

# Groves Town

## Planning LTD

Chartered Town Planners and  
Local Government Management Consultants  
[www.grovestownplanning.uk](http://www.grovestownplanning.uk)

<b>Client</b>	<b>Audley Rural Parish Council</b>
<b>Document Title</b>	<b>Objection to planning application</b>
<b>Version/Date</b>	<b>V3 26 June 2025</b>
<b>GTP ref</b>	<b>2505006</b>
<b>Application reference</b>	<b>25/00346/OUT</b>
<b>Applicant</b>	<b>Indurent Management Ltd</b>
<b>Site</b>	<b>Land South East Adjacent Junction 16 M6 At Cheshire Boundary Newcastle Under Lyme Staffordshire</b>

## 1 Introduction

1.1 Groves Town Planning has been engaged by the Audley Parish Council to prepare and submit objection to planning application 25/00346/OUT.

1.2 This statement sets out the basis for objection under the following headings.

- Consideration of context of submission
- Description of the development
- Description of the application site
- Relevant national and development plan policy
- Appraisal of material considerations
- Conclusions

1.3 In summary it is concluded that the proposed development should not be granted for the following reasons

- The application is premature given its scale and potential to undermine the plan making process (NPPF para 50(a))
- Any decision which favours the application should be referred to the Secretary of State for consideration and call in
- The description of the development is too imprecise to enable effective consideration of impact
- Attempts to present the development as relating to a site within grey belt are flawed.
- The development is inappropriate development in the Green Belt and should only be permitted in very special circumstances. (VSC). VSC will not exist unless the potential harm to the Green Belt by reason of

inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations. VSC are insufficient to outweigh harm in this case. (NPPF para 153)

- The need for the development is not proven either within the application or the attempt to allocate the site within the emerging local plan.
- Presentation of a case that the development is required to meet need lacks clarity. There is confusion over the extent of need required to meet local requirements and to meet wider sub-regional requirements. The difference between sub regional demand and local need to support the objectives of the emerging local plan is not recognised. Figures presented across the local plan examination process and in support of this application show inconsistency and disparity – including confusion of need calculated in terms of land area and floor space.
- Any public benefit is outweighed by the presumption against the grant of planning permission for inappropriate development and other harm.
- Submissions fail to demonstrate that the development can operate in a safe and sustainable manner in terms of highway impact.
- Submissions fail to demonstrate that impacts of development on the natural environment are adequately addressed.
- Submissions fail to demonstrate that issues relating to flood risk are adequately addressed
- The Framework requires consideration of the significance of heritage assets, the scale of harm resulting from the development and any substantial public benefits. Benefits do not outweigh harm in this case.

### 2 Context

2.1 It must be noted that the application is submitted at the same time as examination assesses the emerging Newcastle under Lyme Local Plan 2020-2040. Whilst it is accepted that there is no formal basis for the Council to decline to determine such an application, its consideration and determination at this time undermines a plan led process and may be seen a prejudging a wider strategic view of the needs of the Borough, the release of continued protection of land currently within the Green Belt.

2.2 Determination of this application prior to acceptance – where the applicants accept its strategic significance, prior to the Local Plan Inspector's Report and the acceptance by the Secretary of State that it should be adopted has the potential to result in inconsistencies with the basis, aims and objectives of the emerging planning before it is adopted.

2.3 At the very least there is a risk that public confidence in the value and validity of the plan led process is weakened irrespective of debate and objection to the approach adopted in the local plan.

2.4 By virtue of the provisions of section 77 of the Town & Country Planning Act 1990, the Secretary of State has the power to direct that a planning application should be called in for decision. This power is commonly exercised where development is of such a scale, form or in a location that which causes impact to affect more than a local area and to have impact on the strategic policy objectives of more than one local authority.

2.5 Description of the development a further assessment as set out below clearly demonstrates that the proposed development goes well beyond impacting on a specific local area and will have wider reaching impacts.

2.6 Consequently, and notwithstanding the Parish Council's position that planning permission should be refused, representations will to the Secretary of State suggesting that the Council should be directed that if minded to grant planning permission resolution to do should be referred to the SoS and the application called in for determination.

### 3 Description of the development

3.1 The development proposed is described as development of up to 220,000m<sup>2</sup> GIA of storage and distribution units (B8), general industrial units (B2) and industrial units (E(g)(iii)); training and education (F1(a)) and occupier support services accommodation; service yards and parking areas; new main vehicular access off the A500 and emergency access off Barthomley Road; lorry parking and ancillary driver amenity facilities; with associated landscaping, earthworks, drainage and attenuation features and other associated works (outline, all matters reserved except for the principal means of vehicular access to the Site).

3.2 The description of development should include reference to demolition works which are an inherent part of the proposal.

3.3 Whilst the scope to submit an application seeking outline planning permission it is considered that the range of uses proposed and the absence of any defined parameters of each of those elements in the description of development makes for difficulty in assessing the likely impacts of development in the context the physical

form of buildings and on site infrastructure, economic and employment based impacts, highway and transport impacts, sustainability impacts, ecological impacts and consequently an exercise of a planning balance assessing any merits of the proposal against that which it will cause.

3.4 The application should be rejected on this basis and if resubmitted greater detail requested in order to properly assess even the principle of the development.

3.5 The parameters plans provide no clarity as to the proportion of the alternative uses proposed with each of the indicative units and development areas labelled as suiting B2, B8 or E(g)(iii) uses.

3.6 In contrast many of the submissions made in support of the application rely totally on the specific detail of building sizes and heights. As it stands it is impossible to consider whether the development will have impact arising from manufacturing uses with high employment density, or from automated logistics operations with tall buildings to accommodate modern stacking methods. Similarly it is difficult to judge whether traffic and parking will need to be designed to accommodate large numbers of staff vehicles, large numbers of smaller delivery vehicles, HGV movements, trailer parking etc

3.7 From a public perspective this makes it very difficult to understand which details can be taken as being fixed and which may be subject to change within later submissions and consequently to assess the impact of the development. Critically, the approach adopted in submission, brings with it uncertainty as to the extent and nature of the promised benefits of the development which are presented by the applicant as providing justification for the development despite non-compliance with policy.

