



Planning Inspectorate

Report to Newcastle-under-Lyme Council

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State
19 May 2026

Planning and Compulsory Purchase Act 2004 (as amended and applied by the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026)

Report on the Examination of the Newcastle under Lyme Local Plan

The Plan was submitted for examination on 20 December 2024

The examination hearings were held between 20 May and 19 June 2025

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Abbreviations used in this report

AA	Appropriate Assessment
AQMA	Air Quality Management Area
BMV	Best and Most Versatile (Agricultural Land)
BNG	Biodiversity Net Gain
dpa	dwellings per annum
EA	Environment Agency
GTAA	Gypsy and Traveller Accommodation Assessment
Ha	hectare
HENA	Housing and Economic Needs Assessment
HIA	Health Impact Assessment
HMO	Houses in Multiple Occupation
HRA	Habitat Regulation Assessment
MM	Main Modification
NDSS	Nationally Described Space Standard
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SESA	Strategic Employment Site Assessment
SFRA	Strategic Flood Risk Assessment
SHELAA	Strategic Housing and Economic Land Availability Assessment
SM	Standard Method
SSSI	Site of Special Scientific Interest
STA	Strategic Transport Assessment
SUDS	Sustainable Drainage Systems
VA	Viability Assessment

Non-Technical Summary

This report concludes that the Newcastle-under-Lyme Local Plan (the Plan) provides an appropriate basis for the planning of the borough, provided that a number of main modifications [MMs] are made to it. Newcastle under Lyme Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- The provision of a safeguarded route for a link road between the A53 and the A525;
- Removal of the housing allocations AB12 Diglake Street, AB33 Land off Nantwich Road/Park Lane Audley, CT1 Land at Red Street Chesterton, CH13 Land at Castletown Grange Cross Heath, KS3 Land at Blackbank Road Knutton, Site 8 G&T Land West of Silverdale Business Park;
- Changes to the housing trajectory to reflect up-to-date development assumptions;
- Changes to Policy AB2 to ensure that suitable on and off-site mitigation measures for any adverse impacts on the M6 (Junction 16) or other parts of the highway network (strategic and local) are adequately identified and addressed, that adequate public transport is provided, and that the landscape impacts of the development are appropriately considered;
- Changes to clarify the Neighbourhood Plan housing requirements;
- Deletion of Policy SA1 General Requirements and inclusion of site-specific criteria for a number of housing allocations;
- Allocation of land for the extension of Madeley High School;
- Changes to clarify how employment land supply is calculated;
- Changes to clarify how compensatory improvements to the Green Belt will be identified and secured;
- Changes to remove reference to First Homes in line with up-to-date national policy;
- Changes to Policy EMP2 Existing Employment Sites to include the 'agent of change principle';
- Changes to Policy SE9 Historic Environment to reflect national policy;
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Newcastle-under-Lyme Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026. It considers whether the Plan is compliant with the relevant legal requirements (including in terms of the Town and Country Planning (Local Planning) (England) Regulations 2012, also as applied by Regulation 4 and paragraph 2 schedule 1 of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026) and whether it is sound.
2. Annex 1 of the National Planning Policy Framework (NPPF) 2024 sets out transitional arrangements, in accordance with which I have examined the Plan under the National Planning Policy Framework, December 2023. Therefore, unless stated otherwise, references in this report are to the NPPF of December 2023. Paragraph 35 of this document, to which I have had regard, advises that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Newcastle-under-Lyme Local Plan, submitted in December 2024 is the basis for my examination. It is the same document as was published for consultation in August 2024.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability

appraisal/habitats regulations assessment that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Newcastle - under-Lyme Local Plan Policies Map as set out in CD02.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs [Policies Map Modifications] In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the 'schedule of proposed modifications to the local plan policies maps.

Context of the Plan

10. The Plan is proposed to replace the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (adopted 2009) and saved policies of the Newcastle-under-Lyme Local Plan (adopted 2003). The new Plan, together with the Minerals Local Plan for Staffordshire (2015-2030), the Staffordshire and Stoke-on-Trent Waste Local Plan (2010-2026) and made Neighbourhood Plans (NP) will form the development plan for the borough.
11. The market town of Newcastle-under-Lyme is the principal urban settlement in the borough with a smaller secondary centre of Kidsgrove to the north. These are contiguous with Stoke-on-Trent which lies to the east, forming part of a wider urban area. The Keele University campus lies to the west of Newcastle-

under-Lyme. The borough has good connectivity with Stoke, Manchester, Birmingham and beyond by both road and rail links.

12. The borough lies to the north-west of Staffordshire and borders districts that form part of Shropshire and Cheshire. The north of the borough contains the main settlements of Newcastle-under-Lyme, Kidsgrove, Chesterton and Audley and the southern part of the borough is predominantly rural in nature. Outside of the main urban areas, much of the borough is dominated by attractive undulating rural landscapes, which include farmlands, woodlands and villages, including the smaller settlements of Madeley, Baldwins Gate and Loggerheads. A significant proportion of the borough lies within the Green Belt.
13. The borough contains two statutory protected wetlands designated as RAMSAR sites at Betley Mere and another at Balterley Heath. There are also five sites of special scientific interest (SSSI) in the borough. The borough also contains several other heritage assets including Conservation Areas and Listed Buildings, two registered Parks and Gardens, a Registered Battlefield and a large number of non-designated heritage assets including standing structures and sub-ground remains that reflect the borough's rich industrial heritage.

Public Sector Equality Duty

14. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including policy HOU4 which makes provision for the housing needs of Gypsies, Travellers and Travelling Showpeople, Policy HOU5 Specialist Needs Housing and Policy HOU3 Housing Mix which addresses the need to provide specialist and accessible housing, including that which meets the needs of older people. In this way the disadvantages that they suffer would be minimised, and their needs met, in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the Newcastle-under-Lyme Local Plan, as a whole, would bear disproportionately or negatively on them or others in this category.

Assessment of Legal Compliance

15. The Plan has been prepared in accordance with the Council's Local Development Scheme.
16. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement and the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the 2012 Regulations).

17. The Council carried out a sustainability appraisal (SA) of the Plan, prepared a report of the findings of the appraisal, and published the report [CD04] along with the Plan and other submission documents under Regulation 19. The appraisal was updated to assess the main modifications. The SA is adequate in assessing the sustainability implications of the Plan and reasonable alternatives.
18. The Habitats Regulations Appropriate Assessment Report (AA) [CD05] July 2025 sets out that a full assessment has been undertaken and that the Plan may have some negative impact which requires mitigation in relation to 2 sites at Oakhanger Moss Site of Special Scientific Interest (SSSI) and Black Firs and Cranberry Bog SSSI. In relation to water quality, policies in the Plan to improve water efficiency and ensure adequate water supply for growth will ensure adequate water supplies at European sites and thus mitigate against any likely significant effects. In relation to potential adverse impacts arising from recreational pressure, the Plan contains policies which require delivery of open space to meet the needs of new growth. Furthermore, taking into account the availability of other publicly accessible spaces close to Plan allocations and distance of allocations to the SSSIs, along with the limited public access available to the identified sites, it is considered that there is unlikely to be any adverse recreational impacts on the integrity of the European sites from the Local Plan alone or in-combination.
19. The assessment also indicates that Oakhanger Moss SSSI and Black Firs and Cranberry Bog are predicted to be subject to a likely significant effect, either alone or in combination from the changes in air quality associated with development set out in the Local Plan, particularly traffic movements associated with allocation AB2. The AA concluded that taking into account policies which incorporate measures for sustainable transport, to encourage a modal shift, and to promote active transport options, the positive impact arising from these would provide appropriate mitigation to address the identified likely significant effects in relation to air quality. Following advice from Natural England the Council undertook a further AA to specifically look at air quality impacts. This concluded that provided specific measures were taken to secure mitigation development at the allocation would not have an adverse impact on integrity in relation to air quality. Subject to **MM67** the Plan would provide this mitigation. I refer to this matter below in my consideration of Policy AB2.
20. Accordingly, I find that the Plan, subject to the recommended MMs, would have no adverse impact on site integrity at any European site, either alone or in-combination.
21. The Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.

22. The Plan, taken as a whole, includes policies designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. Policy CRE1 Climate Change is a wide-ranging policy which sets out a range of measures to achieve both climate change mitigation and adaptation. Policy CRE2 Renewable Energy makes provision for renewable energy generation in the borough. These are dealt with below in Issue 12 of the report.
23. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

24. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 13 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.
25. The NPPF is clear that "Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy". The Council has engaged with adjoining local planning authorities, Staffordshire County Council, Local Enterprise Partnerships, Local Nature Partnerships and the prescribed bodies on all relevant strategic matters from an early stage in plan preparation as documented in the Council's Duty to Cooperate Compliance Statement 2022 [CD11].
26. The strategic matters identified as being relevant to the preparation of the Plan include the housing requirement, identifying the district's economic needs, Gypsy and Traveller needs, Green Belt, cross-boundary infrastructure, highways, transport, and air quality. For each strategic matter the statement sets out how the Council has sought to cooperate, the actions taken, outcomes and any ongoing co-operation. Statements of Common Ground have also been provided which set out areas of agreement with key bodies and organisations, and these demonstrate the ongoing contact that took place during the Local Plan process on key strategic matters, and where the parties are not in agreement. I am therefore satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan.
27. No authorities have formally requested Newcastle-under-Lyme to accommodate any of their own development needs. Cheshire East Council object to the

allocation of land for employment at site AB2 Land at Junction 16 of the M6, the amount of employment development the Plan seeks to accommodate, and whether this would have any consequent impact on housing needs.

Staffordshire County Council as highways authority also commented at an early stage in relation to highways modelling and identified the need for mitigation proposals at the site. I note that the Council sought to respond to concerns raised by the highway authority in later iterations of the Plan and I deal with these matters below.

Issue 1 – Is the spatial strategy set out in the Plan based on robust evidence and is it justified and effective?

Strategic Objectives

28. Chapter 4 of the Plan provides a vision for the borough and provides 13 strategic objectives which set out, amongst other things, how the Plan will facilitate economic growth and provide homes to meet future needs. The objectives also identify the need to achieve a balance between growth and conservation, to reduce the borough's carbon footprint and mitigate the impact of climate change and to improve health and wellbeing. The objectives also identify the need to support growth at Keele University and to protect the Green Belt.
29. However, the objectives of the Plan have some significant omissions and some need to be reframed to ensure consistency with national policy. In order to be consistent with the aims of housing policies in the Plan, and to ensure that the Plan would accord with national policy in these regards, Objective SO5 should include reference to providing a mix of housing tenures. Objective SO9 seeks to protect green infrastructure as a means of ensuring access to outdoor spaces to foster wellbeing. However, the objective would not be effective because as drafted it does not encourage the improvement of such spaces and does not relate to all such spaces, or spaces outside urban areas. To ensure the Plan is effective this objective should be revised to refer to improving all areas. Objective SO12 relates to Green Belt and refers to strategic Green Belt release. To ensure the Plan is justified, this objective should be reframed to focus on Green Belt land that is to be protected within the Plan, rather than that which is to be removed.
30. The Plan also does not have objectives in relation to pollution and contamination, nature recovery, or best and most versatile agricultural land. Whilst I acknowledge that Plan objectives are necessarily high level and not all policies in the Plan need to be linked to specific objectives, these omissions mean that the objectives are inconsistent with national policy on these issues and that they also provide an inadequate and thus ineffective basis for the policies that follow. A modification is therefore necessary to specifically refer to

these issues. Accordingly, **MM01** modifies the objectives as set out above to ensure that the Plan is positively prepared, effective and consistent with national policy. Furthermore, to reflect the removal of some of the site allocations, as set out in Issue 6 below, **MM02** is a consequential modification that makes the necessary changes to the Local Plan Key Diagram, for clarity and therefore effectiveness. As advertised, the diagram shows changes to the Green Belt at Bignall End and Lyme Park which have now been superseded by other modifications to the Plan and so is inconsistent with the Policies Map. I have therefore corrected the Diagram to ensure it reflects the retention of these areas of Green Belt. I am satisfied that no party would be disadvantaged by this change.

Spatial Strategy

31. The Plan seeks to focus most development within or adjacent to the main settlements of Newcastle-under-Lyme, Kidsgrove, Chesterton and Audley, which are more sustainably located with better access to jobs and services. A lesser proportion of development is proposed in the southern part of the borough, which includes the smaller settlements of Madeley, Baldwins Gate and Loggerheads. As the north of the borough is constrained by the Green Belt, the strategy will require the release of Green Belt Land. I set out below in Issue 4 why I have concluded that there are exceptional circumstances in principle to do so.
32. Policy PSD1 of the Plan provides context for the rest of the Plan strategy by setting out the quantum of housing and employment land to be delivered by the Plan. PSD2 defines a settlement hierarchy, and PSD3 explains the distribution of development across the borough. The Housing Spatial Strategy Topic Background Paper [ED031] explains how the Spatial Strategy as set out in these 3 policies was arrived at, detailing how policy development was informed by public consultation, and the evidence base. An Initial Draft Newcastle-under-Lyme Local Plan was consulted upon as part of Reg 18 in June 2023, with further consultations on the Plan under Reg 19 carried out in August 2024.
33. SA was carried out at each stage of the plan-making process, with the findings being used to inform decision making. The SA documents how the spatial strategy was identified, the alternatives considered through the plan making process and the reasons for discounting alternatives. This included options for the location and proportion of development and for the amount of housing and employment land the Plan should provide. These are considered below in the relevant sections.
34. The 2024 SA [CD03] sets out that initially 6 spatial options in relation to the distribution of development were appraised at Reg 18 stage, with an additional 'Growth Direction Option Zero' being added at Reg 19 stage. This seeks to maximise brownfield opportunities and the use of land within development

boundaries before looking at site options outside development boundaries. The available evidence in the SHELAA provided a comprehensive assessment of potential development sites in the borough and formed the basis for the Council's conclusion that this option would not, on its own, meet the identified housing or employment requirements. Nevertheless, the option forms a starting point for all other growth options, and I set out elsewhere in this report why I am satisfied that the release of Green Belt land will be necessary to meet development needs identified within this Plan.

35. Growth Option 1, which comprised large scale growth in locations with limited access to key facilities and essential infrastructure was not consistent with the settlement hierarchy and was thus discounted. Options, 2, 3, 4 and 5 would, on their own, not provide for local housing needs in full and would also not provide a balanced distribution of development across the main settlements in the settlement hierarchy. In this regard, Option 6, which comprises a mix of sites was concluded to provide the best option for ensuring a broad distribution of growth which could be aligned with the settlement hierarchy.
36. In addition, three options were considered for the scale of housing growth. The Housing and Economic Needs Assessment Update (HENA) [ED001] sets out that providing the Standard Method (SM) alone would not provide sufficient working population to support projected levels of economic growth in the borough. For this reason, and in line with the strategic objectives of the Plan to support economic growth, Option 1 of 347 dpa was discounted. The SA shows Option 2 of 400dpa and Option 3 of 435 dpa to be broadly similar in terms of outcomes. Accordingly, the Council's selection of Option 2 is reasonable as it strikes a balance between the protection of the Green Belt and the provision of a housing requirement that is aligned to economic growth ambitions.
37. Alongside housing options, the Council also considered 3 options for employment growth. These all met or exceeded the identified need based on the SM figure and modelling comprised a figure at the bottom, middle and top of the range arrived at in the employment forecasts. The SA concluded that the 3 options would be likely to have similar outcomes, and all would support jobs growth which equates to the job growth associated with the SM. However, as the higher growth option would provide the highest potential for jobs growth it was the Option taken forward by the Council. Further to this the Council then looked at 4 different sub-options for delivering employment land. I set out in Issue 7 why I am satisfied with the Council's approach to employment land supply.
38. The combination of options resulted in 54 potential sub-options. I note that, in practical terms, all of the spatial options considered would include some alteration to the Green Belt Boundary. Nonetheless, having concluded that development within Green Belt would be necessary, these options together provide a sufficient range of alternatives to provide a meaningful comparison on

which to assess likely effects. Whilst it is true that growth options could have been set higher, or lower, the options are nonetheless sufficiently different to constitute reasonable alternatives.

39. The SA does not always provide a definitive 'best' option, as the work is necessarily high-level and some effects will be uncertain. Nevertheless, alongside other evidence in the form of the HENA and SHELAA it provides a sufficiently detailed comparison on which the Council could base an informed assessment of the different spatial and quantitative options for accommodating development in the borough.
40. Policy PSD2 sets out a settlement hierarchy and PSD3 distributes levels of development within them. The Rural Area Topic Paper [ED05] provides a competent assessment of the facilities and services available in each settlement in the borough, along with opportunities for local employment and commuting. Newcastle-under-Lyme is identified as a strategic centre for development which will accommodate the majority of new development in the borough. Kidsgrove is identified as an urban centre and is proposed to accommodate a significant proportion of new development, commensurate with the scale of the settlement and the services available within it.
41. Audley and Bignall End, Betley and Wrinehill, Madeley and Madeley Heath, Loggerheads, Baldwins Gate and Keele with the University are all designated as Rural Centres, with some available services commensurate with their size and location. Taking into account the availability and suitability of development sites in and around these settlements they are anticipated to accommodate lower levels of growth. Other settlements and rural areas comprise smaller settlements and open countryside which are not a focus for growth in the Plan, and no sites are allocated for development within them.
42. In light of the removal of some of the allocations in the Plan which I set out in Issue 6, the Plan will not exactly replicate the proportions or amount of development originally envisaged. The hierarchy has been arrived at using a degree of professional judgement based on a range of considerations, including, amongst other things, the availability, suitability and achievability of development sites. Accordingly, neither the hierarchy nor the proportion of homes assigned within it can ever be entirely internally consistent. However, I am satisfied that most growth is proposed in and around settlements with the best access to services and employment and that the spatial strategy and the related settlement hierarchy is therefore reasonable and justified. In light of the removal of some allocations from the Plan the amount of development within some settlements has changed and **MM05** is a consequential modification which updates the figures within it, to ensure the Plan is effective.

