



Examination into the Soundness of
Newcastle-under-Lyme's Local Plan.

Matter 10 – Sustainable Development, Climate Change and Rural Matters

Matter Statement by Newcastle-under-
Lyme Borough Council

May 2025

1. Introduction

This statement sets out the Council's response to the Inspector's Matters regarding Sustainable Development, Climate Change and Rural Matters.

All documents referenced in this statement are listed in Appendix 1.

Policies PSD4, SE1-SE14, CRE1, CRE2, PSD6 and PSD7, and RUR1-RUR5

Issue 10 – Does the Plan set out a positively prepared strategy and policies for sustainable development, rural matters and climate change which is justified, effective and consistent with national policy?

Qu 10.1 Is the approach taken to settlement boundaries set out in policy PSD4 consistent with national policy? Are the settlement boundaries appropriately drawn and up to date? do they allow for the appropriate growth of rural centres?

10.1.1 Yes, the approach taken to settlement boundaries in Policy PSD4 is considered consistent with national policy. The NPPF does not explicitly mandate the use of settlement boundaries but acknowledges them as a tool for managing development, particularly in rural areas (NPPF paragraph 83) and defining Green Belt edges (NPPF paragraph 148f). The principle of defining limits to development aligns with the NPPF's aims of promoting sustainable development patterns, encouraging the use of brownfield land (paragraph 124c), and protecting the countryside (paragraph 180). Policy PSD4 differentiates between land within settlements, where appropriate development is supported (subject to other policies), and the open countryside, where development is strictly controlled in line with NPPF exceptions (paragraph 84). The Settlement Boundary Review [ED007] methodology explicitly references NPPF guidance (paragraphs 2.1-2.14).

10.1.2 The Council considers the settlement boundaries, as proposed for adoption and shown on the Policies Map [CD02], to be appropriately drawn and up to date. They are the result of a comprehensive review documented in the Settlement Boundary Review [ED007]. The methodology (paragraphs 4.6-4.11) involved a three-stage process:

10.1.3 **Stage 1:** Incorporating sites allocated for development in the Local Plan (CD01). **Stage 2:** Considering the existing built-up area, extant permissions, and functional relationships. **Stage 3:** Defining boundaries using clear, permanent physical features (roads, railways, water bodies, woodland edges etc.) where possible, promoting clarity and defensibility, consistent with NPPF paragraph 148f.

10.1.4 This review process considered the existing boundaries (largely derived from the 2009 Core Strategy), adjustments made through adopted Neighbourhood Plans [ED007, paragraphs 2.16-2.17 and Appendix 1], and proposed new allocations. The boundaries therefore reflect the most current understanding of development commitments and physical form. Where boundaries coincide with the Green Belt, they align with the detailed Green Belt boundary as reviewed through the Green Belt Assessments [ED008]. Proposed modification MOD019 clarifies the approach to development proposals

potentially harming the historic character of the countryside outside defined boundaries, enhancing policy effectiveness.

Qu 10.2 Are the requirements of policies RUR1, RUR2, RUR3, RUR4 and RUR5 clear, and would the criteria identified to assess proposals on these sites be likely to be effective? In particular:

10.2.1 The Council considers policies RUR1-RUR5 provide a clear and effective framework for managing development outside settlement boundaries (i.e. in the Open Countryside, as defined by Policy PSD4). This suite of policies addresses distinct circumstances for development in the countryside: RUR1 relates to proposals supporting the rural economy; RUR2 covers essential rural workers dwellings; RUR3 and RUR4 manage extensions/alterations and replacement buildings respectively; and RUR5 deals specifically with the residential re-use of rural buildings. They directly address the types of development that may be appropriate in such locations, consistent with national exceptions (e.g., NPPF paragraphs 84, 88). The policies use criteria-based approaches to assess proposals, ensuring that only development meeting specific functional needs (RUR2), operational requirements (RUR1), or specific exceptions (RUR5) is permitted, while requiring proposals to respect rural character, landscape, heritage, and amenity. This provides a robust basis for decision-making. The Rural Area Topic Paper [ED005] provides context on the role of the rural area.

Qu 10.2a) What is meant by the sustainability of an access in criteria 2(b)?

10.2.2 Within Policy RUR1, criterion 2(b), the phrase "Improve the sustainability of a site in terms of access (where opportunities exist)" means that proposals for economic development in the open countryside should, as part of the development itself, incorporate measures that enhance the potential for the site to be accessed by sustainable transport modes (walking, cycling, public transport), thereby reducing reliance on the private car, wherever the specific location and nature of the proposal present realistic opportunities to do so.

10.2.3 This aligns with the principles of promoting sustainable transport set out in NPPF Chapter 9 and the detailed requirements of Policy IN2 (Transport and Accessibility) of this Plan. In practice, demonstrating compliance with criterion 2(b) could involve, for example:

- a) Providing or enhancing safe pedestrian and cycle links from the site to nearby settlements, services, or public rights of way.
- b) Incorporating secure cycle parking facilities.
- c) Designing site layouts and access points to improve safety and convenience for pedestrians and cyclists.
- d) Facilitating improvements to public transport accessibility, such as providing space for or contributions towards improved bus stop infrastructure, where relevant and feasible for the scale and location of development.
- e) Integrating with existing sustainable transport infrastructure and public rights of way.