3.8 In this context it is suggested that the Council should have utilised the powers available under article 5(2) of the Town and country Planning (Development Management Procedure) (England) Order 2015, to require information which provided greater clarity of the detail of proposals.

3.9 It is worthy of note that the anticipated time for the development to be completed is 2033, with phase 1 ready for occupation in 3.5 years.

#### 4 Description of the application site

4.1 The application site is located at the North West edge of Newcastle under Lyme.

The lies approximately 6km east of Crewe and 5km west of the built up areas which is formed by Newcastle, Stoke and the other Potteries towns.

4.2 The Parish of Audley is the largest in area in the District of Newcastle-under-Lyme.

The Parish has a population of around 8000, 3800 houses and 150 businesses. It comprises 7 distinctly separate villages and many small hamlets. The settlement of Audley itself lies between 500 and 800m from the edge of the application, although there are a number of small collections and individual properties in closer proximity.

4.3 The site is bound by the M6 motorway to the west, the A500 to the north, Park Lane and Moat Lane to the east, and in part Barthomley Road to south.

4.4 The applicant's submissions state that the site extends to an area of 78.3ha.

4.5 The site is currently used for agricultural purposes.

4.6 Landscape is of a typical rural agrarian character. The site contains a range of hedgerows and trees. It is crossed by a watercourse and various public rights of

way. The presence of the water course gives rise to the need to consider issues of flood risk.

4.7 An existing group of farm buildings will be demolished. As noted above it is considered that the description of the proposed development erroneously fails to include this demolition work.

4.8 The site is not flat and undulates considerably across its extent. The site will be prominent in view from various points on the M6 and the A500. Prominence will increase as highway improvements are made to create the proposed access from the A500. The site will be even more prominent given the openness of the site when viewed from the east and south.

## 5 Relevant national and development plan policy

### Development plan

5.1 The applicant sets out a list of relevant policies contained within the adopted development plan – the Newcastle under Lyme Local Plan 2011 and the Newcastle-under-Lyme and Stoke-on Trent Core Spatial Strategy 2006 – 2026 at section 4 and appendix 3 of the Planning Statement dated April 2025 as submitted with the application.

5.2 There is no reason to dispute the content of this list. It is also accepted that some policy considerations will need to be assessed in the context of the age of the policies. It is considered however that policies relating to Green Belt and Landscape designation remain as relevant material considerations in the determination of an application for planning permission until such time as they are replaced by a new development plan.

### The National Planning Policy Framework

- 5.3 It is similarly accepted that the provisions of the National Planning Policy Framework (NPPF) as noted at 4.21 – 4.26 of the applicant’s statement are relevant to the determination of the application.
- 5.4 The applicant’s assessment of the NPPF paraphrases paragraph 11 in terms of the consideration of development plan policy. Not all policies within older development plans are necessarily inapplicable and paragraph 11 (d) goes on to require consideration of the development plan in conjunction with policies in the Framework which protect areas or assets of importance – including land designated as Green Belt.
- 5.5 It also relevant to consider this proposal in the context of plan making and the role of the formulation of strategic policy to make provision for *inter alia* employment (Para 20). Paragraphs 48-51 consider the position reached where planning applications are determined in the context of emerging plans. This is clearly relevant in this case.
- 5.6 Paragraph 86 recognises the role for planning policy to pay particular attention to the needs of the modern economy by identifying suitable locations for *inter alia* freight and logistics and at para 87 for policy to recognise the need for storage and distribution operations.
- 5.7 Given the location of the site Section of the Framework which relates to the provision of sustainable transport is of relevance to the determination of this application. Paragraph 115-118 seek consideration of sustainable transport in the determination of applications.

5.8 Section 11 relates to the effect use of land with clear emphasis on the use of previously developed land. Whilst not stated the corollary of this position is that use of undeveloped land is discouraged.

5.9 Section 12 requiring the delivery of well designed places is of relevance.

5.10 Section 13 of the Framework relates to the Green Belt. In this instance the contents of this section are of relevance in two ways. Firstly, the approach to be taken when considering proposals for inappropriate development in the Green Belt and secondly, in light of the applicant's contentions the provisions of paragraphs 155-159 are relevant to the determination of this application.

### The emerging Local Plan

5.11 The applicant references the emerging policies of the Newcastle under Lyme Development Plan 2020 – 2040. Whilst this statement will raise issue over the weight which should be attributed to that document. There is no dispute over the specific policies referenced.

### Neighbourhood Plan

5.12 The Audley Rural Neighbourhood Plan is in a relatively advanced stage of preparation, having been issued for examination in January 2025. The appointed examiner has made some initial observations but has not produced any comment or recommendation at this time.

5.13 The designated area of the plan includes the application site. The NP makes no specific provision for the application site other than seeking its retention within the Green Belt as part of the wider strategy of protecting the environment, ecology, heritage of the settlements within the designated area.

### 6 Appraisal of material considerations

6.1 The following considerations are considered to be material to the determination of the application

- Is the development inappropriate development in the Green Belt in accordance with the provisions of the development plan and the framework taking account in particular impact on openness?
- If the proposal is found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the VSC necessary to justify the development?
- The applicant's contention that site should be considered to represent "grey" belt
- The relevance of emerging policy
- The effect of the proposal on the safe and efficient operation of the highway network, local air quality and landscape character.
- Whether the site is suitable for development having regard to local and national planning policies that seek to manage the location of new development; and
- Any other material considerations, the consistency or otherwise of the scheme with the development plan as a whole and the overall planning balance.

