



**Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood
Development Plan: Regulation 14 Pre-Submission Consultation
Representation by Newcastle-under-Lyme Borough Council**

Thank you for providing a copy of the pre-submission draft Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Development Plan to Newcastle-under-Lyme Borough Council. It is clear from reading the Draft Plan that it has evolved from the earlier draft(s) shared and a number of comments that we had previously made have been considered in preparing the pre-submission draft.

The Pre-Submission Draft Plan is the product of a significant amount of hard work by volunteers and the local community. It is clear from the community engagement section of the Plan that a great deal of engagement and consultation has taken place and this has in turn shaped the vision for the community.

This response relates to the Regulation 14 Pre-Submission Draft Plan 1.0 and any advice provided is intended to assist the Neighbourhood Plan Group to review the Plan to consider whether it will meet the basic conditions and that the strategy and policies as currently drafted will deliver the desired outcomes.

A neighbourhood plan must meet the 'basic conditions', and these are a series of tests set out in the Localism Act 2011 against which the policies in the neighbourhood plan will be tested. In meeting these conditions regard must be paid to the way in which the plan is prepared, its relationship to higher tier plans and policies and to how robust the policy conclusions reached are, in relation to the evidence prepared.

It is required that Neighbourhood Plan policies must be in general conformity to the Strategic Policies of the adopted Local Plan, should be clear and unambiguous and be supported by robust, yet proportional evidence. For neighbourhood plans produced in the Borough of Newcastle-under-Lyme, this means conforming to the 'saved' policies of the Newcastle-under-Lyme Local Plan (adopted 2003) and to the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) (adopted 2009).

Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are currently preparing a Joint Local Plan which will eventually replace the existing development plan. The Councils recently consulted on the Preferred Options Document which sets out the preferred approach to future levels of housing and employment growth that Newcastle-under-Lyme Borough Council and Stoke-on-Trent City Council are planning for over a twenty year period. The Councils are currently considering the responses to this consultation and intend to consult on a Draft Plan at the end of the year.

Where a new Local Plan is in preparation, the reasoning and evidence underpinning the plan is relevant and should be taken into account when assessing whether a neighbourhood plan meets the basic conditions.

It is important that Neighbourhood Plan policies are clear and unambiguous, concise and precise and supported by appropriate evidence whilst being distinct to reflect and respond to the specific characteristics of the local area.

The following comments on the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood plan are intended to assist the Parish Council to refine their proposals to meet the tests of the basic conditions. General comments in relation to the Plan are provided first and then a table follows and this provides more detailed commentary on specific paragraphs/ policies etc. **We would welcome the opportunity to discuss the comments made** with the Parish Council prior to the plan being submitted to the Local Planning Authority.

General Comments

The Neighbourhood Plan has recognised and responded to the views of the local residents of the three Parishes as determined by the earlier public consultation.

It is forward-looking and open to changes as community needs develop yet it seeks to retain many of the rural characteristics and heritage that are valued by established long-time and new residents.

Whilst it is not specifically allocating sites for further housing development, it has accepted extensions to the village envelope of Baldwins Gate for one large scale housing development but it seeks to constrain further development in accordance with the Borough development plan, and to protect key historic and natural assets in accordance with the Government's 25 year Environment Plan published in early 2018.

It is in general conformity with national policy and its objectives for achieving economic, social and environmental sustainable development.

It demonstrates a desire to increase and improve the range of current community infrastructure and social facilities, particularly for leisure and recreation to promote active lifestyles and healthy communities across all ages.

The Neighbourhood Plan demonstrates a need to support diversification of the rural economy to create opportunity for enterprise and rural employment, for example through Policy EB2 to facilitate growth and promote employment development of rural businesses.

This Plan forges a vision from and for the Community that preserves its rural heritage yet offers opportunities for future change. If accepted by examination and following referendum it will become part of the Development Plan.

