

**EXAMINATION INTO THE SOUNDNESS OF THE
NEWCASTLE-UNDER-LYME LOCAL PLAN 2020-2040**

**Hearing Statement on behalf of Sasha Ann and Stephen Anthony Walker
([REDACTED]) by Wardell Armstrong LLP.**

Matter 3 Green Belt – whether the approach to Green Belt is justified and consistent with national policy.

This Hearing Statement is to supplement representations to the Regulation 19 Submission of the Final Draft Local Plan – **Council references NULLP 240 (PSD1) 245 (PSD5) 242 (RET5) 243 (PSD3) 247 (RC8) and 248 (RC18).** This statement supplements the representation on NULLP 245 – Policy PSD5 Green Belt.

Policy PSD5

Major concerns have been raised in previous Local Plan representations in relation to the 2017 Arup Green Belt Assessment Report (GBAR), primarily how it has been taken forward in the NULBC Local Plan process. This has been mainly in relation to the Brownfield cross-boundary (Newcastle Borough / Stoke City) site assessed as Review site RC14. This highlighted significant flaws in how the now outdated GBAR has been used as an evidence base, which has now been compounded by a significant shift in Governmental policy in 2024 requiring a new approach in relation to development opportunity assessment.

The Draft Plan proposes to release 14no sites from the Green Belt in a highly sporadic and often unjustified manner as a sort of 'pick-n-mix' exercise rather than any synergy with a justified spatial development strategy aligned to economic growth. Equally, and fundamentally, it significantly overrides its own Green Belt Review recommendations for a variety of spurious unevidenced reasoning, passing over brownfield in favour of greenfield in a number of cases. This significantly undermines its credibility as the most effective and sound strategy.

The age of the 2017 Arup Green Belt Review, how it has been disaggregated from its conurbation wide assessment for convenience, plus the 2024 NPPF fundamental requirement with PPG specific advice to define and examine green belt opportunities for appropriate development including 'grey belt' of previously developed and lower quality Green Belt really calls for the need for a fundamentally new Green Belt Review process. The current Draft Plan's Green Belt approach is unsound in its irrationality compounded by its now major inconsistency with new current national policy.

Draft Plan Policy PSD5 should also be modified in the context of major modifications to Policies PSD1 and PSD3 and the changes to Green Belt approaches as set out in new major national policy brought forward to boost economic growth. It is perverse that this Local Plan has not only an unevidenced and flawed approach but is now radically outdated in relation to national policy, primarily the 2024 NPPF.

Within the North Staffordshire conurbation Newcastle and Stoke are taking different approaches to assessing the potential for appropriate Green Belt development, which is perverse.

In relation to the Inspector's Q 3.2 – there is demonstrable evidence that as much land as possible has not been made use of brownfield sites – including those in the Green Belt (for example site RC14).

Due to the scale and nature of the flaws identified in respect of Policies PSD1 and PSD3, the Council's new mandatory housing target, the NPPF significant changes in particular its advice in relation to Green Belt has major impact on Policy PSD5, there is need to fully re-evaluate the Plan. Policy PSD5 fails dismally in alignment to prioritising the north of the Borough for development in order to properly balance the spatial economic strategy.

The Green Belt Review 2017 needs a new approach, including taking into account relevant NPPF changes like 'grey belt' and other more relaxed criteria-based approaches to appropriate development in the Green Belt. The current Review process is rendered out of date by now not being consistent with current national policy.

There are distinct examples of how a brownfield opportunity of appropriate developments in the Green Belt within a priority area for regeneration have been discarded, primarily on spurious unevidenced viability grounds even when active developer interest is in place. The current Draft Plan's 14 Green Belt greenfield sites are sequentially out with policy when the principle of 'brownfield first' is applied.

The following is in relation to the Inspector's Questions 3.4 to 3.6, with the answer to Question 3.7 being clearly 'no'.

The Newcastle Borough Regulation 18 First Draft Local Plan (June 2023) Exceptional Circumstances for Green Belt release sets an important context. At 5.10 it states 'suitable previously developed land was prioritised for development during the site selection process'. It then refers to constraints typically associated with development of brownfield sites, such as economic viability and land contamination. 7.1 of the report confirms urban and brownfield sites have received site allocation focus, and that 'wherever a brownfield site was assessed to be suitable, this land has been allocated'. This is clearly not the case with certain sites including RC 14. Perversely the Draft Plan states that 'the lack of brownfield land ... within the urban boundary has resulted in the need to consider sites beyond the urban boundary'. This is an example of how the Plan Site selection process is flawed.