#### Green Belt

6.2 The adopted development plan places the site within the Green Belt. Paragraph 153 of the Framework notes that inappropriate development is by definition

harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

6.3 The applicant is dismissive of the current position provided through the adopted development plan, relying on the ability to demonstrate that the application site can be considered to be “grey” belt, that by virtue of paragraph 155 the development is not to be regarded as inappropriate and that there is no requirement to demonstrate any very special circumstances. The applicant does not include reference to VSC in submissions contained within their planning statement.

6.4 The scope for the site to be considered to be grey belt is disputed in later paragraphs. The absence of any scope for VSC is considered here.

6.5 PPG relating to Green Belt explains that an assessment of openness is capable of having both spatial and visual aspects. The spatial aspect is usually concerned with the quantum of development proposed in relation to what is already present. The visual aspect is usually concerned with how openness is experienced before and after a development is constructed. Its disposition and arrangement can be relevant in gauging the effect on openness as well as the duration of the development and the degree of activity that would result.

6.6 The proposal would have a significant adverse effect on the openness of the site in relation to both its spatial and visual aspects. There would be a significant adverse effect from activity relating to 24-hour vehicle movements, lighting and general site operations.

6.7 Considering the spatial and visual dimensions of openness, it is apparent that the proposal would have a much greater and permanent urbanising impact on the openness of the GB than the existing buildings and open fields that are currently present. The level of harm to openness to be substantial bearing in mind the density and scale of the proposed development. This would undermine the fundamental aim of the GB. The proposal would therefore be at odds with paragraph 142 of the Framework which seeks to keep GB permanently open.

6.8 Paragraph 143 of the Framework states that GB serves five purposes.

6.9 In this case it is considered that the proposed development would contribute to unrestricted sprawl; would contribute to the potential for neighbouring towns to merge; would represent encroachment into the open countryside and would discourage urban regeneration through the recycling of derelict and other urban land. The proposal would be contrary to purposes a, b, c and e reference paragraph 144.

6.10 This conclusion is reached on the basis that the motorway corridor and the open countryside currently provides a clear buffer between the edges of the Newcastle/Stoke settlement and Crewe. The introduction of a large area of development within this corridor removes the clarity of that buffer and enables the view that urban areas are increasingly a singular mass rather than distinct separate development, urban sprawl is a consequence.

6.11 Given the above, it is concluded that the proposal would cause a significant level of harm to the openness of the GB and the purposes of including it, bearing in mind the urban sprawl that would inevitably result. Paragraph 153 of the Framework indicates that these harms attract substantial weight against proposal

which should not be approved except in VSC. In the absence of any such circumstances, the proposal would be contrary to policy S3 of the LP that seeks to control development in the GB, in accordance with the aims of the Framework.

6.12 The applicant seeks support for the development in terms of the age of the adopted development. The plan nevertheless has established a legitimate and logical Green Belt boundary which has been continuously protected. Paragraph 145 of the Framework expects that Green Belt Boundaries will only be altered in exceptional circumstances, which are fully evidenced and justified through the preparation or updating of plans.

6.13 This is taking place in form of the production of the Newcastle under Lyme Local Plan 2020-2040. However, the process of examination of policies within that document together with evidence to support and “fully justify” the existence of exceptional circumstances is still in progress. The applicant wrongly anticipates the outcome of this process.

6.14 The position advocated in 153 of the Framework is clearly applicable.

6.15 Whilst not part of the main statement the applicant includes comment on VSC in an appendix to the planning statement.

6.16 It would seem that there are two aspects to the claim the VSC exist. Firstly, that the part of the Green Belt covered by the application site does not make a strong contribution to the purposes of the Green Belt. Secondly, that the example of exceptional circumstances within para 146 should be translated as VSC in the determination of this application i.e. that there is a need for the development which cannot be delivered elsewhere.

6.17 On the first point it is considered that the Framework is clear on the approach to the consideration of inappropriate development in the Green Belt. There is not scope within the process of determination of an application to debate the quality of the Green Belt in terms of the degree to which purposes are secured. There is no scope to assess whether the presence of a greater or lesser degree of contribution to Green Belt purposes should influence the determination of an application.

6.18 As para 153 of the Framework notes inappropriate development is by definition harmful to the Green Belt.

6.19 The applicant seeks to substantiate the assertion that the application site can be considered as Grey belt within the terms of the Framework. The provisions of paragraph 155 are relevant.

6.20 Para 155 notes that the development of homes, commercial and other development in the Green Belt should also be regarded as not inappropriate where

- The development would utilise grey belt and would not fundamentally undermine the purposes of the remaining Green Belt
- There is demonstrable unmet need for the type of development proposed
- The development would be in a sustainable location
- Where application the proposed development meets the Golden Rules

6.21 Grey belt is defined in the glossary to the Framework as being -  
...land in the Green Belt comprising of previously developed land and/or other land, that in either case, does not strongly contribute to the any of purposes (a), (b) or (d) in para 143 excluding land indentified in footnote 7 of the Framework

6.22 Reviewing compliance with the definition first – it is clear and acknowledged that the application site is not previously developed land.

6.23 The applicant's claim of qualification as grey belt relies on the second limb of the definition. It is abundantly clear that the application site strongly contributes to the purposes of the Green Belt.

6.24 The July 2024 Arup Green Belt Assessment (Local Plan evidence document ED008) concluded that removal of the land from the Green Belt would not result in urban sprawl because of its position relative to other concentrations of settlement. This conclusion was clearly based on the assumption that sprawl can only occur where there is a physical attachment to the built up area. Some studies have concluded that there are hundreds of definitions of urban sprawl. The UK Planning system does not provide for one specific definition.

