

Regulation 16 Consultation: Representations to Draft Loggerheads Neighbourhood Plan

- Natural England
- Environment Agency
- Highways England
- Historic England
- Gladman Developments Limited
- Staffordshire Police: David Elkington
- Newcastle-under-Lyme Borough Council: Roger Tait

Date: 19 June 2018
Our ref: 246263
Your ref: N/A



neighbourhoodplanning@newcastle-staffs.gov.uk
BY EMAIL ONLY

Hornbeam House
Crewe Business Park
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Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sirs

Loggerheads Neighbourhood Development Plan

Thank you for your consultation on the above dated 8 May 2018

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made..

Natural England does not have any specific comments on this draft neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For clarification of any points in this letter, please contact Grady McLean on 020 802 61266 For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours faithfully

Grady McLean
Lead Adviser – Planning
West Midlands Team

Grady.mclean@naturalengland.org.uk

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

Ms Janet Belfield
Newcastle Under Lyme Borough Council
Planning Services Department
Civic Offices Merrial Street
Newcastle
Staffordshire
ST5 2AG

Our ref: UT/2006/000035/PO-
06/SB1-L01
Your ref: Loggerheads
Date: 22 June 2018

Dear Ms Belfield

LOGGERHEADS NEIGHBOURHOOD PLAN

LOGGERHEADS NEIGHBOURHOOD PLAN SUBMISSION

Thank you for referring the above Neighbourhood Plan submission for comment which was received on 08 May 2018. We are broadly in support of the aims and objectives of this particular Neighbourhood Plan. We wish to make the following comments in regards to fluvial flood risk.

In our previous response to a Strategic Environmental Assessment Scoping Report (letter ref. UT/2006/000035/SE-03/SP1-L01, dated 31 September 2017) we had recommended further work to be undertaken as it had been suggested that development is unlikely to be affected by fluvial flood risk where the area falls within Flood Zone 1.

The ordinary watercourse flows in a westerly direction out of Loggerheads itself, and through the extended development boundary area. As this has been classified as an ordinary watercourse and only falls within low risk Flood Zone 1 as no mapping has been undertaken due to its position high in the catchment. In light of this, there may well be risk associated with this watercourse which is currently unassessed and is not shown on our Flood Map for Planning (Rivers and Sea).

If you have any queries please contact me on the details.

Yours sincerely

Ms Anne-Marie McLaughlin
Planning Advisor

Direct dial 020 3025 4111

Direct e-mail anne-marie.mclaughlin@environment-agency.gov.uk

Our ref: SHARE/
Your ref: Loggerheads Neighbourhood Plan

Planning Policy
Newcastle-under-Lyme Borough Council
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ST5 2AG

Via Email:

neighbourhoodplanning@newcastle-staffs.org.uk

Graham Broome
Asset Manager
Operations Directorate

The Cube
199 Wharfside Street
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B1 1RN
www.highways.gov.uk

Direct Line: 0300 470 2860

7 June 2018

Dear Sir/Madam,

LOGGERHEADS PARISH NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION

Thank you for forwarding me details of the Loggerheads Parish Neighbourhood Plan, which I note has now been formally submitted to Newcastle-under-Lyme Borough Council.

Highways England has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. The nearest section of the SRN to the Loggerheads Parish area is the M6 south of Newcastle-under-Lyme, with access available at Junction 15. This junction is approximately 6 miles from the Parish.

Highways England commented in 2017 on an earlier version of the Plan. At that time, it was concluded that we had no specific comments to provide.

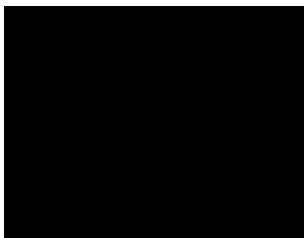
The Loggerheads Parish Neighbourhood Plan gives extensive detail on its drive to promote sustainable alternatives to private motoring and the principle of this approach is welcomed by Highways England.

In terms of housing, it is noted that 430 new homes are planned to be delivered up to the year 2033. Given the planning status of the sites and the distance of the Neighbourhood Plan area from the M6, this does not give rise to any concerns in relation to potential impacts upon the operation of the SRN.

Therefore, once again Highways England has no specific comments to make at this stage.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely



Graham Broome
OD Midlands
Email: Graham.Broome@highwaysengland.co.uk



Historic England

Planning Policy Team
Newcastle-under-Lyme Borough Council

Direct Dial: 0121 625 6887

Our ref: PL00407922

14 June 2018

Dear Sir/Madam

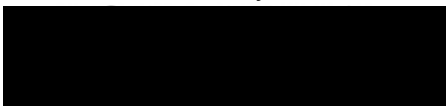
LOGGERHEADS NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

Thank you for the invitation to comment on the Loggerheads Neighbourhood Plan. Historic England is supportive of both the content of the document and the vision and objectives set out in it. We are pleased to note that the Plan evidence base is well informed by reference to the Staffordshire Historic Environment Record and makes good use of historic landscape characterization.

The emphasis on the conservation of local distinctiveness and variations in local character through good design, finding positive sustainable uses for historic buildings and the protection of locally significant heritage assets, farmsteads and rural character including important green spaces is to be applauded.