10.2.4 The policy recognises that opportunities will vary greatly depending on the site's location and the nature of the rural enterprise, hence the qualifier "(where opportunities exist)". The criterion seeks to ensure that such opportunities, where they arise, are actively considered and incorporated into development proposals to support sustainable travel patterns in the rural area.

Qu 10.2 b) Criteria 2(c) in RUR1 appears to require a comparative assessment, is this intended by the policy? Is 3(e) necessary and what does it seek to achieve?

10.2.5 Policy RUR1 criterion 2(c) does not necessarily require a formal comparative assessment between multiple specific sites for every application. Its intention is primarily to reflect the NPPF's strong emphasis (paragraph 124c) on prioritising the re-use of Previously Developed Land (PDL) over greenfield sites, especially where PDL is available and suitable. The phrase "prioritise" signals that where proposals come forward for rural economic development outside settlement boundaries, those utilising PDL or located physically close and well-related to existing settlements (implying better potential access to services and labour, and reduced visual intrusion into the open countryside) will be looked upon more favourably than proposals on greenfield land or in more isolated locations. The criteria in RUR1(2), where met, mean that additional policy support will be given to a proposal. It guides applicants towards more sustainable site choices in the first instance and provides a clear policy basis for the Council to weigh this factor in the planning balance when determining applications under Policy RUR1. It doesn't necessarily mandate a sequential site assessment for every rural business proposal, but it clearly sets out the Council's preference consistent with the NPPF.

10.2.6 Regarding 3(e), it is assumed this refers to criterion 2(e) of Policy RUR1, as there is no criterion 3(e) within this policy. Policy RUR1 criterion 2(e) is considered necessary and serves a specific purpose within the context of rural economic development, complementing the broader heritage protection offered by Policy SE9. Historic farm buildings are recognised as making an important contribution to the character of the Borough's rural landscape. Their inclusion within the rural economy policy (RUR1) explicitly flags to applicants proposing economic diversification or business expansion in the countryside that the re-use and sensitive conversion of these specific assets is actively encouraged and should be considered as part of their proposals, aligning with NPPF paragraph 88a. While Policy SE9 provides the detailed assessment framework for all heritage assets, criterion 2(e) of RUR1 acts as a positive prompt, directing applicants towards a specific, sustainable approach (conversion over new build) that supports both heritage conservation and rural economic vitality. It reinforces the plan's positive strategy for these specific assets within the rural economy context. Detailed evidence regarding the significance of specific historic farm buildings would be contained within the relevant heritage assessments supporting proposals and considered against Policy SE9.

Qu 10.2 c) Are there any omissions in the policies and are they sufficiently flexible?

10.2.7 The Council considers Policies RUR1-RUR5 provide a comprehensive framework covering the main types of development anticipated outside settlement boundaries, based on NPPF guidance. They are inherently flexible, as their criteria-based nature allows proposals to be assessed on their individual merits against specific requirements related to need, impact, design, and sustainability. As a result of the Historic England Statement of Common Ground, modifications MOD075, MOD076, MOD077, and MOD078 are proposed [CD15a] to refine the wording of policies RUR3, RUR4, and RUR5 respectively, concerning the protection of heritage assets, ensuring alignment with NPPF terminology.

Qu 10.3 Would policies SE1-SE14 provide an effective framework to address matters relating to sustainable development?

10.3.1 The Council considers that Policies SE1 to SE14 of the submitted Local Plan [CD01, pgs. 67-94], taken together, provide a comprehensive and effective framework for addressing matters relating to sustainable development within the Borough. These policies collectively cover the key environmental objectives set out in the NPPF, including climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, and prudent use of resources. The subsequent responses to questions 10.3(a) through to 10.3(j) below provide detailed justification regarding the clarity, effectiveness, and consistency with national policy for specific policies within this suite, demonstrating the overall soundness of the framework.

In particular:

Qu 10.3 a) Would the wording of criteria c) of SE1 pollution and air quality be effective?

10.3.2 The Council considers the wording of criterion 1(c) of Policy SE1 [CD01, pg. 67] to be effective. The requirement to 'Consider the cumulative effects of emissions from proposed development alongside other and existing sources of air pollution in the vicinity' ensures that proposals are not assessed in isolation. This holistic approach is necessary to properly understand and manage the potential impact of new development on local air quality, particularly within or adjacent to designated Air Quality Management Areas (AQMAs) and aligns with the principles of the NPPF (Dec 2023), including paragraph 192 which refers to considering cumulative impacts. Proposed modification MOD048 [CD15] further clarifies the requirement for substantial improvements to air quality within the Borough.

Qu 10.3b) In relation to Policy SE3 (1) Flood Risk Management is the wording of the policy sufficiently clear in relation to a “sequential approach” to development?

10.3.3 Yes, the Council considers the reference in Policy SE3(1) [CD01, pg. 70] to the sequential approach to be sufficiently clear. The 'sequential approach' and 'sequential test' are standard terms within national planning policy, clearly defined in the NPPF (Dec 2023, paragraphs 167-169) and supporting Planning Practice Guidance (PPG) on Flood Risk. The application of the sequential test, taking account of all sources of flooding as required by the policy, is detailed comprehensively within the Council's Strategic Flood Risk Assessment (SFRA) 2024 [ED013], which forms a key part of the Plan's evidence base (see SFRA Section 3.2). Proposed modifications MOD052 and MOD053 [CD15 and CD15a] provide additional clarity by referencing high-risk areas specifically identified within the SFRA, reinforcing the linkage between the policy requirement and the evidence base methodology.