6.25 An appeal decision in Windsor and Maidenhead provides helpful paragraphs where an Inspector considers the meaning of urban sprawl. APP/T0355/W/24/3336224.

6.26 It is noted that -

*The Green Belt Purpose Analysis defines sprawl to be the irregular and inefficient spread of an urban area. However, there is no such definition either in the development plan or Framework. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Furthermore, I am mindful of the Supreme Court judgement which highlighted that openness is the counterpart of urban sprawl. [R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3]*

*While the site is separated from Maidenhead, it is in close proximity to this large built-up area. The increase in floor space would result in a greater proportion of the site consisting of built development above ground level. The proposal would not extend beyond the existing site boundary. However, the proposal would significantly harm the spatial openness of the Green Belt and would moderately harm the visual openness of the Green Belt due to the significant increase in floor space, height and volume that would be partially seen from the PROW. Therefore, while the site is partly contained by trees and vegetation and may not be currently unrestricted, the proposal would adversely affect the openness of the Green Belt, thereby conflicting with the purpose of checking the unrestricted sprawl of large built-up areas.*

6.27 Urban Sprawl can result from development even where it does not share a boundary with an established built up area.

6.28 The extent to which urban sprawl results depends on the material circumstances of each case. It is contended here that the scale and form of the development can be viewed as resulting in urban sprawl over an area of an equivalent size of 110 football pitches.

6.29 The ARUP appraisal accepts that the development of the application site *“represent a significant encroachment into the countryside and therefore removal of the site from the Green Belt could harm the overall function and integrity of the Green Belt.”*

6.30 This is potentially why in the evidence base for the Local Plan Examination into the currently emerging local plan appraisal by ARUP has concluded that the

site should be excluded from the search process for land allocated for development.

6.31 The Parish Council have raised objection to the proposed release of land from the Green Belt through their submissions to the ongoing Local Plan Examination. In so doing comment has been made in terms of the significance of the site and contributions to the purposes of the Green Belt. EX/HS/M3/10

6.32 In those the Parish Council has raised issue with the Green Belt Assessment prepared and presented as part of the evidence base provided to support the submission draft of the plan. In particular criticism is levelled at the absence of clarity in assessment of all five of the purposes of the Green Belt, the impact of the release of the application on the Green Belt as a whole. Concern is particularly raised over the extent to which impact in terms of encroachment into the open countryside and impact on the scope to assist in urban regeneration – an issue of substantial concern in other parts and policies of the emerging plan.

6.33 The Urban Vision Enterprise CIC Audley Parish Green Belt Review, V2.4, August 2022, commissioned by Staffordshire County Council, found that the site made a strong contribution to Green Belt purposes, including safeguarding the countryside from encroachment and regeneration of urban land.

6.34 Other reports reference assessment of the contribution of the application site to the Green Belt as weak. Strategic Employment Site Assessment Report, April 2023 (updated 2024), prepared by Aspinall Verdi. This is inaccurate as formal reports either assess contribution as moderate – strong in terms of current status as open countryside by ARUP and generally strong in terms of Urban Vision Enterprise.

6.35 To secure compliance with the definition of grey belt in the Framework, must either comprise of previously developed land or comprise of land which does not strongly contribute to any Green Belt purpose. Neither limb of the definition is applicable to the application site.

### Need

6.36 Notwithstanding, the contention that the application site cannot be considered as grey belt. The Framework still requires proposed development to meet an unmet need for the type of development proposed. In many respects the wording of the Framework reflects the focus of amendment in a context of national policy relating to housing supply. That is evident from points raised in footnote 56 and reference to the ability to demonstrate whether of a five year housing supply is deliverable.

6.37 The ability to provide evidence of demonstrable unmet need for development present as not inappropriate by virtue of the provisions if 155(b) is more challenging.

6.38 In this case however in is the contention of the Parish Council need is demonstrated. The Parish Councils position is again set out in submissions to the Local Plan Examination – specifically those relating to the allocation of the application site for development. EX/HS/M9/08

6.39 Within this submission representations from the Parish Council noted the following.

6.40 The Newcastle-under-Lyme Housing and Economic Needs Assessment (Turley, 2023 and 2024 update) identifies a need minimum of 63ha of employment land over the Local Plan period 2020–2040. However, there are

several uncertainties with the approach the Local Plan has taken to employment land.

6.41 The supporting evidence base – the Housing and Economic Needs Assessment 2025 (ED001) – concludes there is a need of between 43.1 and 83.0ha. However it is also noted that there is a current – albeit reducing – supply of 48.9ha. It is currently unclear from those figures how the 63ha figure has been derived and what justification it carries.

6.42 A critical flaw in the assessment of need in both the local plan process and the application submissions reflects the absence of clarity over local need, strategic need, aspirational need driven by the Council to reflect high growth targets and inherent demand which is driven by the corporate ambitions of logistics businesses to locate on motorway junctions.

6.43 It is consequently unclear how much of the 63ha figure is to meet ‘local’ need and ‘strategic’ need. Paragraph 3 of proposed policy PSD1 of the emerging local plan notes that two allocations (including AB2) will be ‘strategic’ employment sites but also provide a resilient supply of employment land suggesting (as is then confirmed by 5.3 of the supporting text) that it will be for both local and strategic need.

6.44 This lack of clarity is then compounded by the way in which AB2 is treated at page 109 of the submission draft. The total site area of AB2 for employment development varies in different reports and within the Local Plan itself. The entire 80ha site is allocated, but the policy refers to provision 22ha or 220000m<sup>2</sup>. There is a lack of clarity and a muddled approach to reference to

land areas and floor space. The fact that the floor space allocation is identical to that contained within this application suggests that figures reflect developer requirements as much the ability to meet a properly calculated figure for unmet need

6.45 The allocation the application site and consequently the development proposed states that it would seek to address sub-regional need, irrespective of submitted calculations which reflect local need.

