

**TOWN AND COUNTRY PLANNING ACT
1990 (AS AMENDED)**

**Newcastle-under-Lyme Local Plan
Examination – Response to Inspector’s
Matters, Issues and Questions**

MATTER 3

On Behalf of Richborough

Site:

Land South of Newcastle Golf Club (Site
Reference TB19) and Land at Cemetery
Road (Site Reference SP23)

Document Ref: RIC1271/1/ACK/LP/MIQ

Document date: April 2025

1. MATTER 3 – GREEN BELT

3.2 and 3.3 – Exceptional Circumstances

1.1 Chapter 6 of the representation made on behalf of Richborough by Knights (document reference RIC1271/1/ACK/LP/R19 or comment ID NULLP726 within Examination Library Core Document CD08) sets out in detail why exceptional circumstances exist. We don't seek to repeat those in extensive detail here, however by way of summary for ease of reference the following matters are relevant to considering this issue:

- (a) The SHELAA and urban capacity study identified land capable of delivering 1938 dwellings on previously developed land, with further capacity on other non-Green Belt sites to deliver a further 1059 dwellings – an overall total of 3,097 dwellings. This is insufficient to deliver 8,000 dwellings over the plan period. This is before factoring in the need to deliver employment land requirements.
- (b) Even if the permitted density of development is increased, this may be inappropriate in design, character and landscape terms depending upon the location of development (e.g. in more suburban or out of centre locations) and the proximity to listed buildings and conservation areas
- (c) A number of other neighbouring authorities are at different stages of plan preparation, and following the December 2024 changes to calculating Local Housing Need that were published alongside NPPF24, the housing requirement for all of the surrounding authorities has increased substantially. In summary, these increases are set out at Table 1 below below (taking into account the 2024 affordability ratios). All of the surrounding LAs now need to plan for a higher housing requirement. In addition, none of the surrounding authorities can demonstrate a 5 year housing land supply. All of the surrounding LAs have their own Green Belt constraints and as such, are unlikely to be in a position to accommodate any unmet needs from Newcastle-under-Lyme without undertaking a review of their own Green Belt.

| LPA | ADOPTED LOCAL PLAN REQUIREMENT | LOCAL HOUSING NEED (NEW STANDARD METHOD) | PUBLISHED 5YHLS POSITION | ADOPTED LOCAL PLAN STATUS | LOCAL PLAN REVIEW STATUS |
|----------------------------|--------------------------------------|--|--------------------------------|-----------------------------------|---------------------------------------|
| Staffordshire Moorlands | 320 | 480 | 2.95 years | Plan adopted September 2020 | Not reached Regulation 18 Stage |
| Cheshire East | 1800 | 2480 | 3.8 years | Plan adopted July 2017 | Not reached Regulation 18 Stage |

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|----------------|------|------|------------|-------------------------------------|--|
| Stoke-on-Trent | 570 | 948 | 4.02 years | Core Strategy adopted October 2009. | Not reached Regulation 18 Stage |
| Stafford | 500 | 744 | 3.65 years | Plan adopted June 2014 | Not reached Regulation 18 Stage |
| Shropshire | 1375 | 2005 | 4.73 years | Plan adopted December 2015. | Local Plan Review recently failed its examination and has been withdrawn |

Table 1 – Housing Requirements, Housing Land Supply and Local Plan Status for Neighbouring Authorities

- (d) With regard to previously developed and other urban land, progress is being made, particularly in Newcastle-under-Lyme Town Centre, deliver housing in such locations. A number of sites have either obtained planning permission for development, have obtained Towns Deal funding or are progressing. These include the former Zanzibar nightclub, re-purposing the Midway multi-storey car park for housing, regenerating York Place for commercial and residential uses, and the proposed regeneration of Ryecroft for housing, commercial uses, a park and a hotel. Regeneration schemes are also being progressed in Knutton and other previously developed sites in the Borough have also been identified as allocations as part of the emerging Local Plan process and are being positively advanced.
- (e) In order to promote the most sustainable patterns of development, it is necessary and logical to allocate sites on the edge or close to the urban area. In the case of Newcastle-under-Lyme, the urban area is currently ringfenced by the Green Belt, which is tightly drawn around the edge of the built up area. Avoiding reviewing the Green Belt and “leapfrogging” the Green Belt to open countryside to the west of the Borough would lead to increased levels of commuting from these locations, notwithstanding that some housing development around the Rural Centres is necessary in order to meet open market and affordable housing needs in these locations.

1.2 Part 3 of the Council's Green Belt review at section 4.4 sets out the approach taken to exceptional circumstances and the factors that were considered, and Table 4 provides further analysis of the exceptional circumstances in Newcastle-under-Lyme. As per the commentary above, and the content of Part 3 of the Green Belt Review Richborough agree that exceptional circumstances exist to justify reviewing the Green Belt in this case.

3.4 – is the Council's approach to reviewing Green Belt appropriate?

- 1.3 The first Green Belt review is dated November 2017, with the introductory text confirming that the assessment was to assess how the Green Belt contributes to the purposes of Green Belt as set out in national policy provided in the NPPF that was published at that time. This was subsequently reviewed in the report dated December 2020 (ED08b). A further review was then undertaken in 2023 (ED08a) following the decision of Newcastle-under-Lyme and Stoke-on-Trent to cease preparation of a Joint Local Plan and to prepare separate local plans for each authority.
- 1.4 The evidence base has set out the case for exceptional circumstances, reviewed the contribution to the 5 purposes of including land within the Green Belt of wider Green Belt parcels, followed by an assessment of the contribution that individual sites make to Green Belt purposes.
- 1.5 The Green Belt Assessment has been continually reviewed and updated and it is considered that the approach to assessing the Green Belt accords with the requirements of national policy and is therefore sound.