Qu 10.3 c) In relation to Policy SE4 Sustainable Drainage Systems, should “smaller developments” be defined in part 1). Should the policy directly address the matter of water treatment?

10.3.4 The reference to "smaller developments" in Policy SE4(1) [CD01, pg. 72] is considered sufficiently clear without explicit definition within the policy text. In planning practice, this is generally understood to refer to developments falling below the threshold for

'major development' as defined in the NPPF (Annex 2). Providing a specific definition within the policy was considered unnecessary repetition.

10.3.5 Policy SE4 focuses primarily on the sustainable management and discharge of surface water (quantity) to mitigate flood risk. While criterion 3 requires a SuDS strategy considering factors like soil permeability and groundwater levels, it does not explicitly list water treatment as a requirement. However, this does not render the policy ineffective regarding water quality. Firstly, the supporting text to Policy SE4 (paragraph 11.18) clearly states that SuDS should be designed to be multi-functional, delivering benefits including water quality improvement. Secondly, Policy SE5(1) explicitly requires development proposals to mitigate adverse impacts on water quality. Thirdly, the requirement in SE4(5) for SuDS proposals to align with LLFA guidance and relevant design standards ensures water quality is addressed, as industry standard guidance like the CIRIA SuDS Manual (referenced in ED014) incorporates treatment stages as a fundamental part of SuDS design.

Qu 10.3 d) In relation to Policy SE5 Water Resource and Water Quality, how would a developer seek to comply with criteria 4, which seeks to ensure developments consider capacity limitations? Are there grounds for seeking a water efficiency standard of less than 110 litres pppday? Should non-mains drainage be addressed in the Policy?

10.3.6 Compliance with Policy SE5(4) [CD01, pg. 75], which requires consideration of capacity limitations outlined in the Water Cycle Study (WCS) [ED014], would be demonstrated primarily through pre-application consultation and engagement with the relevant water company (Severn Trent Water or United Utilities) and the Environment Agency. The WCS itself [ED014] provides strategic evidence on potential network capacity constraints (e.g., wastewater treatment headroom assessments in Section 8, water resource availability in Section 4) which informs these discussions and identifies where mitigation measures may be required.

10.3.7 The Council is seeking the tighter water efficiency standard through Policy CRE1(3) [CD01, pg. 25], which, as amended by modification MOD024 [CD15], requires residential developments to achieve a maximum of 110 litres per person per day (l/p/d). This is the optional higher standard within Building Regulations Part G. The justification, consistent with PPG (Housing – Optional Technical Standards, paragraph 008), is the evidence within the WCS [ED014, Section 4.7.3] which confirms the supply area is classified by the Environment Agency as being under "serious" water stress.

10.3.8 Policy SE5 does not explicitly address non-mains drainage. However, proposed modification MOD059 [CD15] adds a new criterion 7 to the policy, requiring development to follow the foul drainage hierarchy (as set out in national PPG), thereby addressing situations where connection to the public sewer is not feasible. Potential pollution risks from non-mains drainage would also be assessed against Policy SE1.

Qu 10.3 e) In relation to Policy SE6 Open Space, Sports and Leisure Provision, is part (4) consistent with national policy? Has the council identified existing open spaces and facilities in accordance with an appropriate methodology? Are these clearly and consistently identified and is it clear from the policy how such spaces will be considered in

relation to development proposals? Does the policy relate solely to sites identified on the proposals map?

10.3.9 Yes, criterion 4 of Policy SE6 [CD01, pg. 77], which sets out the tests against which the loss of open space, sports and recreational buildings and land will be assessed, is consistent with national policy. The criteria listed (demonstrating surplus; equivalent or better replacement provision; or benefits of alternative sports/recreational provision outweighing loss) directly reflect the tests set out in NPPF (paragraph 103).

10.3.10 The Council has identified existing open spaces and facilities using an appropriate methodology, detailed in the Open Space and Green Infrastructure Strategy 2022 [ED022]. Part 1 of the Strategy involved a comprehensive audit of open spaces, assessing them against quality, value, and accessibility criteria based on Green Flag Award themes and Play England guidance (ED022, paragraphs 3.2-3.4). The findings inform the quantity and accessibility standards proposed in the Strategy (ED022, Table 5.1, pgs. 57-59) and applied within Policy SE6(3). Existing provision is mapped within [ED022]. The policies map has also taken account of the outcomes of the playing pitch strategy [ED012].

10.3.11 Policy SE6(3) outlines how requirements for new open space provision arising from development proposals will be considered, based on the standards set out in the Open Space and Green Infrastructure Strategy 2022 [ED022]. Policy SE6(4) clearly sets out how proposals resulting in the loss of existing facilities will be assessed.

10.3.12 Policy SE6 applies to all existing open space, sports and recreational buildings and land meeting the definition in the NPPF (Annex 2), not solely to sites specifically identified on the Policies Map [CD02]. Criterion 5 explicitly addresses designated Local Green Spaces.