6.46 Uncertainty over needed is reinforced by comments from Cheshire East Council in response to Reg 19 consultation response in October 2024

*"Cheshire East Council objects to Policy AB2 which proposes to allocate a strategic employment site on "Land at Junction 16 of the M6"*

*"The council considers that the evidence base presented does not support the allocation of this site. In particular, the council is concerned that there appears to be a misalignment between the housing and economic strategies of the draft plan, the consequences of which may not have been fully considered through the plan or its evidence base"*

*"The Housing and Economic Needs Assessment [ED001] uses a blended approach of economic forecasts, which suggests that the borough is capable of creating an average of +237 jobs per year and that the working age population of the borough would need to increase by +2% to support this level of job creation. To support the +2% increase in the working age population, 400 new homes per year would be required; and to enable +237 new jobs per year, a range of between 43.1ha and*

*83.0ha of employment land between 2023-2040 would be required (and this range includes a buffer of 12.5ha to allow for choice and flexibility)."*

*"The overall strategy for development is set out in Policy PSD1: Overall Development Strategy. The plan strategy seeks to deliver a minimum of 8,000 homes over the plan period (2020-2040) and makes provision for a minimum of 63ha of employment land over the same period. These overall levels of development set out in the plan strategy (minimum 8,000 new homes and minimum 63ha employment land) seem to be supported by the evidence set out in the Housing and Economic Needs Assessment."*

*"Policy PSD1 also sets out that, to deliver these levels of development, the plan will make sufficient provision for housing, employment and other uses by supporting the development of sites allocated in the plan (including two strategic employment land sites) as well as through windfall development."*

*The Plan Strategy Employment Topic Paper [ED032] sets out (at Table 3) the sources of employment land supply, including proposed site allocations, proposed strategic allocations, and (it is assumed but not clear from the table) the existing employment land supply. The total proposed employment land supply amounts to 104.6ha, which provides a flexibility factor of 66% above the minimum 63ha required under Policy PSD1."*

*"The figure of 22ha of employment land at site AB2 does not appear to reflect the reality of the proposed allocation. The policy for Site AB2 states that the site*

*extends to circa 80 hectares and is allocated for uses including 22ha of employment land (220,000 sq.m of floorspace). The Strategic Employment Sites Assessment includes similar figures, and notes that the site is around 78ha and could accommodate approximately 2.35 million sq.ft employment accommodation (218,322 sq.m)."*

*"A normal rule of thumb for industrial and warehousing development is to assume a 40% plot-floorspace ratio, and this 40% ratio is used in the Housing and Economic Needs Assessment to provide evidence for the minimum 63ha employment land in the plan strategy. Therefore, we question whether the 22ha identified for employment land could deliver 220,000 sq.m floorspace (a 100% plot-floorspace ratio) and note that the evidence does not appear to demonstrate that this is achievable. The plan does not appear to set out what is intended for the remaining 58ha of the site. Other than provision of lorry parking, the requirements of the site policy all seem to relate to the type of things that would normally be expected on a large employment site. Given the gross size of the site and the level of employment floorspace envisaged under the policy, it is not clear why only 22ha is included in the employment land supply and it does seem that the full site size of 80ha should be included instead."*

*Therefore, if using the full site size for Site AB2 (80ha) and the employment land figures set out in the plan itself for sites BW1 (7.4ha), and CT20 (8.88ha), the proposed employment land supply would amount to 163.88ha, which provides a flexibility factor of 160% above the minimum 63ha required under Policy PSD1.*

*The Strategic Employment Sites Assessment [ED002] considers the market demand for life sciences and regional logistics development and much of the evidence base appears to promote a case for a large scale logistics development at Site AB2 (e.g. Strategic Employment Sites Assessment para 3.74), but the proposed site allocation is for general employment use and makes no mention of large scale logistics. The mix of employment uses set out in the site policy (employment will comprise offices, research and development, industrial processes, general industrial, storage and distribution and open storage) are exactly the same as the mix of employment uses set out for Site BW1 and Site CT20.*

*Consequently, it is unclear why the evidence base advances the case for a regional logistics development, but the proposed allocation is for general employment use.*

*The Housing and Economic Needs Assessment (Chapter 7) also promotes some reasoning for including strategic employment sites, including:*

- Strategic sites are unlikely to increase to number of jobs above the baseline (+237 per year) level;*
- Some jobs on strategic sites are already included in the baseline;*
- There is a long timeline for developing strategic sites; and*
- The use of a wider labour market.*

*If strategic sites are unlikely to increase the number of jobs above the baseline level (+237 per year), then it is not clear why such a large supply of employment land is needed, when the evidence base shows that a minimum of 63ha is needed to deliver this level of jobs growth. Furthermore, the Strategic Transport Assessment [ED011] considers that the proposed strategic employment sites may enable the delivery of 4,578 jobs during the plan period. These new jobs on the strategic sites alone could therefore average 229 per year over the 20 year plan period, so would clearly enable an increase in jobs above the baseline (+237 per year) level across the whole borough.*

*Whilst large sites may take longer to develop than smaller ones, we understand that they are capable of being developed in full during the plan period, creating the number of jobs envisaged. The argument around the use of a wider labour market effectively says that the sites would be dependent on a high level of in-commuting.*

*Link between the housing and economic strategies*

*As set out in the plan strategy (and supported by the evidence), the creation of +237 jobs per year requires a minimum of 63ha employment land and an increase in the working age population of 2%, which in turn requires 400 new homes per year.*

*The level of housing provision (8,663 new homes) is in line with the plan strategy of a minimum of 8,000, with a flexibility factor of 8.3%. However, the level of employment land provision (163.88 ha) appears to be excessive to deliver the plan strategy, giving a flexibility factor of +160% above the plan strategy requirement of a minimum of 63ha.*

