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Mr Alan Clarke
Planning Policy Manager
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Dear Mr Clarke

Examination of the Newcastle-under-Lyme Local Plan 2022 - 2040 Post Hearing Advice – Further Work and Related Matters

Introduction

1. Further to the recent hearing sessions for the Newcastle-under-Lyme Local Plan I am writing to confirm next steps for the Council in relation to the examination. I would like to take this opportunity to re-iterate my thanks to you and your colleagues for your constructive and helpful approach throughout the examination.
2. As I set out during our hearing sessions, including the final session on 26 June, I am satisfied that the Council has complied with the duty to cooperate. I have also concluded that the Plan as submitted is not sound and that additional work will be required to address my concerns, as set out below. Subject to these matters being appropriately addressed, I consider that the Plan can be made sound by main modifications. Dependent upon consultation on such main modifications, I can proceed with my report and the Local Plan could be adopted within a reasonable timescale. At this stage I wanted to highlight my conclusions on the key issues of soundness, before dealing in due course with more detailed matters relating to the wider range of main modifications required.

Accessibility and the Transport Implications of the Plan

Sites to the west of Newcastle

3. The Strategic Transport Assessment (ED011) addresses the transport implications of the allocated development within the Plan. SCC as the Local Highway Authority recommends that development to the west of Newcastle-under-Lyme should be served by a link road from allocation TB19, through the Keele University allocation KL15 to the A525 Keele Road. The policies within the Plan seek to achieve this.
4. From the evidence put to me during the examination I am satisfied that, to ensure that new development can be accessed by sustainable means, the provision of a link between the A53 and the A525 is justified and necessary for the Plan to be effective. However, no route for the link is shown on the Policies Map and so the link could not be implemented as part of any proposed development on this site.
5. Taking into account the totality of development proposed to the west of Newcastle, if the link is not delivered, there is a risk that the sustainable development of this area of the Borough will be undermined. In this regard, it would not represent positive planning to allow the development of sites KL15 and TB19 in a manner which may undermine the sustainable delivery of other development sites and so the Plan as a whole. For this reason, until the matter of the need for a link is resolved, I am unable to conclude that these allocations are soundly based.
6. The Council should therefore address the matter of the link with the relevant parties as a first priority by first establishing the nature of the link required, a broad indication of the safeguarded route, an estimated cost and how the route will be funded.

Town Centre Sites

7. In addition, a number of the Newcastle Town Centre sites involve the redevelopment of land currently used for car parking. The implications of such redevelopment and the potential implications for the vitality and viability of the town centre were discussed at the hearing sessions. In order to be assured that the town centre will be adequately served by parking in the future the Council should provide further information on the Council's long -term parking strategy for Newcastle-under-Lyme. I note that since the hearing the Council have provided document EX 32 NBC AP26 setting out the Council's surface car parking strategy and EX 27 NBC AP13 which provides a wider context in relation to town centre regeneration and how it is to be funded. I will be reviewing these documents in the next few weeks and will advise the Council if I require any further information.

Selection – Minerals Safeguarding

8. The site selection methodology indicates that for some sites minerals safeguarding is a constraint. I note that the Minerals Planning Authority – Staffordshire County Council (SCC) – has not raised an objection to any of the allocations on minerals safeguarding grounds and that for the small number of sites affected the relevant policies contain a requirement for a Minerals Safeguarding Assessment to be provided. I also note that SCC have subsequently indicated that the requirement for a Minerals Safeguarding Assessment within the relevant allocation policies can be removed as the requirements of Policy 3 of the Minerals Local Plan for Staffordshire will still apply.
9. Notwithstanding the comments of the Minerals Planning Authority, at this stage, in the absence of an assessment for these sites, I cannot be assured of what the potential minerals resource on these sites might be, whether they may be needed or whether extraction is practicable. I therefore do not know whether this matter might delay or preclude the development of these sites within the Plan period.
10. The Council should therefore seek the advice of SCC as to the nature of the resource, whether abstraction is likely to be required prior to development, or if the proximity of existing residential or other development is in some cases likely to prohibit extraction.