Qu 10.3 f) In relation to Policy SE7 Biodiversity Net Gain (BNG) – Are the terms of the policy, including the requirement for “at least 10% BNG, clear and are they consistent with national policy? How will the requirements of criteria (2) be identified in advance of a published Local Nature Recovery Strategy?

10.3.13 The terms of Policy SE7 [CD01, pg. 78] are considered clear and consistent with national policy. The requirement in criterion 1 for development to deliver "at least a 10% measurable net gain" using the relevant statutory metric directly reflects the mandatory BNG requirement introduced by the Environment Act 2021 and referenced in the NPPF (paragraph 185b). The policy also requires delivery of BNG in accordance with the hierarchy set out in national policy and guidance (criterion 3).

10.3.14 Criterion 2 requires BNG proposals to consider opportunities to connect to or support restoration of the Local Nature Recovery Network (“LNRS”). The spatial opportunities associated with the LNRS can be identified by developers in advance of the statutory LNRS publication through reference to the Council’s Nature Recovery Network Mapping Report [ED020] (which identifies Habitat Connectivity Opportunity areas) and the emerging Staffordshire LNRS (also referenced in ED020). These documents provide the necessary strategic spatial context for integrating BNG delivery with wider nature recovery objectives, consistent with NPPF paragraph 181c.

Qu10.3 g) In relation to Policy SE8 Biodiversity and Geodiversity - Are the terms of the policy reasonable, including the requirement in 1. i) to avoid any adverse impacts on all trees, woodlands, hedgerows? Does the policy provide sufficient clarity in relation to geodiversity sites? Are the requirements of the policy consistent with national policy?

10.3.15 The terms of Policy SE8 [CD01, pg. 80] are considered reasonable and consistent with national policy. The requirement in criterion 1(i) relates to the conservation, enhancement, and restoration of trees, woodlands and hedgerows, avoiding adverse impacts. This should be read in the context of the whole policy, particularly criterion 5 which establishes the mitigation hierarchy (avoid, mitigate, compensate) as required by NPPF paragraph 186a. The policy does not require avoidance of all adverse impacts in all circumstances but prioritises avoidance as the first step in the hierarchy.

10.3.16 The policy provides sufficient clarity regarding geodiversity. Criterion 1(a) explicitly requires the protection and enhancement of sites of geological value, and criterion 1(j) requires the safeguarding of geological interests. Supporting information (paragraph 11.46) also reinforces this.

10.3.17 The policy requirements align with NPPF Chapter 15, covering the hierarchy of designated sites (criterion 1a, 1b, 1d, 2, 3, 4), legally protected species (1c), priority habitats/species (1e, 1f), irreplaceable habitats (1h, 6), ecological networks (1a, 1g, 1j), and the mitigation hierarchy (5).

Qu 10.3 h) In relation to Policy SE9 Historic Environment, Policy SE11 Trees, Hedgerows and Woodland, SE12 Amenity and SE13 Soil and Agricultural Land and SE14 Green and Blue Infrastructure - Are the terms of the policies clear, would they be effective and are they consistent with national policy?

10.3.18 SE9 Historic Environment [CD01, pg. 82]: The policy is considered clear, effective and consistent with NPPF Chapter 16. It requires Heritage Assessments (criterion 3), distinguishes between designated and non-designated assets, and applies the NPPF tests regarding substantial versus less-than-substantial harm (criteria 2c-g). The approach to archaeology is addressed through a new criterion 6 (MOD065). The submitted version of the Plan included a specific criterion supporting enabling development (4b), however, proposed modification MOD064 [CD15a] seeks to delete this criterion to improve the policy's effectiveness and ensure a clearer application of NPPF tests regarding harm versus public benefits. Further proposed modifications (MOD062, MOD063, MOD065-MOD070, MOD153, and MOD154) [CD15a], arising from the Historic England Statement of Common Ground, enhance clarity and effectiveness regarding farmsteads, the assessment of harm, Heritage Assessment requirements, and the archaeological process.

10.3.19 SE11 Trees, Hedgerows and Woodland [CD01, pg. 88]: The policy is clear in prioritising retention (criterion 1), requiring assessments, setting expectations for replacement planting (3, 4), street trees (6, 8), buffer zones (7), ancient/veteran trees (10), and management/maintenance (9, 11, 12). It is effective in protecting these assets and consistent with NPPF paragraph 180b.

10.3.20SE12 Amenity [CD01, pg. 90]: The policy clearly sets out factors to consider regarding impacts on amenity (criterion 1) and incorporates the Agent of Change principle (criterion 2), consistent with NPPF paragraphs 135f and 193. Proposed modification MOD072 [CD15] enhances the wording regarding noise, vibration and odour assessments. It provides an effective framework for protecting residential amenity.

10.3.21SE13 Soil and Agricultural Land [CD01, pg. 91]: The policy is clear in seeking to avoid the loss of Best and Most Versatile (BMV) land (criterion 1), setting tests for development on BMV land (criterion 2) consistent with NPPF footnote 62, requiring mitigation where loss is unavoidable (3), and promoting sustainable soil management (4). It is consistent with NPPF paragraph 181 and supported by evidence [ED038].