43. SA was also carried out as part of the site selection methodology for all housing and employment sites and for each Local Plan policy throughout the development of the Plan, including following modification post-examination. As such, it is clear that the site selection process was informed by the SA throughout the Plan-making process.
44. The sites selected have resulted in a Plan which allocates employment land in excess of that set out in Employment Option 3. The removal of some housing allocations has resulted in levels of housing below that originally proposed in the Plan, but in excess of the need identified in the HENA and set out in Policy PSD1. Nevertheless, I am content that in delivering housing growth significantly above the level set out in the SM, and in seeking to meet employment needs beyond the minimum identified as needed to sustain predicted levels of growth in the borough, the Plan is broadly consistent with the growth options chosen and are also in line with the strategic objectives of the Plan.
45. Policy PSD1 sets out the minimum levels of housing and employment provision to be delivered in the Plan. It also identifies sites at Keele and Junction 16 of the M6 as strategic employment sites and expresses support for windfall development in appropriate circumstances. These include where sites do not require major investment in new infrastructure. As worded, the policy would preclude new development where the infrastructure needs of the development are effectively addressed by the scheme. As a result, it is ineffective and inconsistent with paragraph 16 of the NPPF. **MM03** amends the text so that the policy addresses sites which mitigate their own impacts on infrastructure and also corrects a typographical error. This modification is necessary to ensure effectiveness and consistency with national policy.
46. I examine below in Policy HOU4 the housing needs of Gypsies and Travellers and Travelling Showpeople in the borough. These needs are not set out in Policy PSD1. To ensure the policy reflects all of the housing provision identified in the Plan and is therefore justified and effective, the policy should be modified to include this provision. I have made post-consultation amendments to **MM03** as consulted on to include this provision. This amendment is relatively minor but is nevertheless required to achieve effectiveness. No prejudice would be likely to occur to the interests of any parties as a result of this change.
47. Furthermore, the supporting text to the policy fails to supply relevant information as to how employment and housing needs will be met. **MM04** sets out this information, updated to reflect the removal of sites in the Plan, which is addressed in Issue 6, and to take account of update of the housing and employment supply information to 2024. The modification also provides further elaboration on the nature of the strategic employment allocations, explaining that the allocations aim to provide flexibility and choice in employment land supply. These changes are necessary for clarity and therefore effectiveness.

Plan Period

48. If adopted in a timely manner, the Plan period would fall slightly short of the 15 - year coverage that the NPPF expects for strategic policies. In assessing this matter, the Minister of State for Housing and Planning's letter to the Planning Inspectorate of 9 October 2025 is relevant. This emphasises firstly, the government's determination to make rapid progress toward universal local plan coverage; and secondly that Inspectors should adopt a flexible approach to the examination of the last round of current system plans. The letter further sets out that the evidencing of expectations to establish whether soundness tests have been met should be proportionate to the context in which plans are being prepared.
49. It is clear that, in order to extend the plan period, further work to the Council's evidence base would be needed. This would mean delays to the adoption of the Plan and consequent delay to the genuinely plan-led approach to development which paragraph 15 of the NPPF expects. It would also mean delaying the greater certainty that an adopted plan would provide for proposals, including those that would significantly boost the supply of homes. Moreover, due to transitional arrangements in place relating to plan preparation, the Council are one of several local planning authorities who have been directed by the Secretary of State to commence plan-making in the new system by 30 June 2026. On the basis of the anticipated timeframes in the new plan-making system, this means that an update to the Plan will be forthcoming in a little over three years' time, which would provide adequate opportunity to consider the longer-term planning horizon.
50. Accordingly, these considerations, taken together, lead me to the view that the submitted Plan period is justified, and provides a soundly based approach to the planning of the area.

Conclusion

51. Subject to the Main Modifications identified above the Plan's overall spatial strategy is based on robust evidence, is justified and likely to be effective. In this regard it provides a pragmatic and soundly based development strategy for Newcastle-under-Lyme over the Plan period.

Issue 2 - Is the identified housing requirement justified and consistent with national policy?

The Housing Requirement

52. The Borough of Newcastle-under-Lyme and the city of Stoke-on-Trent function as a joint Housing Market Area. Both boroughs have agreed to meet their own housing needs.
53. Policy PSD1 sets out a strategic aim to delivery 8000 new homes in the period 2020 to 2040 which equates to 400 dwellings per year. This is significantly in excess of the local housing need figure derived from the SM as set out in national guidance, which was 330 homes per year when the Plan was published. The SM figure aligns broadly with recent housing delivery in the borough.
54. The PPG is clear that the SM is a minimum figure and that in some circumstances Local Planning Authorities may seek to plan for housing above the level set out in the SM. Modelling in the HENA suggests that housing provision at the level set out in the SM would add around 5460 people to the population of the borough by 2040, however, this growth would be largely in older people with virtually no growth in the working age population and with very limited jobs growth.
55. A review of economic forecasts from Cambridge Econometrics and Experian show a considerable improvement on past trends of economic growth seen in the borough. Such forecasts can vary considerably, and in this case the HENA is rightly cautious of some of the assumptions made in the Cambridge Econometrics forecast, which assumes growth in some sectors that does not appear to be being replicated locally. A blended forecast, which uses a sectoral profile more akin to that of the borough produces a jobs growth figure of 237 jobs per annum. This exceeds a level of jobs growth that could be supported by the minimum need supported by the SM.
56. Further modelling in the HENA suggests that an increase of around 15% more housing would be needed to supply the labour force necessary to support this level of jobs growth. Adding the projected employment-related housing need would result in a requirement of 400dpa.
57. I set out below why I consider the provision of employment land in the Plan, including the allocation of strategic sites, to be appropriate. In light of the allocation of strategic sites, I have considered whether the amount of employment land allocated may warrant a further uplift in the housing requirement beyond the 400dpa set out above. The HENA set out a number of

factors which point to a need for caution in this regard. The forecasts for growth used to formulate the employment related housing requirement take into account growth in sectors such as logistics and so to some degree jobs created on strategic sites may not be wholly additional to the baseline forecast, with such sites instead being necessary to sustain the assumptions for growth set out in the forecasts.

58. Furthermore, it is unlikely that all of the jobs arising will be filled by those resident in the borough, lessening reliance on the borough's resident labour force and thus reducing their impact on local housing need. I note here the concerns of Cheshire East, that the allocation at AB2 will put additional pressure on housing need in this neighbouring borough. I accept that there may be some displaced housing needs arising as a result of this allocation. However, these needs are likely to arise gradually and late in the plan period. Monitoring of this Plan, taken together with plan-making in the sub-region (including through the Spatial Development Strategy process) will provide appropriate mechanisms to consider how such needs may be accommodated. In this regard, additional housing needs can, if necessary, be accommodated in future plans in the region.
59. With these factors in mind, I see no persuasive reason to increase the proposed uplift from the SM above 400dpa within this Plan. Should ongoing monitoring indicate that employment growth in the borough is creating a labour shortage, a different approach may be warranted in future plan-making activity.
60. Furthermore, there is no need for a further uplift in the housing requirement to specifically address affordable housing needs. The SM includes within it an uplift to address affordability. Furthermore, given that housing sites will at most deliver 30% affordable housing, and in most cases significantly less, every affordable home would require many times as many market homes to be built. There is no convincing evidence that there is a requirement for this level of market housing or that such a strategy would deliver the necessary number of affordable homes. I am therefore not persuaded that a further uplift in the housing requirement above 400dpa is justified on this basis.

Neighbourhood Plan Requirement

61. The Plan does not set specific housing requirements for Neighbourhood Plans (NPs). The supporting text to policy PSD3 states that the Council will provide an indicative figure to Neighbourhood Planning Areas on request. However, the NPPF identifies that Plans should set a housing requirement for Neighbourhood Planning Areas.
62. At this point in time, in the absence of the necessary technical work to identify potential future NP requirements it would not be appropriate to pre-empt this work, which should be undertaken in conjunction with the local community. Furthermore, the Plan already meets its full housing needs, without any

contribution from future NPs. I therefore see no reason why the NP requirement for the relevant NP areas should be any more than that already provided through completions, permissions and allocations within the relevant areas.

63. The requirement in the NPPF is to set a 'minimum' requirement for NP areas. This does not preclude NP areas from allocating sites if they consider it an appropriate strategy for their area and therefore the supporting text to policy PSD3 makes this clear.
64. Accordingly, **MM06** to the supporting text to Policy PSD2 sets out the approach set out above and is necessary to ensure the Plan is effective.

Conclusion

65. Subject to the required main modifications detailed above the housing requirement set out in the Plan is justified and effective.

Issue 3 – Is the identified employment requirement justified and consistent with national policy?

The Employment Land Requirement

66. The Council carried out a joint HENA in 2020 [ED01b] along with Stoke-on-Trent City Council. The 2020 study concluded that together, Stoke-on-Trent and Newcastle-under-Lyme form a Functional Economic Market Area (FEMA). As each authority subsequently decided to prepare its own plan, the HENA was updated in 2023 [ED01a] and again in 2024 [ED01] to identify the employment and housing needs of Newcastle under Lyme. Both Authorities have undertaken to meet their own employment needs [CD11], and Stoke-on-Trent City Council have raised no objection to the Council's approach in relation to employment need and allocations.
67. The HENA presents employment need as a range, having regard to past take-up rates, labour supply modelling and forecasts of future employment growth. The figures are calculated from 2023 to 2040 and so do not directly align with the Plan Period. All models include an additional five years of supply to provide headroom. This level of headroom would help to create the conditions in which businesses can invest, expand and adapt and means that the Plan would be flexible enough to accommodate unanticipated needs. It is thus in accordance with the expectations of Section 6 of the NPPF on these matters.
68. The labour supply modelling, taking account of population growth, results in a requirement of 43.1 hectares of employment land. The forecast based on past take-up over the past five years arrives at a figure of 83 hectares. Past take up

over the past 10 years is lower, at 63.3 hectares, as levels of take up have increased significantly in recent years. Using employment forecasting provides a figure of 48.2 hectares. Here the HENA blends the data from Experian and Cambridge Econometrics to account for anomalies in the data sets. I consider all of these estimates to have been competently undertaken.

69. The Council has elected to use a midpoint figure of 63 hectares. This also reflects the rate of past take up calculated over the last 10 years and is expressed as a minimum requirement in policy PSD1. Taken as a starting point I consider 63 Hectares to be a reasonable figure. However, I am mindful that there is a significant likelihood that demand for employment space may be higher, given take up in recent years. Vacancy levels for industrial property are low and despite a reduction in industrial land values, rental values have increased with evidence [ED02a] indicating that much of the space currently advertised as available for rent is under construction. These factors suggest there may be an element of 'suppressed demand' for industrial and logistics floorspace in the borough, whereby established companies are trading in business space that does not meet their needs because there is no new stock available. This is reinforced by the qualitative assessment of sites within the HENA which shows a significant proportion of the existing stock considered to be average or poor.

Conclusion

70. Subject to the required main modifications detailed above the employment requirement set out in the Plan is justified and effective.

Issue 4 – Whether the approach to the alteration of the Green Belt and development within it is justified and consistent with national policy.

Overview

71. The Green Belt in Newcastle-under-Lyme Borough is made up of part of the North Staffordshire Green Belt, which covers the northern half of the borough. It is contiguous with the Green Belt in Cheshire East to the north and Stafford to the south and is tightly drawn around the main settlements in the borough of Newcastle under Lyme, Kidsgrove, Audley, Silverdale, Chesterton and partly adjoining Madeley. These are the settlements most sustainably located to access jobs and services. The southern part of the borough outside of the Green Belt comprises open countryside and some smaller settlements of Baldwins Gate and Loggerheads and whilst there is some capacity for proportionate growth in these locations, the supply and suitability of land to meet longer term development needs outside the Green Belt is nonetheless restricted.

Exceptional Circumstances

72. The Strategic Housing and Employment Land Availability Assessment (2024) (SHELAA) [ED006a] comprises a thorough and competent assessment of the scope to accommodate housing in the borough. The methodology for the SHELAA took appropriate account of relevant constraints and comprised a competent assessment of potential sites. I am satisfied the conclusions reached within it in terms of housing land availability are justified. The Site Selection Report [ED029] sought to identify as many potential sites as possible in the urban area. Furthermore, the Newcastle-under-Lyme and Kidsgrove Urban Capacity and Town Centre Regeneration Study [ED021] explored options for development with the urban area and concluded that additional opportunities beyond existing regeneration and investment schemes were relatively limited. Opportunities have also been sought to optimise development through individual site assessments within the Site Selection Report and within policy HOU2.
73. An estimate of housing supply from commitments, and sites outside the Green Belt allocated in this Plan, alongside future windfalls, indicates that there is a shortfall against the housing requirement of around 2068 over the Plan period. Taking into account the Spatial Strategy there is insufficient capacity to meet the housing requirement on land outside the Green Belt.
74. In line with national policy the Plan seeks to meet identified housing need for housing in the borough, and to diversify the borough's employment base and deliver employment sites which will benefit economic growth for the region, to generate more skilled jobs for local people. The Council has made formal requests to adjoining authorities with a view to meeting this need, but none have indicated they are able to meet this identified need. Opportunities for urban intensification have been identified in the Plan and may provide some limited scope to increase site yields, but this is unlikely to have anything more than a limited effect on overall housing supply.
75. Therefore, on the basis of these considerations, in order to meet the housing requirement in full, I am satisfied that exceptional circumstances have been demonstrated that justify Green Belt boundary alteration.

Green Belt Review

76. The ARUP Green Belt review was initially undertaken as a joint review for Newcastle-under-Lyme and Stoke-on-Trent City Council. It was undertaken in four parts. The 2024 Part 4 Review [ED08d] reviewed the methodology in light of change to national guidance, consolidated all of the previous Green Belt site review assessments and undertook a number of additional Green Belt assessments including new sites, previously assessed sites with revised boundaries, and previously assessed sites where circumstances had changed.

In this respect it provided a consolidated report of the work undertaken throughout the review process.

77. Some have disputed the scores attributed to the contribution of different sites to Green Belt purposes. This is inevitable given that a degree of planning judgement is involved and indeed I have reached a different conclusion in places. Nevertheless, I am satisfied that the review process followed a robust methodology and that, read as a whole, it provides a sound basis for identifying land for removal which would cause least harm to Green Belt purposes with permanent and defensible boundaries which are logical and robust. Accordingly, alongside consideration through the employment and housing site selection methodologies, the review can be considered fit for purpose. Individual sites are reviewed below in Issue 6 and Issue 8.

Green Belt Policies

78. Policy PSD5 sets out a framework for managing the Green Belt within the borough. However, the policy and supporting text provides incomplete direction as to the types of compensatory improvements which may be considered acceptable, pending consideration on a site-by-site basis. Furthermore, to be consistent with national policy it is necessary to provide an additional criteria setting out that development proposals for sites removed from the Green Belt should establish a recognisable and permanent new boundary to the Green Belt.
79. The policy lists those sites within the Green Belt which are allocated for development. I set out below why allocations AB12, AB33 and CT1 should be removed from the Plan, and the policy should be updated to reflect this.
80. Policy IN1 Includes the allocation of land at Madeley High School for expansion of the school. The land lies within Green Belt and although it is listed in the infrastructure section of the Plan and shown on the Policies Map it is not listed in Policy PSD5. The Infrastructure Delivery Plan [CD16] indicates that there is an outstanding need for expansion to Madeley High School by 0.5FE (75 places) to meet the needs arising from new homes in the catchment. A further expansion at Madeley High School is identified as necessary to meet the need arising from commitments and allocations proposed in the Plan estimated to be likely to generate approximately 74 pupils across four-year groups. There is therefore a demonstrable need for land to be provided, which, as it needs to be adjacent to the school, cannot effectively be provided outside the Green Belt. The land allocated is proportionate in size to the use proposed. Furthermore, the NPPF gives great weight to the need to create, expand or alter schools through the preparation of plans. I therefore consider that exceptional circumstances have been demonstrated to justify the release of this land from Green Belt.

81. The school allocation does not have a site-specific policy to guide its development. I have not been advised of the timescale for provision of the infrastructure, but it would appear unlikely that it will come forward within the short term. I am therefore content to leave the requirement for a site-specific policy to the Plan update that is due to commence shortly.
82. In addition to the correction of typographical errors **MM08** makes these modifications, including providing details of additional supporting documents which may assist in implementing compensatory improvements. The changes are made to ensure the Plan is effective and positively prepared.

Safeguarded Land

83. The Plan does not allocate any Safeguarded Land. The NPPF states that where necessary safeguarded land should be identified in the Plan to meet longer term development needs beyond the Plan period. As such, the provision of safeguarded land is not a requirement of National Policy.
84. The Safeguarded Land Assessment [ED008d] recommended that some safeguarded land should be identified. Nevertheless, the Assessment also recognised the potential for brownfield land in the Borough, which is not available at this time, to come forward after the plan period has concluded. Moreover, the Council is imminently due to commence an update to the Plan, and a spatial development strategy for the wider area is also forthcoming. Both of these may have implications for the distribution of development beyond the plan period which would mean that safeguarding land would be premature at this juncture. Accordingly, I consider that identification of safeguarded land is not necessary and that the Council's approach to this matter is well-founded and consistent with national policy

Keele and Whitmore

85. The Plan removes the village of Keele from the Green Belt, having previously been 'washed over'. The Green Belt Village Study [ED009] looked at the potential for removal of the villages of Keele and Whitmore from the Green Belt. These are the only two villages in the borough which are 'washed over' and both have a defined boundary set out in the 2011 Local Plan which formed a starting point for review. I am satisfied that the methodology used in the Village Study is coherent and fit for purpose.
86. The Village Study concluded that as Whitmore is predominantly low density with detached housing, large gardens provide clear views and an open character which makes an important contribution to the openness of the Green Belt. Accordingly, it was concluded the village should remain 'washed over'.

