3.4 Loggerheads Neighbourhood Plan

3.4.1 The Loggerheads Neighbourhood Plan (LNP) was formally 'made' in February 2019 and it sets out local planning policies for the designated area for the plan period 2013-2033.

3.4.2 The parties agree that the LNP is more than five-years old and it does not allocate any sites for housing. Therefore, paragraph 14 of the Framework is not engaged.

3.4.3 The parties identify the following policies as of relevance to this appeal:

- Policy LNPG1: New Housing Growth
- Policy LNPG2: Housing Mix
- Policy LNPS1: Community Infrastructure
- Policy LNPP1: Urban Design and Environment
- Policy LNPT1: Sustainable Transport

3.5 Emerging Newcastle-under-Lyme Local Plan 2020-2040

3.5.1 Newcastle-under-Lyme Borough Council began initial work on their emerging Local Plan Review in January 2021. An Issues and Strategic Options consultation was undertaken between November 2021 and January 2022 and a First Draft Local Plan consultation between June and August 2023.

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- 3.5.2 The Council consulted on a Regulation 19 draft of the Newcastle-under-Lyme Final Draft Local Plan between 16th August – 7th October 2024.
- 3.5.3 The Council submitted the local plan (2020-2040) to the Secretary of State for Independent Examination on 20th December 2024.
- 3.5.4 The examination has not yet started and no outcomes or findings of the Inspector are known.
- 3.5.5 The Appellant therefore considers that at most only limited weight can be given to its policies, whereas the Council gives the policies moderate weight.

3.6 Housing Land Supply

- 3.6.1 NuLBC's latest Housing Land Supply Statement was published in May 2024 whereby the Council claimed a housing land supply position of 5.26 years, using a 1st April 2023 base date. This position is calculated using the annual housing requirement derived from the (then) current standard method (340 dwellings per annum).
- 3.6.2 On the 12th December 2024 the Labour Government adopted the proposed reforms to the NPPF which include the re-introduction of a 5% buffer for housing land supply purposes and a new standard method for calculated local housing need using a stock-based approach.
- 3.6.3 The parties agree that the strategic policies for Newcastle-under-Lyme BC are more than five years old and consequently, the local housing need figure (based upon the standard method in national planning guidance) should be used for the purposes of calculating five-year housing land supply.
- 3.6.4 The new standard method adopts a two-step approach that factors in a flat 0.8% increase in housing stock per annum and applies an affordability uplift. For Newcastle-under-Lyme, this headline change significantly increases the local housing need figure for the authority from 340dpa (under the current method) to 545dpa.
- 3.6.5 The parties agree that if NuLBC's housing land supply position is calculated using the new standard method figure for calculating local housing need (545dpa) that a five year housing land supply cannot be demonstrated by the Council and the tilted balance is engaged for this reason.
- 3.6.6 Full details of the Council and Appellant's position is set out in the separate Five Year Housing Land Supply Statement of Common Ground.

4 MATTERS ON WHICH PARTIES AGREE

4.1 Introduction

4.1.1 This section sets out the matters on which both parties agree and therefore the following matters are not considered to be an issue for this appeal.

4.2 Overall Planning Balance and Principle of Development

4.2.1 For the purposes of the development plan, the appeal site lies beyond the settlement boundary for Loggerheads. It is within 'open countryside' in planning policy terms.

4.2.2 Loggerheads is designated as a Rural Service Centre and is a suitable settlement in which to accommodate housing growth.

4.2.3 The development of up to 150 dwellings in this location is sustainable development.

4.2.4 The parties agree that when taken as a collective or individual, none of the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme when delivered and planning permission should be granted.

4.3 National Planning Policy Framework and Planning Practice Guidance

4.3.1 It is agreed that the National Planning Policy Framework and Planning Practice Guidance are important material considerations in the determination of the appeal.

4.3.2 The parties further agree that paragraph 11 of the Framework is relevant and that the Presumption in Favour of Sustainable Development and "tilted balance" would be engaged as a consideration in the determination of the appeal proposals unless any 'footnote 7' policies apply.

4.3.3 The parties agree that the weight to be attached to relevant policies in the adopted and any emerging development plan needs to be considered having regard to the degree of consistency of those policies with the Framework, in accordance with the advice set out in paragraphs 49, 50, 231 and 232 of the Framework.

