



Statement of Common Ground between Newcastle-under-Lyme Borough Council and Indurent Strategic Land Represented by Planning Prospects

Regarding Site Allocation: Land at Junction 16 of the M6, AB2

Newcastle-Under-Lyme Local Plan (2020-2040)

1. Parties Involved

- Newcastle-under-Lyme Borough Council (NULBC)
- Indurent Strategic Land (D Holdstock) Represented by Planning Prospects (R Barnes)

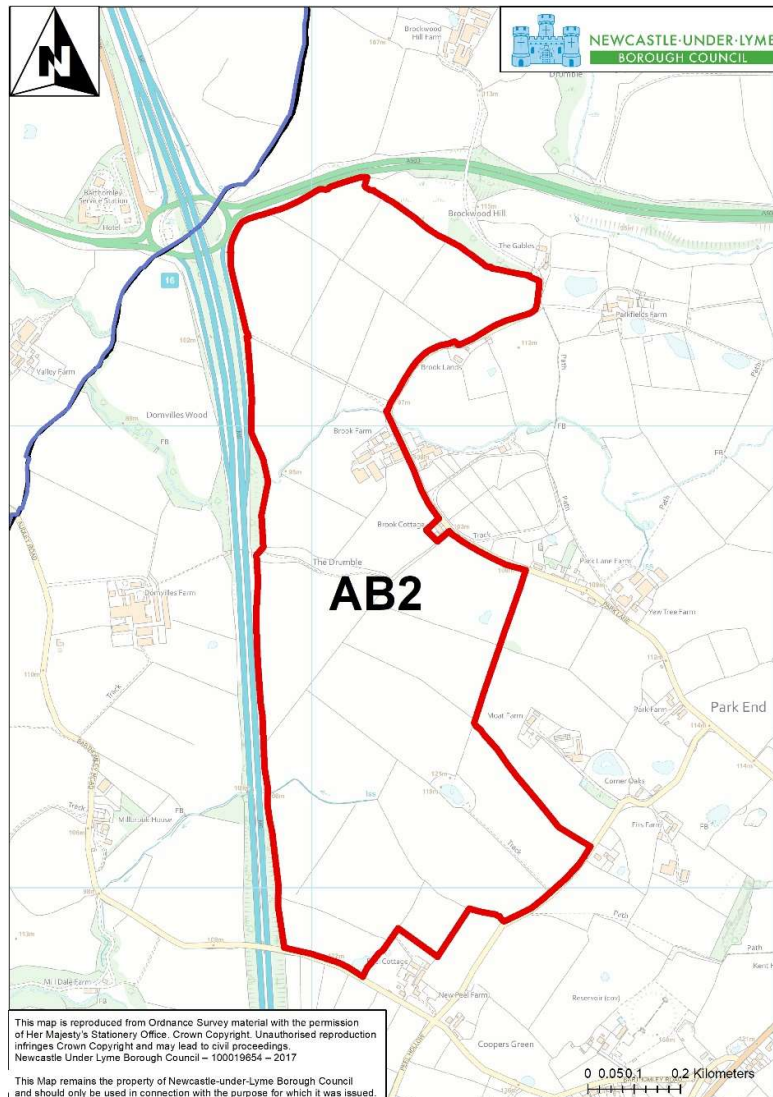
2. Introduction

- 2.1 This Statement of Common Ground (SoCG) has been prepared by Newcastle-under-Lyme Borough Council (The Council) and Indurent Strategic Land, represented by Planning Prospects (The Promoter) in relation to the proposed allocation in the Local Plan. This statement identifies areas of common ground between parties specifically in respect of the allocation of the site in the Local Plan.

3. Site Details

- 3.1 Site Name: Land at Junction 16 of the M6
- 3.2 Site Address: Land at Junction 16
- 3.3 Site Allocation Reference: AB2
- 3.4 Site Area: circa 79 hectares.
- 3.5 Site Location Plan: See Figure 1 below.
- 3.6 Proposed development - The Site is allocated for employment in the Newcastle-under-Lyme Borough Council Final Draft Local Plan 2020-2040, comprising approximately 220,000 sqm of employment floorspace.

Figure 1: Site Boundary Plan for AB2



4. Key Policy Requirements

- 4.1 The development of the site can be carried out in accordance with the requirements of Policy AB2 and other relevant policies in the Local Plan as a whole. Points of disagreement in relation to the requirements of Policy AB2 are set out below.

