

Stantec on behalf of Jones Homes and Renew Land

Representor Ian Gilbert

Examination into the Newcastle-under-Lyme Local Plan 2020-2040

Matter 2 – Vision and Objectives, the Spatial Strategy, and the Site Selection Process

(Policies PSD1, PSD2, PSD3, PSD4)

Issue 2 – Are the provisions of the Plan in relation to the Spatial Strategy justified and consistent with national policy?

2.1 Is the proposed spatial strategy and the distribution of development (as set out in policies PSD2 and PSD3) supported by robust and up to date evidence and otherwise soundly based? In particular:

- a) Does it reflect the vision and objectives of the Plan?***
- b) To what degree is the distribution of development set out in Policy PSD3 based on the settlement hierarchy in Policy PSD2?***
- c) Is the focus on the larger urban settlements justified and soundly based?***
- d) Would the pattern of development proposed meet the needs of rural centres? How were the proportions of development proposed for each settlement arrived at?***
- e) Would it provide sufficient development within rural areas and other settlements?***
- f) Is the approach to development at Keele soundly based? Does it adequately address the needs of the University?***

1. Policy PSD2 is supported and reflects the vision and objectives of the Plan. We support the need for Rural Centres to provide a role in service provision and agree they contain several essential services and facilities in order to meet the day to day needs of residents. We agree that Rural Centres should meet some of the development needs of the Borough commensurate with their role as villages.
2. Our objection lies with the distribution of development (PSD3) which does not adequately reflect the spatial strategy in PSD2 and will fail to meet the vision and objectives of the plan for the Rural Centres.
3. Draft Policy PSD3 aims to distribute development across the settlement hierarchy which will take a proportion of the overall development the borough requires and direct it to the Rural Centres. However, it is not clear how the proportion of overall development towards the Rural Centres has been arrived at, or how it has been determined that this level of growth is commensurate with their role as villages, their function or infrastructure capacity.
4. Our Regulation 19 Representations provide a full commentary which demonstrates that PSD3 is not supported by a robust, consistent or transparent methodology for determining the level of growth distributed to each settlement and does not pass any of the tests of soundness set out within the NPPF.
5. In summary, there is no clear answer to how the distribution of development has been arrived at. Supporting text to PSD3 and the evidence base for the Local Plan sends the reader through a number of documents which simply circle back on one and other without providing an answer to how the development quantum has been reached.
6. Paragraph 5.15 of the Local Plan states that the proposed distribution of development has

been established from assessing reasonable alternative options for the distribution of development informed by previous Local Plan consultation stages, the evidence base and Sustainability Appraisal (SA).

7. Disappointedly, there is no one source of truth for how the above distribution model has been arrived at or how a methodology has been applied. The closest document to providing an explanation is the Housing Spatial Strategy Topic Paper [ED031] which seeks to show the evolution of the distribution model from the Regulation 18 draft of the Local Plan. Paragraph 5.18 of that document sets out that, at Regulation 18, "*Housing site options for these settlements were considered in relation to **broad distribution factors, settlement hierarchy and the merits of individual sites through the site selection process.***"
8. For the rural service centres, paragraph 5.86 – 5.88 of ED031 summarises the approach and in essence sets out that the Reg 18 Local Plan sought to distribute development between the Rural Centres (having decided what the overall level of growth would be) in accordance with the suitability of the rural centre for growth (based on services and facilities – a "bottom up" approach as described by paragraph 5.88 of ED031).
9. Paragraph 5.88 of ED031 states that "*It is considered that **there are no further reasonable alternative growth scenarios for the rural service centres. Scenarios identifying higher levels of growth in these settlements would be inappropriate in relation to broad distribution factors, settlement hierarchy and the availability of key facilities / infrastructure.***"
10. We don't agree with the conclusions drawn in ED031 above which are both factually incorrect and contradictory with other parts of the evidence base. The level of growth at each Rural Centre has not been arrived at via a 'bottom up' assessment of what each settlement requires (or can accommodate) but rather a disaggregation of a pre-determined level of overall growth (a 'top-down' approach) which itself has not been reached transparently or distributed fairly.
11. Whilst we do not necessarily disagree with a 'top-down' approach being applied to the distribution of development it must be undertaken fairly and transparently.
12. The Rural Area Topic Paper (RATP) (2024) sets out the methodology for establishing the position of the rural settlements and is at odds with the position taken in the SA. Table 3 of the RATP sets out the sustainability of settlements and shows that Baldwins Gate and Loggerheads are the only Rural Centres that meet all sustainability criteria for meeting the day to day needs of their populations on their own, without the reliance of being considered alongside a nearby settlement (the very service provision which PSD2 seeks to protect through the allocation of development).
13. The submitted LP relies (paragraph 5.15) on the assessment of reasonable alternatives within the previous iterations of the Local Plan. Notwithstanding its evidence base, and without any reasonable explanation the Reg 18 Local Plan failed to allocate any development towards Baldwins Gate¹. The Reg 18 Local Plan did set out that a Planning Appeal at Baldwins Gate Farm was due to be determined at Inquiry following the consultation on the Local Plan and that the LPA would revisit its position on allocating development to Baldwins Gate subject to that appeal. That appeal was subsequently allowed and that site allocated for development (Site LW38).