10.3.22SE14 Green and Blue Infrastructure [CD01, pg. 93]: The policy clearly requires the incorporation of multifunctional Green and Blue Infrastructure (criterion 1), sets tests for loss/degradation (2), requires contributions to the wider network (3), and management/maintenance (4). It promotes community involvement (5, 6) and innovation (7). It is consistent with NPPF paragraphs 180d, 181 and supported by evidence [ED020, ED022]. Proposed modification MOD074 [CD15] improves clarity regarding Green Infrastructure projects.

Qu 10.3 i) In relation to Policy SE10 Landscape - Are the requirements of the policy clear, would the requirement to “comply” with Landscape and Settlement Character Assessment Study 2022 (LSCA) be consistent with national policy?

10.3.23The requirements of Policy SE10 [CD01, pg. 87] are considered clear. It requires proposals to protect and enhance landscape character, quality, beauty and tranquillity (criterion 1), referencing Key Characteristics and Landscape Guidelines from the Landscape Settlement Character Assessment Study (2022) (“the LSCA”) (1a), protecting key features and views (1b, 1c), heritage assets (1d), and requiring mitigation/restoration (1e) and consideration of Neighbourhood Plan policies (1f). It also requires Landscape and Visual Impact Assessment (“LVIA”) where appropriate (2) and sets expectations for new landscaping schemes (3).

10.3.24The requirement in Policy SE10(1a) for development proposals to "comply with the relevant Landscape Guidelines...for the relevant Landscape Character Type and Landscape Character Area, as identified in the Newcastle-under-Lyme” LSCA [ED017 / ED023 / ED023a] is considered consistent with national policy. NPPF (paragraph 136) states that "Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined..." and paragraph 135c states decisions should ensure developments are "sympathetic to local character and history, including the surrounding built environment and landscape setting...". The LSCA provides the detailed, locally specific evidence base on landscape character required by the NPPF, and its guidelines indicate how development can be integrated sympathetically. Requiring compliance ensures development proposals actively respond to this evidence and guidance.

Qu 10.3 j) Are there any omissions in the above policies and does the Council propose any modifications?

10.3.25 The Council considers that Policies SE1-SE14 provide a comprehensive and effective framework covering the key environmental and sustainable development topics relevant to the Borough, consistent with the requirements of the NPPF. No significant omissions have been identified.

10.3.26 The Council has proposed several modifications (MOD048 – MOD078) to these policies in the Schedule of Proposed Modifications [CD15]. These modifications are considered necessary for soundness and primarily serve to improve the clarity, precision, effectiveness, and justification of the policies, ensuring alignment with the latest evidence base and national policy requirements.

Qu 10.4 Are the requirements in PSD 6, PSD7, CRE1 and CRE2 clear, and would the criteria identified to assess proposals on these sites be likely to be effective?

- 10.4.1 The Council considers the requirements set out within Policies PSD6 (Health and Wellbeing), PSD7 (Design), CRE1 (Climate Change), and CRE2 (Renewable Energy) to be clearly articulated and the criteria contained within them provide an effective framework for assessing relevant development proposals.
- 10.4.2 These policies collectively establish the Plan's approach to key aspects of sustainable development, including promoting healthy lifestyles, achieving high-quality design, mitigating and adapting to climate change, and encouraging renewable energy generation, consistent with the objectives of the Plan and the National Planning Policy Framework (NPPF).
- 10.4.3 Clarity is provided through specific policy criteria, supporting text explanations [CD01], and referenced guidance within the evidence base (such as the Health Impact Assessment guidance [ED035] and Climate Change Adaptation and Mitigation Report [ED024a/b]). The effectiveness of the criteria is supported by their basis in national policy and guidance, established best practice, and consideration of local circumstances, including viability [ED004]. Flexibility is built in where appropriate (e.g., the viability caveats in CRE1(2) and CRE2(1)) to ensure requirements are proportionate and deliverable.
- 10.4.4 The detailed justification for the clarity and effectiveness of the requirements and criteria within each individual policy is set out in the Council's responses to the Inspector's specific questions at 10.4(a) to 10.4(d) below. Where necessary, proposed modifications have been identified [CD15] to further enhance policy clarity and effectiveness.

In particular:

Qu10.4a) In relation to Policy PSD6 -Health and Wellbeing does the Policy provide sufficient guidance as to when a full Health Impact Assessment (HIA) may be required? Are there any omissions from the policy?

- 10.4.5 Policy PSD6(1c) requires that proposals for major development schemes are supported by a core (screening) Health Impact Assessment (HIA). It states that following this screening assessment, a full (comprehensive) HIA may be required. This establishes a clear requirement for HIA screening for all development meeting the definition of 'major development' as set out in Annex 2 of the NPPF.
- 10.4.6 The supporting text to Policy PSD6 (paragraph 5.39) [CD01, pg. 22] further clarifies the purpose of the screening process, stating it is "to determine whether a full HIA is required" and that it should include "what determinants of health may be affected and what further actions should be recommended to develop / secure a positive impact or mitigate a negative impact." Paragraph 5.39 also highlights the need for the HIA (which implicitly includes both screening and any subsequent full assessment) to consider impacts on different groups, particularly vulnerable groups, and to seek mitigation for health inequalities, aligning with the objectives of the policy.