4.3.4 The revised NPPF and amendments to standard method are to support the Government's aim of delivering 1.5m new homes over the current parliament. The NPPF and associated documentation/guidance introduced a calculation for housing need based upon an existing Stock Based method.

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- 4.3.5 The Stock Based method sets a requirement of 545 dwellings per annum (as also agreed in the 5YHLS SoCG).
- 4.3.6 The Council has submitted its Local Plan 2020-2040 under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on 20 December 2024 as such it will be examined under the previous version of the Framework (December 2023) for the purposes of plan making,
- 4.3.7 The emerging plan proposes a requirement of 400 dwellings per annum. Should the plan be adopted with this requirement, in accordance with paragraph 78 of the 2024 Framework the Council will automatically be subject to a 20% buffer for the purposes of decision making from 1 July 2026 as the requirement is less than 80% than the Standard Method (approximately 73%).
- 4.3.8 Until a plan has been adopted, the Council is subject to the Five Year Housing Land Supply tests of the Framework and PPG, as set out at Section 3.6, with a requirement of 545 dwellings per annum.

4.4 Tilted Balance

- 4.4.1 The parties agree that the policies contained within the development plan for the delivery of housing are out-of-date. These include CSS policies SP1 and ASP6, Local Plan Policy H1 and LNP Policy LNPG1.
- 4.4.2 These policies were adopted, and in the case of the Local Plan, 'saved' before the publication of the NPPF and its subsequent revisions. Therefore, the policies are not based on an up-to-date assessment of housing needs, restrict housing development in some settlements and prevent others from expanding and are therefore in conflict with the NPPF which seeks to increase the supply of new homes.
- 4.4.3 The parties agree that paragraph 11d of the NPPF is relevant and the "Presumption in Favour of Sustainable Development" applies and the "tilted balance" is engaged in the determination of the appeal. This is the case irrespective of the Council's housing land supply position.
- 4.4.4 It is agreed that the most important policies determining the application are out-of-date.
- 4.4.5 Therefore, the determination of the proposal therefore falls to be decided on a consideration of whether the adverse impacts of allowing the appeal proposals would significantly and demonstrably outweigh the benefits.

4.5 Site and Settlement Sustainability

- 4.5.1 As detailed in section 2.2 above, the appeal site lies adjacent to the western edge of Loggerheads.
- 4.5.2 As a settlement, Loggerheads is identified as a third tier in the adopted as a 'Rural Service Centre' and 'Rural Centre' in the emerging Newcastle-under-Lyme Local Plan (draft Policy PSD2: Settlement Hierarchy). Loggerheads will provide some of the development needs of the borough, commensurate with its role as a large village.
- 4.5.3 It is agreed that the Inspector in the Tagedale Quarry² appeal decision letter concluded that that site lies in a sustainable location in relation to proximity to local facilities and services within the village.
- 4.5.4 The appeal site benefits from the same accessibility as the Tagedale Quarry (now Shropshire Heights) site.
- 4.5.5 The location of the appeal site is accessible to a good range of local services and facilities by foot, bicycle and public transport. In this context, it is agreed that the appeal site is situated in a sustainable location for development.
- 4.5.6 The Baldwins Gate Inspector (CD7.01) confirmed that the 64 bus service which serves Loggerheads provides good access and opportunity for residents to access employment and leisure opportunities and other convenience and comparison goods shopping which are not otherwise available in the village.
- 4.5.7 The bus service provides a genuine choice for future occupiers.

4.6 Housing

- 4.6.1 It is agreed that the delivery of housing is an important benefit, in the context of the national and local planning policy objective to significantly boost the supply of housing.
- 4.6.2 It is agreed that at least significant weight should be given to the delivery of housing as a benefit, for the purposes of the planning balancing exercise.

² APP/P3420/W/16/3149399 (paragraphs 16, 17, 23, 26 and 72) CD7.02

4.7 Affordable Housing

4.7.1 The appeal proposals will secure 25% of the proposed dwellings as affordable homes. The parties agree that this is compliant with Policy CSP6 of the CSS. The affordable housing will be secured through the S106 obligation.

4.7.2 The parties agree that the provision of affordable housing is a benefit of the appeal proposals that should be attributed at least significant weight in the planning balance.

4.8 Access and Highways

4.8.1 The proposed vehicular access for the site is shown on the submitted Proposed Access Arrangement : Option 3 drawing no. 1877/10/B from Eccleshall Road (CD2.07).