The Draft Plan overlooks brownfield development opportunities in favour of in many instances open green belt sites with no logical circumstance in favour of allocation, other than a suggestion of 'financial attractiveness'.

The Draft Local Plan is scant in relation to its Spatial Growth reasoning but clearly emanates from the more fulsome Issues & Options which showed strong reasoning

behind Green Belt release around Kidsgrove, the Borough's second largest settlement with strong connectivity. The Green Belt Assessment Study in this context recommended that four sites (NC4, NC5, NC13 and RC14) be taken forward for further consideration. Only NC13 is a proposed allocation – with only another site KG6 is promoted in the Plan as offering an estimated 6no dwellings – offering any growth related to Kidsgrove. The Draft Plan Policy PSD 3: Settlement Hierarchy promoting substantial growth of Kidsgrove Urban Centre is totally imbalanced in this respect.

On the basis of all of the above the Inspector's Q 3.9 – 3.11 are absolutely pertinent as fundamental issues which from an evidence perspective undermine the Draft Plan's soundness.

In sound Plan-making when Green Belt release is being properly assessed it requires the simplicity of turning first to brownfield land (a long-established principle) and now – post 2024 NPPF – 'grey belt' - and once that's exhausted on to other non-brown non-grey greenfield green belt land. The approach under this Draft Plan is to in the main push the brownfield aside, don't consider grey at all but leap to the 'juicy' greenfield sites on an opportunistic basis. The more industrialised north of the Borough where brown and grey are in clear abundance are in the main ignored for less sustainable parts of the Borough and greenfield sites.

The (old) 2023 NPPF required any site benefits to clearly outweigh its harms, including harm to the Green Belt, so as to constitute very special circumstances. That has always been a high policy bar since policy was framed in 1955. Grey belt land introduced as a policy concept under the current 2024 NPPF has meant assessment is offered the opportunity of development on the basis of (a) site sustainability (b) not undermining the function of the Green Belt across the Plan area as a whole and (c) the Council has a less than 5 year housing land supply - which NuLBC has not had for many years. In short therefore the Draft Plan is bringing forward the wrong sites for likely the wrong reasons and missing more policy compliant sites under a flawed and now outdated assessment process.

It is expected that the Council to evidentially cover off the Inspectors Questions 3.4, 3.9 and 3.10 in particular will be difficult in the extreme. This is because the NPPF 2023 to 2024 approach to Green Belt has taken a major shift. It is promoted that the current Draft Plan closes the door to now current Government policy, to a process that by its very nature should be enduring and not reliant on out-of-date policy.

The importance of grey belt is that councils should turn to releasing it first in sequence before they get to releasing non grey greenfield green belt land of which is a plenty in the Draft Plan. The grey belt has clearly never entered this Draft Plan's dictionary not least proper assessment. And the grey belt definition relies on an understanding the misunderstood strategic purpose of the Green Belt's five purposes; and critically the PPG which has the same legal status as the NPPF (recent Court of Appeal judgment on guidance).

The PPG advises how to draw up assessment parcels for a new generation of green/grey belt reviews to properly inform Local Plans. This does away with GB Reviews undertaking assessment of wider strategic parcels – the question is now, does the site contribute. The current GBAR process is out of date in this context. The concept of sprawl and Towns merging is also properly defined as opposed to previous subjectivity.

A further important concept clarified in Para 153 of the 2024 NPPF is that substantial weight should be given to GB harm, including openness – but Footnote 55 says that is not the case with brownfield or grey belt land where development is not inappropriate. The policy requirement to give substantial weight to any harm is thus excluded and in effect renders the current GBAR's methodology defunct.

The sound approach called for is a new generation of GBAR to identify grey belt (and in this Draft Plan's case re-look in greater depth at the brownfield sites the council summarily dismissed as unviable) and within it look at land that may have a 'strong reason to refuse' under the NPPF Footnote 7 due to conflict with national policy on matters such as habitats, heritage, flood risk etc. This will be difficult in the abstract, and the council will need to work with landowners to look at a scheme concept, uses, needs, public benefits, design issues in the landscape, mitigation measures etc. of course the GB release sites promoted for allocation do not have this level of assessment but just have a 'site profile' setting out likely key aspects of development proposals. The new approach therefore requires more certainty toward delivery. The PPG advises on the approach including how to provisionally identify grey belt in advance of more specific proposals.

All the above sets the context for the Inspector's Questions on Green Belt Review and Implications of the 2024 NPPF at 3.9 and 3.10.