- 10.4.7 The Council considers that the policy provides a sufficiently clear and proportionate starting point, requiring initial screening for all major schemes, with the need for a more detailed comprehensive HIA determined on a case-by-case basis depending on the screening outcomes and the specific sensitivities identified. This aligns with established good practice for integrating health considerations into planning.
- 10.4.8 Detailed guidance on undertaking both Core (screening) and Comprehensive HIAs, including the process, scope, and considerations for determining the appropriate level of assessment, is provided in the Council's published Health Impact Assessment guidance document [ED035]. This document sets out the methodology expected to be followed by applicants. It includes guidance on scoping (Stage 2), which involves identifying objectives, stakeholders, geography, and data needs, informing the decision on whether a Core HIA is sufficient or if a Comprehensive HIA is necessary [ED035, pg. 13]. This evidence base document provides the necessary detail underpinning the policy requirement in PSD6(1c).
- 10.4.9 The policy focuses the requirement for a screening HIA on major development, ensuring proportionality in line with the NPPF. While an HIA is not explicitly required by policy for non-major developments, the general principles of Policy PSD6 encouraging development that fosters safe, healthy, and active lifestyles still apply, and health considerations would form part of the assessment of any application against this policy and wider development plan policies. Therefore, it is not considered a policy omission necessary for soundness to limit the specific HIA requirement to major schemes.
- 10.4.10 No modifications to Policy PSD6 were identified as necessary through the plan preparation process or in response to Regulation 19 consultation [CD15]. The Council considers that Policy PSD6, supported by paragraph 5.39 and the guidance in ED035, provides sufficiently clear and effective guidance on the requirement for HIAs.

Qu 10.4b) Is it reasonable that the requirements of Policy PSD7 Design apply to all developments – are there any omissions from the Policy?

- 10.4.11 Yes, the Council considers it reasonable and necessary for the requirements of Policy PSD7 [CD01, pg. 23] to apply to all development proposals, regardless of scale. This approach is consistent with the NPPF, which places significant weight on achieving well-designed, beautiful and sustainable places. It makes clear those achievements are fundamental to what the planning and development process should achieve (NPPF Chapter 12, particularly paragraph 131 and 135). The NPPF makes clear that good design is a key aspect of sustainable development and is indivisible from good planning.
- 10.4.12 Policy PSD7 sets out fundamental design principles relating to character, context, quality, sustainability, safety, accessibility, and integration (criteria 1-11). These principles are considered universally applicable to ensure that all development, from householder extensions to major strategic sites, contributes positively to the quality and distinctiveness of Newcastle-under-Lyme. The supporting text (paragraph 5.44) [CD01, pg. 23] reinforces this, stating that development should have due regard to site and setting in respect of layout, scale, height, landscape, and appearance.

10.4.13 The Council acknowledges that the level of detail required to demonstrate compliance with Policy PSD7 will be proportionate to the scale, type, and sensitivity of the proposed development. For minor applications, such as householder extensions, assessment against the policy's criteria would focus primarily on aspects like scale, materials, and relationship to neighbours (criteria 2a, 2b, 2f), ensuring proposals are sympathetic to their context without requiring extensive supporting documentation. This approach ensures the policy is not unduly burdensome while still upholding a necessary standard of design quality across the Borough. Policy PSD7(1) itself references the National Design Guide and National Design Code, which embody principles of proportionate assessment.

10.4.14 Regarding potential omissions, Policy PSD7 is intended to work alongside other policies in the Plan which address specific related matters. For example, detailed requirements relating to energy efficiency, water use, and renewable energy are set out in Policies CRE1 and CRE2; flood risk and SuDS in SE3 and SE4; biodiversity in SE7 and SE8; landscape character in SE10; trees in SE11; amenity in SE12; and heritage in SE9. Read as a whole, the Local Plan provides a comprehensive policy framework for design and sustainable development.

10.4.15 Furthermore, the Council proposes Modification MOD022 [CD15] to add a new criterion (12) to Policy PSD7. This explicitly requires development proposals to respond positively to local character and conserve/enhance heritage assets and their settings, reinforcing the policy's link to local distinctiveness and heritage protection, strengthening its effectiveness.

10.4.16 Therefore, the Council considers the application of Policy PSD7 to all development to be reasonable, justified, and consistent with national policy's objective of creating high-quality places. The policy's requirements are fundamental design considerations, the application of which will be proportionate to the nature of the proposal, and it forms part of a wider suite of policies addressing specific environmental and sustainability matters.

Qu 10.4 c) In relation to Policy CRE1 Climate Change what is the justification for setting a local standard in relation to water efficiency and for energy efficiency for non-residential development? How would a decision maker assess compliance with criteria 5, 6d and 7?

10.4.17 **Justification for Water Efficiency Standard (110 litres per person per day (lpppd)):**
Policy CRE1(3) requires new residential developments to be designed to achieve a maximum water use of 110 lpppd. This aligns with the optional tighter standard set out in Part G of the Building Regulations. The NPPF (paragraph 158) requires plans to take a proactive approach to mitigating and adapting to climate change, taking account of long-term implications for water supply. National Planning Practice Guidance (PPG) on Housing: Optional Technical Standards (Paragraph: 005 Reference ID: 56-005-20150327) allows authorities to set this tighter 110 lpppd standard where there is a clear local need.