5. Site Availability and Deliverability

- 5.1 The Promoter confirms that the allocated site will be made available for development within the Plan period (2020-2040).
- 5.2 The Promoter confirms that there are no known legal or ownership impediments to development on the allocated site that would prevent delivery within the plan period.
- 5.3 The Promoter considers that the proposed development is deliverable, having regard to currently identified site-specific constraints, policy requirements (subject to the Areas of

Disagreement identified below), and the findings of the Council's evidence base. The Promoter will work with the Council and other relevant stakeholders to ensure that the necessary access, utilities and infrastructure are delivered in a timely manner to support the phasing of development.

- 5.4 The Promoter confirms that they will continue to work collaboratively with the Council, statutory consultees, and the local community to ensure that the development is delivered in a timely and efficient manner.

6. Delivery Trajectory

- 6.1 The Promoter has provided an indicative trajectory for the delivery of development on the allocated site, as set out below and based on current assumptions and information.
- 6.2 Following an allocation in the Local Plan the period required for planning, enabling / civil engineering works, utilities provision, and the development of the first units on the Site ready for occupation is estimated to take about 3.5 years. The total period through to the completion of all units is estimated at about 7.5 years.
- 6.3 It is acknowledged that the delivery trajectory is indicative and may be subject to change, depending on factors such as detailed site investigations, market conditions, and the timing of planning approvals.

7. Further Assessments

- 7.1 It is agreed that detailed technical assessments (e.g., Transport Assessment, Flood Risk Assessment, Heritage Impact Assessment, Ecological Assessment) will be required to support any future planning application for the Site. These assessments will be carried out in accordance with relevant legislation, national policy and guidance, and best practice.
- 7.2 It is agreed that the technical assessments undertaken by the Promoter to date and provided through the consultation process on the emerging Plan have not identified any issues that would prevent the successful development of the Site.

8. Areas of Agreement

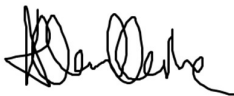
- 8.1 Subject to the Areas of Disagreement identified below the Council and the Promoter agree on the following matters:
 - The principle of developing the Site for employment in accordance with the allocation in the emerging Local Plan.
 - The site boundaries as defined on Figure 1.
 - The proposed development is in accordance with the broad principles of relevant policies of the Local Plan and other material considerations subject to detailed consideration through a planning application.
 - The Site is available and deliverable within the Plan period.
 - The specific requirements of policy AB2 are appropriate and justified, subject to the Areas of Disagreement noted below.

9. Areas of Disagreement

- 9.1 Areas of disagreement are those expressed in detail in Section 3 of the Comments on Policy AB2 document submitted on behalf of the Promoter at the Regulation 19 consultation stage (appended here for ease of reference) and which in summary relate to:
- The expression of the allocation in the opening text of the policy which the Promoter considers should be made clearer
- The requirement in criterion 2 of the policy for an emergency access to be provided as part of phase 1 of the development which the Promoter considers should be provided in accordance with alternative phasing
- The phrasing of criterion 9 of the policy around intrusiveness which the Promoter considers is unduly restrictive
- The inclusion of criterion 15 of the policy which seeks to prevent development in part of the Site and which the Promoter considers is unnecessary and unjustified
- The requirement in criterion 17 of the policy for an Employment and Skills Plan to be secured through a S106 agreement whereas the Promoter considers such a Plan could also be secured via condition

10. Signatures

Signed on behalf of Newcastle-under-Lyme Borough Council:



Name: Allan Clarke

Position: Planning Policy Manager

Date: 17.03.2025

Signed on behalf of Indurent Strategic Land:



Name: Robert Barnes

Position: Agent for Indurent (Director, Planning Prospects Ltd)

Date: 18/03/25

3. REASONS FOR UNSOUNDNESS

- 3.1 Section 2, above, explains why, fundamentally, Indurent support strongly draft Policy AB2 and the allocation of land at J16 for employment development. In most respects the policy is sound. However, there are a small number of points it is considered should be addressed to ensure it is fully sound. Those points are identified here. The changes then suggested to remedy the issues identified and make this part of the plan sound are set out in Section 4, below.