Site Selection – Flood Risk

11. The stage 2 Strategic Flood Risk Assessment (SFRA2) provides detailed site assessments for nine allocated sites identified as having significant flood risk. Five of the sites¹ lie within Flood Zone 2 or Zone 3.
12. Whilst I note that Doc EX/NBC/05 provides some limited information in relation to the application of the Exceptions Test, the Council should provide further, detailed information to support these allocations by identifying what the wider sustainable development objectives are that the allocations would meet.
13. Furthermore, the SFRA2 provides detailed guidance in relation to the likely surface water flood risk for sites allocated in the Plan. National guidance does not require that the Exceptions Test is applied to these sites, but nonetheless requires that in developing such sites development is directed to parts of the site at lower flood risk and does not increase the risk of flooding elsewhere. It also indicates that the effects of climate change should be considered in assessing flood risk. As the Regulation 19 consultation appears to have taken place after the production of the SFRA2 the Council should demonstrate that in light of its advice the allocations remain sound, taking into

¹ AB2, BW1, CH13, TK40 and Site 11

account the likely future effects of flood risk. In particular, in line with the advice in the SFRA2, assumptions as to the likely pattern of development on allocated sites should take into account the likely disposition of surface water flooding and its depth and velocity.

14. From an assessment of the SFRA2 it would appear that the indicative yield on a number of “amber” sites is optimistic and the Council should review these. Furthermore, allocation AB33 is likely to be highly constrained by surface water flooding taking into account the effects of climate change and the disposition and depth of flood water in a 3.3% and 1% AEP 2070s. This allocation should therefore be removed from the Plan.

Employment Allocations

15. The Council’s Housing and Economic Needs Assessment (HENA) Doc ED001 concluded that provision between 43 and 83 hectares of employment land for the Plan period. I am satisfied that to meet this requirement for the Plan period, and to ensure that the supply provides an adequate range of accommodation for differing sectors, there are exceptional circumstances to release land from the Green Belt in the Borough.
16. Although the Plan sets out an employment requirement, it is not clear how the allocations in the Plan will meet this requirement. A table identifying the employment allocations should be provided within the Plan document. Furthermore, I have some concerns regarding the proposed allocations which I set out below:

University Sites KL13 and KL15

17. Notwithstanding my concerns in relation to the link road expressed above, from the information put to me at the hearing, it would appear that the University do not intend to develop KL13 and KL15 sequentially but rather intend to develop both sites simultaneously and incrementally. I was also advised that the employment uses at KL15 would be B1 type research and development or light industrial uses which would benefit from co-location with the University. Housing on site would be in support of the University function and so would be student housing. This is reinforced by the Strategic Employment Sites Assessment Doc ED002.
18. It was put to me that the exceptional circumstances for Green Belt release in this location include the unique benefits provided by co-location with the University which lends itself to development as set out above. However, neither Policy KL13 nor KL15 as drafted place a restriction on the nature of the employment uses or housing type on site. In the absence of an up-to-date Masterplan for the estate I also have no indication of the timescale for development and whether all of the site will be required during the Plan period. The Council should consider how the Plan can address these concerns.

Chatterley Valley BW1

19. The Council should address whether the delivery of the site would be impacted by the matter of mineral safeguarding as set out in paragraph 5 above.