10.4.18 The justification for applying this optional standard in Newcastle-under-Lyme stems from the identified water stress in the region. The Water Cycle Study (WCS) [ED014, Section 4] confirms that the Borough is supplied by Severn Trent Water (STW), primarily via the North Staffordshire Water Resource Zone (WRZ). As identified in the Environment

Agency's assessment (cited in ED014, paragraph 4.7.3), this WRZ is classified as being under 'serious water stress'. Furthermore, STW's draft Water Resource Management Plan (dWRMP) highlights a likely future supply-demand deficit across its supply area, including the North Staffordshire WRZ, exacerbated by climate change and population growth [ED014, paragraph 4.6.2]. Adopting the tighter standard is therefore considered a necessary and justified measure to manage water demand sustainably in response to evidenced local circumstances.

10.4.19 The viability implications of this standard were assessed in the Local Plan Viability Study [ED004]. The study concluded that the cost associated with meeting the 110 lpppd standard compared to the mandatory 125 lpppd standard is minimal, estimated at less than £15 per dwelling, and therefore de-minimis in the context of overall development viability [ED004, paragraph 6.52]. The Council notes the proposed modification MOD024 which clarifies the wording around this requirement, confirming it aligns with the optional Building Regulations standard [CD15].

10.4.20 Policy CRE1(2) requires non-domestic developments to meet BREEAM 'Excellent Standard' (unless not feasible or viable, in which case 'Very Good' is the minimum). This standard exceeds the minimum requirements of Building Regulations Part L. The justification arises from the NPPF's requirement for planning to support the transition to a low carbon future and help to mitigate climate change (NPPF Chapter 14), including by supporting renewable and low carbon energy and associated infrastructure (NPPF paragraph 157). The Council declared a climate emergency in 2019 and Policy CRE1 is a key policy response.

10.4.21 Setting a standard such as BREEAM provides a recognised, holistic, and independently verifiable benchmark for environmental performance, including energy efficiency and carbon emissions. The Climate Change Adaptation and Mitigation Report [ED024a, Section 3.1.1.3] discusses the use of such standards. The selection of 'Excellent' as the target reflects the urgency of the climate emergency and the need for new non-residential buildings to achieve high levels of performance.

10.4.22 The Local Plan Viability Study [ED004, Section 7.13 and Table 7.4] specifically assessed the cost implications of achieving BREEAM 'Excellent' for various non-residential typologies. The assessment indicated that while achieving 'Excellent' presents viability challenges for some typologies like comparison retail and offices, it is likely achievable for others such as warehousing [ED004, paragraphs 8.14-8.16]. Crucially, Policy CRE1(2) includes a viability caveat ("unless demonstrated as not feasible or viable"), ensuring the policy does not render development undeliverable, consistent with NPPF paragraph 58. This provides the necessary flexibility.

10.4.23 **Assessment of Compliance with Criteria 5, 6d, and 7:** Criterion 5 (Whole Life-Cycle Carbon Assessment): Policy CRE1(5) encourages, rather than requires, the completion of a Whole Life-Cycle (WLC) Carbon Assessment, in line with RICS guidance. A decision maker would assess compliance based on whether an applicant has submitted such an assessment. Where provided, the assessment itself would be reviewed for its robustness, adherence to the stated methodology (RICS Whole Life Carbon Assessment guidance, as referenced in CRE1(5) [CD01, pg. 25]), and the appropriateness of any

measures proposed to reduce embodied carbon. Policy CRE1(4) states that proposals exceeding expected performance in respect of carbon emissions (which a WLC assessment helps quantify) will be afforded positive weight.

10.4.24 Criterion 6d (Minimising Waste/Energy through Design): Policy CRE1(6) requires developments to use appropriate design, construction, insulation, layout, and orientation to be resilient, minimise energy use, use resources prudently, and promote material reuse/recycling to reduce embodied carbon. Criterion 6d specifically focuses on minimising waste generation and energy consumption in the design, construction, use, and life of buildings. A decision maker would assess compliance primarily through the Design and Access Statement, Planning Statement, or a dedicated Sustainability/Energy Statement submitted with the application. Evidence would be sought on how the design (layout, form, orientation, material specification - linking to other sub-criteria like 6c, 6e, 6f) and proposed construction methods actively minimise energy and resource consumption throughout the building's lifecycle, compared to standard practice.

10.4.25 Criterion 7 (Resilience Measures): Policy CRE1(7) requires development proposals to provide space for physical protection measures and/or make provision for future relocation where necessary for resilience to climate change impacts. Compliance would be assessed based on the specifics of the site and proposal, informed by relevant evidence base documents. For example, a Flood Risk Assessment (FRA) prepared in line with Policy SE3 and the SFRA [ED013] would identify flood risks. The decision maker would then assess whether the development layout (as shown on submitted plans) and design proposals (detailed in the Design and Access Statement or FRA) adequately incorporate necessary resilience measures (e.g., raised finished floor levels, flood resilient construction, compensatory storage, space allocated for future defences) or make appropriate provision for relocation if risks cannot be managed in situ over the development's lifetime, taking account of climate change allowances. The Climate Change Adaptation and Mitigation report [ED024a/b, Section 5.4] provides context on relevant adaptation measures.