3.5 – Green Belt Assessment

- 1.6 In terms of the assessment of individual sites, Part 4 of the Green Belt Assessment sets out the overall methodology for undertaking site assessments, followed by a consolidated assessment of all Green Belt sites reviewed previously, in addition to an assessment of additional sites that were not considered in the earlier Green Belt Assessments.
- 1.7 The Green Belt Assessment has considered detailed site specific matters in relation to achievability and deliverability, as well as assessing sites against the purposes of including land within the Green Belt. It is considered that this assessment has been detailed and robust and that there have been no omissions.

3.9 – 3.11 - NPPF 2024

- 1.8 With regard to the introduction of the Grey Belt policy in NPPF24, Grey Belt is defined as sites which do not make a strong contribution to purposes a), b) and d) for including land within the Green Belt, with further guidance on assessing a site against these purposes being set out in Planning Practice Guidance.
- 1.9 Where sites do not make a strong contribution to any of these purposes, then they can be classed as Grey Belt, even where sites make a moderate contribution.
- 1.10 NPPF24, for plan-making purposes introduces a further step to prioritising land for release from the Green Belt at paragraph 148, with the first priority being previously developed land, then Grey Belt which is not previously developed and then other locations.
- 1.11 The bulk of Green Belt sites proposed for removal from the Green Belt that have been allocated for development in the Local Plan are assessed as making a weak or moderate contribution to

Green Belt purposes when taking all 5 Green Belt purposes together, including purposes c) and e). When purposes c) and e) are taken out of consideration, those sites assessed as making a strong contribution to these purposes are likely to fall within the definition of Grey Belt because they do not make a strong contribution to purposes a), b) and d). SP23 and TB19 have both been assessed as making a “moderate” contribution to Green Belt purposes, so outside of the current emerging Local Plan context, they can be classified as Grey Belt sites.

- 1.12 Notwithstanding the above, Grey Belt only becomes a factor for decision taking subsequently in situations where the Council cannot demonstrate a 5 year housing land supply or there is evidence of need for other forms of development / uses.
- 1.13 With regard to the “Golden Rules”, the Local Plan is being examined under the provisions of NPPF23.
- 1.14 Annexe 1 of NPPF24 sets out the following transitional arrangements at paragraphs 234 – 237:

234. *For the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply:*

- (a) *the plan has reached Regulation 19⁸² (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need⁸³;*
- (b) *the plan has been submitted for examination under Regulation 22⁸⁴ on or before 12 March 2025;*
- (c) *the plan includes policies to deliver the level of housing and other development set out in a preceding local plan (such as a joint local plan containing strategic policies) adopted since 12 March 2020;*
- (d) *the local plan is for an area where there is an operative Spatial Development Strategy and the local plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025; or*
- (e) *the plan deals only with minerals and/or waste matters and has reached Regulation 19 on or before 12 March 2025; or has been submitted for examination under Regulation 22 on or before 12 March 2025.*

235. *Where paragraph 234 a, b, c, d or e apply, the plan will be examined under the relevant previous version of the Framework.*

236. *Where paragraph 234b applies, if the housing requirement in the plan to be adopted meets less than 80% of local housing need⁸⁵ the local planning authority will be expected to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need⁸⁶.*

237. *Those local plans that reach Regulation 19 (pre-submission stage) on or before 12 March 2025 and whose draft housing requirement⁸⁷ meets less than 80% of local housing need⁸⁵ should proceed to examination within a maximum of 18 months from 12 December 2024, or 24 months of that date if the plan has to return to the Regulation 18 stage⁸⁸.*

- 1.15 In this case, the Local Plan has been submitted for examination under Regulation 22, with the plan being submitted to the Secretary of State on 20 December 2024, so complies with paragraph 234b of NPPF24.
- 1.16 Paragraph 235 of NPPF24 sets out that where paragraph 234b applies, the plan will be examined under the relevant previous version of the Framework, i.e. NPPF23 in this case.
- 1.17 With regard to paragraph 236, the Council has acknowledged that the housing requirement promoted in the examination version of the Local Plan is less than 80% of the Local Housing Need, and the Council has already published a Local Development Scheme setting out their timetable to prepare a new Local Plan under the revised plan-making system as set out in the email provided as examination library document EX/NBC/02.
- 1.18 Annexe 1 of the 2024 Framework is clear that the submitted Local Plan should be examined under the policies of NPPF23 which does not contain a requirement for sites released from the Green Belt to comply with the Golden Rules
- 1.19 Otherwise, Policy PSD5 of the emerging Local Plan at criteria 3, 4, and 5 sets out that proposals for development in the Green Belt will be determined in accordance with the policies of the NPPF.
- 1.20 As such, the Golden Rules will not have any implications for the proposed allocations in this Local Plan, as following adoption, sites currently proposed for release from the Green Belt will no longer be located within the Green Belt for decision-taking purposes where applications are determined following the adoption of the Local Plan, if it is found to be sound.