REASONS

i) Opening Text

- 3.2 The opening text of the policy includes, “*The site extends to circa 80 hectares and is allocated for uses including 22 hectares (circa 220,000 sqm of floorspace) of employment land.*” For this part of the Plan to be positively prepared it must convey effectively how it will meet the identified need. It is considered that to be effective this wording as currently framed – with the allocated floorspace first expressed unconventionally in hectares – should be rephrased, ensuring its intention is entirely clear.

ii) Criterion 2

- 3.3 There is a requirement in Criterion 2 for an emergency access via Barthomley Road to be delivered as part of phase 1 of the development. Barthomley Road is at the southern end of the site, and it is likely that the development will proceed from north (where the main vehicular access is required) to south. An emergency access here would not serve any useful purpose as part of any first phase; it is not justified. It is considered that this criterion should be amended to make reference to the provision of an emergency access in accordance with phasing to be agreed.

iii) Criterion 9

- 3.4 Criterion 9 includes the requirement for, “buildings or structures designed to ensure they are not intrusive in significant views from the surrounding area.” Recognising that the proposed allocation is for strategic employment land to include very large buildings it is likely that, to some degree, the buildings will be visually intrusive where they are seen. The wording as currently framed undermines the deliverability and hence effectiveness of the allocation. The requirement should not be to avoid intrusiveness, but rather that any such effect should not be mitigated and not then be unacceptable, and the wording should be amended accordingly.

iv) Criterion 15

- 3.5 There is a requirement (criterion 15) for, *“Provision of strategic open space within the northern centre of the site, including the whole of the area in between Public Footpaths Audley 9 and Audley 22 to be delivered as part of development Phase 1.”* It is understood that this requirement stems from the Council’s desire to mitigate the impacts of the development of the site. Indurent share the Council’s view that mitigation should be pursued. However, it is considered that this very specific policy requirement is not justified. It does not represent the most appropriate strategy for the site and is inconsistent with delivering the best outcome here, which might be achieved through the provision of open space in other ways.
- 3.6 It does not appear that the preservation of this area is based on any particular evidence as to why this specific parcel should not be developed. Rather, it seems to stem from a general sense that provision of appropriate open space is necessary – a view which is shared by Indurent. The better approach is that the detail of how that is achieved should be based on careful and thoughtful analysis of the site.
- 3.7 To that end the Green Infrastructure Strategy (Appendix 9) explains that there is no discernible logic to the restriction proposed for this land. Development here would sit on low-lying land that is not widely visible from the surrounding landscape, and would be well contained by proposed GI. The M6 is a significant intrusive feature running alongside this area and it already contains built development. The majority of the area is of limited nature conservation value; existing field hedgerows present here are also of low quality. Notable features of value are restricted to tree belt along the brook and vegetation by the escarpment, and these are retained by the Green Infrastructure Strategy. Leaving it entirely as open space would risk creating a disjointed development.
- 3.8 The Green Infrastructure Strategy explains that the preferred approach would be to provide open space on part of this land as part of a high quality and extensive approach to distributing GI across the site as a whole. Substantial corridors of open space, broadly centred upon the brook by Public Footpath Audley 9 and the escarpment by Public Footpath Audley 22 would create opportunities for a range of environmental enhancements as envisaged within the Strategy.
- 3.9 The proposed strategy is explained in section 4 of the document. A comprehensive, site-wide approach to open space provision is offered, with a multi-functional Green Infrastructure framework to provide a wide range of environmental enhancements. Proposed Green Infrastructure would create broad swathes of open space, wrapping

- around development and permeating through central parts of the site. This is expressed primarily through a series of five “GI Corridors.”
- 3.10 As envisaged in the Strategy an extensive strategic Green Infrastructure offer would encompass approximately 29Ha which equates to 37% of the total site area. With on-plot provision as anticipated in the current indicative layout that would increase to approximately 42%. The Green Infrastructure Strategy also explains how the site will provide in the order of 15 – 23Ha of landscaping in excess of that which might routinely be associated with employment development at this scale.
- 3.11 The Green Infrastructure Strategy represents an appropriate response in mitigating the impacts of development and offering very considerable enhancement. In this context, to ensure that the best possible solution is achieved criterion 15 should be expressed more generally in terms of what it is seeking to achieve across the site, rather than limiting itself to one area.

v) Criterion 17

- 3.12 The requirement in criterion 17 is for an Employment and Skills Plan to be secured, specifically, through a S.106 agreement. The national policy position (NPPF paragraph 55) is one where matters capable of being dealt with via condition, rather than obligation, should be so addressed. To avoid inconsistency with national policy it should not be specified that this requirement is dealt with via S.106. There might be reasons why an obligation is necessary to deal with the point, but equally it might be dealt with via condition. There is no need for the policy to dictate the mechanism.

SUMMARY

- 3.13 Indurent support strongly draft Policy AB2 and the allocation of land at J16 for employment development. However, there are a small number of points it is considered should be addressed to ensure it is sound. These relate to the opening text of the policy and then its criteria 2, 9, 15 and 17.