87. In the case of Keele, the report concluded that the majority of the village boundary was clearly defined and that views into and out of the village are mostly restricted by built form and vegetation. The open character was therefore not judged to make an important contribution to the openness of the Green Belt. The report therefore recommended that the village be inset within the Green Belt.
88. I concur with these conclusions. I note that the inset boundary differs slightly from that shown on the 2011 Plan and am satisfied that it follows a logical re-view of the features on the ground and so is justified.

Conclusion

89. Subject to the **MMs** detailed above I am satisfied that there is sufficient evidence to support the release of land from the Green Belt to meet employment, education and housing needs in the borough, subject to exceptional circumstances being demonstrated for the alteration of Green Belt boundaries to justify the removal of specific sites from the Green Belt. This matter is dealt with in Issues 6 and 8 below.

Issue 5 - Does the Plan provide an appropriate supply of deliverable and developable housing sites to meet identified needs and do these align with national policy?

90. The Plan sets out a housing trajectory in Appendix 6. The trajectory is consistent with material provided in the Housing Supply Paper [EX/NBC/04]. This sets out for each of the allocated sites the number of dwellings expected to be completed over the Plan period. It also sets out the number of dwellings expected from large sites with planning permissions and from windfalls over the Plan period.
91. The trajectory and the detailed information on sites with planning permission was updated during the Examination to reflect actual completions and changes in the deliverable supply for the first 5 years of the Plan period (20/21 – 24/25). Figures for 2024/25 were necessarily an estimate. Within these first 5 years of the plan period 2071 new dwellings were completed.
92. The Housing Supply Paper identified the large sites with extant planning permissions, a significant proportion of which are under construction. Further information is provided on all of the sites that form part of the 5 -year housing land supply in the site proformas appended to the Housing Supply Paper. I am satisfied that these provide a comprehensive assessment of the large sites and sufficient evidence to support their inclusion within the housing trajectory.

93. The Council have included student housing within their housing supply. The borough has seen an increase in applications for such housing in recent years to meet needs associated with higher education facilities in the area. Planning Practice Guidance advises that authorities should use census data to calculate a ratio to estimate the amount of student accommodation required to 'release' a conventional home to the general supply. Using census data to determine the number of students in student only households the Council calculated an average occupancy of 2.5 students per unit. This suggests that 2.5 student units are required to release a mainstream home to the general supply. I am satisfied that a calculation which applies this ratio to student housing is appropriate and provides a firm basis for estimating the contribution such housing can make to housing supply.
94. The Council have also included an element of supply from Use Class C2. The Housing Delivery Test (HDT) Measurement Rule Book includes a ratio of 1.8 to determine the release of accommodation. It follows that the Council's approach which sees 1.8 C2 units as equivalent to 1 dwelling in the housing supplies is reasonable and justified.
95. Within the trajectory changes of use and conversions, and outline consents of less than 10 dwellings are separately recorded. I am satisfied that these provide a source of deliverable supply.
96. Site allocations make up the largest proportion of housing supply in this Plan. My assumptions in relation to when these dwellings might come forward take into account the views of the Council and consultees on the specific sites, average lead in times within the borough and historic build out rates. These expectations are based on reasonable and informed assessments put to me during the examination, including that within the Housing Supply Topic Paper, and so I am satisfied that they are based on best available information.
97. The Council has included an allowance of 63dpa within their housing land supply for windfalls. Table 5 of the Housing Supply Paper sets out the completions on both small and large windfall sites, including changes of use and conversions over the last 15 years. Although this shows an average of around 63 dwellings per year, this can fluctuate significantly with noteworthy 'outlier' figures for 2016/17 and 2021/22. Furthermore, the time period over which the assessment has been made includes a significant period during which the current Local Plan for the borough has been 'out-of-date'.
98. These factors lead me to the view that although windfalls are likely to make an ongoing contribution to housing supply in the borough, the figure used by the Council is overly optimistic. Disregarding anomalous years with very high levels of windfalls suggests a more cautious figure in the region of around 35 dpa. I am mindful that windfalls are difficult to predict but nonetheless, the evidence

provided suggests that windfalls will provide a reliable source of supply over the plan period at or around the 35 dpa mark. This figure should be applied to all years beyond the 3 years of extant permissions – a period of 12 years – which would provide 420 dwellings over the plan period.

99. The contribution from small sites is based on extant permissions for small sites, excluding any completions. Whilst this calculation does not account for lapses in permission, neither the NPPF nor the PPG require such an analysis. In any event applying a lapse rate would be unlikely to have a material effect on supply estimates over the plan period. The Council's approach to this matter is therefore proportionate and justified.
100. The NPPF indicates that at least 10% of the housing requirement should be on sites no larger than one hectare. Allocations of less than 1 hectare would provide 416 dwellings. This alone would not meet the 10% target. However, the trajectory shows that development on small sites through permissions would provide around 136 dwellings of which a significant proportion, if not all, would be on sites of less than 1 hectare. It is also likely that a significant proportion of the identified completions in the housing supply will also have been on small sites. I am therefore satisfied that the Plan is likely to fulfil this requirement. The Council have carried out a thorough site selection process which has included bringing forward a large number of small sites in an effort to maximise urban capacity and minimise the requirement to release Green Belt. I am therefore satisfied that they have been successful in allocating a sufficient range of sites, and that supply is not overconcentrated in a small number of larger sites, which could impede delivery.
101. The figures used in the trajectory are estimates and as such, the actual number of houses that site deliver may differ. I am nonetheless satisfied that the estimates used are based on sound evidence and take a precautionary approach to delivery over the plan period.
102. The updated trajectory indicates that the Plan provides for at least 8425 developable dwellings against a requirement of 8000 dwellings. This would provide headroom of around 5% giving me assurance that the dwelling requirement is likely to be met by the Plan.
103. Allowing for a 5% buffer¹ the trajectory demonstrates that there is currently around 7 years supply of deliverable housing land in the borough. This exceeds the minimum five-year supply requirement in the NPPF.

¹ EX/NBC/04 confirms that the Council's 2023 Housing Delivery Test Result indicates an over-supply of housing over the three years captured through the housing delivery test. The NPPF Dec 2024 requires the addition of a 5% buffer to the supply of specific deliverable sites to ensure choice and competition.

104. As submitted the figures included in the Plan are out of date in terms of commitments and completions and are out of step with the other assumptions that have been refined during the examination process. The Plan is ineffective and unjustified as a result. **MM120** is therefore needed, which brings about the necessary changes to secure soundness in these respects.

Conclusion

105. The evidence indicates that the housing requirement figure across the Plan period is likely to be met and that the Plan identifies at least a five-year supply of specific deliverable sites at the time of adoption.

106. In conclusion, subject to the above-mentioned modifications, the Plan is positively prepared and is justified, effective and consistent with national policy in relation to its provision for the supply of housing.

Issue 6 – Are the proposed housing allocations justified, effective, developable, deliverable, in line with national policy and otherwise soundly based?

Housing Allocations

107. The Plan contains 40 housing allocations to meet identified need. Below I deal firstly with the site selection process and then with general requirements for all allocations within Policy SA1. Additional soundness matters relevant to individual allocations are then dealt with in turn. Not all housing allocations are referred to below. Where I have not made specific reference to allocations, having regard to all the evidence provided to me, including consultation responses my observations on site, I have concluded that they are capable of being developed and that the relevant policies enable any detailed impacts to be assessed and if necessary, mitigation identified at application stage and that they are otherwise soundly based.

Site Selection Process

108. The Site Selection Report (SSR) [ED029] provides a summary of the seven-stage process by which sites were selected as potential allocations. The process used as a starting point a distribution pattern which sought to allocate most development within and around Newcastle-under-Lyme and Kidsgrove, as the borough's most sustainable settlements with lesser amounts of development in lower order in line with the settlement hierarchy. Once commitments and completions were considered the process sought to align the remaining 'residual target' for each settlement identified for growth with suitable development sites outside the Green Belt. The SHELAA [ED006a] provided the pool of sites to consider. Only once non-Green Belt sites were assessed

against all relevant constraints did the Council seek to complete the remaining 'target' with sites from the Green Belt, should exceptional circumstances apply. The report also sets out how the SA and HRA as well as other parts of the evidence base were used in the process of assessing reasonable alternative sites.

109. I am satisfied that the constraints considered by the Council which included impacts on heritage assets, Best and Most Versatile (BMV) agricultural land and biodiversity were comprehensive and considered in a consistent manner. The Green Belt Review [ED8a-d] was used to make comparative judgements and to select those sites which made the weakest contribution to Green Belt purposes. Therefore, in line with the NPPF, all suitable, available and achievable brownfield/underused land was first identified for development and land within the Green Belt was only brought forward when non-Green Belt land was insufficient to meet identified need.
110. The evidence demonstrates that the sites were selected against possible alternatives following a thorough assessment using a robust and objective process. Accordingly, I am satisfied that the sites selected are all, in principle, justified, subject to a number of MMs to address individual soundness issues, as set out below.

Policy SA1 – General Requirements

111. Policy SA1 sets out a range of general requirements for the housing and employment allocation policies set out in Chapter 14 of the Plan. These requirements are in addition to the site-specific requirements which are provided under each individual policy. The policy contains a list of considerations which cross-references to other policies in the Plan. Whilst it provides a comprehensive summary of considerations for development, and avoids repeating these considerations for each allocation, it essentially duplicates policy from elsewhere in the Plan. In this regard, although the information contained within SA1 forms a useful checklist, as a policy it is not justified and runs contrary to the NPPF's expectation that unnecessary duplication should be avoided. **MM66** therefore deletes the policy and **MM121** provides an abridged version within the appendix to serve as a checklist for applicants. Reference to Policy SA1 is removed from site-specific policies in **MM70, MM75, MM79, MM80, MM82, MM83, MM84, MM85, MM86, MM87, MM88, MM89, MM90, MM92, MM93, MM96, MM97, MM99, MM100, MM101, MM103, MM104, MM105, MM106, MM108, MM110, MM111, MM113, MM114, MM115, MM117, MM118 and MM119**. These modifications would ensure that the policy is justified and consistent with national policy in these regards.

AB12 Land East of Diglake Street

112. During the course of the Examination the landowner has advised that the site is no longer available for development. I cannot therefore conclude that the site is available and suitable for development and the allocation of the site is not justified. **MM69** therefore deletes the allocation to ensure the Plan is justified.

AB33 Land off Nantwich Road / Park Lane, Audley

113. During the course of the Examination the landowner has advised that the site is no longer available for development. I cannot therefore conclude that the site is available and suitable for development and the allocation is not justified. **MM71** therefore deletes the allocation to ensure the Plan is justified.

AB15 Land North of Vernon Avenue

114. Land North of Vernon Avenue is allocated in the Plan for 33 dwellings. The site is in an accessible location with good access to local services. The Green Belt Review concludes that the site makes a moderate contribution to Green Belt purposes. I concur with the findings that development would result in a small incursion into undeveloped countryside relative to the size of Audley, although the extent to which the site is enclosed by built form to the north, east and south limits the perception of encroachment. Furthermore, the removal of the site from the Green Belt would not harm the overall function and integrity of the Green Belt.

115. The policy appropriately addresses the need for development to be landscaped and that the western hedgerow boundary is retained and strengthened. The policy refers to the retention of the medieval field system within the site. Although it is possible and indeed desirable that the existing field boundaries are, where possible reflected in the layout and landscaping of the site, redevelopment would not realistically be able to retain the medieval field system on the site and this requirement would not therefore be reasonable. To ensure the policy is effective **MM70** amends the policy text to require that the historic landscape pattern is where possible taken into account in the site layout and corrects a typographical error in the policy.

116. Having regard to my conclusions in Issue 4, exceptional circumstances exist to remove this site from the Green Belt.

CT1 Land at Red Street and High Carr Farm, Chesterton

117. Land at Red Street and High Carr Farm is allocated for the development of 530 dwellings. The Green Belt Review concludes that the site makes only a weak contribution to Green Belt Purposes. However, although the development would have a defensible boundary as it would extend up to highway to the north

and east, it would nonetheless significantly diminish the gap between Talke Pits and Red Street and would not be well related to the existing urban fabric.

118. Furthermore, development of the site would leave a large area of Green Belt to the south 'enclosed' by development and so would give rise to significant harm to the overall function and integrity of the Green Belt in this location. I am conscious that the Green Belt Review, when taken as a whole, allows for comparative judgements to be made in relation to sites in the knowledge that a comparative methodology has been used. Nevertheless, whilst I am satisfied that the methodology used is a broadly reasonable one, I consider that the level of harm would be much greater than that identified by the Green Belt Review in this case.
119. Following the hearings I advised the Council that I was not persuaded that the development of the site was viable, taking into account the specific evidence provided to me of the geo-technical constraints. The Council subsequently removed the site from the Plan. In response the site promoter has provided further evidence relating to the viability of the site, taking into account specific costings for remediation. These appear to demonstrate that development on the site could be viable with provision of affordable housing at 30%. However, even if I were to accept that this is the case, and that it is likely to demonstrate an appropriate form of development at application stage, given my concerns in relation to the effect of the proposal on the Green Belt, I am not persuaded that the allocation is a sound one.
120. It follows that the site-specific exceptional circumstances do not exist to justify the removal of this site from the Green Belt. I therefore cannot conclude that the allocation is justified or consistent with national policy and so **MM73** deletes it from the Plan.

CH13 Castletown Grange, Douglas Road, Cross Heath

121. Land at Castletown Grange comprises the site of a residential care home. The Council has advised that the site is no longer being promoted for development and so I do not consider the site to be available or suitable for development and the allocation of the site is not justified. **MM74** therefore deletes the allocation.

CH14 Maryhill Day Centre, Wilmot Drive

122. Land at Maryhill Day Centre is allocated for residential development for 30 dwellings. The allocation is in a sustainable location, with good access to local services and would make use of a brownfield site. I am therefore satisfied that the allocation is a sound one. **MM75** addresses a small typographical error, which is necessary in the interests of clarity and therefore effectiveness.

KS3 Land at Blackbank Road, Knutton

123. Land at Blackbank Road is allocated for development of 150 dwellings. The site comprises a developable area of around 3 hectares and includes a large area of school playing fields which the Playing Pitch Strategy 2020 [ED012] identifies as being in use but suffering from drainage issues and dog fouling. The Newcastle-under-Lyme area was found to have sufficient provision at the time of the study, which includes the pitches within the available supply. The update to the study [ED012a] shows growing demand in the area. The policy acknowledges the existing use and includes a criterion that acknowledges the most recent use of the site and the need to consider alternative provision. However, based on the information before me, I cannot be assured that the site is surplus to requirements and cannot therefore conclude that the site is available and suitable for development. The allocation is therefore not justified and **MM81** deletes the allocation.

124. LW53 Land at Corner of Mucklestone Wood Lane, Loggerheads

125. Land at Mucklestone Wood Lane is allocated for the development of 130 dwellings. The site is also subject to planning permission, granted on appeal since the publication of the draft Plan, with, I understand, the post-approval matters being resolved in a timely manner. I was advised at the Examination of the circumstances that led to the allocation of the site in the Plan. Given that permission has now been granted on the site, it appears highly likely that it will come forward for development in the short term. However, as the site has not, to my knowledge, commenced, it would not be appropriate to remove it as an allocation.

126. The policy contains a number of criteria including the requirement for a noise assessment, a contamination assessment and mitigation strategy, and assessment and mitigation strategy to prevent deterioration of groundwater. These are necessary requirements and to ensure that the information provided is proportionate to the nature of the development and the potential for harm it is necessary to insert the word 'appropriate' within each criterion. **MM86** makes this modification to ensure the policy is effective.

MD29 Land North of Bar Hill, Madeley

127. Land north of Bar Hill is allocated for residential development for 150 dwellings. The policy contains a number of criteria which aim to ensure that adverse impacts from development are avoided or mitigated and that the development is integrated into the village. The site lies west of the railway line, and although it is within walking distance by road to the facilities in the village, a more direct route is available via the footbridge over the railway. Criteria 3 seeks to achieve active travel links through improvements to the footbridge. However, to be

effective the need for links to Madeley should be made explicit within the criterion.

128. The site is identified as being subject to surface water flooding. Although the matter is thoroughly addressed in the supporting text, it is not adequately set out in the policy itself. To be effective, and consistent with national policy the need for a Flood Risk Assessment should be set out within criterion 6.
129. The site lies within close proximity to Bar Hill Wood, which is an Ancient Woodland. Development of the site has also been identified as having the potential to impact upon trees that are subject to Tree Preservation Orders. The policy as drafted 'recognises' these constraints but to be effective should set out in direct terms that a tree survey and an ecological survey should be undertaken to understand and mitigate any impacts on protected trees and woodland.
130. The Heritage Impact Assessment (HIA) for the Plan has identified that there is medium potential for archaeological remains in the area and as a result Historic England has advised that a programme of archaeological recording is carried out as part of any development to investigate the nature of and significance of any archaeological remains that survive on the site. I consider this requirement to be reasonable and necessary. **MM87**, which modifies the policy to make these changes is therefore necessary for the policy to be effective and consistent with national policy.

