

## **Proposed Newcastle-under-Lyme and Stoke-on-Trent Local Plan Programme**

### **Purpose of the report**

- a) To update Members on the formal stance of Stoke-on-Trent City Council in respect of the proposal to prepare a joint Local Plan in partnership with Newcastle-under-Lyme Borough Council.
- b) To seek agreement on a draft work programme for the production of the joint Local Plan, including the joint production of a new Statement of Community Involvement.
- c) To propose the establishment of a Joint Advisory Group to support the preparation of the joint Local Plan.

### **Recommendations**

- 1) That Cabinet agree to the draft work programme for the production of the joint Local Plan, set out in the report.**
- 2) That Cabinet agree to the creation of a Joint Advisory Group to support the delivery of the joint Local Plan and that in the interests of expediency the determination of the membership and terms of reference for the Joint Advisory Group be delegated to the Director of Regeneration and Development in consultation with the Cabinet Member for Planning and Assets.**
- 3) That Cabinet agree to the preparation of a joint Statement of Community Involvement with Stoke-on-Trent City Council.**

### **Reasons**

The Borough Council's decision to prepare a joint Local Plan was predicated on Stoke-on-Trent City Council later deciding to prepare a new joint Local Plan in partnership with Newcastle-under-Lyme Borough Council and also both Councils reaching agreement on a timetable for the preparation of the joint Local Plan. The report sets out a programme of work to facilitate the successful delivery of a joint Local Plan.

## **1.0 Background**

- 1.1 On the 11 December 2013 Cabinet resolved to withdraw the Site Allocations and Policies Local Plan and to proceed with the preparation of a full Local Plan in partnership with Stoke-on-Trent City Council, providing agreement could be reached on a timetable for the preparation of the Local Plan by March 2014. If it was not possible to reach agreement on a timetable, which was capable of being reported to Cabinet in March, then the Borough Council would proceed with the preparation of a borough-wide Local Plan.
- 1.2 The formal stance of Stoke-on-Trent City Council was not known at the time and it was further resolved to receive an update of their position and if necessary to consider the need to establish a joint advisory group to support the governance arrangements for preparing the joint Local Plan.

- 1.3 Positive discussions have commenced with officers from Stoke-on-Trent City Council regarding the creation of a Joint Advisory Group. The outcome of these discussions is set out in section six of this report.
- 1.4 Stoke-on-Trent City Council Update
- 1.5 Stoke-on-Trent City Council formally resolved on the 19 December 2013 to proceed with the preparation of a new joint Local Plan in partnership with the Borough Council. It was also resolved that officers from both councils should work together to reach agreement on a timetable for the completion of the Local Plan and if agreement could not be reached on a timetable for the preparation of the local Plan Stoke-on-Trent City Council would proceed with the preparation of a city-wide Local Plan. Similarly, it was further resolved that if necessary consideration would be given to the need to establish a Joint Advisory Group to support the governance arrangements.
- 1.6 Stoke-on-Trent City Council's Cabinet will consider a report on 27 March, 2014 recommending that the draft programme for the production of the joint Local Plan, which is appended to this report, is agreed.
- 1.7 It is further understood that Stoke-on-Trent City Council's Cabinet will be asked to agree to the creation of a joint Advisory Group and that in the interests of expediency that the membership and terms of reference be delegated to their Director of Place in consultation with their Cabinet Member for Regeneration, Planning and Transportation.

## **2.0 Introduction**

### **2.1 What the joint Local Plan will do**

- 2.2 Members are reminded that the Local Plan is a development plan document, as referred to in section 38 of the Planning and Compulsory Purchase Act, 2004. Once adopted, it will replace the saved policies from the Newcastle-under-Lyme Local Plan, 2003 and the adopted joint Core Spatial Strategy.
- 2.3 The joint Local Plan will be a very much more detailed document than the adopted Core Spatial Strategy, which took almost 5 years to complete. Essentially it will have three key roles, which can be summarised as follows: Firstly it will set policies guiding the strategic direction of Newcastle-under-Lyme and Stoke-on-Trent, which will include identifying new targets for housing and jobs over a fifteen year to twenty year period. Secondly it will contain site specific allocations with the aim of directing new housing, new employment facilities, and new shopping facilities to where they are needed and will benefit local people. Finally it will set site specific and generic development management policies to be used in the determination of planning applications across the borough. It is expected that not all of the generic policies will apply equally across the area but in the main they will each help to ensure that the physical impact of development is minimised.