¹ Our Representations to the Reg 18 Local Plan consultation (appended to our Regulation 19 representations) set out the reasons that approach was unsound and stressed the importance of providing a proportionate level of growth to the Rural Centres to maintain their vitality and viability.

14. The failure of the previous local plan to allocate any development towards Baldwins Gate despite it being demonstrated as equally the most sustainable Rural Centre within the borough demonstrates that the conclusions reached by the Local Plan (not to allocate growth) were not reflective of the approach reported to be being taken within the Plan Strategy Topic Paper. Indeed, the approach to Site Selection is completely absent insofar as the only Site which was to be allocated was one which was successful at appeal.
15. Contrary to paragraph 5.15 of the draft Local Plan, the Sustainability Appraisal (SA), Site Selection Methodology or other parts of the evidence base do not provide any further information as to how the decision has been made to apportion development among the Rural Centres. The resulting distribution of development does not bear out a logical approach to distribution on any one of, or combination of the factors set out to have been considered within ED031; or if it has, it has not been presented transparently to the reader of the Plan or its evidence base.
16. This lack of evidence based approach is borne out in the disparities between the different Rural Centres and how growth has been distributed amongst them.
17. Notwithstanding having identical settlement status, and sharing an equivalent number of services and facilities, draft Policy PSD3 seeks to apportion some 450 dwellings to Loggerheads over the plan period in comparison to 250 dwellings at Baldwins Gate. We consider that failing a more robust methodology than the Council has provided, the Local Plan should be bound to at least a fair and even distribution of development across its sustainable settlements in line with their access to services and facilities; i.e. Baldwins Gate should at least be apportioned 450 homes in line with Loggerheads.
18. Notwithstanding the above, it can be fairly readily deduced that the eventual quantum of development for each Rural Centre has been arrived at as a result of the number of sites (and their capacity) that the Council considered was available and preferred to bring forwards. In the case of Baldwins Gate, that is certainly true where the disaggregation of development towards it has only happened as a result of planning permission having been granted at appeal; as made clear by the Reg 18 Local Plan and the Plan Strategy Topic Paper [ED031].
19. We do not consider it inherently unsound to distribute development across a range of settlements based on, in part, the availability of suitable sites for development. However, if that is the approach that a Local Plan is to take, it must be soundly done and, as such, must be positively prepared, justified, effective and compliant with national policy. Notwithstanding those tests, it must also be done fairly and with transparency such that the reader can understand the process undertaken and why sites have been included or discounted.
20. We acknowledge that the EIP at this stage is not considering omission Sites. However, the position on our Client's Site (Omission Site LW38) is demonstrative of the lack of robust process which has been undertaken by the Council. Our client's planning application (22/01105/FUL) is due to be determined by Planning Committee on 20th May 2025. Whilst this Statement cannot pre-empt the decision of the Council, Officers have indicated that the application will be recommended for approval and will confirm the suitability of the Site for development and the sustainability of Baldwins Gate in terms of its key facilities and infrastructure to accommodate development. Those would be the same conclusions reached by officers and eventually a Planning Inspector in relation to draft allocated Site LW74. Indeed, such matching conclusions should not be unexpected given both Sites LW38 and LW74 were scored identically within the SA.

21. Those conclusions are directly at odds with the decision to discount both LW38 and LW74 within the evidence base (and Reg 18 LP); only for Site LW74 to be allocated further to a successful appeal. It simply cannot be the case that a fair and robust Site Selection Process discounts appropriate sites in appropriate settlements until such time as a speculative application or appeal is made and won.