4.8.2 It is agreed that the proposed site access is acceptable in principle with detailed design and safety audit to be assessed pursuant to a planning condition.

4.8.3 There are no objections to the appeal proposals on highway grounds from Staffordshire County Council in its capacity as the local highway authority, subject to planning conditions and planning obligations (CD4.22).

4.9 Design and Layout

4.9.1 The parties agree that, as the application is in outline, save for details of access, the approval of layout, design, scale, appearance and landscaping are reserved matters. The submitted Development Framework Plan (CD1.03) represents one way in which the site could be laid out and delivered.

4.9.2 It is recognised that the information provided at this stage is illustrative and that the reserved matters stage would consider the exact hierarchical structure of the street layout, landscaping and associated infrastructure, and other design and layout matters.

4.10 Arboriculture

4.10.1 The appeal proposals were supported by an Arboricultural Impact Assessment (CD1.08) which considers the arboricultural implications of the proposed development.

4.10.2 It is agreed that the development of the appeal site is acceptable from an arboricultural perspective. Whilst some losses of hedgerow and tree planting will be required to facilitate the proposed development, it is agreed that the appeal site will be able to provide an increase in tree and hedgerow cover overall.

4.10.3 It is agreed that NuLBC's Landscape and Community Team have no objection to the appeal proposals (CD4.16).

4.11 Air Quality

4.11.1 The appeal proposals were supported by an Air Quality Assessment (CD1.12). It is agreed that that the proposals would not give rise to any unacceptable effects in relation to air quality and air quality effects are not a reason for withholding planning permission.

4.12 Noise

4.12.1 The parties agree that there are no technical objections to the appeal proposals on noise grounds. It is agreed that any necessary noise mitigation measures can be secured by the imposition of suitable planning conditions. There is no objection to the appeal proposals on noise grounds from the Environmental Health Officer (CD4.21) or the Ministry of Defence (CD4.19).

4.12.2 The Appellant has undertaken extensive and detailed noise surveys and modelling that, as well as using the current baseline levels, have been prepared using worst case noise output levels. The noise assessment concludes that, with the mitigation measures proposed, that there would be no observed adverse effect on the amenity and living conditions of the occupiers of the proposed dwellings.

4.13 Built Heritage and Archaeology

4.13.1 A Heritage Statement was submitted in support of the Appellant's planning application (CD1.09). This confirmed that there are no designated heritage assets or non-designated assets located within the appeal site.

4.13.2 There is a listed (Grade II) Milepost on Eccleshall Road which is approximately 220m west of the site's access point.

4.13.3 The milepost derives its significance from its architectural and historical value as a cast iron milepost adjacent to a turnpike road. The asset primarily derives its significance from its physical form.

4.13.4 Its significance arises from its roadside location adjacent to Eccleshall Road (the turnpike road) and was the route the milepost was erected to serve.

4.13.5 The site is screened from the milepost by a substantial hedgerow which defines the southern edge of Eccleshall Road/the northern boundary of the site. Views of the asset along the line of Eccleshall Road are limited due to the hedgerow and topography.

4.13.6 The site does not have a relationship to the milepost either at present or historically and as such does not contribute to the setting, or significance of the designated asset.

4.13.7 The proposed development will not adversely affect the significance of the milepost. The parties agree that there is no heritage objection or grounds for withholding planning permission.

4.13.8 The parties agree that a programme of further archaeological investigation would need to be carried out prior to the commencement of the development works and that this would be secured through a suitably worded planning condition upon the grant of planning permission.

4.14 Best and Most Versatile Land

4.14.1 The Agricultural Land Quality report (CD1.14) which accompanied the planning application demonstrates that the majority of the appeal site comprises Grade 3 agricultural land, with the eastern section of the appeal site comprising Grade 2 agricultural land. Based on this, it is accepted that part of the site comprises best and most versatile agricultural land (BMV).

4.14.2 The development will result in a loss of approximately 7.9ha of Best and Most Versatile Agricultural Land (BMVAL) which equates to approximately 87% of the total site area.

4.14.3 The Appellant submitted a Technical Note (CD2.04) to the Council to provide clarification on the net impacts on BMV and production in the locality.

4.14.4 Irrespective of the use of the appeal site, it is agreed that the loss of the BMVAL is harmful and this attracts some weight in the planning balance.