NC13 Land West of Bullockhouse Road, HARRISEAHEAD

131. Land west of Bullockhouse Road is allocated for 100 dwellings. The Green Belt Review concludes that the site makes a moderate contribution to Green Belt purposes. I concur with the findings that although the site makes a small incursion into open land to the north, the development of the site would be well related to the existing built-up boundary and overall, development would not harm the function and integrity of the Green Belt. The policy appropriately addresses the need for development to be landscape-led; however, the supporting text refers to a land contamination report being required due to the use of the site. However, this relates to the former historic use of land in the area for coalmining, not to the current use of the site and for effectiveness **MM88** clarifies this position. Having regard to my conclusions in Issue 4, exceptional circumstances exist which justify Green Belt boundary alterations to facilitate development on site.

SP11 Lyme Park

132. Land at Lyme Park is allocated for residential and community uses within a wider country park setting. The site comprises a former golf course to the west

of Newcastle-under-Lyme which lies between Silverdale and Keele. Although the Golf Course has not been in use for some time, it is valued as open space by local residents. The Green Belt Review looked at two variations of land release at the site. The first, SP11a, extends further to the west, the second, which is broadly consistent with the site proposed to the west, but includes Jobs Wood, and land now designated as SP23. I am satisfied that a review of both sites gives an adequate assessment of the impact of development on the Green Belt in this location.

133. I agree with the findings of the review, that taken in the round, The site makes a moderate contribution to Green Belt purposes. Although it would result in an incursion of built form into undeveloped countryside, the development would be reasonably contained and well defined along the strong permanent southern boundary of the A525 Keele Road and that overall, the removal of the site from the Green Belt would not harm the overall function and integrity of the Green Belt. The review recommends that if the site is taken forward the policy should ensure strengthening of the eastern and western boundaries.
134. The residential uses are proposed in four parcels. A total of 900 dwellings is proposed across the four sites proposed within an open and landscaped setting to be adopted as a Country Park. The 4 built areas and Country Park setting are to be the subject of a masterplan, which will be landscape led, and amongst other things will be required by the policy to provide safe and appropriate access between the different parcels.
135. The Strategic Transport Assessment [ED011] identifies that the development may lead to some residual impact on the wider highway network, in particular on the A525. It also identifies mitigation measures to address this, in particular the link through to Whitmore Road required as part of the development of site KL15 at the University and TB19, Land South of Newcastle Golf Club. I am satisfied that these measures will be sufficient to mitigate the highway impacts of the scheme. I am also satisfied that ecological interests on the site will be appropriately protected through the development process. The policy identifies the need to provide appropriate ecological buffers to Bogs Wood and Jobs Wood, and such matters will be considered thorough Policy SE8 of this Plan. I am also satisfied that the requirement for a HIA will address how development can respond sensitively to nearby heritage assets.
136. The criteria set out in the policy are comprehensive and address most of the development opportunities and constraints presented by the site. However, a number of omissions undermine its effectiveness. The policy as drafted removes both the development parcels and the Country Park from the Green Belt. Although it provides a setting for development it is intended to be open and undeveloped and contiguous with the open countryside. Although I note that access routes between the residential parcels which have yet to be defined will fall within the Country Park, such development is not inappropriate in the

Green Belt. I therefore find no justification for the removal of the Country Park from the Green Belt. Furthermore, parcel SP11(3) comprises two areas of development separated by the Country Park. This is impractical and the development area should be consolidated on the Policies Map and the inset map within the Plan.

137. Site SP11(4), along with allocations SP23, TB6 and TB23 is located close to Walleys Quarry Landfill. The site has previously been the source of nuisance arising from odour. With this in mind the Council sought to restrict further development around the site until after the site had ceased operation for the disposal of landfill.
138. However, the Environment Agency (EA) issued a closure notice in November 2024, and the company went into liquidation in February 2025, 'disclaiming' their environmental permits and the freehold title to the site. This means that the environmental permits, for the landfill and the soil treatment activity on site no longer exist and the property is in the process of reverting to the Crown. The EA is thereby using its discretionary powers under Regulation 57 of the Environmental Permitting Regulations to arrange for steps to be taken to remove a risk of pollution.
139. As drafted, the policy refers to no dwellings being occupied until the operation of Walleys Quarry ceases. As this would appear to have already occurred reference to 2026 in the policy is no longer necessary and should be deleted. The supporting text also refers to no dwellings being occupied until the operation of Walleys Quarry as a landfill site has ceased. This is potentially open to misinterpretation so for clarity and therefore effectiveness the supporting text should be amended to refer instead to the importation of non-hazardous waste and to remove reference to a date since the site has effectively closed. The policy and supporting text also spell the name of the landfill incorrectly and this should be addressed.
140. In light of the recent liquidation, it is not clear to me that the legal process has been concluded, I consider it necessary to retain reference to the matter within the policy. Furthermore, the properties could be constructed but not occupied, in anticipation of resolution, since nuisance would only effectively occur when the occupier takes up residence. Although, in practice, any permission on the site would be subject to odour assessment and provision of a mitigation strategy as required by the policy, as properties would not be suitable for occupation without resolving this matter it is not necessary to remove this requirement from the policy.
141. Criterion 8 to the policy seeks to direct development within the site to areas at lowest risk of flooding. To address the potential for surface water flooding from

the Springpool Spring and Pool this matter should be highlighted within the criterion.

142. The policy sets out that financial contributions will be required for highways improvements and to improve the capacity of local schools and health facilities. It is also appropriate that financial contributions are sought towards the delivery of infrastructure and the ongoing maintenance of the Country Park. The successful delivery of the development will be dependent upon the delivery of the Country Park and to be effective and justified the policy should be modified to include this requirement.
143. Lastly, the effectiveness of the policy is undermined by minor drafting errors which have been corrected to ensure the legibility of the policy.
144. **MM90** to the policy and **MM91** to the supporting text make these necessary modifications to ensure the Plan is effective and positively prepared.
145. The Council have updated the Policies Map to reflect the retention of the County Park within the Green Belt. However, in reapplying the Green Belt they have omitted to indicate the extent of the Country Park, which is needed for the Plan to be effective and positively prepared. I have therefore requested that the Policies Map is updated to show the extent of the Country Park, which has been omitted in error.
146. Having regard to my conclusions in Issue 4, exceptional circumstances exist to remove this site from the Green Belt.

SP22 Former Playground off Ash Grove

147. Land at Ash Grove Silverdale is allocated for the development of 36 dwellings. The Level 2 Strategic Flood Risk Assessment (SFRA) indicates that the site is subject to surface water flooding. Accordingly, criteria 7 requires that a sequential approach will be taken within the site to direct development to areas at lowest risk of flooding taking account flood risk from all sources including surface water flooding. However, this fails to make clear that, as indicated in the SFRA, a site-specific FRA will be necessary alongside a surface water drainage strategy which includes a Sustainable Drainage System (SUDS) maintenance and management plan. **MM92** is therefore necessary, which would include these requirements in the policy and ensure that the Plan is effective and consistent with national policy in these regards.

SP23 Land at Cemetery Road / Park Road

148. Land at Cemetery Road is allocated for 200 dwellings. The Green Belt Review concludes that the site makes a moderate contribution to Green Belt purposes.

I concur with the findings that although development would result in an incursion into open land to the south, it would be reasonably contained by existing roads. The Green Belt Review assumes that land to the south referred to as SP14 will be released alongside SP23 and has identified that if this was not the case SP14 could be left as an enclosed parcel of open land. However, when viewed on site SP14 is perceived in wider views alongside open land on either side of Gallowstree Lane. The Policies Map is also proposed to be updated to show this land as protected open space. I am therefore satisfied that provided the southern edge of SP23 is provided with appropriate landscaping to secure a durable boundary, the development of the site would not harm the function and integrity of the Green Belt.

149. The site lies close to Walleys Quarry Landfill with the potential to cause nuisance from odour. The policy as drafted is potentially open to misinterpretation so for clarity and therefore effectiveness the supporting text should be amended to refer to the importation of non-hazardous waste and to remove reference to a date since the site has effectively closed. The policy and supporting text also spell the name of the landfill incorrectly and this should be addressed.
150. I have amended the policy and supporting text to address this matter for the same reasons as set out under policy SP11.
151. **MM93** to the policy and **MM94** to the supporting text addresses these matters. These changes are necessary to ensure the Plan is positively prepared and effective. Subject to these amendments and having regard to my conclusions in Issue 4, exceptional circumstances exist to remove this site from the Green Belt.

BL18 Land at Clough Hall

152. Land at Clough Hall is allocated for 150 residential dwellings. The Green Belt Review concludes that the site makes a weak contribution to the Green Belt. I concur with the findings that development would entail a small incursion into undeveloped countryside relative to the size of Talke, although it is enclosed by the settlement to the north, east and west which limits the perception of encroachment. Overall, the removal of the site from the Green Belt will not harm the overall function and integrity of the Green Belt.
153. The policy appropriately addresses the need for development to be landscaped and designed to ensure buildings are not intrusive in significant views from the surrounding area. I am satisfied that the site can in principle be accessed in a manner which would not cause harm to the Site of Biological Importance and note that the amount of development proposed will allow for the retention of playing fields at the site.

154. The policy includes a criterion which requires that a sequential approach to development is taken, to direct development to areas at lowest risk of flooding. United Utilities have advised that the site may be subject to sewer flooding. To ensure that this matter is adequately addressed a site-specific flood risk assessment which assesses all forms of flooding should be carried out to inform development. **MM97** to the policy and **MM98** to the supporting text address this matter and removes unnecessary supporting text which is no longer required if a site-specific flood risk assessment is to be carried out. It also corrects some drafting errors. These changes are necessary to ensure the Plan is consistent with national policy and is effective.
155. Having regard to my conclusions in Issue 4, exceptional circumstances exist to remove this site from the Green Belt.

TK10 Land at Crown Bank

156. Land at Crown Bank Talke is allocated for the development of 170 dwellings. The site is located on the western boundary of the settlement and comprises open fields. The Green Belt Review identifies that the site makes a strong contribution to Green Belt Purposes as it scored highly in two of the five aspects of the assessment.
157. In relation to the aim of preserving the setting of special character of historic town the assessment takes into account the proximity of the Conservation Area and concludes that the site makes a strong contribution to preserving the setting of Talke as an historic town. However, the HIA [ED016], concludes that the openness of the site makes a neutral contribution to the setting of heritage assets in the vicinity. The HIA also concludes that with sensitive design, development of the site would have a similarly neutral effect. Furthermore, criterion 6 of the policy requires submission of a site-specific HIA for the site to demonstrate how the layout and design of development will respond positively to heritage assets in the vicinity, including the Conservation Area. I consider that the HIA that supports the Plan [ED016] provides a more granular analysis of this matter than that set out in the Green Belt Review. I am therefore of the view that development of this site would not lead to material harm to this Green Belt purpose.
158. The Green Belt Review also identifies that the western site boundary of the land parcel is not well defined and so development on site would be perceived as encroaching on the countryside with impacts on openness due to site topography which slopes to the south. The Policy requires that the layout and development of the site be landscape led and that buildings or structures are designed to ensure they are not intrusive in significant views from the surrounding area. Landscape buffers are to be provided along the eastern and western boundaries. I am therefore satisfied that, the development of the site would not harm the function and integrity of the Green Belt.

159. United Utilities has advised that there are underground sewers within the site that should be accounted for within future development. Accordingly, to ensure that the Plan is effective and that this matter is taken into account in future development **MM102** addresses this matter.

160. Having regard to my conclusions in Issue 4, exceptional circumstances exist to remove this site from the Green Belt.

TK27 Land off Coppice Road, Talke

161. Land off Coppice Road Talke is allocated for 90 dwellings. The Green Belt Review concluded that the site makes a moderate contribution to Green Belt purposes. I concur with the findings that development of the site would entail a small incursion into undeveloped countryside relative to the size of Talke but that taken in the round the removal of the site would not harm the overall function and integrity of the Green Belt. The policy appropriately addresses the need to ensure appropriate landscaping of the site, including the retention of hedgerows to retain the pattern on enclosure on the site.

162. The policy requires highway safety improvements including offsite footway improvements on the site frontage to the local school, bus stop and shops. However, as existing access from the site to these facilities may be acceptable the policy's requirements are neither effective nor justified and should be amended to require an assessment of the need for these provisions. **MM104** makes this necessary modification to ensure the policy is justified and effective.

163. Having regard to my conclusions in Issue 4, exceptional circumstances exist to remove this site from the Green Belt.

TB6 Former Pool Dam Pub Site

164. The site is allocated for residential development for 13 dwellings. It lies close to Walleys Quarry Landfill with the potential to cause nuisance from odour. To ensure clarity and therefore effectiveness **MM105** amends the policy to reflect the closure of the site and to correct a spelling mistake.

TB19 Land South of Newcastle Golf Club

166. Land South of Newcastle Golf Club is allocated for residential development for 550 dwellings on land south of the University, between the Golf Club and the Motorway. The Green Belt Review identifies the site as making a moderate contribution to Green Belt purposes. Although the development of the site would entail an incursion into undeveloped countryside, and currently provides a strong degree of openness, the motorway forms a well-defined and permanent boundary to the west that would prevent unrestricted sprawl. Subject to the

implementation of appropriate requirements in the policy to ensure the retention of hedgerows and trees and the provision of a landscape buffer along the western boundary, development of the site will not harm the overall function and integrity of the Green Belt.

167. The proposed allocation includes provision of strategic open space to the west of the site. As this is intended to serve not just the development but the wider community in the form of a Country Park it should be described as such in the policy. This is intended to be kept permanently open and consequently I find no justification for the removal of this area from the Green Belt. The Policies Map should be changed to reflect this and the policy modified to reflect the need for a permanent and durable boundary between the developed portion of the site and the Country Park.
168. As set out below within Issue 13, there is an identified need for a link road between the A525 and Whitmore Road. As drafted the policy requires provision of a link road which is outside the geographical extent of the policy. Instead, the policy should refer to a safeguarded route, which should be illustrated on the Policies Map. In order to ensure that the route provides an effective transport link the supporting text should also advise that although the specification for the route will be determined through any future planning application it should be capable of accommodating a bus route.
169. The Level 2 SFRA identifies the site as being at flood risk from two ordinary watercourses within the site. Neither watercourse is large enough to be on some of the Environment Agency's flood risk mapping, nonetheless the SFRA shows some limited risk to either end of the site, and a risk of surface water flooding. Consequently, a site-specific flood risk assessment should be required in order to inform future development. This should include a surface water drainage strategy which incorporates a SUDs maintenance and management plan. The flood risk assessment should also review whether hydraulic modelling of the identified watercourses is necessary.
170. The site lies adjacent to Newcastle Golf Course. To ensure that no undue impact is experienced by future occupiers, and that the future operation of the golf course is not compromised by the proximity of housing, a ball strike assessment should be prepared as part of any future application and the measures within it implemented as part of development.
171. **MM106** to the policy and **MM107** to the supporting text makes these necessary modifications to ensure the Plan is justified and effective.
172. Having regard to my conclusions in Issue 4, exceptional circumstances exist to remove this site from the Green Belt.

TB23 Land West of Galingale View

173. Land West of Galingale, Thistleberry is allocated for residential development for 124 dwellings. The site lies close to Walleys Quarry Landfill with the potential to cause nuisance from odour. The policy and supporting text should be updated to reflect the closure of the landfill, to correct spelling and to make clear that no dwelling should be occupied until the disposal of non-hazardous waste at the site has ceased.
174. The Level 2 SFRA [EX/NBC/06c(ix)] identifies that the site is at flood risk from two unnamed ordinary watercourses which cross the site and that a site specific flood risk assessment which includes a detailed hydraulic model will be necessary to inform the development of the site, including the extent of the developable area and necessary surface water drainage. Criterion 6 should therefore be amended to reflect this requirement, to ensure the Plan is effective and consistent with national policy, which seeks to ensure flood risk is addressed within new development.
175. **MM108** to the policy and **MM109** to the supporting text, address these points and corrects a typographical error. These changes are necessary to ensure the Plan is justified and effective.

Town Centre Sites

176. The Plan contains a number of sites within Newcastle-under-Lyme town centre most of which are currently in use as car parks. Based on the evidence provided [EX/NBC/32] I am satisfied that the loss of these sites will not have an adverse impact upon economic activity in the town centre. Indeed, the provision of housing on these sites would help to contribute to the vitality of the town centre. Some of the sites below are already subject to planning permission but as I am not aware that construction is complete on any of these sites they are retained as allocations.
177. TC7 Land bound by Ryecroft, Ryebank, Merrial Street, Corporation Street and Liverpool Road, Newcastle, is allocated for mixed use including 75 dwellings. To reflect planning permissions 24/00840/FUL and 24/00792/FUL **MM110** removes the employment allocation and updates the housing figure to 228 to ensure the Plan is accurate and therefore justified.
178. TC19 Hassell Street Car Park is allocated for residential development for five dwellings. To reflect the fact that only part of the car park is being redeveloped **MM111** alters the policy to refer to the site being 'partially allocated' in the interests of clarity and therefore effectiveness.