It is evident that a great deal of work and effort has gone into the development of this Neighbourhood Plan; however, the document could be shortened to make it easier to navigate, with a main document containing the policies, and the evidence base in a separate supporting document. Although, the maps play an important role within the Neighbourhood Plan with the supporting text and policies often making reference to them, therefore, were the document to be divided, the maps should be retained within the main Neighbourhood Plan document. In addition to the existing table of contents, it would be useful to have a table of contents just for the Neighbourhood Plan policies, which would make it easier and quicker to locate the policies when needed. Each policy has a helpful section entitled 'evidence'

which sign posts its conformity with the principles and aims of the National Planning Policy Framework (NPPF), adopted Core Spatial Strategy (CSS), Newcastle-Under-Lyme Local Plan 2011 Saved Policies and Emerging Joint Local Plan. References made in relation to individual paragraphs from the NPPF need to be amended to take account of the revised NPPF now published last week.

Generally we note that most Neighbourhood Plans are around one hundred pages long, hence our reason for suggesting shortening the Plan.

Habitats Regulations

In April 2018 the European Court of Justice issued a judgement on Habitats Regulations Assessment. Its ruling in the case 'People Over Wind and Sweetman v Coillte Teoranta' states that a full and precise analysis of the measures capable of avoiding or reducing any likely significant effects on a European site must be carried out **not** at the screening stage but specifically at the stage of Appropriate Assessment. The Borough Council in liaison with the Neighbourhood Planning Group will need to review the Habitats Regulations Assessment Screening Report in light of the Sweetman case to ensure that it is still fit for purpose.

	Detailed Comments
Chapter 4. Section 4.10	We suggest that the term 'special designations' is replaced by designated heritage assets or non-designated heritage assets to reduce the quantity and give consistency to the terms used.
Chapter 6. Policy NE1: Natural Environment	We note the content of the policy to protect and enhance sites and features of local interest. However, the policy could be expanded to require mitigation or compensation to cover any instances where a development proposal would otherwise be contrary to this policy. This would enable a positive outcome to be secured from a proposal that would otherwise cause harm.
Chapter 6. Policy NE2: Sustainable Drainage	The policy states that ' <u>all development</u> proposals <u>must</u> be designed to include sustainable drainage. This policy is compliant with the sustainability and climate change policy within the Core Spatial Strategy (CSP3). The Neighbourhood Plan makes reference to the Borough Council's adopted validation checklist which sets out the circumstances in which SUDS information is required.
Chapter 6. Policy COM1: Community Facilities	We welcome the inclusion of the list and maps of community facilities that are cited as being important within the Parish. Part (a) It is not clear whether it is the intention of the policy to enable new community facilities anywhere in the Neighbourhood Plan area regardless of location? Such an approach could result in development proposals that are not sustainably located and this could result in conflict with existing open countryside/ green belt policy. Therefore do any locational criteria need to be included?
Chapter 6. Section 6.4 Design,	It is important that the plan is clear about the meaning of the term 'heritage assets' and 'heritage designations' and 'non-designated heritage assets'. A section on definitions or a glossary would be helpful, if possible a reduction

