

Our ref: NUL Local Plan/Initial Questions

Date: 14 February 2025

Inspector: Anne Jordan (BA Hons) MRTPI

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Dear Inspector Jordan,

Re Examination of the Newcastle-under-Lyme Local Plan - Inspector's Initial Questions and Comments to the Council

This letter sets out the Borough Council's response to the Inspector's Initial Questions and Comments to the Council (EX/INS/01a) received on the 6 February 2025. The letter focuses on providing an update on the additional work to inform the Habitats Regulations Assessment ("HRA"). It sets out the timetable for completion of the HRA work, an indication of 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 findings of the additional HRA work.

Background

The preparation of the HRA has been and continues to be an iterative process. The HRA process will continue up to the adoption of the Local Plan, responding to the outcomes of the examination process. Development of the Local Plan has been supported by the Habitat Regulations Assessment process at all stages. The Habitats Regulations Assessment [CD05] identified likely significant effects at the Midland Meres and Mosses Phase 2 Ramsar in respect of air quality (alongside other matters) and completed an Air Quality Appropriate Assessment for the sites identified by Natural England, namely: -

- Midland Meres and Mosses Phase 2 Ramsar Oakhanger Moss SSSI
- Midland Meres and Mosses Phase 2 Ramsar Black Firs and Cranberry Bog SSSI

Natural England provided a response to the Regulation 19 consultation version of the Local Plan in October 2024. Their response included comments on the Regulation 19 HRA. In this response, Natural England noted that they do not agree with the HRA conclusions that adverse air quality impacts on site integrity at the Midland Meres and Mosses Phase 2 Ramsar site could be ruled out based on evidence provided in the Regulation 19 HRA report.

Appendix 17 of the Council's Duty-to-Co-operate statement [CD11] notes that Natural England and the Borough Council have continued to have meaningful and ongoing engagement on the Local Plan and the HRA. The appendix confirms that following additional screening work on average annual daily traffic data (AADT) undertaken by the Council and its consultants, it has been agreed that the Council commission additional air quality dispersion modelling and additional advice to provide an ecological assessment of the results of the air quality modelling data for components of the sites listed above in order to determine whether or not there will be an adverse effect on the integrity of the sites as a result of the Local Plan, both alone or in combination.

Following submission of the Local Plan, the Council and Natural England have continued to engage on HRA and other relevant matters. The Council (its consultants) and Natural England met on the 29 January 2025 to present and discuss the initial outcomes of the air quality data and its implications of the Habitats Regulations Assessment. Copies of the draft reports were provided to Natural England for initial comment on the Thursday 6 February 2025. The Council and Natural England are also working towards a statement of common ground to assist the Inspector. Both parties have now commented on an initial draft of the statement of common ground and a further draft is being prepared. It was agreed at the meeting of the 29 January 2025 to split the statement of common ground into two or three separate documents, one to consider the air quality and the HRA and the other statement of common ground document(s) to consider matters including best and most versatile land / soils and policy comments.

Both parties agree to ongoing communication on the HRA. Natural England and the Council suggest the following indicative timetable for the submission of information to the examination for consideration by the Inspector: -

- Draft Air Quality and ecological interpretation report – issued to Natural England on the 6 February 2025
- Indication of likely timescale for receipt of comments from Natural England – Thursday 20 February 2025
- Finalisation of Air Quality and Ecological Interpretation Report and timeframe for the Council to consider how the Plan addresses the findings of the additional HRA work - 28 March 2025
- Finalisation of Statement of Common Ground on air quality – 28 March 2025

It is hoped that the above provides an update on the position with the HRA and I would be happy to answer any supplementary questions on this matter or any other relating to the Local Plan and its examination.

Yours sincerely,

Allan Clarke

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