179. TC20 King Street Car Park is allocated for residential development for 10 dwellings. To reflect the fact that only part of the car park is being redeveloped **MM112** alters the policy to refer to the site being 'partially allocated' in the interests of clarity and therefore effectiveness.
180. TC40 Car Park, Blackfriars Road, Newcastle is allocated for residential development for 10 dwellings. To reflect the recommendations in the Level 2 SFRA [EX/NBC/06c(x)], which indicates that the southeast corner of the site is at risk of both fluvial and surface water flooding, development on the site should be guided by a site-specific flood risk assessment alongside a surface water drainage strategy for the site. **MM114** amends criteria 7 to set out this requirement. The modification is necessary for the policy to be effective and consistent with national policy which seeks to ensure flood risk and the provision of SUDs is adequately accounted for within new development.
181. TC45 York Place, Newcastle-under-Lyme Town Centre is allocated for commercial development. However, since the Plan was prepared planning permission has been granted for a mixed-use scheme that includes 42 dwellings on the upper floors. **MM115** addresses this by including the housing within the allocation. Furthermore, the inclusion of residential use on the site would also necessitate a contribution towards local schools and health infrastructure and this needs to be included within the policy. **MM115** to the policy and **MM116** to the supporting text amend the Plan to include this requirement. These changes are necessary to ensure the Plan is effective and positively prepared.
182. TC71 Midway Car Park allocates Midway Car Park for dwellings. Criteria 5 to the policy, which relates to heritage assets contains a typographical error that undermines its effectiveness. **MM119** corrects this and therefore ensures effectiveness.
183. A number of alternative or omission sites have been put forward as suitable for development. It may well be the case that there are other suitable sites in the borough that are also capable of being developed, and some of those may also be reasonably related to the settlement hierarchy. However, it is the Council's responsibility to prepare a sound Plan and, for the reasons set out earlier, the approach set out above is sound. I therefore do not consider it necessary to allocate any of these alternative sites in order for the Plan to be sound.

Conclusion

184. Accordingly, subject to the modifications set out above, I am satisfied that the sites selected are all, in principle, justified, effective, developable and deliverable, and otherwise soundly based.

Issue 7 Does the Plan provide an appropriate supply of deliverable and developable employment sites to meet identified needs and do these align with national policy ?

Employment Land Supply

185. The Council have calculated existing supply at around 29 hectares [ED29] from the period 2023 onwards, although the 2024 HENA puts the figure at 18.1 hectares, taking account of sites in the supply which the Council's consultants considered had limited potential for employment development. However, some of this supply is in active use, some is on a very small site, and this figure does not take account of the consultant's evidence, that it is uncertain whether a proportion of existing employment sites in the supply are likely to be brought forward for employment use.
186. I set out below my reasoning in relation to the employment site allocations in the Plan. In purely quantitative terms, counting existing supply and allocations KL13, CT20 and BW1, but not taking into account potential constraints within the existing supply, would provide around 56 hectares of employment land. This would not meet the midrange of the employment range identified as the minimum figure of 63 Hectares. These sites alone are not capable of meeting the employment needs of the borough and would not provide an adequate range in qualitative terms. Without additional allocations most of the Plan's supply would be derived from allocations identified prior to 2011 that remain undeveloped. I note that CT20 and KL13 continue to be developed and that Chatterley Valley West adjacent to BW1 is also now being developed out. In this regard, I am satisfied that the sites BW1, CT20 and KL13 are deliverable and likely to be attractive to some occupiers and so I consider their inclusion within the Plan to be sound. Nevertheless, these sites alone are unlikely to provide a sufficient range of sites to be attractive to a wide range of occupiers.
187. I set out below why I consider the allocations at KL15 Land South of the A525 Keele and AB2 Land at Junction 16 M6 to be appropriate. Development at KL15 would provide a further 13 hectares and the allocation at AB2 would provide a further 80 hectares. AB2 does not fulfil the same specific market requirements as KL15 and so I do not consider it to be an alternative to it. Instead, AB2 is complementary in providing an appropriate range of employment provision which capitalises on the locational advantages of the borough.
188. The Plan provides for around 149 hectares of employment land, significantly exceeding the minimum provision identified in PSD1. I have considered whether there is justification for making provision for employment at this level, taking into account that Green Belt release needs to take place to do so.

189. Although 63 hectares is identified as the minimum provision, the evidence provided by the Council identified a likely range, from 43 – 83 hectares being required, and for the reasons set out above, I consider that there is a significant likelihood that employment take up will be towards or beyond the higher end of the range. The NPPF is clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In this regard, provision that accounts for unexpected contingencies, provides choice and flexibility, and allows for the potential for strong economic growth is in alignment with national policy.
190. Secondly, both the strategic sites selected were allocated on the basis of the size of the site put forward for development. For both KL15 and AB2 the site promoters have undertaken master planning accounting for infrastructure requirements and to create a business environment which addresses the sector of the market they seek to meet. It is therefore not practical or deliverable to release such sites in stages to align with a lower supply figure. More pertinent to the Council's decision to allocate these sites is that both provide a range of distinct benefits that could not be met elsewhere in the borough or on a range of smaller dispersed sites. Both meet the specific locational requirements for different business sectors which are not replicated elsewhere, and both provide for a range of floorplates to meet modern business needs. Furthermore, both sites will ensure provision with the potential to extend beyond the plan period. This is consistent with guidance in the NPPF which is clear that in deciding changes to Green Belt boundaries, the Plan should be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period.
191. Thirdly, in the case of AB2, the allocation proposes a low-density development with a significant element of the site given over to open space and landscaping. The floorspace to be provided, as set out in the policy is 220,000 sqm. It is therefore a lower density development than would be likely to be provided in a more conventional urban setting and the yield from the site will be lower than the 80-hectare site area suggests.
192. The site would likely assist in fulfilling needs in the wider FEMA and serve a wider employment market than the borough alone. However, this is an inevitable outcome of an allocation of this nature, which is focused on specific locational requirements of a sector which national policy expects plans to recognise and address. I am also satisfied that taken in the round, the employment provision identified in the Plan will meet the employment needs identified for the borough. Overall, the level of provision is considered to be soundly based and would allow identified needs to be met. The take-up rate and availability of sites will continue to be monitored and reviewed throughout the Plan period.

Conclusion

193. The evidence indicates that the employment land requirement figure across the Plan period is likely to be met and that the Plan is positively prepared and is justified, effective and consistent with national policy in relation to its provision for employment land.

Issue 8 Are the proposed employment allocations justified, effective, developable, deliverable, in line with national policy and otherwise soundly based?

Site Selection Process

194. One of the objectives of the Plan is to diversify the borough's employment base by delivering employment sites which focus on the advanced manufacturing, distribution and logistics sectors. This is consistent with the aims of the NPPF which directs that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

195. The Site Selection Report [ED029] provides detailed commentary on how sites were considered for allocation for employment development. The evidence shows that from a limited pool of non-greenbelt sites a large proportion have been brought forward for either housing or employment development. Of those remaining, three were brought forward for allocation and three were discounted for valid planning reasons. I am satisfied that the methodology used by the Council was a sound one and that it demonstrates that employment needs set out in the Plan cannot be met in full by the allocations brought forward from the 2011 Plan. No adjoining authority has agreed to meet the Council's employment needs. Accordingly, taking into account the impetus in the Plan and national policy to foster economic growth, I am satisfied that exceptional circumstances have been demonstrated to support the release of land from the Green Belt to address employment needs.

196. The Strategic Employment Site Assessment (SESA) [ED02a], prepared by Aspinall Verdi assesses how long-term strategic employment needs could be met through Green Belt release. Three sites were considered to be the best available options for employment development, having been selected from available sites in the Strategic Housing and Employment Land Availability Assessment (SHELAA), and taking into account the attractiveness of these sites for future development. I am satisfied that this assessment has been competently undertaken and that it forms a firm basis on which to base a comparative assessment.

Employment Allocations

197. In relation to site BW1 Chatterley Valley, the Stage 1 Strategic Flood Risk Assessment (SFRA) [ED013] indicates that the site is at risk of surface water flooding and a Stage 2 SFRA was carried out [EX/NBC/06c(iv)]. This identified that the site is at flood risk from groundwater emergence but that subject to appropriate measures, to be identified in a site-specific flood risk assessment, it could be developed safely without giving rise to flood risk elsewhere. **MM72** makes the necessary modifications to the policy to ensure that this requirement is explicit in the policy text, and the policy is justified and effective.
198. Policy CT20 Rowhurst Close, Chesterton allocates 8.88 hectares of land for employment uses. The policy includes a requirement for a land contamination report within two different criteria. This is inconsistent with national policy which says that unnecessary repetition should be avoided. **MM76** removes the duplication to achieve consistency with the NPPF.
199. Policy KL13 Keele University Science Park is a comprehensive policy which allocates the site for 220 units of student accommodation and 11 hectares of employment land. Employment uses would comprise business space for science-based companies, academic buildings and employment uses directly related to the University's core functions within Class E, B2 and B8. Class E includes a broad range of uses. Should the Council wish to restrict uses within the wider Class E, then the vehicle for doing so would be the imposition of an Article 4 direction, which would be outside the scope of the Plan. I am therefore satisfied that as worded the uses proposed are appropriate for the site. The inclusion of 220 student units reflects the nature of the allocation in the 2011 Plan. I am satisfied that limited provision of student accommodation is appropriate as part of a wider mix. I set out in Issue 5 how the student dwellings on the site have been accounted for within the Plan housing supply.
200. The Strategic Transport Assessment (STA) [ED011] identifies that a necessary component of development at the site, is the need to ensure that the site and the wider campus is adequately served by public transport though the provision of a link between the A525 and the A53. The route of the link runs through allocation KL13, and I set out below in Issue 13 why I consider this to be justified. However, as currently worded the policy requires the delivery of a link road. As the road extends beyond the site it would not be possible for development of the site to deliver this. Instead, the policy should refer to the provision of a safeguarded route through the site to facilitate the future provision of a transport link between the A525 and A53. **MM77** modifies the wording of the policy and the supporting text to make this clear, and ensure the Plan is positively prepared and effective.

Strategic Employment Allocations

Policy KL15 – Land South of the A525 Keele

201. KL15 is located west of Newcastle-under-Lyme, at Keele University. The site adjoins the Low Carbon Energy Generation Park and the Keele University Science & Innovation Park, which is an established business centre. The University is a major employer in the borough, estimated to employ over 2,000 staff, a large number of which are high skilled positions.
202. The Council have advised that the Keele University Science and Innovation Park is Staffordshire's only Science Park and plays an important role in attracting businesses to locate in Newcastle-under-Lyme. It currently has five Innovation Centres which house high value and high growth businesses, with a cluster in medical, pharmaceutical and digital companies on site, many of which are overseas companies. Occupancy rates at the site are high. Investment in the site is programmed through the 'New Keele Deal' which seeks to further exploit Keele University's research and business engagement potential.
203. The University expects student numbers to almost double by 2040 which it is anticipated will create demand for supporting commercial, residential and amenity uses. Alongside this academic growth, the University is seeking to provide six further Innovation Centres.
204. The SESA identifies that the site is uniquely placed to capitalise on growth within a number of key sectors in the wider economy. Research and Development requires high quality light industrial and laboratory or innovation space with international inward investors seeking to capitalise on close ties with the University. Financial and professional services require large footplates with high quality accommodation in accessible locations. The digital and creative sector often requires flexible space as office or studios and businesses normally like to cluster, building on links with existing users at University of Keele Science Park. The energy and environmental sector is also identified as another growing sector of the economy which would potentially be attracted to sites with links to academic institutions. The report therefore concludes that the site would be deliverable and attractive to the market. Furthermore, its development would draw inward investment to key and growing economic sectors consolidating the role of the University as a key driver in the local economy.
205. The allocation of the site requires release of the land from Green Belt. I concur with the Council's assessment that the land provides an at best moderate contribution to the purposes of the Green Belt. However, the strong locational advantages of the site cannot be replicated elsewhere and provide justification for its allocation. This approach also garners support from the NPPF insofar as it says that planning policies should address the specific locational requirements

of different sectors including making provision for clusters of knowledge and data-driven industries. Moreover, the site provides strong defensible boundaries and there is potential within the wider University holding to provide compensatory measures in the Green Belt. Having regard to the identified employment needs, I therefore conclude that there are exceptional circumstances to justify the allocation of the site for employment.

206. Policy KL15 sets out how the 13ha site should be developed. As with Policy KL13 it allows for development within use classes B1, B2 and B8 and allows ancillary non-employment uses where they support the onsite businesses, research and development and industrial processes on site. Although the justification for the allocation of the site focusses heavily on the benefits of its development for office and former B1 light industrial and Research and Development uses, I see no reason why the policy should explicitly restrict uses on site to former B1 uses. Given the context and size of the site any B2 or B8 uses are likely to be relatively small-scale. Should the Council wish to restrict uses within the wider Class E, then the vehicle for doing so would be the imposition of an Article 4 direction, which would be outside the scope of the Plan.

207. The allocation also allows for 260 dwellings for student accommodation. The location of the student housing is not defined in the Plan but its provision aligns with the long-term programme for expansion at the University and takes into account the University's ongoing programme of replacement of its older housing stock I consider it therefore likely that part of the site will be necessary for this use, albeit potentially towards the end of the Plan period. I set out in Issue 5 how the student dwellings on the site have been accounted for within the Plan housing supply.

208. The policy contains wide-ranging and justified criteria for considering development on site. However, the policy refers to the need to provide a link road through the site. The safeguarded route for the link is being provided through KL13 and so therefore the policy and supporting text should refer to contributions to be made towards the provision of a transport link, setting out that the level of such contributions required will be determined following a transport assessment as part of any future planning application. Accordingly, **MM78**, which makes these modifications to ensure the Plan is positively prepared and effective.

AB2 - Land at Junction 16 of the M6

209. AB2 is located to the west of the Audley, immediately to the south of M6/A500 interchange. It borders the A500 to the north and the M6 to the west. The site is made up of agricultural land and is completely detached from the nearest settlement of Audley, which is around 800m away. The site is around 80

hectares in size and is proposed for circa 220,000 sqm of employment floorspace comprising offices, research and development, industrial processes, general industrial, storage and distribution and open storage.

210. The SESA identifies the site as being one of the most commercially attractive strategic employment locations in Newcastle-under-Lyme. Its primary advantage is its accessibility to the strategic road network, sitting directly beside the M6 and A500. This would provide rapid and reliable access to wider sub-regional markets and beyond. As a result, the site is described as an 'outstanding location for logistics development', a sector which is identified in the SESA as facing site shortages across the motorway corridor and for which there is strong market demand². The location on the A500 also makes it attractive to local businesses looking for accessibility across the borough and into the Stoke-on-Trent and Crewe areas.
211. The scale of the site makes it suitable for major national and international occupiers requiring large footprint distribution or manufacturing buildings making it one of the few locations in the borough capable of accommodating large-scale logistics requirements with preliminary masterplans indicating that the site can accommodate a range of floorplates to meet the needs of a range of occupiers. It follows that the allocation attracts support from the NPPF insofar as it expects the specific locational requirements of different sectors to be recognised in planning policies including for storage and distribution operations at a variety of scales and in suitably accessible locations.
212. The site is being promoted by an established company who have invested significantly in the development of a viable scheme which addresses areas of concern, which are set out below. This is identified in the assessment as a factor supporting the allocation as it indicates the site is likely to be brought to market relatively quickly, should it be allocated.
213. The SESA identified only one other potential site to meet employment needs – site TK30, Land off Talke Road and A500, Talke which is around 66 hectares in size. The site also lies in Green Belt and was considered by the Council as an alternative to site AB2.
214. Although TK30 site has proximity to the A500 and is only 3 miles from M6 Junction 16, it does not provide the same immediate access and access to the site is via Talke Road and Dean's Lane, both of which present more complex route arrangements for HGV movements. Therefore, although the site is likely to encounter strong demand, it does not have the same level of strategic connectivity provided by AB2, and so would be less competitive for regional occupiers because of weaker access. TK30 is a former colliery site with

² West Midlands Strategic Employment Sites Study – Avison Young 2021

challenging topography which may present geotechnical constraints, and which precludes larger floorplates. Furthermore, the consultants preparing the SESA advise that the site is also further behind in the development process and is unlikely to come forward as quickly as AB2.

215. Taking these factors into account I agree with the assessment findings that AB2 is the stronger strategic site in terms of connectivity, deliverability, commercial attractiveness, and ability to service immediate market demand.

216. The allocation of the site requires release of the land from Green Belt. I concur with the Council's assessment that the land makes a moderate overall contribution to the purposes of the Green Belt. The assessment recognises that the site contributes strongly to openness and that existing less durable boundaries to east and south would not prevent encroachment. The undulating topography also provides long-range views of the site. However, the locational advantages of the site, and its ability to provide a high quality and deliverable employment site cannot be replicated elsewhere and provide strong justification for its allocation. The master planning of the site presents scope for providing strong defensible boundaries and there is potential within the owners wider holding to provide compensatory measures in the Green Belt.

217. The development of the site raises a number of issues which are addressed in the policy. The STA [ED011] looked at the transport implications of the development of the site, alone and in combination with other allocations, including key allocations in Cheshire East. Concerns have been raised as to the likely effects of the development on the highways network and the nature of the modelling undertaken. The scope of the STA is not to identify all necessary mitigation, but rather to assess whether the site can be developed for the uses proposed and the broad scope of any mitigation likely to be required to facilitate this. I am satisfied that the modelling in the STA was competently undertaken and that it is adequate for its intended purpose, which is to identify, in broad terms, the likely impacts of a development of this type and location on the wider highway network. In this regard it demonstrates that the site can be developed in principle, subject to appropriate mitigation to address likely impacts on the wider highway network and so is proportionate.

218. However, the STA is not adequate to define the exact scope and nature of mitigation, and it is not intended to do so. Neither is it intended to justify all forms of future development on site. To support a planning application on the site more detailed modelling will be required. This will need to take into account effects on the strategic highway network and local roads in both Staffordshire and Cheshire East, and so the views of the relevant bodies should be sought. In this regard criterion 7 should be amended to reflect this requirement to ensure the policy is effective. Subject to modifications in **MM67** I am satisfied that the policy provides scope to deal with highway impacts.