Land at Junction 16, M6 - AB2

20. The Strategic Employment Sites Assessment Doc ED002 sets out the evidence in support of the Council's case for the allocation of AB2 as a "strategic" allocation. The site is approximately 80 hectares in size and would provide around 220,000sqm of floorspace, along with a lorry park. The allocation of the site would result in an employment land supply substantially in excess of the range indicated in the HENA and I have not yet reached a conclusion on whether I consider the allocation AB2 to be sound.
21. Taking into account that the release of the site requires that exceptional circumstances be demonstrated, I am seeking further information in relation to why the Council consider it sound to allocate a site of this size, and whether alternative options were considered in this location, potentially for less employment space and involving a release of less Green Belt land. The Council need not repeat its case in relation to the strategic need for employment sites, including the need for distribution development, or the case for ensuring a range and quality of supply. I am primarily interested at this time in identifying how the floor space provision for this allocation and land requirement to provide this were arrived at.
22. The Council should also advise on whether they consider minerals safeguarding restrictions could alter current assumptions relating to the timescale for delivery on site.

The Housing Requirement and Site Allocations

23. Based on the information put to me during the examination I am satisfied that in order to support economic growth, a housing requirement in excess of the Standard Method, is justified. I am also satisfied that to meet this requirement of around 8,000 homes for the Plan period, exceptional circumstances exist to release Green Belt land in the Borough.
24. However, I have concerns regarding a number of the housing allocations which I set out below:

AB12 – Diglake Street, Audley

25. Based on the evidence put to me at the hearing and my observations on site, the access arrangement for the site is likely to have a detrimental effect on the amenity of adjoining occupiers on Diglake Street due to the narrow nature of the adjoining streets and the high preponderance of on-street parking,

particularly at weekends. I am not convinced that the provision of off-street parking within the development site would be an appropriate solution. The site should be removed from the Plan.

AB33 – Land off Nantwich Road / Park Lane

26. The SFRA2 identifies surface water flooding constraints for the site. This reflects anecdotal evidence from residents and Google earth images of the site. I set out my concerns regarding the constraints future flooding is likely to place on the pattern of development of the site in paragraph 9 above. Furthermore, the site as proposed would not provide a defensible boundary to the Green Belt to the north of the site and would, as a result, lead to more than moderate harm to the Green Belt in this location. I am therefore not convinced that the allocation is a sound one and it should be removed from the Plan.

CT1 - Land at Red Street, Chesterton

27. The original Green Belt assessment for the site comprised a much larger parcel of land and recommended that land to the south referred to as site CT4 was also included to ensure that allocation does not lead to the creation of isolated parcels of Green Belt land. The site that has been allocated is smaller in extent and projects north to the A500. In this regard, if developed in isolation, the development of the site may have a detrimental effect on the integrity of the surrounding Green Belt to the south. In order to reach a view on this matter, it would assist if the Council could provide the work that has been carried out that informed decisions as to the site size, yield and the likely disposition of development on site.
28. Furthermore, the policy includes a requirement for a left-in, left-out arrangement onto the A34 with 2 access points onto Talke Road, which may require traffic calming. The Council should provide the transport assessment work that has informed this policy requirement. In addition, the policy requires the provision of a “local centre”. The Council should provide supporting evidence as to what this will comprise, that the local centre envisaged is needed and that the allocation will support it, taking into account any provision in the local area. The Council should also provide their views on how the local centre will be secured and at what stage it will be provided.
29. Finally, to support the Council’s assumptions that the site is viable and deliverable in its current form the Council should provide evidence of what assumptions have been made in relation to historic mining and contamination.

SP11 -Lyme Park Silverdale

30. The proposed masterplan should be revisited to ensure that the housing allocations and extent of the Country Park reflect the topographical and land ownership constraints of the site, in particular the approach to be taken to site

SP12. The work should explain why the provision of a Country Park, which is to be kept permanently open, needs to be removed from the Green Belt.

31. I note that since the hearing the Council has supplied doc (EX NBC 36 AP22) which seeks to provide information on how the Country Park will be delivered and managed. However, the submission does not address my concerns in relation to Green Belt and so I would be grateful if the Council would specifically address this point.