<p>Character and Built Heritage</p> <p>Chapter 6. Policy DC1: Local Heritage</p>	<p>in the number of terms used and more consistency would be simpler and provide more clarity for the reader and those applying the polices to make planning decisions or recommendations.</p> <p>We suggest that the term ‘non statutory local historic buildings’ is rephrased with ‘non-designated heritage assets’ to be consistent with terms used earlier within the heritage section.</p> <p>We suggest that the three criteria applicable to conversion schemes are equally applicable to a proposal for reuse. It would be therefore prudent to not restrict the criteria to solely conversion schemes.</p> <p>The Neighbourhood Plan includes a policy relating to non-designated heritage assets that are considered to be important to the neighbourhood area, any policy should recognise that the level of protection to be afforded will depend on its significance. While the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (see NPPF Section 16, Para 197).</p> <p>It is suggested that the Neighbourhood Plan Group give consideration to the wording of paragraph 79 of the NPPF to ensure that the policy is consistent with national policy. The NPPF seeks to avoid new isolated homes in the open countryside unless there are special circumstances, this includes:</p> <p><i>‘where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting’.</i></p> <p>An additional criterion within the policy could be added where development proposals will be considered for approval if they seek to enhance its setting.</p> <p>It is important to consider that commercial and residential conversions will often necessitate additional development and this can include various paraphernalia including the creation of an improved or new access/driveway, parking areas, gardens, boundary treatments, lighting and outbuildings, all of which can have a significant visual impact.</p> <p>It is worth noting that many conversions do not require planning permission as there are extensive permitted development rights available. In these circumstances, the policy could not be applied (nor planning polcies from higher tier plans).</p> <p>The steering group may also want to consider also paragraph 146 of the NPPF in relation to the re-use of buildings within the Green Belt.</p>
<p>Chapter 6. Section 6.3.2 Local Green Space</p> <p>Policy COM2:</p>	<p>It is not possible to comment fully on this policy in isolation without reference to the proposed list of local green space designations and associated location maps. No explanation is provided in the policy text about how the designations meet the criteria for local green space designation set out in the NPPF, Para 100.</p> <p>We consider that the first sentence of the policy is negatively worded and</p>

<p>Local Green Space</p>	<p>should be revised (i.e. use conserve, protect or enhance rather than encroach)</p> <p>Section 4.18.1 makes reference to a '<u>separate report</u>' presenting the Local Green Space designations as a result of an audit being conducted. It would be useful to provide the full name of the report for reference purposes and ensure that a copy is available on the NP website.</p>
<p>Chapter 6. Policy DC2: Sustainable Design</p>	<p>This policy has now been amended to reflect new build development proposals. We recommend that conversions should be included.</p> <p>The text found in the interpretation to this policy states that planning applications should make clear how the NPPF's encouragement for community engagement has been met, recognising that this is a material consideration. However, in this instance the NPPF, Para 125 requires the plan to set out a clear vision and expectations to applicant certainty about what is likely to be accepted. Design policies should be developed with the local community, therefore it is the role for the plan, not the planning application to do this. The community therefore can influence design standards and qualities through this Neighbourhood Plan and not leave it until the planning application stage.</p> <p>We recommend that within criterion 12 of the policy, public open space needs to be defined. Public open spaces should also be identified on a map, particularly those which the Neighbourhood Plan will designate.</p>
<p>Chapter 6. Policy DC3: Public Realm and Car Parking</p>	<p>This policy has now been amended to reflect new build development proposals. We would welcome a sentence at the start of the interpretation section that defines 'new build development' in the way it does for Policy DC2. Please consider whether this is relevant to other policies to demonstrate consistency within the Neighbourhood Plan.</p>
<p>Chapter 6. Policy DC4 Connectivity and Spaces</p>	<p>This policy has now been amended to reflect new build development proposals. We would welcome a sentence at the start of the interpretation section that defines 'new build development' in the way it does for Policy DC2.</p>
<p>Chapter 6. Policy DC5: Street Lighting and Illuminated Signage</p>	<p>This policy appears to attempt to control matters that would not normally be subject to a planning application. For example, street lighting would normally be permitted development under Part 12 of the General Permitted Development Order. Although lighting provided as part of a development scheme could be considered by the planning system at the planning application stage, and you could use this policy to influence the scale and design of lighting as part of a scheme. At the moment this policy does not do that, but it could. Highway signage provided by the statutory undertaker does not normally require advertisement consent, and is therefore beyond the control of the planning system. Therefore, it would be more appropriate to pursue matters relating to highway signage with the Highway Authority.</p> <p>Advertisements are dealt with under a different process to planning applications. Many advertisements do not require express consent from the Local Planning Authority. Those that do are considered with reference to their effect on amenity and public safety only. Therefore, the opportunities to influence this are limited. Whilst illuminated signage is included within</p>