219. I note here that although the site is accessible by car, without appropriate measures, development would not be accessible to the workforce by sustainable means. Criterion 13 of the policy addresses this by requiring a comprehensive travel plan that incorporates measures to support travel by sustainable modes. To be effective this criterion should state clearly that public transport provisions are required as part of any travel plan and that such measures will be required to be sustained in the long-term. It is appropriate that this travel plan considers routes connecting to Cheshire East and Stoke on Trent, given the location of the site close to the borough boundary, and the potential to employ people from a significant catchment.
220. Access is proposed via the A500 with emergency access via Barthomley Road, both to be delivered in phase 1 of the development. Based on the advice of the highways authority I am satisfied that these arrangements can be appropriately implemented, subject to details to ensure appropriate arrangements at both access points being secured by a future planning application.
221. As part of the allocation the Council require the provision of a Heavy Goods Vehicle lorry park, which aims to alleviate parking along the A500. The National Highways Lorry Park Demand Assessment [ED037] provides convincing evidence for the need for such a facility in this location, where the report states that 'high demand for lorry parking exacerbates off-site parking issues, particularly on the A500'. Criteria 3 of the policy includes a requirement for development to include this facility. However, in order to ensure that such a facility is built to an appropriate standard the policy should specify that the site is designed and operates in accordance with Park Mark Freight scheme requirements and achieves 'Park Mark Freight accreditation'.
222. Criterion 1 of the policy requires that the development satisfactorily addresses the site allocation requirements Policy SA1 (General Requirements). For the reasons set out below this policy is being deleted from the Plan. However, to recognise the importance of a holistic approach to development across the site, the policy should make explicit that the preparation and implementation of a comprehensive, masterplan-led approach towards the site will be required.
223. The visual effects of the proposal have been a concern for many. The topography and open nature of the site mean that development of the scale proposed is likely to have some visual impact. Nevertheless, it is necessary that any development is designed to ameliorate visual impact as far as possible. Criterion 9 seeks to ensure that structures on site are designed so as not to be intrusive in significant views from the surrounding area. To ensure visual impacts are addressed as far as possible, a landscape and visual impact assessment should be prepared and submitted as part of any proposal for the site and criterion 9 should be amended to include this requirement.

224. The site is intended to provide a high-quality environment with significant proportions of open space within the site. Criterion 15 requires that strategic open space is provided to the north of the site as part of any layout. However, to avoid an over-prescriptive approach in relation to layout, and to ensure that a high proportion of the site is given over to open space this requirement should be modified to require at least 40% of the total site area to be given over to landscaping in the form of green corridors.
225. Criteria 19 requires a utilities masterplan. Whilst I consider this to be a reasonable requirement to ensure the effective provision of services including foul drainage, there are some omissions from the list of services mentioned. Accordingly, to be effective I have amended the requirement to include all essential services on the site.
226. The HRA indicates that Oakhanger Moss SSSI and Black Firs and Cranberry Bog are predicted to be subject to a likely significant effect (LSE) either alone or in combination from the changes in air quality associated with traffic movements associated with this allocation. The AA concluded that measures to promote active transport options, would provide appropriate mitigation to address these impacts. In addition, as part of such measures the travel plan should discourage the routing of traffic past the Black Firs and Cranberry Bog SSSI on the A531. To be effective, criterion 13 should be amended to include this requirement.
227. I note the concerns raised in relation to other potential impacts of the proposal, including on the provision of social infrastructure and impact on local services, biodiversity, flooding, effect on heritage assets, residential amenity and the effects of construction. I am satisfied that the requirements of Policy AB2 in conjunction with other policies in the Plan will ensure that any such significant effects from the development can be mitigated.
228. Subject to the above requirements, although it is clear that the development in open countryside will have a visual impact, the economic benefits of such development would outweigh this harm. I therefore conclude that there are exceptional circumstances to justify the allocation of the site for employment.
229. As well as making drafting changes, in the interests of clarity **MM67** to the policy and **MM68** to the supporting text addresses all these matters identified above and makes the necessary modifications to the Plan, to ensure that it is positively prepared, consistent with national policy and effective.
230. Policy SA1 sets out a range of general requirements for the employment allocation policies in Chapter 14 of the Plan. These requirements are in addition to the site-specific requirements provided under each individual policy. The Policy contains a list of considerations which cross-references to other policies

in the Plan. In this regard, whilst it provides a comprehensive summary of considerations for development, and avoids repeating these considerations for each allocation, it essentially duplicates policy from elsewhere in the Plan. In this regard, although the information contained within SA1 forms a useful checklist, as a policy is not necessary or justified. **MM66** therefore deletes the Policy and **MM121** provides an abridged version within the appendix to serve as a checklist for applicants. Reference to Policy SA1 is removed from site-specific policies in **MM67**, **MM72**, **MM76**, **MM77**, **MM78**.

Conclusion

231. Exceptional circumstances have been demonstrated to justify removal of sites AB2 and KL15 from the Green Belt. Subject to the MMs identified the employment sites selected are all, in principle, justified, and meet anticipated employment needs over the Plan period.

Issue 9 – Does the Plan set out positively prepared policies to meet affordable housing needs and the housing needs of other groups, which are justified, effective and consistent with national policy?

Policy HOU1 – Affordable Housing

232. Affordable housing need is assessed in HENA 2023 [ED001a]. This report revisited the calculation of affordable housing need provided in the previous Housing Needs Assessment, to check the relatively low need identified and to incorporate newly available data. More up to date data was also provided by the 2024 HENA, which checked a number of key outputs, and estimated that the annual need for affordable housing was unlikely to have grown in April 2024. The HENA comprises robust and up to date evidence and taking into account existing supply identifies that 278 dpa affordable homes will be needed across the plan period. The need is predominantly for one-bedroom units and for affordable rented housing.

233. The Viability Assessment (VA) [ED004] tested a range of affordable housing options between 10% on brownfield sites within the identified 'low value zone' and 30% on greenfield sites within the 'high value zone' as shown on the policies map. The work identified that a differential rate was most appropriate and that, in some cases, particularly in the low value zone, the cumulative effect of the full policy requirements of the Plan may impact upon deliverability as the affordable housing thresholds in the Plan may not be viable. However, I take into account the forecast changes in market conditions over the next five years, which predict improvements in viability. I also note that individual sites will be subject to site specific opportunities and constraints and that many sites would be able to support the Plan's full policy requirements without a need to review

viability. I am therefore satisfied that the VA is robust and that the affordable housing requirement set by the Council is soundly based.

234. I note that if Local Plan allocations are developed in accordance with policy the borough will not meet all of its affordable housing need over the Plan period. However, there is no requirement in either planning policy or guidance for affordable housing need to be met fully through planning obligations. I am satisfied that HOU1 has appropriately identified a proportionate contribution to addressing affordable housing needs whilst not undermining deliverability of market housing.

235. The policy allows for lower levels of affordable housing should the Plan requirement be demonstrated to be unviable. Consequently, the approach taken would maximise the delivery of affordable housing without compromising the delivery of housing and I am satisfied that the thresholds identified are justified.

236. Nevertheless, national policy provides for specific exemptions to the need to provide affordable housing. These relate to the provision of specialist housing, build to rent, self-build and rural exception sites. The VA does not provide convincing justification that the Plan should depart from this approach, and these exceptions should be set out in the policy. Furthermore, although the Plan is being examined under NPPF Dec 2023 the requirement for First Homes will not be consistent with more recent national policy when the Plan is being implemented. In light of this, a specific requirement for a proportion of First Homes is not necessary and this element of the policy to be removed. Accordingly, to ensure consistency with national policy and for the policy to be effective, **MM13** to the policy and **MM14** to the supporting text sets out the above exceptions and removes reference to First Homes.

Policy HOU2 - Housing Mix and Density

237. Policy HOU2 sets a range of appropriate densities for new residential developments and seeks to provide a range of housing types to reflect local needs. The thresholds arrived at are based on appropriate evidence within SHELAA [ED006] and these strike an appropriate balance between the need to maximise housing delivery and to reflect the character of the wider area. Housing mix will be informed by evidence in the HENA [ED001] or subsequent updates and so I am satisfied that this is also soundly based.

238. To improve the legibility and precision of the policy and in the interests of clarity and effectiveness, **MM15** makes a number of changes to the wording of the policy.

Policy HOU3 – Housing Standards

239. Policy HOU3 sets out housing standards to ensure acceptable levels of internal space of housing within new developments in accordance with national policy. The Council's Nationally Described Space Standard Topic Paper [ED026] provides convincing evidence that a significant proportion of recent development in the borough has fallen short of the internal space requirements set out in the NDSS. Therefore, in order to ensure an appropriate standard for new developments I consider the requirement of the policy for new development to meet these thresholds to be reasonable, necessary and therefore justified. As the matter is taken into account within the VA, I am also satisfied that this requirement will not impact upon the deliverability of new development.

240. The policy also sets out requirements in relation to adaptable and accessible housing. This has been considered through the HENA [ED001a] and the VA [ED004] and reflects the approach taken in national policy which seeks to create inclusive and accessible places. The construction of all new housing to M4(2) standards is due to become part of the Building Regulations, but at present no date has been set for when this will happen. As such, given the need highlighted in the HENA, it is justified for the policy to require new housing to meet this standard.

241. Furthermore, in relation to the provision of wheelchair adaptable and wheelchair accessible homes, the evidence in the HENA shows a sustained need for such accommodation, both in relation to provision for the elderly and those with impaired mobility. I therefore consider that the requirement for such provision in major developments is justified. However, as drafted the policy states that such provision will be required where there is a demonstrable need. As the HENA already provides evidence of need, I do not consider further evidence to be necessary. **MM16** removes the requirement for further justification and to ensure the Plan is positively prepared. For clarity and therefore effectiveness the modification also amends the reference in criteria 1 to residential homes to avoid confusion with care homes.

Policy HOU4 –Gypsy, Travellers and Travelling Showpeople

242. The Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2024 (GTAA) [ED18] provides a comprehensive assessment of the accommodation supply and need of the Gypsy, Traveller and Travelling Showpeople communities in the borough and taking into account natural turnover identifies that five additional pitches will be required to meet the needs in the borough of those meeting the ethnic definition of Gypsies and Travellers over the period 2020 to 2040. There is also a requirement for five additional plots for Travelling Showpeople over the period to 2040 based on need arising from five newly forming households.

243. I have made post-consultation amendments to **MM03** to ensure that identified needs for Travellers are set out in strategic policy. This modification, which is necessary to achieve accordance with national policy, is essentially a change of emphasis that will ensure internal consistency and does not introduce new policy. Its inclusion at this stage would not therefore result in prejudice to the interests of any parties.
244. Policy HOU4 allocates two sites for the use of Gypsies and Travellers and Travelling Show people and provides criteria by which proposals for new Gypsy and Traveller sites will be assessed. The site proposed for plot provision at Hardings Wood is currently occupied by three families of Travelling Showpeople and the additional need is forecast to arise from emerging households from families on the site. The site provides some scope for additional pitches to meet this need, and I am therefore satisfied that no further provision needs to be made to address this need within the Plan.
245. The site G&T11 at Hardings Wood is identified in the Level 2 SFRA as being subject to fluvial flooding, although this does not appear to be representative of the underlying topography as noted on site. The site is also shown to at risk of surface water flooding. To respond to the recommendation of the SFRA, before further development is implemented on site, a site-specific Flood Risk Assessment should be prepared for the site alongside a Surface Water Drainage Strategy which includes a SUDs maintenance and management plan. **MM80** which addresses this matter is therefore necessary for the Plan to be justified and effective.
246. A further allocation is proposed at a site west of Silverdale Business Park which would address the identified need for Gypsy and Traveller sites. However, access to the site has not been effectively secured and the site adjoins an existing breakers yard which would provide a poor-quality residential environment. Whilst it is possible that the site may prove appropriate once access and environmental issues have been resolved, I am not persuaded that this would comprise an appropriate allocation at this time. **MM17** and **MM95** therefore removes this site as an allocation and also makes a drafting change to the policy which is necessary to improve its effectiveness. To ensure the legibility of the policy I have made further typographical changes to reflect that there is now only one site being identified in the policy. No prejudice would be likely to occur to the interests of any parties as a result of this change.
247. The removal of the proposed Silverdale allocation leaves the Plan with a shortfall in provision of five pitches, three of which are identified to be needed within the next five years. I have considered whether this deficiency would require the Council to find an additional site to ensure the Plan is sound. The Gypsy and Traveller Site Selection Report [ED019] provides convincing evidence that the Council have carried out a robust assessment of available opportunities in the borough to meet the identified need in the GTAA [ED018]. I

therefore do not consider that it would be productive to require a further site search. I also note that the existing Gypsy and Traveller site in Silverdale may have some potential for intensification.

248. In light of this, and the relatively low level of need identified, I am satisfied that the criteria-based element of the policy, as set out in HOU4 is appropriate and proportionate.

Policy HOU6 - Self-Build and Custom Dwellings

249. Policy HOU 6 relates to the provision of Custom and Self-Build Dwellings.

Criteria 1 of the policy sets out that preference will be given to self-build schemes on brownfield sites or on infill plots. This implies a sequential test which I was advised at the hearings is not the intention of the policy. For the policy to be effective, and consistent with the NPPF, this sentence is removed from the policy. Criteria 2 require the provision of serviced plots on all major developments and fails to recognise that the nature and size of the site, site specific constraints and viability constraints may impact on whether sites are suitable for such provision. However, to be effective these factors should be reflected within the policy and the supporting text. Where on site provision is not feasible it may be appropriate to make provision for self-build off-site or to make a financial contribution towards providing self-build elsewhere and to be effective the policy should reference this.

250. Criterion 5 sets out that where self or custom build housing plots are unsold they can revert to open market housing. However, the policy would not be effective as it does not set out that evidence will be required to demonstrate this. The provision of self and custom build housing is an indicator that is part of the Council's proposed monitoring of the plan and so the policy should include an additional criterion which reflects this. The Monitoring Framework seeks to monitor the provision of custom and self-build plots and a new Criterion 6 reflects this.

251. Finally, the policy also has a number of drafting errors which need to be addressed. For clarity and therefore effectiveness **MM18** addresses all these matters. As advertised **MM18** refers to self and custom build dwellings within settlement boundaries being considered favourably. However, the Regulation 19 draft of the policy refers to such development being in accessible and sustainable locations. This Regulation 19 wording is consistent with national policy and the change to this wording that would be brought about by **MM18** is not needed. I have therefore made a post-consultation change to **MM18** to re-instate that earlier wording. The matter has been adequately covered in the consultation, and no prejudice would occur to the interests of any parties as a result of this

relatively minor amendment. Which refers to such development being in accessible and sustainable locations.

Policy HOU7 - Homes in Multiple Occupation

252. Policy HOU7 sets out the circumstances where Houses in Multiple Occupation (HMOs) will be supported. The policy has a number of drafting errors, and it is not clear that the provisions set out in part d) will apply to all the categories of HMO listed under criteria a)-d). **MM19** corrects these errors and is necessary for clarity and therefore effectiveness.

Policy HOU8 - Rural and First Homes Exception Sites

253. Policy HOU8 relates to development on rural exception sites including the development of First Homes. For the reasons set out above in respect of HOU1, references to First Homes are to be removed from the Plan and therefore **MM20** and **MM21** are necessary to ensure consistency with national policy and for the policy to be effective.

Conclusion

254. Subject to the MMs detailed above, the housing policies set out in the Plan are justified, effective and consistent with national policy.

Issue 10 – Does the Plan set out a positively prepared strategy and policies for retailing and town centres and tourism which is justified, effective and consistent with national policy?

255. Chapter 9 of the Plan contains five policies which seek to promote and retain the long-term vitality and viability of the various retail centres in the borough. This includes policies which define a retail hierarchy, provide criteria by which retail and town centre uses will be assessed, and set out a framework for improving and enhancing Newcastle-under-Lyme Town Centre and regenerating Kidsgrove Town Centre.

Policy RET1 - Retail

256. Policy RET1 sets out a clear hierarchy of retail centres and provides appropriate criteria for assessing proposals within and adjacent to retail centres. However, the policy lacks clarity in relation to the nature of retail uses to be supported in neighbourhood parades of shops which are not included within the hierarchy. In order for the policy to be effective **MM25** makes clear that retail development in

neighbourhood parades is defined as development which falls within Class E(a) of the Use Classes Order.

Policy RET2 - Shop Fronts, Advertisements, New Signage

257. Policy RET2 sets out considerations in relation to signage and advertisements for commercial uses. Criterion 1 incorrectly refers to 'uses' but the installation of shopfronts or the display of signage does not constitute a use. Criterion 2 refers to schemes in Conservation Areas or Listed Buildings. However, this fails to recognise potential impact on the setting of heritage assets and non-designated heritage assets. **MM26** corrects the error and alters the text to refer to the impact on all heritage assets and their setting. These modifications are necessary for the policy to be effective.

Policy RET3 - Restaurants, Cafes, Pubs and Hot Food Takeaways

258. Policy RET3 is a wide-ranging policy which includes a number of considerations to be taken into account in relation to proposals for pubs and hot food uses. Criterion 2 refers to restrictions that may be imposed on such uses in the interests of amenity and refers to both new uses and extensions to such uses. Such restrictions can only be imposed on new uses and cannot legitimately be applied to parts of a building. **MM27** makes necessary corrections to the text and removes reference to restricting the use or operation to extensions to existing businesses. These changes are necessary for the policy to be justified and effective.

Policy RET4 Newcastle-under-Lyme Town Centre and Policy RET5 : Kidsgrove Town Centre

259. Policy RET4 sets out considerations for development within Newcastle-under-Lyme Town Centre. For the policy to be effective **MM28** makes clear that the policy refers to opportunities to diversify retail, leisure or cultural opportunities in the town. Policy RET5 relates to development within Kidsgrove Town Centre. However, the policy omits to refer to the need for new development to conserve and enhance heritage assets in Kidsgrove Town Centre. **MM29** addresses both matters in the interests of clarity and effectiveness.