### **2.4 Local Plan Programme**

- 2.5 Since the start of the new year officers at both the City Council and Newcastle-under-Lyme Borough Council have worked in partnership to draw up a timetable for production of the Joint Local Plan (the draft work programme is appended to this report) Officers from both councils have been

driven by the need to get a Plan in place, as soon as possible, not only to support the corporate objectives of each council, but also to support the development of sustainable communities and provide greater certainty to interested parties and prospective investors/developers. Officers from both authorities have therefore been committed to keeping the timescale of the programme to a minimum, but at the same time have sought to balance this with the need to allow time for the democratic process to be followed, including adequate public consultation.

- 2.6 Meaningful engagement in the production of the joint Local Plan is important not only to help the community, express their views on draft proposals but also to ensure the process is robust and can help deliver a sound plan at examination.
- 2.7 The programme deliberately takes account of optimum points in the decision making cycle to engage the public at key stages in the preparation of the Local Plan.
- 2.8 The length of time the plan takes to produce is also relevant to its examination of soundness. Given there is a large amount of evidence based assessment required to underpin the plan it is important that this does not become out of date by the time the plan gets to examination.

### **3.0 Policy context**

- 3.1 The National Planning Policy Framework and the draft National Planning Practice Guidance contain guidance on how to prepare a Local Plan and this has been taken into account in the preparation of this report together with the legal requirements as set out in 'The Town and Country (Local Planning) (England) Regulations 2012.

### **4.0 Proposed programme**

- 4.1 The preparation of a Local Plan is an iterative process, comprised of both non statutory stages (informal) and statutory (formal) stages. The key stages are listed below and reflect the most expedient and deliverable process. They are also typical of the process followed by many local planning authorities in the production of their Local Plans. The timescales of each stage of the programme are shown in appendix 1. Further details of each key stage, including any potential implications for the timing of the work programme are summarised in appendix 2.
- 4.2 Stages 1 to 4 reflect the guidance set out in the National Planning Policy Framework. This guidance emphasises the need to ensure the public has an early opportunity to influence the content of the final joint Local Plan before key choices are made. These stages are effectively the building blocks of the Local Plan.
- 4.3 Stages 5 to 8 reflect the statutory requirements, which are regulated by sections 19 to 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 – the Local Planning regulations. The statutory stages essentially work to test the robustness of the Plan's building blocks.

- 4.4 Pre - production  
Stage 1 – Assembly of evidence base (*required by National Planning Policy Framework*)  
Stage 2 - Statement of Community Involvement (*a requirement of section 18 of the Planning and Compulsory Purchase Act, 2004*)
- 4.5 Production  
Stage 3 - Issues and Strategic Options (*informal consultation*)  
Stage 4 - Draft Local Plan (*informal consultation*)  
Stage 5 - Publication of Final Draft Local Plan (*sections 19-20 of the Local Planning Regulations*)
- 4.6 Post - production  
Stage 6 – Submission of Final Draft Local Plan (*section 22 of the Local Planning Regulations*)  
Stage 7– Independent examination of Final Draft Local Plan by Planning Inspectorate (*sections 23-25 of Local Planning regulations*)  
Stage 8 – Adoption of final Local Plan and Policies Map by the Local Authority (*section 26 of the Local Planning Regulations*)