Overall Historic England consider that the plan reads as a very well written, well-considered and concise document which is eminently fit for purpose. We consider that the Plan takes an exemplary approach to the historic environment of the Parish and that it constitutes a very good example of community led planning. Those involved in the production of the Plan should be congratulated. I hope you find these comments and advice helpful.

Yours sincerely,



Peter Boland
Historic Places Advisor
peter.boland@HistoricEngland.org.uk



Historic England, 8th Floor, The Axis, 10 Holliday Street, Birmingham B1 1TG
Telephone 0121 625 6870 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Planning Policy
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Merrial Street
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ST5 2AG

By email only to: planningpolicy@newcastle-staffs.gov.uk

Dear Sir/Madam,

This letter provides Gladman Developments Ltd (Gladman) representations in response to the submission version of the Loggerheads Neighbourhood Plan (LNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman requests to be added to the Council's consultation database and to be kept informed on the progress of the emerging neighbourhood plan. This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.

Legal Requirements

Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the LNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.*
- (d) The making of the order contributes to the achievement of sustainable development.*
- (e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.*

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

Planning Practice Guidance

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the LNP's ability to meet basic condition (a) and (d) and this will be discussed in greater detail throughout this response.

Relationship to Local Plan

To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The current adopted plan that covers the Loggerheads Neighbourhood Plan area and the development plan which the LNP will be tested against, is the adopted Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy that sets out the overall vision and objectives for the area over the period to 2026.

The two Councils have commenced work on a Framework compliant Joint Local Plan, with Preferred Options consultation taking place in early 2018. The Joint Local Plan is at a relatively early stage of development and as such, Gladman recommends that the LNP be worded as flexibly as possible to reduce conflicts as the Local Plan Review develops and takes shape. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that:

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).'

Further, PPG states that conflicts should be kept to a minimum to ensure that the hard work that has gone in to the preparation of the LNP is not overridden upon adoption of the updated Local Plan following review.

Policy LNPG1: New Housing Growth

Policy LNPG1 states that new housing development will be considered for approval as long as it is located within the defined village envelope.

Gladman do not consider the use of settlement boundaries to be an effective response to future development proposals if they would act to preclude the delivery of otherwise sustainable development opportunities, as indicated in the policy. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

Gladman recommend that this policy is deleted.

Policy LNPP1: Urban Design and Environment

Policy LNPP1 sets out a list of 16 design principles that proposals for development are expected to adhere to.

Whilst Gladman recognise the importance of high quality design, planning policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. Whilst, Gladman note that the NP seeks to define different design criteria for developments in each of the 8 defined areas, there will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.

Gladman therefore suggest that more flexibility is provided in the policy wording to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. We suggest that regard should be had to paragraph 60 of the NPPF which states that: *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles"*.

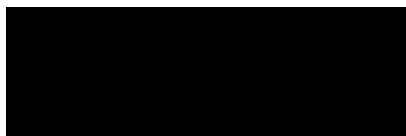
Conclusions

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the LNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.

Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development.

Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,



Megan Pashley

m.pashley@gladman.co.uk

Gladman Developments Ltd.

Loggerheads Neighbourhood Plan Submission Consultation Representation Form

Contact Details

Name	David Elkington
Organisation (if relevant)	Staffordshire Police
Address	Staffs Police HQ
Postcode	ST18 0YY
Email	david.elkington@staffordshire.pnn.police.uk
Do you wish to be kept informed on the Council's decision on the Neighbourhood Plan Proposal?	Yes
If yes, is your preferred method of contact by email or post	Yes

Your Response

Please state which part of the Neighbourhood Plan (for example, which section, paragraph or policy) your representation relates to:	Section 6 - page 66
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Please use the space below to provide your comments on this part of the Neighbourhood Plan	Staffordshire Police welcome the inclusion of comments previously submitted under the draft Neighbourhood Plan consultation in relation to the importance of avoiding the provision of sports or play facilities which are poorly located in terms of busyness and natural surveillance, which might cause them to be underused and could have the potential to generate ASB, compromise child safety or otherwise attract unwanted attention.
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Loggerheads Neighbourhood Plan Submission Consultation Representation Form

Contact Details

Name	Roger Tait
Organisation (if relevant)	Newcastle under Lyme Borough Council
Address	Central Depot Knutton Lane Newcastle
Postcode	ST5 2SL
Email	roger.tait@newcastle-staffs.gov.uk
Do you wish to be kept informed on the Council's decision on the Neighbourhood Plan Proposal?	Yes
If yes, is your preferred method of contact by email or post	Yes

Your Response

Please state which part of the Neighbourhood Plan (for example, which section, paragraph or policy) your representation relates to:	Green space and outdoor sports facilities
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Please use the space below to provide your comments on this part of the Neighbourhood Plan	<p>The Borough Council has an adopted Playing Pitch Strategy and Open Space Strategy, both prepared in line with NPPF recommendations and based on local needs assessment.</p> <p>The Loggerheads Neighbourhood Plan has used the Fields in Trust 6 Acre Standard to determine the need for play and outdoor sports facilities - this uses a national standard as opposed to a locally assessed standard.</p> <p>The Borough Council's adopted policies should take precedence over any alternative method of assessing need.</p>
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