*It is not clear why such an excessive amount of employment land is required to deliver the plan strategy of +237 jobs per year, and it appears that the proposed level of employment land provision would enable significantly in excess of +237 jobs per year to be created. If the plan seeks to increase the number of jobs above the baseline (+237), then this increased number of jobs should be quantified, and considered through the evidence base to inform the required increase in working age population, the resulting number of new homes needed, and any resulting infrastructure requirements. This updated evidence on the number of homes and infrastructure requirements should then be reflected in the plan strategy.*

*Our comments concerning the case for the strategic employment sites and its link to the housing strategy (as detailed above), raises serious questions about whether the exceptional circumstances needed to remove Site AB2 from the Green Belt have been justified.*

### *Site AB2 – Site Specific Matters*

*In the event that the Inspector is minded to retain this site, the Council makes the*

*following comments around how the policy should be modified.*

*Notwithstanding the concerns over the overall amount of employment land provision, the site policy for AB2 only requires the Travel Plan to “consider routes connecting into Newcastle-under-Lyme, Stoke-on-Trent and Cheshire East”.*

*Given the existing lack of access by sustainable transport modes, it is considered that the site policy should include a much stronger policy hook such as “Funding towards (or direct provision of) public transport (including demand responsive) should be agreed between the Local Transport Authorities of Cheshire East and Staffordshire County Council to minimise the number of private vehicle trips to the development”. This funding also needs to be sustainable into the longer term.*

*The traffic modelling undertaken so far is strategic in nature, although we are aware that National Highways have been involved in a more detailed review which is appropriate given the potential impacts on the motorway slip roads. Cheshire East Council is keen to understand what the impacts would be on the A500 in Cheshire East, and the policy should also require that mitigation measures also need to be agreed with Cheshire East Council.*

*The site is close to the Barthomley Conservation Area, which includes a number of listed buildings both within the area and its immediate vicinity. The council notes both that the policy requires an HIA to be undertaken and that the supporting information refers to the need to assess the effects on landscape and visual*

*receptors in Cheshire East at the planning application stage. The council considers that there is scope for this assessment over the wider area to be included as a requirement in the policy itself. This could also include the need for a site development brief to be developed and consulted upon which will detail how wider impacts can be minimised.*

*Cheshire East Council objects to Policy AB2 which proposes to allocate a strategic employment site on "Land at Junction 16 of the M6" and is seeking to have this allocation removed from the Local Plan."*

6.47 This lengthy discourse and repetition is necessary to demonstrate the extent to which doubt exists over the key consideration of the extent and nature of unmet need which is at the heart of the applicant's case that the provisions of paragraph 155(b) of the Framework apply.

6.48 Submissions provided by Savill's do not address the issues raised and to a large extent repeat the issue that demand is driven by the location of the site on a junction of the M6. It is acknowledged that accessibility to a large market and a large workforce means that development will not deliver opportunities for growth or economic benefit of Newcastle.

6.49 In a call in decision relating to an application for an industry and logistics based scheme at junction 21 of the M6 in Warrington the Inspector addressed the issue of need. [APP/C1570/W/21/3289775] In assessing whether or not need could provide the VSC necessary to grant planning permission for inappropriate development in the Green Belt the Inspector notes:

*"...the key issue essentially comes down to whether there is a genuine need for this site which goes beyond the preferences of the logistics sector and the site promoter. As the sector operates beyond the scale of any one plan area and given the potential for sites to be developed in close proximity to other motorway junctions, it begs the question of why here and why now?"*

*...the proposal is intended to meet a wider regional need. Consequently, the applicant either needs to demonstrate why only this site is suitable within the region, and no other or, alternatively, show that there is an unmet regional need that only the release of GB in Warrington would satisfy the assessed local need."*

6.50 Need was based on market preference.

6.51 The place to review and appraise the accuracy of the applicants and the Council's position on this matter is not through consideration of an individual application but through examination of the policies of the development plan, where impacts and issues can be addressed at a strategic level. To do otherwise would threaten confidence in the validity of the plan led system.

### Public Benefit

6.52 It is challenging to identify a precise model which enables precision in the assessment of economic impact and benefit in terms of job creation.

6.53 This to some extent reflects the absence of detail of the proposed development and the proposed uses.

6.54 Job creation and economic benefit in global terms can be affected by the nature of future occupation. For example, the increasing demand in the logistics industry for ever larger warehouses with greater scope for automation. There are instances where new development does not create new jobs or economic activity

but shifts existing activity away from one location to another, with no net benefits.

In some scenarios business efficiencies will result in the closer of several older and smaller distribution centres and their replacement with a large single unit.

6.55 The supposed benefits of development should not be taken as read in this context.

6.56 It is also the case that economic benefit attributed to a new development does not necessarily accrue to the area which experiences harm. The site is undeniably accessible, even if not sustainably so. If the development were to create new jobs it is not necessarily the case that these would go to residents of the Borough. Development may produce economic benefit through spend in the local economy but staff may not live in NuL and businesses might use, caterers, cleaners and building maintenance companies from a wide variety of locations. Economic benefit leaks from the area where the development and the greatest impact in other respects is experienced

### Prematurity

6.57 It is appropriate to raise the issue of prematurity.

6.58 The grant of a planning permission in anticipation of the conclusion of the local plan process would seem premature, although the applicant seems to be suggesting that it is not their expectation to receive a decision before the local plan is concluded. Rather they are making a presumption that the local plan process will conclude with the allocation of the site and that deliberation of this application will be at an advanced stage and with scope for determination soon after adoption of the plan.

6.59 Whilst this approach may be technically possible, it creates the problem for those commenting on the proposal and decision makers, that assumptions made about justification for the proposal are based on evidence which has not been tested through the plan making process.