2.2 What is the evidential basis for the settlement hierarchy in policy PSD2? Does this accurately reflect the pattern of settlements across the district? Is this up to date? How does this inform the development strategy? What other factors influenced the strategy, such as physical and environmental constraints?

22. Our objections to the spatial strategy and distribution of development are set out in full above. We do not object to the Settlement Hierarchy as proposed and we do not disagree with the assessment of sustainability of the Rural Centres contained within the Rural Area Topic Paper (RATP) (2024). We disagree with that hierarchy being disregarded in the distribution of growth through the Rural Centres.

2.3 What other spatial strategies and distributions of growth were considered during plan preparation, and why were they discounted? Where is the evidence for this? Were alternative approaches tested in the Sustainability Appraisal work?

23. Our objections to the spatial strategy and distribution of development are set out in full above.
24. The SA does not consider alternatives to the distribution model which the Local Plan proposes. Paragraph G.3.2 of the SA supports PSD2 and the focus of growth on urban centres (as do we). However, it does not consider how growth has then been distributed between the various tiers of settlement, how growth has been distributed between the settlements in those tiers of settlement or alternatives to the proposed model.
25. Paragraph G.3.3 simply states that PSD3, which guides “*the most development to Keele and Keele University, followed by Loggerheads, Audley/Bignall End, and Betley/Wrinehill, Madeley/Madeley Heath and Baldwins Gate*” supports PSD2. There is no further explanation as to how the above order or priority has been reached and no further testing of alternative approaches. Indeed, we set out above that this order is directly at odds with the Council’s own evidence which shows Baldwins Gate and Loggerheads to be the most sustainable Rural Centres.

2.4 Have the sites allocated for development in the Plan been appraised and selected in comparison with possible alternatives using a robust and objective process?

- Is the site selection process transparent?

- How were different development constraints taken into account? Were they identified using up to date and appropriate evidence and guidance?

- Were constraints given relative weight in the site selection process? If so, how was this determined?

- In relation to flood risk, were sites at low risk preferred over those at greater risk? How did Strategic Flood Risk Assessment (SFRA) inform site selection?

26. No, the sites allocated for development in the Plan have not been appraised and selected in comparison with possible alternatives using a robust and objective process.

27. The Site Selection Methodology (SSM) Report within the Council's evidence base at paragraph 2.1 sets out a 7 stage process to site selection.

28. The fundamental objection we have with the SSM is in Stage 3 which, as above, is stated as:

*"Stage 3: Decision point, to **determine if there is there a need to continue with site selection process based on alignment with the distribution of development and relationship to the settlement hierarchy of centres**"*

29. In essence, the SSM states that once it has found enough sites to meet the required number of dwellings within a centre, it can take the decision to discontinue the search for sites.

30. However, as set out above, there is no robust or transparent methodology for determining the number of dwellings required at each Rural Centre (aside an unqualified priority for development set out within the SA).

31. Indeed, the Local Plan says its evidence base has used a bottom up assessment to determine an appropriate level of growth for a Rural Centre. The evidence base (SSM) says the Local Plan (hierarchy of centres) tells it when to stop looking for further Sites. The process is circular and self-fulfilling and, essentially, the evidence base revolves around a pre-determined and unjustified quantum of development which the Plan is seeking to achieve at a given Rural Centre. In the case of Baldwins Gate, that number is fundamentally defined by the number of appeals the Council has lost in the village; notwithstanding the evident sustainability credentials of the village which other parts of the Council's evidence base acknowledge.

32. Table 35 of the SSM sets out the summary position for Baldwins Gate that there is a 'target of 250 dwellings' and 49 committed dwellings within the settlement.

33. At Stage 3 (paragraph 10.1-10.3), it sets out:

*"10.1. Table 35 (above) highlights that **commitments and completions are insufficient to meet the indicative development requirements for Baldwins Gate** Therefore, it is necessary to continue with the site selection process.*

10.2. However, site LW74 (Baldwins Gate Farm, Newcastle Road) has planning permission granted post 31 March 2023 at appeal for 200 dwellings within a community parkland.

10.3. The appeal decision, alongside planning permissions and completions in Baldwins Gate are considered to be in the order of 250 dwellings."

34. The SSM suggest that, co-incidentally, the distribution model has a 201 dwelling deficit which has been filled by development of 200 dwellings won at appeal and therefore, the SSM can end its search for further sites for development. However, as set out above, we know from the previous Reg 18 Local Plan, and the lack of other methodology provided, that the figure of 250 dwellings has been arrived at precisely because there was an appeal decision which allowed 200 dwellings (in addition to 49 dwellings which are existing commitments).