## **5.0 Statement of Community Involvement**

- 5.1 While it is incumbent upon the Council to get on with the Local Plan process to avoid risking a prolonged policy vacuum the importance of the document means that it is also vitally important that sufficient time and opportunity for consultation with the public and other stakeholders is allowed.
- 5.2 It is equally important to ensure that the consultation will be done to an appropriate standard that the right people are consulted at key stages, otherwise there is a risk that the consultation will be ineffective, which is not in anyone's interest. It could also impact on the soundness of the Local Plan.
- 5.3 Both councils have an adopted Statement of Community Involvement as required by section 18 of the Planning and Compulsory Purchase Act, 2004. This Statement sets minimum standards to be met by each authority in terms of community involvement in plan making and development management decisions. It also identifies the types of people and groups that need to be involved, ways of involving them effectively and when they can get involved.
- 5.4 The examination of the joint Local Plan by the Planning Inspectorate will consider whether the plan was carried out in compliance with the adopted Statement of Community Involvement. It is therefore very important that the Statement of Community Involvement is up to date and reflects the Council's aspirations for community engagement within budgetary constraints.
- 5.5 The Borough Council's Statement of Community Involvement was adopted in 2006 and Stoke-on-Trent City Council's Statement of Community Involvement was adopted in 2007. As one would expect there have been significant changes in development management and planning policy procedures since the adoption of each Statement of Community involvement. The changes have in part been due to both legislation changes (Localism Act, 2011, the Local Planning Regulations, 2012, and the National Planning Policy Framework, 2012) and reviews of internal systems. Consequently some practices set out in the Statement of Community Involvement no longer apply in their entirety.

- 5.6 Furthermore a large number of organisations identified in the Statement's list of 'specific' and 'general' consultees have changed or no longer exist. Both lists are used to notify individuals and stakeholders of the proposal to prepare a joint Local Plan and to seek their comments on its general content. Such notification is necessary to comply with section 18 of the Local Planning Regulations.
- 5.7 Your officers, therefore, consider that it is necessary to take time to prepare a new and more up to date Statement of Community Involvement, as a first stage in the preparation of the Local Plan. This will require a stage of public consultation but unlike in the past the Statement will not have to be subject to an independent examination but can be adopted quickly once any comments on the consultation strategy have been considered.
- 5.8 Previously each document was produced separately to suit the needs and purposes of individual authorities but for the purposes of preparing the joint Local Plan it makes sense to agree a joint strategy for community involvement. This has two important advantages. It will avoid duplication of effort and should ultimately help to simplify the process of consultation. It is considered that this is possible without compromising specific local needs of both local planning authorities.
- 5.9 A joint Statement of Community Involvement will also avoid the potential for confusion at the examination of the joint Local Plan, if two separately prepared Statements are in play.

## **6.0 Proposed Joint Advisory Group**

- 6.1 To assist in the timely delivery of the Local Plan it has been informally agreed that the establishment of a Joint Advisory Group made up of senior officers and members from both authorities should be established to support a proactive and focussed approach to strategic planning and partnership working by facilitating discussion and negotiation on strategic cross boundary priorities, including the future growth of each local authority area.
- 6.2 It is proposed that the Joint Advisory Group will meet at regular intervals during the key stages in the production of the Local Plan. The group will have no formal decision making powers but it will act in an advisory capacity to help provide a strategic overview as the plan evolves.
- 6.3 The group also has the potential to assist in demonstrating legal compliance with the duty to cooperate. The duty to cooperate is a legal duty on Local Planning Authorities, County Councils and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation relating to strategic cross boundary matters.
- 6.4 Critically it would also help the Plan's preparation to be undertaken diligently and in an open and transparent manner, reducing the likelihood of successful challenges in the future by third parties.
- 6.5 The establishment of a joint advisory group would not replace the scrutiny and advisory role of the Council's Planning Committee in respect of strategic planning matters. The Planning Committee would continue to be consulted at

each key stage so that it could act as a sounding board to the issues, policies and proposals and make recommendations to Cabinet as per the existing decision making process.

- 6.6 In view of the above it is recommended that Cabinet agree to the establishment of a Joint Advisory Group and that authority is delegated to the Director of Regeneration and Development to establish the draft terms of reference and the membership of such a group in consultation with the Cabinet Member for Planning and Assets.