6.60 It is apparent through the content and nature of objection to the local plan as emerging and currently subject to negotiation, which is debate over the complex issues relating to predicted levels of economic growth and consequently expected provision for related levels of development, in addition to the appraisal of the wider impacts of growth and development.

6.61 Paragraph 49 of the Framework considers this position. It is noted that LPA's may give weight to relevant policies in emerging plans according to

- The stage of preparation – the plan is at a relatively advanced stage of preparation with a draft submitted to the Secretary of State the subject of an ongoing examination.
- The extent to which there are unresolved objections – the less significant the unresolved objections, the greater the weight that may be given. In this case the unresolved objections are of great significance and of direct relevance to this application. It is considered that very little weight can be afforded to the emerging plan in this context.
- Consistency with the Framework – in this case this is only an issue in terms of differing views on the qualification of the development as not inappropriate or inappropriate development

6.62 Paragraph 50 notes that prematurity is unlikely to justify a refusal of planning permission except where the development is so substantial as to

undermine the plan making process and the emerging plan is not yet part of the development. There would appear to be some justification for concluding that this application should not be determined in advance of further progress with the emerging local plan and that there is scope to take view that the grant of planning permission would prejudice the outcome of the plan making process.

### Highways

6.63 It is noted that there is now a consultation response from National Highways. The response raises objection to the application

6.64 The Parish Council recognise the concerns which are raised. In many respects these reflect comment made earlier in this statement relating to the adequacy of information provided to properly assess the application with only one matter not reserved for subsequent approval.

6.65 National Highways note that the applicant has failed to demonstrate that the proposed access arrangement along with other mitigation measures to the M6 slip roads and the M6 gyratory can be successfully delivered.

6.66 It is surprising that although access is a reserved matter the detail plans provided are marked as being preliminary drawings with alignment and technical details yet to be fixed.

6.67 It is the Parish Council's contention that this concern alone justifies refusal of the application as opposed to ongoing deliberation of alternative submissions.

6.68 It is however the case that initial appraisal of highway data submitted with the application is found to be flawed.

## Groves Town Planning Ltd

- *The Local Model Validation Report uses information for the 'base count' which is three years old and no longer represents the vehicle count actually measured at the M6 Junction 16 for A500 east and west bound traffic*
- *From the Table 4-2 Turning Count Comparisons- Morning Peak Period 07.00-08.00, the total number of vehicles approaching Junction 16 from the A500 east is given as a 'count' of 1256 and the 'modelled' as 1357.*
- *From Table 4-3 which uses a Morning Peak Period of 08.00-09.00, the 'count' figures are 1184 and the 'modelled' 1134.*
- *From Table 4-4 Evening Peak period 17.00-18.00, the 'counts' were 1405 and the 'modelled' 1382.*
- *Typical daily Traffic Flow figures for this section of the A500 can be obtained by using the TRIS counter 7540/1 (Traffic Risk Intelligence Service) which is situated approximately 600 metres before Junction 16 on the westbound carriageway. For comparison with the figures in the LMVR tables, TRIS figures for two weeks were studied and the average daily totals are noted below.*

*28th April to the 2nd May 2025*

*07.00-08.00 = 1698*

*08.00-09.00 = 1506*

*16.00-17.00 = 1635*

*17.00-18.00 = 1600.*

*19th May to the 23rd May 2025*

## Groves Town Planning Ltd

*07.00-08.00 = 1629*

*08.00-09.00 = 1477*

*6.00-17.00 = 1662*

*17.00-18.00 = 1538*

- *From these results it can be concluded that the original LMVR is flawed and not fit for purpose with all consequent projected Traffic Flow figures being suspect as*
  - a) The 07.00-08.00 figures used are 30% too low.*
  - b) The 17.00-18.00 are 15% too low and*
  - c) The 'Evening Peak Period' should be 16.00-17.00 and not 17.00-18.00.*
- *From the Table 4-2 Turning Count Comparisons- Morning Peak Period 07.00-08.00, the total number of vehicles approaching Junction 16 from the A500 west is given as a 'count' of 1269 and the modelled as 1256.*
- *From Table 4-3 which uses a Morning Peak Period of 08.00-09.00, the 'count' figures are 1212 and the 'modelled' 1216*
- *From Table 4-4 Evening Peak period 17.00-18.00, the counts are 1090 and the 'modelled' 1082.*
- *In September 2024, a traffic survey was carried out by local volunteers over a three day period in an attempt to accurately record the traffic flow on the A500 eastbound and westbound at Junction 16 and their figures for the approach to Junction 16 from the A500 west recorded as follows.*

*07.00-08.00 = 1399*

*08.00-09.00 = 1252*

*16.00-17.00 = 1444*

*17.00-18.00 = 1301*

- *From these results, it can be concluded that the original LMVR is flawed and not fit for purpose with all consequent projected Traffic Flows being suspect as*
  - a) *The 07.00-08.00 figures are 10% too low,*
  - b) *The 17.00-18.00 are 20% too low, and*
  - c) *The Evening Peak Period should be 16.00-17.00 and not 17.00-18.00 .*
- *From the Figure 4-3 Queue Comparison-A500 Westbound-Morning Peak the graph shows, the maximum length of the 'observed' queue is shown as 220 metres at around 07.50 with a gradual rise and fall from that peak. However, the figures of 'average speed' recorded on the TRIS counter 7450/1 shows that during the dates used above for the traffic counts (28/04/25 to 02/05/25 and 19/05/25 to 23/05/25) vehicles were regularly stationary/slow moving (less than 10 MPH) from 07.00 until 08.15 every single day and sometimes past 09.00. This counter is approximately 600 metres from Junction 16 and therefore the graph shown is not an accurate reflection of what is happening on the A500*
- *From the Figure 4-4 Queue Comparison -A500 Westbound-Evening Peak. The graph shows that the maximum length of the 'observed' queue is noted as 80 to 100 metres between 17.00 and 18.00. Referring to the information of 'average speed' given by the TRIS counter 7450/1 for the dates used above for the traffic counts (28/04/25 to 02/05/25 and 19/05/25*