35. Whilst it is not the Regulation 18 Local Plan being examined here, the Council makes clear at 5.15 of the submitted Plan that it is based on *"assessing reasonable alternative options*

for the distribution of development informed by previous Local Plan consultation stages”.

36. Even if the above circular methodology was applied and development was to be allocated to the Rural Centres based only on the Site availability, that selection methodology (for the comparison and selection of sites) must, in itself, be robust. Again, we consider that no such fair and transparent process has been undertaken, particularly with regard to Baldwins Gate.
37. Indeed, as set out within both the SHELAA, the SSM and the Sustainability Appraisal, the land at Baldwins Gate Farm (which has now been proposed for allocation) does not perform materially differently to other Sites which have been sifted into the SHELAA by the Council’s assessment. Indeed, the Council itself refused to grant permission for development of Baldwins Gate Farm.
38. We provide a commentary on that process below. Again, whilst we acknowledge that omission sites are not being considered as part of the EIP (at this time) our commentary highlights (in response to the Inspector’s question above) the disparity on how different development constraints taken into account, whether they were weighted appropriately and whether they were identified using up to date and appropriate evidence and guidance.
39. Jones Homes’ site has been considered within the Site Selection Report (informed by the SHELAA) under reference LW38. However, this was discounted from consideration for allocation based on *“concerns over access arrangements into the site and the loss of agricultural land.”*
40. In terms of the loss of agricultural land, the Baldwins Gate Farm appeal was allowed despite the site being located on Grade 2 and 3 agricultural land. Jones Homes’ site is on exclusively Grade 3 land. Moreover, that Grade 3 land is predominantly 3b land which is not Best and Most Versatile land and prevents the Site as a whole from being farmed as BMV.
41. In terms of access concerns expressed, no detail is given as to what these relate to specifically. However, transport assessment work undertaken by Jones Homes in support of the pending planning application shows that the Site can be accessed safely. Responses from the LHA in relation to the planning application demonstrates the same.
42. Furthermore, the recent appeal decision at Baldwins Gate Farm (opposite Jones Homes Site) showed that there is the potential for safe access to be delivered in this part of the settlement based on existing highway capacity. The development of LW38 and LW74 offers the opportunity to provide a recognisable gateway into the settlement from the west and enhance highway safety further.
43. As such, not only is the Jones Homes site is an entirely suitable site for allocation within the NuLLP (and would assist in meeting the established spatial strategy of the Plan) we consider it performs equal or better than the Site at Baldwins Gate Farm which was allowed at appeal and has been included for allocation.
44. The above demonstrates that the SSM does not provide for fair comparison of Sites and the Local Plan has sought to allocate land which is not considered more favorably than other sites (including our Clients) which have been discounted.

2.5 Do policies PSD3 and PSD4 allow sufficient development in rural centres, rural areas and settlements to comply with para 83 of the Framework? Are the proposed settlement

development boundaries appropriately drawn? What factors were taken into account in designating these?

45. No. The NPPF requires that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
46. As set out above, Baldwins Gate should, as a minimum, be allocated a level of growth to maintain its role as equally (with Loggerheads) the most sustainable Rural Centre within the borough. Baldwins Gate should be allocated sufficient land to at least accommodate 450 dwellings aligned with the level of development proposed at Loggerheads.

2.6 What are the Plan's assumptions in relation to the amounts and timing of development to be delivered through neighbourhood plans? Are these soundly based?

47. No comment.

2.7 Are there any omissions in the policies and are they sufficiently flexible? Are there any proposed modifications to the policies and are these necessary for soundness?

48. Policy PSD3 should be redrafted to rebalance the distribution of development based on a sound methodology and, we say, should as a minimum allocate a level of development to Baldwins Gate commensurate with that directed towards Loggerheads and, in any event, allocate Sites which are equally or better performing than currently drafted allocations; specifically our Client's Site LW38.
49. Notwithstanding the above, draft policy PSD3 seeks to distribute development throughout the settlement hierarchy. The supporting test to PSD3 sets out, however, that the figures presented in this policy are intended as a guide and are neither a ceiling nor a specific target. We consider that whilst figures set out within PSD3 should certainly not be a ceiling, delivery of at least those number of dwellings is essential to the borough meeting its housing needs as a whole. We consider, therefore that PSD3 should require that the level of development it seeks to distribute should be met as a 'minimum'.