	the Neighbourhood Plan policy it lacks detail concerning this matter.
Chapter 6. Policy EB1: High Speed Connectivity and Telecommuni cations	<p>The policy states that new development must incorporate high speed internet connectivity. It important to consider that it may be outside of the developers control to provide this due to availability or cost. Consideration could be given to requiring high speed internet connectivity unless it can be demonstrated that this would not be possible, practical or economically viable.</p> <p>It is not clear how the second requirement ‘not impact negatively on the functionality of the existing telecommunications infrastructure’ would be assessed in terms of a development proposal at the planning application stage.</p> <p>We would welcome a policy that supports the provision of better broadband connectivity to new developments. We would prefer to see a less restrictive policy that requires developers to demonstrate how the development will contribute to, and be compatible with current high speed digital connectivity where practical. Such a policy could also generally support proposals that have access to high speed broadband to serve residential properties and businesses. There may be instances where the provision for high speed broadband is not physically possible or necessary. Therefore, those developments could be designed to facilitate connection when it is available. As worded, the policy would not support development where this is not provided at the outset which could be unduly negative.</p>
Chapter 6. Section 6.6 Housing Growth	<p>The Core Spatial Strategy identifies a hierarchy of five centres. The lowest level is identified as a ‘village’ in which Baldwin’s Gate and Whitmore currently sit. The Core Spatial Strategy identifies these ‘villages’ as centres for no further growth, and efforts must be made to ensure that existing services and facilities are protected.</p> <p>Section 6.7 makes no reference to the Council’s more recent evidence in the form of the Strategic Housing Market Assessment Update (July 2017) and the Government’s standard methodology for assessing local housing need as this reflects the latest available evidence.</p> <p>In terms of the range of figures, the Preferred Options consultation identifies the housing requirement (OAN) as 11,720 for Newcastle Borough (586 dpa).</p> <p>Consideration could be given to building in some flexibility to any policies and proposals to enable the management of development in the event that the Council cannot demonstrate adequate housing land supply or should the Joint Local Plan change the settlement boundaries or otherwise indicates additional housing development is required. To help the plan to be flexible i.e. to be more future proofed, the plan could contain policies on the scale and/or form of housing development that might be preferred in the event that additional housing is pursued witin or beyond the existing village envelope.</p>
Chapter 6. Policy HG1: New Housing	We acknowledge the revised village envelope boundary for Baldwin’s Gate, and that it is presented in Map 33.

	<p>For the avoidance of doubt it would be helpful to define the terms ‘small scale infill’, ‘sustainable location’, ‘high grade agricultural land’ and ‘adequate infrastructure’</p> <p>The header for the subsection that begins with ‘<i>To be sustainable, development must:</i>’ needs further consideration for the choice of words used. The criterions suggest that this could be the definition of a sustainable location which may be incorrect, misleading and misinterpreted.</p>
<p>Chapter 6. Policy HG2: Housing Mix</p>	<p>We acknowledge the revision of this policy to be compatible with the current Core Spatial Strategy policy CSP6 which applies a 5 dwelling threshold to the rural area. Following this revision the new worded policy is very similar to CSP6. Therefore we question the need for this policy which repeats policy from a higher tier plan.</p>
<p>Chapter 6. Policy HG3: Local Play, Sports and Recreational Facilities</p>	<p>It is one of the basic conditions that a Neighbourhood Plan must be in general conformity with the development plan. The evidence base for an emerging Local Plan is also likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.</p> <p>The supporting text to Policy HG3 makes no reference to:</p> <ul style="list-style-type: none"> • Saved LP Policy C4 which provides thresholds for the levels of open space to be provided within areas of new housing. • The Newcastle-under-Lyme Borough Council Open Space Strategy & the Green Infrastructure Strategy (adopted March 2017). <p>The Borough Council has an adopted Play Pitch Strategy and Open Space Strategy which have been developed in line with NPPF recommendations and based on local needs assessment. The Borough Council’s adopted policies should take precedence over any alternative method of assessing need (i.e. Fields in Trust Standard).</p> <p>Existing adopted policies together with the evidence base for the emerging JLP should be used as the starting point for considering open space requirements for new developments. If the Neighbourhood Plan is proposing a different threshold, this should be justified.</p>