*to 23/05/25), this shows stationary/slow moving (less than 10 mph) traffic from 16.45 every day and some days from 16.00.*

- *This counter is approximately 600 metres from Junction 16 and therefore the graph shown is not an accurate reflection of what is happening on the A 500.*

6.69 These omissions and discrepancies reduce confidence in the accuracy of assessment of critical components of the application and consequently the degree of impact on the strategic and local highway network. In turn this demonstrates on the proposal will have an adverse and severe impact on the road network such as noted within the Framework – Para 116 as justification for refusal to grant planning permission

6.70 In many respects it is also surprising that this matter has not been resolved previously given the Council's intention to allocate the site and the need to demonstrate that this allocation is deliverable.

6.71 It is of no surprise to local residents that the ability to safely place a new access from the west bound carriageway of the A500 should be questioned. The changes proposed within the development scheme do not address issues of safety but simply increase capacity by creating additional space for vehicles to queue.

6.72 There would seem to be recognition in both NH and Staffordshire Police comments that the movement of HGV's across the two lanes of the east bound A500 to reach a right turn land into the site is a best challenging. More so a HGV's leaving the southbound M6 will have to restart when leaving the slip into the gyratory system and ascending the incline at the start of the eastbound A500 and

then moving across to the right turn lane to access the site. HGV's will then need to leave the right turn lane and cross the traffic light controlled junction assuming that it is not blocked waiting for traffic to enter the gyratory system.

6.73 The proposed access will add to the complexity of an already complicated junction and will add a large number of vehicle movements to an area known to local residents as liable to problems.

6.74 The nature of the submission creates problems for the accurate assessment of travel patterns, trip generation, and parking. There is a difference between the travel and parking impacts of a distribution hub for a retail outlet and a distribution hub for a parcel delivery company. One will result in goods delivered in large HGVs broken down into smaller HGVs for delivery to retail stores. The other breaks down goods delivered in large HGVs into large numbers of small vehicles. Hubs can serve a wide geographical area.

6.75 In the latter case problems are known to occur where light goods vehicles are able to use the local highway network as opposed to HGVs which are usually restricted to the strategic network.

6.76 There is no indication within the application in terms of the breakdown of the floor space other general assumptions. Workforce numbers and trip generation are difficult to predict.

6.77 This problem is compounded by the weakness of the location in terms transport sustainability. The site sits in open countryside far enough away from any settlement to make non-car borne means to travel unlikely. The poor sustainability of the site is noted in various site appraisals carried out as part of the proposed allocation of the site in the emerging local plan.

6.78 It is again worth noting the comments of Cheshire East Council in response to Reg 19 consultation on the emerging local plan which recognise the lack of access to the site by sustainable modes.

6.79 The proposed development of the site will result in harm in terms of impact on the highway network and the scope to provide travel by sustainable modes.

6.80 It should be noted in this context that there are no pavements on roads which lead to the site, including Park Lane, Barthomley Road, Peel Hollow or Moat Land. The majority of these roads have no street lighting

6.81 Whilst cycleways are proposed as part of the development, the use of this provision relies on realistic connection between the homes of those working on the site and practicalities of their use. Would a lorry or van driver picking up their vehicle early in the morning really cycle several miles to work in November?

6.82 Existing bus services to Audley only operate with subsidy provided by the Parish Council. Typically manufacturing or logistics operations include workforce which work at unconventional hours. It would not be practicable to fit provision of bus services to expected working patterns. At present service D&G 1A operates between Hanley and Newcastle provides for an earliest arrival of 8am into Audley. A bus service to Hanley has been discontinued.

### Site Management

6.83 There is concern that assertions over site security and management are not, in reality deliverable.

6.84 The ability to ensure long term prevention of use of emergency access points cannot be guaranteed. These access points are commonly remote from main areas of activity with no natural surveillance. Security mechanisms, barriers

and locks are open to abuse and vandalism. There is local experience of such issues in terms of the management of emergency access to local service stations. Manned security of a logistics site is unlikely to be at any level where misuse of such an access would be preventable.

6.85 Access to the site will be inevitably be gained via the use of the local highways network across the weight restricted Barthomley Road, lanes and minor roads across the Parish Council area

6.86 There is a problem with off road bikes accessing areas.

### Natural environment

6.87 It is clear from the response from Natural England to consultation on this application the proposal has not been presented in a way demonstrates acceptability in terms of impact on the natural environment.

6.88 This is particularly so in terms of the presence of SSSI sites in proximity to proposed development. Given the nature of these sites and potential sensitivity to changes in air quality this matter must be addressed.

### Flood risk

6.89 It is again the case that competent bodies responsible for comment on specific details of the application find the submission to be lacking. In this case LLFRA note that FRA and drainage assessment requires substantial further work to demonstrate that the development can be allowed. In the absence of such information the application should be refused.

### Heritage

6.90 The site is close proximity to the Bart homely Conservation Area, includes a listed building and a number of Non-designated Heritage Assets.

6.91 In general the impact of the development on heritage assets is acknowledged but balanced against the public benefits of the development. This in turn is based on assumptions about the need for the development which are disputed elsewhere in this statement.

## 7 Conclusions

7.1 Balancing consideration of the issues covered above it is clear that substantial weight arising from the GB harm, together with the other harm, would not be clearly outweighed by the cumulative weight of other considerations. VSC do not exist to justify inappropriate development in the GB. The proposal would be contrary to provisions of the adopted development plan policies

7.2 The proposal would not accord with the development plan as a whole and there are no other material considerations that indicate that planning permission should be granted notwithstanding this conflict.