4.15 Education

4.15.1 It is agreed that the provision of a proportionate contribution as set out in Staffordshire County Council's School Organisation Team's consultee response (CD4.10) towards additional facilities at Madeley High School will mitigate the full impact of the appeal proposals.

4.16 Public Open Space

- 4.16.1 The appeal proposals would provide approximately 4.31ha of green infrastructure, including public open space incorporating natural and semi-natural greenspace, amenity greenspace, children's play area and a community orchard.
- 4.16.2 Details of layout, maintenance and management of the on-site areas of public open space would be secured through planning conditions and/or a planning obligation.
- 4.16.3 The parties agree that this over-provision will be available to both existing and new residents of Loggerheads..

4.17 Residential Amenity

- 4.17.1 The parties agree that the residential use of the site would not be incompatible with existing residential uses in close proximity to the appeal site.
- 4.17.2 Both parties agree that the indicative layout shows that development could be designed without significant harm in terms of privacy or overshadowing. The protection of residential amenity can be controlled through the reserved matters application stage.

4.18 Economic Benefits

- 4.18.1 The parties agree that there will be economic benefits generated as a result of the appeal proposals.
- 4.18.2 Paragraph 85 of the NPPF sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It is agreed that the economic benefits of the appeal proposals should be afforded significant weight
- 4.18.3 The appeal proposals would provide estimated economic benefits in the form of the following³:
- £23.1 million in estimated construction spend;
 - Support approximately 95 FTE construction jobs spread over the build-out period;
 - Support an additional 129 FTE indirect jobs in associated industries; and

³ See CD1.23

- Residents could generate total gross expenditure of £4,100,000 annually.

4.19 Flooding and Drainage

- 4.19.1 The appeal site is situated wholly in Flood Zone 1 (less than 0.1% chance of flooding). It is located within an area identified as being at very low risk from surface water flooding. The risk of flooding from other sources is also considered to be low.
- 4.19.2 Severn Trent are satisfied that the drainage strategy submitted is acceptable, with no objections to the proposal subject to conditions (CD4.08).
- 4.19.3 The parties agree that the drainage strategy submitted with the application is acceptable. A technical solution in the form of a high-quality Sustainable Drainage System (SuDS) can be secured by condition to deal with matters of drainage.

4.20 Ecology

- 4.20.1 Following the submission of outstanding ecology surveys and a full Ecological Impact Assessment Staffordshire Wildlife Trust no longer object to the appeal proposals subject to conditions.
- 4.20.2 Following this, it is agreed NuLBC no longer oppose the appeal proposals in principle on ecological grounds as the proposals now comply with relevant paragraphs of the NPPF and Policy N3 and N4 of the Newcastle-under-Lyme Local Plan (2011) and Policy CSP4 of the Newcastle-under-Lyme and Stoke on Trent Core Spatial Strategy (2009).
- 4.20.3 The parties now agree that subject to conditions and planning obligations, there will be no residual ecological impacts as a result of the appeal proposals and that a net gain in biodiversity will be delivered in accordance with relevant legislation.
- 4.20.4 It is agreed that planning conditions and planning obligations are needed to secure the mitigation measures recommended in the Ecological Impact Assessment dated December 2024, and summarised in table 3 at page 31.
- 4.20.5 It is agreed that in light of the Ecological Impact Assessment dated December 2024, a planning obligation should prevent development from taking place within the local wildlife zone and buffer zone referred to in paragraph 5.31 of that document.

4.21 Planning Obligations

- 4.21.1 Both parties agree that planning obligations are required towards local infrastructure to mitigate the impacts of the development.
- 4.21.2 It is agreed by both parties that all planning obligations must be reasonably related in scale and kind to the proposed development and must also meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

5 OBLIGATIONS AND CONDITIONS

5.1 Section 106 Obligations

5.1.1 The Appellant will draft a s106 obligation, and this will be issued to the Council for comment in advance of the appeal in order to provide reasonable opportunity for agreement to be reached. The draft s106 obligation will be provided to the Inspector by 31st January 2025. .

5.1.2 The parties will enter into constructive dialogue to agree obligations for on and off-site provisions which are reasonably related in scale and kind to the proposed development and which meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

5.2 Planning Conditions

5.2.1 A draft list of conditions will be agreed by both main parties and an agreed list will be submitted to the Inspector in accordance with the appeal timetable.