Conclusion

260. Subject to the required **MMs** detailed above, the policies for retailing, town centres and tourism set out in the Plan provide a positively prepared strategy and are justified, effective and consistent with national policy.

Issue 11 - Does the Plan set out positively prepared policies for employment which are justified, effective and consistent with national policy?

Employment Policies

261. Policy EMP1 provides a list of requirements for employment uses which address the need to support economic growth and productivity, taking into account local circumstances. The policy seeks to support the development of employment uses in employment sites within Uses Classes E(g) B2 and B8. I consider this to be reasonable as such designations are intended to fulfil an identified need for such uses. However, to ensure consistency with national policy, **MM22** widens the scope of the criterion to also allow 'complementary uses' and removes reference to 'over-concentration' which is difficult to define and would therefore not be effective. The modification also recognises that the provision of high-quality transport connections may not always be achievable or proportionate to the scale of the development and so sets out that this is applicable only 'where relevant'. This change is necessary for the policy to be effective.
262. Policy EMP2 relates to development on existing employment sites and provides a list of criteria against which such policies will be considered. The policy as drafted is comprehensive but does not make clear that development is to be considered against all of the criteria. Neither does criterion d) adequately explain the 'Agent of Change' principle, or the measures that should be undertaken to comply with it. **MM23** addresses these matters, in order for the policy to be justified and effective.
263. Policy EMP3 seeks to support the role tourism in the borough can play in the rural economy. The aims of the policy are consistent with the NPPF in that it seeks to promote economic growth which is appropriate to its location. However, the effectiveness of the policy is undermined by some errors and omissions. In Criterion 3 the text does not refer to static caravans and other drafting changes are needed in assist with the legibility of the Policy. **MM24** makes theses necessary changes to ensure the policy is clear and therefore effective.

Conclusion

264. Subject to the required MMs detailed above, the policies for employment set out in the Plan would provide a positively prepared strategy which is justified and consistent with national policy.

Issue 12 – 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?

Policy SE1: Pollution and Air Quality

265. Policy SE1 reflects the Council's commitment to protecting the health and well-being of residents by improving air quality in the borough. The policy includes a number of criteria which seek to secure improvements to air quality. Criterion 1b seeks to ensure that new development will not result in negative impacts in air quality in or near Air Quality Management Areas (AQMAs). However, it does not include a means of measuring this and so the criterion needs to be altered to secure an air quality assessment where a proposal is likely to have an impact in or near an AQMA, along with consequential amendments to assist with clarity. Criterion 1c directs developers to consider the cumulative effects of emissions. To ensure action is taken, and so to be effective this should be amended to require that development proposals 'address' the cumulative effects of emissions.
266. Criterion 1d relates to mitigation but does not make clear that this should be undertaken where necessary, and where impacts cannot be acceptably mitigated then development should be refused. It also contains superfluous text which, is largely commentary and as it is unnecessary should be deleted. Criterion 1e which relates to noise attenuation measures and Criterion 1f which relates to external lighting also contain superfluous text which makes the policy difficult to read and therefore reduces its effectiveness. This text should therefore be removed from the policy. The commentary in relation to lighting would be more appropriate within the supporting text and should be reproduced there. Criteria 1g relates to the Agent of Change principle. As drafted, this restricts mitigation measures to impacts from noise and light. To ensure all potential impacts are taken into account, this element of the policy needs to be reframed in the interests of effectiveness.
267. Criterion 2 sets out broad principles the Council will follow to achieve reductions in air pollution. These are replicated elsewhere in the Plan, do not provide any guidance to a developer or decision maker, and add unnecessarily to the length of the policy. To ensure the policy is effective this criterion should be removed. Criterion 3 includes details of dust control measures. These measures may form part of a construction management plan, but the details add unnecessarily to the length of the policy and should be moved to the supporting text. Criterion 4 encourages developers to use low-emission construction equipment. It is not necessary for this criterion to be in the policy as it is effectively covered in criterion 5 which requires the use of a construction management plan and it should therefore be moved to the supporting text. Finally, parts of the text suffer

from drafting errors, and the text need to be re-ordered in the interests of legibility. This includes correcting the number of AQMAs in the borough to three rather than four.

268. **MM41** makes the above changes to the Policy and **MM42** makes changes to the supporting text. These are necessary to ensure both are clear and therefore effective. I note, however, that criterion 4 has not been moved to the supporting text and has been deleted within the advertised modifications. I have therefore re-inserted it within the supporting text. I am satisfied that no party would be disadvantaged by this change and I have altered the Schedule of Modifications accordingly.

Policy SE2: Land Contamination

269. Policy SE2 aims to prevent harm from contaminated land and ensure that development sites are safe for their intended use. Criterion 1h contains a typographical error which to ensure the policy is effective is corrected by **MM43**.

Policy SE3: Flood Risk Management

270. Policy SE3 sets out flood risk considerations, to ensure new development is resilient to the effects of climate change. Criterion 1 relates to the application of the sequential test but does not make clear that it is the Council who will apply the sequential and exceptions tests, or explain that the exception test is only applied if it is not possible to locate development in an area at lower risk of flooding. Furthermore, criterion 3e omits to include the need to include detailed modelling of main rivers and functional floodplain within flood risk assessments.

271. The supporting text to the policy refers to the need to take account of all forms of flood risk but omits to refer to surface water flooding. Furthermore, criterion 4 refers to 'high-risk' areas but these are not defined. Finally, for completeness, the FRA should have regard to the aims and objectives of River Basin Management Plans as appropriate. **MM44** which relates to the Policy and **MM45** to the supporting text makes these necessary changes to ensure the policy is justified and consistent with national policy.

Policy SE4: Sustainable Drainage Systems

272. Policy SE4 deals with the implementation of Sustainable Drainage Systems within new development as a means of managing surface water runoff and mitigating flood risk. Criterion 2 sets out the SUDs hierarchy within the Policy. This adds unnecessary length to the policy which reduces its legibility. This information should be moved to a more appropriate location in the supporting text. Criterion 7 of the Policy sets out options for maintenance. This detail is

largely commentary and would also be more appropriately located within the supporting text. Lastly, in addition to some minor drafting changes to assist with comprehension and to therefore ensure the policy is effective, it is necessary to make clear within Criterion 6 that the SUDs strategy should outline the funding mechanism for the scheme. **MM46** to the policy and **MM47** to the supporting text make these changes which are necessary for clarity and therefore effectiveness.

273. The supporting text already refers to the need for development to align with the latest SFRA recommendations, Lead Local Flood Authority guidance, and relevant SUDS design standards. Therefore, further changes to refer to non-potable water collection are not necessary for soundness.

Policy SE5: Water Resources and Water Quality

274. Policy SE5 sets out requirements aimed at protecting and enhancing water quality, promoting sustainable water management, and ensuring the long-term availability of water resources for the borough. Criterion 2 relates to nitrate neutrality but does not explain why nitrate neutrality is a relevant consideration. In the interests of clarity and therefore effectiveness the further explanation of nitrate neutrality should be included in the supporting text rather than the policy itself. As nitrate neutrality cannot be achieved by individual developments on their own, the text should reflect this by replacing the word 'achieve' with 'support'.

275. Criterion 4 refers to issues of capacity set out in the Water Cycle Study and directs developers to work with the EA and water companies to address these. It is not clear what is being sought or whether it is a reasonable requirement, as mitigation should only be sought from development to address its own impacts. In light of Policy CRE1 which address issues of water efficiency within development, Policy SE1 which addresses pollution and SE4 which relates to SUDs, this element of the policy is unnecessary, would not be effective, and should be removed.

276. Criterion 6 relates to reducing water demand. For clarity, and therefore effectiveness this objective should be explicit within the criterion. Additionally, foul drainage has a strong link with water quality, but the policy does not refer to it. To be consistent with national policy a criterion should be included which directs that new development should follow the foul drainage hierarchy. Finally, Water Framework Directive catchment areas and the objectives set out in River Basin Management Plans which apply to them can help inform development and so they should be referenced within the supporting text.

277. **MM48** which relates to the policy and **MM49** to the supporting text makes these necessary changes to ensure the policy is justified, effective and consistent with national policy.

Policy SE6: Open Space, Sports and Leisure Provision

278. Policy SE6 seeks to ensure residents have access to good quality open space and sports and leisure provision. However, the policy has some omissions which undermine its effectiveness. Criterion 3d seeks to ensure that the layout of play areas and equipment are provided to a recognised specification and is provided at an early stage of development. However, as drafted this is unclear. I consider it justified that play areas are provided at an early stage of development in order to adequately serve the needs of children within new developments. As drafted the proposed modification would be ineffective and so I have amended it in the interests of clarity and therefore effectiveness. I am satisfied that no party would be disadvantaged by this change and I have altered the Schedule of Modifications accordingly.

279. Criterion 3f refers to Natural England's Green Infrastructure Framework but does not explain why this is relevant. As such it is necessary for the policy to set out that this will assist in achieving the connectivity of sites to Green Infrastructure. Criteria 4 is to be applied where proposals would lead to the loss of open space or sports and recreational buildings. As drafted the Policy makes no provision for instances where these may be surplus to requirements and this should be reflected in the Policy. **MM50** makes these necessary changes to ensure the policy is justified and effective.

Policy SE7: Biodiversity Net Gain

280. Policy SE7 seeks to secure Biodiversity Net Gain (BNG) within new development. The requirement to provide at least 10% BNG is consistent with national guidance, but the policy has some significant omissions which undermine its effectiveness. To ensure that the policy is in line with national policy it should acknowledge that some developments are exempt from BNG requirements. Furthermore, in the interests of clarity, and therefore effectiveness, the supporting text should make clear that BNG is not applied to irreplaceable habitats and any mitigation should be considered separately.

281. **MM51** which relates to the Policy and **MM52** to the supporting text makes these necessary changes to ensure the policy is justified, effective and consistent with national policy. The modifications as consulted upon deletes the requirement to use the relevant statutory Biodiversity Metric. The requirement to use the relevant statutory BNG Metric is set out in Planning Practice Guidance and so this requirement is consistent with national policy. Whilst it is not necessary for this requirement to be set out in the Plan, its removal could be misinterpreted to

imply that Council consider other metrics to be appropriate. Accordingly, I have omitted the proposed modification from the attached schedule and reference to the biodiversity metric will now be retained in the policy. This will ensure the policy is clear and effective. I am satisfied that no parties would be disadvantaged by this change.

Policy SE8: Biodiversity and Geodiversity

282. Policy SE8 is a wide-ranging policy which seeks to ensure all development proposals take proportionate measures to conserve and enhance biodiversity. Part 1 of the policy seeks to avoid any adverse impacts on a range of biodiversity assets. This requirement goes far beyond that required in national guidance and is overly restrictive. Accordingly, I have modified the criteria to require no significant adverse impacts on these assets. Furthermore, within the list criterion "i" refers to trees, woodlands and hedgerows. Removal of non-protected trees and hedgerows, or small woodlands could be an acceptable component of development if adequately mitigated. The inclusion of this criterion is therefore overly restrictive and unnecessary and should be deleted. I am satisfied that these assets are adequately protected by policy SE11. Accordingly, **MM53** makes these necessary modifications in order for the policy to be consistent with national policy and positively prepared.

Policy SE9: Historic Environment

283. Policy SE9 is a wide-ranging policy which deals with all aspects of the historic environment. As the policy is broad ranging it is overly long, repeating national policy at length. It is also unclear in places, with parts of the policy text providing commentary which would be more appropriately contained within the supporting text. As a result, the policy is ineffective. **MM54** to the policy and **MM55** to the supporting text provide a more succinct and focussed policy which is consistent with national policy without repeating it at length. Supporting information has been moved to the supporting text. This includes information on how the policy will be applied and guidance on when a Heritage Assessment will be required and what it should contain. These changes are necessary to ensure the policy is effective, consistent with national policy and positively prepared.

Policy SE10: Landscape

284. Policy SE10 recognises the contribution the landscape makes to quality of life and seeks to ensure that new development protects and enhances it. The policy as drafted requires that development should comply with guidance in the Council's Landscape and Settlement Character Assessment Study. This guidance is not part of any adopted development framework and so the policy cannot require compliance with it and should instead require new development

to 'take account of' the guidance. Furthermore, criterion 3d relates to greywater recycling. This matter is not directly related to landscaping and so detracts from the effectiveness of the policy. It is, in any case, a requirement of Policy SE5 and so should be deleted from this part of the Plan. Accordingly, **MM56** makes these necessary changes in the interests of clarity, and therefore effectiveness.

Policy SE11: Trees, Hedgerows, and Woodland

285. Policy SE11 relates to trees, hedgerows and woodlands prioritises the protection of these natural assets within new development. The effectiveness of the policy is undermined by drafting errors and by the inclusion of unnecessary information and commentary. Criterion 1 refers to the need to ensure the long-term viability of these features. To avoid confusion with financial viability matters this policy should instead refer to long-term retention. Criterion 3 contains two bullet points which could be more succinctly combined within the text. Criterion 7 also contains a number of bullet points which contain unnecessary commentary and should be abridged. Criterion 11 duplicates criterion 10 and should be removed. Criterion 13 is supporting information and should be moved to the supporting text. Accordingly, **MM57** to the policy and **MM58** to the supporting text makes these necessary changes in the interests of clarity, and therefore effectiveness.

Policy SE12: Amenity

286. Policy SE12 aims to protect amenity while supporting appropriate development. The effectiveness of the policy is undermined by drafting errors and by the inclusion of unnecessary information and commentary. Criterion 2 relates to the Agent of Change principle, whereby new development should effectively integrate with existing uses. However, the criterion should explain that impacts can occur on all types of facilities and would arise from new development permitted after existing activities or uses were established. For completeness the policy should also include vibration and odour within the range of potential impacts. Additionally, as drafted the policy includes a number of matters which assessments in this regard should cover. However, these matters will vary from case to case, and such a list is at risk of being interpreted as a closed list, which is not the intention. It is therefore sufficient that the policy refers instead to the provision of suitable mitigation before the development is completed.

287. Criterion 4 refers to measures which would be outside planning control and so these should be removed from the policy. In relation to all these matters **MM59** makes the necessary modifications to the policy in the interests of clarity and effectiveness and to ensure consistency with national policy.

288. Lastly in relation to criterion 3. This states that where significant adverse effects cannot be effectively mitigated, and no acceptable compromise in operations

can be reached, planning permission will be refused. This criterion appears to place an obligation on existing occupiers or businesses to curtail or alter existing practices to facilitate new development, which I consider to be unreasonable and contrary to national policy. The published Modification removes all of criterion 3 but greater clarity would be achieved by altering the requirements of the criterion to remove the reference to reaching an acceptable compromise. I am satisfied that no party would be disadvantaged by this change and I have altered the Schedule of Modifications accordingly.

Policy SE13: Soil and Agricultural Land

289. Policy SE13 seeks to protect the borough's (BMV) agricultural land from inappropriate development and promote sustainable soil management practices. However, criterion 2 requires a sequential test for all new development on agricultural land which is inconsistent with national policy. I am satisfied that the other criteria are sufficient to ensure the objectives of the policy and so consider that criterion 2 should be deleted in the interests of effectiveness. Criterion 5 relates to cumulative impacts of proposals on soil quality. For clarity, the words 'In assessing development proposals' should be inserted at the start of the policy to make clear that the criterion refers to planning applications. In relation to both these matters **MM60** makes the necessary modifications to the policy in the interests of clarity and effectiveness and to ensure consistency with national policy.

Policy SE14: Green and Blue Infrastructure

290. Policy SE14 seeks to promote the provision of green and blue infrastructure within new development. The policy is long and contains superfluous detail which undermines its effectiveness. Criterion 1 contains three subpoints which could be more succinctly combined within the text by setting out that the aims of the policy is to support climate resistance, support biodiversity and provide high quality spaces in the borough. Criterion 2 sets out how cases which involve the loss of blue and green infrastructure will be assessed. As drafted in relates to any loss and this would not be proportionate. To ensure the Plan is positively prepared this should be modified to refer to significant loss or degradation of existing blue and green infrastructure. Part "d" of this policy relates to the provision of biodiversity net gain, but as this matter is subject to a separate policy it is not necessary. Therefore, in the interests of securing a succinct plan, as required by national policy, and effectiveness, it should be removed.

291. Criterion 3 relates to the provision of green and blue infrastructure in new development. To acknowledge that not all new developments will be able to make provision for this the criterion should be modified to state that such provision should be made 'where possible'. Furthermore, the requirement for residents to have access to high-quality green space is addressed in policy SE6 of the Plan as much as is necessary and so should be deleted in this policy.

Finally, criterion 5 is commentary and it is not necessary for it to be included within the policy. In the interests of clarity and therefore effectiveness it should therefore be deleted.

292. These changes are covered in **MM61** and are necessary in the interests of clarity and effectiveness and to ensure consistency with national policy.

293. The policy makes no specific provision for 'swift bricks'. The requirement to incorporate features which support priority or threatened species such as swifts, is contained within the NPPF2024. This Plan is being examined under the NPPF 2023 which has no similar obligation. Such a modification is therefore not necessary for soundness. Policy SE14 and the supporting policies on biodiversity (SE7 and SE8) provide an appropriate and sound framework for assessing future development proposals. The national policy in relation to swift bricks will also be a material consideration for planning applications alongside policies in the Plan.

Policy CRE1: Climate Change

294. Policy CRE1 sets out a number of criteria aimed at ensuring that new development addresses the causes and effects of climate change, consistent with national policy. Criterion 1 expects new development to follow the heat and energy hierarchy but does not explain the measures by which this is to be achieved. For the policy to be effective it should be made clear that new development should seek first to reduce energy use, use energy more efficiency and also be designed to use energy from renewable sources.