BL18 - Land at Clough Hall

32. Further to the hearing sessions the Council have submitted some additional information from SCC – the site owner - to demonstrate that initial work has taken place to accommodate the retention of a Site of Biological Importance (SBI) and the playing fields within any redevelopment. The indicative layout provided shows vehicular access through the SBI. In order to be satisfied that such an arrangement would not unduly impact upon the wildlife site, a matter which could preclude site delivery, the Council should provide its assessment of these impacts.

TB19 – Land south of Newcastle Golf Club

33. The allocation proposes 550 dwellings on a site of 45 hectares. In light of my comments in relation to the delivery of a link road between the A34 and the A525 set out in paragraph 12 above, the inclusion of this site within the Plan may need to be revisited. Notwithstanding this, the site promotor's indicative site layout shows a substantial area of landscaped open space, aimed at mitigating landscape impacts and providing a buffer for motorway noise. The developable area should be reviewed to retain the extensive areas of landscaping and open space within the Green Belt.

Other Housing Allocations

34. The housing trajectory is in parts overly optimistic, both in the point at which development is likely to come forward and the rate of delivery for some sites. In particular, taking into account the likely delay to development as a result of contamination issues at Walleys Quarry, the Council should set back the point of deliver for the following sites to no earlier than 2030/2031.
- SP23 – Land at Cemetery Road
 - SP11(4) – Lyme Park Silverdale
 - TB6 Former Pool Dam Pub Site, Newcastle
 - TB23 Land West of Galingale View, Thistleberry
35. In relation to the following sites, for the reasons discussed at the hearing sessions and which I will set out fully in my report, I do not consider that the following site allocations are justified and they should be removed from the Plan.

- Site 8 G&T Land West of Silverdale Business Park
Site CH13 Land at Castletown Grange Cross Heath
Site KS3 – Land at Blackbank Road Knutton

Compensatory Improvements to the Green Belt

36. The Framework sets out that, where the release of Green Belt land is proposed, Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. As drafted the Plan fails to provide a coherent strategy to do this.
37. Following the hearing sessions the Council has provided some additional work (EX NBC 37 AP25) which sets out a range of measures aimed at improving the environmental quality and accessibility of the Green Belt. The Council do not, at this stage wish to identify the most appropriate measures for each site and I accept that the detail of how this is to be achieved can be provided during the development management process.
38. Nonetheless, for this approach to be effective, and before the land is released from Green Belt, each allocation should be able to demonstrate that such measures are viable and achievable, with off-site works only being considered where works adjacent to, or near, the site are not achievable, or where off-site works would achieve greater environmental value. The Council should therefore review each site allocation where land is to be removed from the Green Belt and provide convincing evidence that compensatory works are achievable and viable.

Neighbourhood Plan Requirements

39. National guidance indicates that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations within the Plan. The Plan does not include a housing requirement for any of the Neighbourhood Plan Areas within the Borough relying instead on the broad distribution of development set out in policy PSD3. This approach was discussed at the hearing sessions with the Council subsequently providing additional information including Doc EX/NBC/18, which seeks to demonstrate how the distribution in policy PSD3 broadly reflects existing permissions and allocations in the Plan and does not place a further requirement on Neighbourhood Plans within the various settlements.
40. I will be reviewing these documents in the next few weeks and will advise the Council if I require any further information.

Other Matters

41. At the hearing sessions a number of necessary modifications to development management policies were identified. These include reworking policy SA1, which sets out general development principles, and policy SE9 which relates to historic environment. In general changes are required to ensure consistency with national policy, to minimise duplication and in some cases to ensure that the requirements of the policies are clear and practicable. I note the on-going work that is taking place to modify these policies and will provide some comments on the Council's suggested changes in due course.

Next Steps

42. Within 2 weeks of the date of this letter the Council should provide a timescale for undertaking the work set out above. Once this work has been completed I will consider any issues raised and determine the next steps of the Examination. This may include a further hearing session.
43. Please contact me through the Programme Officer if you would like any clarification on the matters set out above. I am not, at this stage, inviting comments from anyone else on the content of this letter.

Anne Jordan

INSPECTOR