Qu10.4 d) In relation to Policy CRE2 Renewable Energy, where does the 10% figure come from, Is it justified and consistent with national policy? Should criterion 3 include a weighting against public benefits? would a “significant adverse” consistent with national policy – weigh benefits?

10.4.26 Policy CRE2(1) requires all 'major' proposals (as defined in NPPF Annex 2) to demonstrate the maximum feasible and viable use of onsite renewable or low carbon energy generation for at least 10% of their energy needs, unless demonstrated as not feasible or viable.

10.4.27 The 10% figure originates from established practice and previous national policy contexts encouraging decentralised renewable energy (often associated with the principles of the former Code for Sustainable Homes). While no longer a specific national requirement, it remains a widely understood benchmark used by many local authorities to drive onsite renewable energy provision.

10.4.28 The target is justified by the Council's declaration of a climate emergency and the need to support the transition to a low carbon future, as required by the NPPF (Chapter 14). It directly supports Strategic Objective SO-4 (Reduce the Borough's carbon footprint) [CD01, pg. 10] and the objectives of Policy CRE1 [CD01, pg. 25]. Maximising onsite renewable generation reduces reliance on fossil fuels, contributes to energy security, and helps mitigate climate change. The 10% target provides a clear quantitative requirement for major developments, balanced by the feasibility and viability caveat.

10.4.29 The NPPF (paragraph 160) requires plans to provide a positive strategy for renewable and low carbon energy, maximising potential for suitable development. Paragraph 162a expects new development to comply with any development plan policies on local requirements for decentralised energy supply, unless demonstrated as not feasible or viable. While the NPPF does not mandate a specific percentage target, setting a local requirement like the 10%, subject to viability, is considered consistent with the NPPF's aim to maximise renewable energy potential and support the move to a low carbon future.

10.4.30 The Local Plan Viability Study [ED004, paragraph 6.53] concluded that the introduction of higher energy efficiency standards within the 2021 Building Regulations (Part L) means that the requirement for 10% of residential energy needs to come from renewable or low carbon energy generation is likely to be met through these additional build costs. Therefore, no additional costs are expected for residential development to comply with Policy CRE2(1), confirming its general viability in line with NPPF paragraph 58. For non-residential development, viability would be considered on a case-by-case basis against the policy's feasibility caveat.

10.4.31 Policy CRE2(3) states that renewable and low carbon energy schemes resulting in a "significant adverse impact [MOD027 proposes 'harm']" on specified factors (landscape, habitats, amenity, air traffic safety, historic environment) will not be supported.

10.4.32 The NPPF requires planning decisions to apply a presumption in favour of sustainable development (paragraph 11), which involves weighing benefits against harm. National policy strongly supports renewable energy (NPPF paragraph 160). Criterion 3 focuses on preventing significant adverse harm. This establishes a threshold where the identified harm is considered so severe as to be unacceptable, overriding the general support for renewable energy. This approach is considered justified to protect the sensitive receptors listed (e.g. habitats, residential amenity, heritage assets – the latter reinforced by MOD028). Where potential harm is identified but does not reach the "significant adverse" threshold, a decision-maker would undertake the standard planning balance, weighing the benefits of the renewable energy scheme (including its contribution to meeting climate change objectives) against the identified harm, in line with NPPF paragraph 11 and other relevant plan policies. Therefore, explicitly adding a requirement to weigh public benefits within criterion 3 itself is not considered necessary for soundness.

10.4.33 The term "significant adverse" is consistent with terminology used elsewhere in the NPPF (e.g. paragraph 95 and paragraph 11dii). It sets a policy threshold, the application of which requires reasoned planning judgement based on evidence specific to the

proposal and its context. As outlined above, the policy does not preclude the weighing of benefits against harm where the threshold of "significant adverse harm" is not reached; this balancing exercise is inherent in the planning system and required by NPPF paragraph 11 and specific NPPF policies relating to, for example, designated landscapes or heritage assets. The policy approach is therefore considered consistent with national policy.

2. Appendix 1 – List of Reference Documents

A. The Council's evidence for sustainable development, climate change and rural matters is set out below.

B. National Policy:

- National Planning Policy Framework (2023 / 2024)
- National Planning Practice Guidance

C. Government Regulations and Acts:

- Town and Country Planning Act
- Planning and Compulsory Purchase Act 2004

D. Newcastle-under-Lyme Local Plan Submission / Examination Documents

- Final Draft Local Plan [CD01]
- Local Plan Policies Map [CD02]
- Schedule of Proposed Modifications [CD15/CD15a]
- Local Plan Viability Study [ED004]
- Local Plan Rural Topic Area [ED005]
- Local Plan Settlement Boundary Review [ED007]
- Green Belt Assessment [ED008]
- Playing Pitch Strategy [ED012]
- Landscape Character Study [ED017]
- Nature Recovery Network Mapping Report [ED020]
- Open Space and Green Infrastructure Study [ED022]
- Landscape and Settlement Character Assessment Study [ED023 and ED023a]
- Climate Change Adaptation and Mitigation Report [ED024a and b]
- Health Impact Assessment [ED035]