295. Criteria 3 requires new development to meet Part G of the Building Regulations which seeks to secure water efficiency by requiring new dwellings to achieve water usage of 110 litres per dwelling per day. I am satisfied that the evidence provides sufficient justification to impose this standard but note that the reference to Part G should be 'as updated' to ensure that the policy keeps pace with any forthcoming legislative changes.

296. Criterion 4 of the policy seeks to ensure that new development complies with Part L of the Building Regulations which relates to the conservation of fuel and power. Compliance with the Building Regulations is subject to the relevant legislative framework and it is neither necessary nor appropriate that this be contained within a local plan policy. The purpose of this part of the policy is to encourage energy efficiency. Therefore, it is necessary to reframe this criterion to state that exceeding the standard shall be afforded positive weight in decision making.

297. Criterion 5 states that developments are encouraged to complete whole-life-cycle carbon assessments. This is vague and would not be effective. To provide

sufficient direction for both developers and the decision maker it is necessary to explain what this part of the policy seeks to achieve and why.

298. Criterion 6 sets out a range of measures to be implemented within new development which address climate change. Some of these measures are duplicated elsewhere and so should be removed or are unclear and need additional explanation. Finally, the policy parts of the text need to be re-ordered in the interests of legibility and suffers from some drafting errors in the supporting text which need to be addressed.

299. These changes are captured in **MM11** and are necessary to provide clarity and to ensure effectiveness and consistency with national policy.

Policy CRE2: Renewable Energy

300. Policy CRE2 seeks to encourage the production and use of decentralised, renewable and low carbon energy, consistent with wider sustainable development aims. Part 3 of the policy seeks to resist adverse impacts from such development but fails to take account of effective mitigation. Part 7 relates to solar energy schemes and in line with national policy seeks to ensure that brownfield sites for such development are given preference over greenfield sites. In the interests of positive planning this part of the policy should make clear that such an assessment should be proportionate. Criteria 7(b) relates to the loss of BMV agricultural land. However, it does not take account of potential loss of quality in agricultural land or clarify that the policy is seeking to resist the permanent loss of such land.

301. **MM12** makes the necessary modifications to the Policy in the interests of clarity and effectiveness and to ensure consistency with national policy.

Policy PSD4: Development Boundaries and the Open Countryside

302. Policy PSD4 seeks to protect open countryside by setting out the circumstances against which proposals for development in the countryside will be supported and the criteria against which it will be considered. To do so it relies on settlement boundaries within which development will be generally supported, with a more restricted set of circumstances applying to development outside these boundaries. Settlement boundaries were reviewed and defined using a robust methodology, as detailed in the Settlement Boundary Review Report [ED007] and where necessary updated to reflect recent development and proposed allocations in the Plan. I am therefore satisfied that the boundaries have been appropriately drawn, reflecting the current form and function of settlements, and that they provide a clear basis for decision-making.

303. However, the criteria set out in Part 4 of the policy do not recognise the need to consider historic aspects of the countryside in considering the impact of proposals and new text is required. For the reasons set out above there is also a need to remove reference to First Homes. **MM07** makes these necessary modifications to the Policy in the interests of clarity and effectiveness and to ensure consistency with national policy.

Policy PSD6: Health and Wellbeing

304. Policy PSD6 sets out a range of considerations aimed at making it easier for the population to achieve healthy lifestyles. This includes the requirement for major developments to be supported by a screening Health Impact Assessment(HIA). This requirement is a proportionate approach, as it will only necessitate a full HIA where a likely adverse impact is identified. However, to be effective this requirement should state that it will take account of any proposed mitigations.

305. The policy also states that new development should follow Sport England's Active Design Principles. This document is guidance, not policy and the wording of the Policy should reflect this. Furthermore, to demonstrate how the principles have been incorporated it is appropriate to provide reference to the use of an active design checklist. Finally, criteria 'h' states that it will support initiatives to reduce obesity in the borough. It is not clear what actions the policy requires a developer to take, and this matter would be better placed within the supporting text. To ensure that the policy is effective and positively prepared **MM09** makes these necessary modifications.

Policy PSD7: Design

306. Policy PSD7 seeks to ensure good design in all new development and sets out a wide-ranging list of criteria to achieve this. Criterion 5 states that housing developments should achieve Building for a Healthy Life standard. However, this guidance is not a 'standard' as such but is rather a design toolkit with a range of considerations aimed at ensuring good design in new development. Whilst the principles can be applied to all residential development and are broad ranging, they are most applicable to larger scale development. To ensure the policy is justified it is therefore necessary to amend this criterion to reflect that it is not a 'standard' and to apply it to major development. Furthermore, for the policy to be effective, it should be explicit that all development proposals should respond positively to local character. The policy should also refer to the need to conserve and, where possible, enhance heritage assets and their settings. These matters are set out in an additional criterion within the policy.

307. Criteria 8 of the Policy seeks to ensure development is accessible and inclusive. To ensure the Plan is positively prepared the criterion does not need to refer to potential reasons for discrimination as this could be interpreted as a closed list

and should simply refer to 'all'. Criteria 9 refers to Department of Transport Local Transport Note 1/20. For effectiveness the criterion should make clear what this note seeks to achieve, which is high-quality cycle infrastructure. Criterion 10, which seeks 'tree-lined streets', whilst a requirement of the NPPF2023, is no longer a requirement of national policy. Furthermore, the requirement to increase tree cover and incorporate trees into new development is a requirement of Policy CRE1 and Policy SE11. This criterion is therefore unnecessary and should be removed.

308. Lastly, the Landscape and Character Assessment Study (2022) [ED023] identifies areas of the borough characterised by large houses on extensive plots which should be protected and criterion 11 seeks to reflect this. However, as drafted the requirement is unclear and should be redrafted. **MM10** makes the aforementioned modifications to the policy to ensure it is effective and positively prepared.

Policy RUR1: Rural Housing

309. Policy RUR1 sets out measures aimed at supporting the rural economy. Criterion 2c states that new development should prioritise the re-use of previously developed land and/or sites that are physically well-related to existing settlements. Individual planning applications would not be able to demonstrate compliance with this requirement without doing a sequential test which is not the intention of the policy. To ensure the policy is justified this criterion should therefore be removed.

310. Criterion 2e relates to the re-use of historic farm buildings. This matter is effectively dealt with by criteria 2f which relates to the reuse of existing buildings and 2h, which relates to heritage assets. This criterion is therefore unnecessary and to avoid duplication, it should be deleted. Criterion 2b refers to a requirement to 'Improve the sustainability of a site in terms of access'. For clarity, this should simply refer simply to the 'accessibility of the site'. The above changes are captured in **MM62** and are necessary for the policy to be effective.

Policies RUR3 – RUR5: Extensions and Alterations to Buildings Outside of Settlement Boundaries, Replacement Buildings Outside of Settlement Boundaries, Re-Use of Rural Buildings for Residential Use

311. Policies RUR3 and RUR 4 recognise that because plot sizes in rural areas are often larger there is potential for dwellings to increase in size and that can lead to an over-supply of large properties in rural areas over time. The policy therefore seeks to exercise controls over the extent to which rural dwellings can be enlarged. The policy is justified in that it seeks to ensure the retention of an appropriate mix and choice of housing in rural areas in line with national policy. Policy RUR5 relates to the re-use of rural buildings for residential use and seeks to strike an appropriate balance between sustaining the rural economy and avoiding isolated homes in the countryside.

312. Historic England advised that these three policies should be modified to refer to the need to 'protect' rather than 'sustain' heritage assets and these modifications have been consulted upon. The NPPF refers to protecting heritage assets within the environmental objectives in paragraph 8. It also refers to sustaining heritage assets within the historic environment chapter of the NPPF. On reflection, I consider that the text of the Plan as drafted adequately reflects the NPPF and that it is not necessary to modify the Plan in this regard. As such I have deleted this change from **MM63**, **MM64** and **MM65** in the attached schedule. I am satisfied that no party would be disadvantaged by this change.

Conclusion

313. Subject to the **MMs** detailed above, the policies for sustainable development, rural matters and climate change would provide a justified, effective and positive prepared strategy which is consistent with national policy.

Issue 13 - Does the Plan set out a positively prepared strategy and policies relating to the infrastructure, transport and delivery which are justified, effective and consistent with national policy?

314. The NPPF is explicit that sustainable development requires an alignment of growth and infrastructure. The Infrastructure Delivery Plan (IDP) [CD016] provides a comprehensive assessment of the likely infrastructure requirements necessary to support development anticipated in the Plan. These include extensive public transport improvements, expansion of Madeley High School, provision of a new primary school and expansion of a number of existing primary schools, provision of a link road between the University and Whitmore Road, a new build health hub to serve Newcastle South and various community and green infrastructure projects.

315. A mix of funding sources will be required to deliver the necessary infrastructure. The IDP provides funding sources for most of the projects identified, although for some public transport and green infrastructure projects funding sources were not available at the time of the Examination. Costings for all of the projects, in particular green infrastructure, were also not available. It is therefore not possible to identify the extent of any funding gap.

316. Planning for infrastructure is dynamic in that funding sources will change across the plan period and so come forward to support development as it progresses towards the application stage. Developer contributions will be the main source of funding for many of the infrastructure projects identified, and these have been appropriately tested through the VA. I note that capital funding through the Town Deal will also provide for a significant proportion of the projects identified

and I also anticipate that such capital funding will change and evolve in the future. The funding assumptions also take no account of CIL.

317. As such, where there are identified gaps there a reasonable prospect of them being bridged and the necessary infrastructure being delivered at the appropriate time. Monitoring of the Plan, taken together with updates to the IDP, will also assist in aligning necessary infrastructure to the overall level of growth.

Policy IN1: Infrastructure

318. Policy IN1 sets out how the necessary infrastructure to support development will be identified and secured and includes a comprehensive range of matters to inform development. The policy is informed by a competent and comprehensive assessment of infrastructure needs in the borough which includes a schedule of key projects necessary to support the allocations in the Plan. I am satisfied that the measures in the Infrastructure Delivery Plan are both necessary and sufficient to support development.

319. The policy contains a number of omissions and errors that undermine its effectiveness. It states that contributions may be sought under S106 of the Planning Act but omits to reference potential obligations under S38 of the Highways Act. The policy also sets out infrastructure items for which provision may be sought but omits to refer to blue infrastructure. Furthermore, the list refers to 'Biodiversity Net Gain and the Nature Recovery Network' but this would be more appropriately described as 'ecological enhancements'.

320. Criteria 8 states that the level of contribution sought will take account of the total contribution liability incurred. In line with national policy the starting point for any development should be that it mitigates its own impacts. Only where the benefits of the development would outweigh the harm arising from the lack of mitigation should considerations of viability be taken into account. This sentence is therefore misleading and should be removed. Finally, parts of the text need to be re-ordered in the interests of legibility. **MM30** which makes the above changes to the policy is therefore necessary for the clarity and therefore effectiveness.

321. The policy identifies the proposed link between the A525 and Whitmore Road as being a critical piece of highways infrastructure to be delivered within the plan period. The STA [ED011] considered the transport implications of the sites proposed in the Local Plan. It identified there are capacity issues and congestion forecast in both directions of Keele Road, between the University and Gallowstree Lane Roundabout. Thus, it identified the need for a new link road between University Avenue/Barkers Wood Road to Whitmore Road to

provide an additional route to distribute trips and relieve pressure on the A525, support bus services and provide active travel infrastructure.

322. I am satisfied that the modelling used was competently undertaken and fit for purpose. The modelling took account of switches between modes as a result of traffic impacts. I am also satisfied that the Council can rely on it to inform the nature and scope of necessary mitigations and that the identified link road is necessary to facilitate the development identified in the Plan.
323. The route between the town centre and the University is understood to be one of the busiest bus routes in the county and so additional bus capacity will be required to serve developments west of the town centre. A new circular bus service using the link is also to be provided, serving Newcastle-under-Lyme bus station, existing residential and employment areas, Keele University, and KL15, KL13, TB19, and SP11 sites.
324. The requirement to provide contributions to this infrastructure as mitigation, and in the case of KL13, a safeguarded route, is therefore reasonable and necessary.
325. In order to ensure that this link can be implemented at the appropriate time the Council will need to modify the Policies Map to insert a safeguarded transport route between allocation TB19 'Land South of Newcastle Golf Club' and KL13 'Keele Science Park, Phase 3' on the Policies Map.
326. The highways authority has advised, by way of update, that the proposed highway improvement scheme for the A34, will require part of Thomas Street Open Space in order to be implemented. To provide full information and so in the interests of positive planning **MM31** makes the necessary update to the supporting text.

Policy IN2: Transport and Accessibility

327. Policy IN2 is a comprehensive policy which sets out a range of relevant transport considerations for development proposals. Criterion 3 relates to parking. In order to demonstrate that new development will provide adequate parking I consider it necessary to require developments to provide a parking plan which takes into account the existing parking available. Criterion 8 directs developers to take account of the Local Transport Plan and Bus Service Improvement Plan. For completeness, this section should also refer to the borough's Integrated Transport Strategy and the Local Cycling and Walking Infrastructure Plan and therefore relevant references to these should be moved from the supporting text to the Policy. It is also appropriate that the supporting

text sets out that the Infrastructure Delivery Plan will be used to determine appropriate mitigation measures.

328. To improve the legibility of the policy I have also removed some superfluous text and made some minor grammatical and drafting changes to criteria 1, 3 and 4 of the policy and parts of the supporting text in the interests of clarity and therefore effectiveness.
329. **MM32** which makes all the above changes to the Policy and **MM33** to the supporting text are therefore necessary for the Policy to be effective.

Policy IN4 Cycleways, Bridleways and Public Rights of Way

330. Policy IN4 sets out how cycleways, bridleways and Public Rights of Way will be incorporated into new development. The Policy contains a number of omissions and errors that undermine its effectiveness. Criteria 1 contains reference to 'riding'. For clarity this needs to be amended to refer to 'horse riding'. Criteria 1d relates to unrecorded footpaths and the need to take them into account within new development. To be effective the wording of the policy should require that such footpaths are first identified. Criteria 1e relates to connectivity. To be effective it should make explicit that cycle routes, footpaths and bridleways, towpaths and rights of way should be incorporated into any final layout at an early stage of the development process.
331. For clarity, and therefore effectiveness, it is necessary for Criteria 1f to explain the role of the Local Transport Plan and to set in the supporting text that this Plan, along with the Local Cycle and Walking Infrastructure Plan will be used by the County Council to consider development proposals. **MM34** which makes all the above changes to the policy and **MM35** to the supporting text are therefore necessary for the Policy to be effective.

Policy IN5 Provision of Community Facilities

332. Policy IN5 seeks to safeguard existing community facilities. The policy contains a number of criteria against which the loss of community facilities will be assessed. This includes where development is no longer viable. In some instances, such as in relation to health service operations, the operational requirements of the provider will be a relevant consideration in deciding whether a use can be sustained on site and these should be reflected in the policy.
333. Furthermore, the policy does not address the provision of new community facilities. In some instances, the need for new community facilities will have been identified in the Infrastructure Delivery Plan or Neighbourhood Plans, and these can be supported through developer contributions. It is appropriate that this is reflected in the policy. Finally, the supporting text includes examples of

community facilities. Although this is not a closed list, public houses and sports facilities are acknowledged community facilities which are most frequently the focus for redevelopment proposals and are not included on the list and which for clarity should be included. **MM36** which makes all the above changes to the policy and **MM37** to the supporting text, are therefore necessary for the policy to be effective.

Policy IN6 Telecommunications Development

334. Policy IN6 sets out a number of criteria for assessing new telecommunications proposals. Criterion 1(e) seeks to ensure that the apparatus would not harm the significance of a designated heritage asset, but it does not include reference to its setting. **MM38** seeks to address this by adding the words 'including its setting'. However, for clarity this should read 'including that arising from harm to its setting'. I am satisfied that no-one would be disadvantaged by this change and I have amended the modification **MM38** accordingly in the attached schedule.

Policy IN7 Utilities

335. Policy IN7 seeks to ensure adequate utilities provision to serve new development. The policy refers to the need for development proposals to demonstrate that there is sufficient infrastructure capacity to meet forecast demands and lists a range of utilities. However, this includes surface water disposal, water supply and wastewater treatment. Water utilities are both controlled by separate, dedicated legislation under the Water Industry Act 1991. It is therefore the responsibility of the water company to ensure that water and sewerage provision is made prior to development taking place and it is outside the control of a developer to demonstrate this. To be justified and consistent with national policy reference to water utilities should therefore be removed.

336. Criterion 4 of the Policy seeks to protect some areas from visual intrusion relating to utilities installation and refers to Conservation Areas. This requirement only reflects one type of heritage asset and should refer instead to utilities installation not harming the significance of heritage assets. Although I recognise that some utilities provision will not be subject to planning control, I consider that the requirement is nonetheless justified where planning permission is required. **MM39** which makes all the above changes to the policy and is necessary for the policy to be effective.

337. The supporting text to the policy refers to instances where new or upgraded infrastructure is necessary and states that the Council will seek developer contributions where appropriate. For completeness the text should also include works carried out under S38 agreements. These changes are captured in **MM40** and are therefore necessary for the policy to be effective.

Conclusion

338. Subject to the **MMs** detailed above, the policies relating to infrastructure, transport and delivery would provide a justified, effective and positive prepared strategy which is consistent with national policy.

Overall Conclusion and Recommendation

339. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

340. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

341. I conclude that if adopted promptly (with the recommended MMs) the Plan establishes a five-year supply of deliverable housing sites. Accordingly, for the reasons set out in Issue 5, I recommend that in these circumstances the LPA will be able to confirm that a five-year housing land supply has been demonstrated in a recently-adopted plan in accordance with paragraph 75 and footnote 40 of the NPPF.

Anne Jordan

Inspector

This report is accompanied by an Appendix containing the Main Modifications.