## **7.0 Major Risks**

### **7.1 Potential for slippage in the work programme**

- 7.2 The programme appended to this report is predicated on a single consultation process at each key stage. It is estimated that in the event that it is necessary to go out to consultation for a second time the timescales for the completion of each stage could lengthen by up to six months, considerably lengthening the timescale of the overall programme. The greatest risk of this happening is at the Draft Plan and Final Draft Plan stages. This risk is reduced by investing time at the beginning of the process to get the building blocks of the Plan in place. Nevertheless it should be recognised that it may well be prudent to go out to consultation on more than one occasion in order to ensure the process is robust and less open to challenge by third parties or the Planning Inspectorate.

- 7.3 Any delays in commissioning the key studies and assessments, which together form the Plan's evidence base, or unforeseen slippage in the completion of a study, could impact on the Local Plan programme.

- 7.4 Each council will require the finance in place to match fund external commissions, with potential delay to the timetable of each council if this is not available at the appropriate time.

- 7.5 At this stage it is difficult to assess the impact of other work streams on the production of the joint Local plan which may arise from time to time often with very little notice e.g. responding to consultations generated by neighbouring authorities, as well as, any duty to cooperate obligations with other neighbouring authorities. Furthermore should the Council make a decision to continue with the community infrastructure levy in the future then this will need to be done in parallel with the Local Plan and this may result in some adjustments being made to the timetable.

- 7.6 A risk assessment will be prepared to help manage the above risks.

## **8.0 Legal and Statutory Implications**

### **8.1 Local development Scheme**

- 8.2 The draft programme, which is appended to this report, is to be considered by Stoke-on-Trent City Council's Cabinet on the 27 March. Once the programme has been agreed by both Councils it will be necessary to update this council's Local Development Scheme. The Local Development Scheme is a statutory requirement and involves publishing information on the council's website about what plans it intends to prepare and when.

### 8.3 Powers to prepare Joint Plans

8.4 Local planning authorities are able to prepare a joint plan, using powers in section 28 of the Planning and Compulsory Purchase 2004 Act. There are also powers set out in Sections 29-31 of the same Act relating to the establishment and dissolution of Joint Committees, but no proposals for a Joint Committee are being made.

8.5 It is envisaged that the drafting of the joint advisory group's terms of reference and its membership details will require support from the Council's Legal and Committee services.

### 8.6 Duty to Cooperate

8.7 Section 110 of the Localism Act 2011 introduced a duty to cooperate. This means that local planning authorities and other public bodies must work together constructively from the outset of the preparation of a Local Plan to maximise the effectiveness of strategic cross boundary matters and planning policies. Evidence of compliance with the duty to cooperate is both a legal test and a test of soundness, in the sense that the plan will be tested on the effectiveness and deliverability of its policies. Both tests will be considered when the Local Plan is submitted for independent examination by the Planning Inspectorate and the Local Plan could fail if either test is not passed. It is worth noting that in testing compliance with the duty at examination the Inspector will assess the outcomes of cooperation. This does not mean that agreement on key policy issues must be reached but it does mean that it is necessary to do more than just consult a neighbouring planning authority.

## 9.0 **Financial and Resource Implications**

9.1 Members will recall that the October Cabinet report considered in some detail the financial and resource implications of going forward with a joint Local Plan and it was resolved that the financial implications of the report be addressed through the next Medium Term Financial Strategy and the respective budget-setting processes. In summary the report identified a budget shortfall over the next three financial years (£76,170 in 2014/15 and a further £9,000 in the following two financial years). At the time of writing this report officers can confirm that the budget report to Council, due to be considered at its meeting on 26 February, recommended that expenditure of £76,170 arising in 2014/15 in relation to the preparation of the new Local Plan be financed from the Contingency Reserve. A verbal update in this regard could be provided at your meeting.

9.2 It is worth reiterating the fact that this stream of work will be based on a large amount of commissioned work and on the assumption of adequate staff resources being available within the two Councils manage such a programme of commissioning. Additionally it should be noted that, given the scale and nature of the Local Plan, resources from other borough Council departments will be required to ensure compliance with all relevant corporate and service priorities.

## 10.0 **Equality Impact considerations**

10.1 There are no equality impacts arising as a result of this report. A Statement of Community Involvement seeks to ensure that equality impact considerations are taken into account in the preparation of the joint Local Plan. As part of the preparation of the joint Local Plan an Equality Impact Assessment will also be carried out.

**11.0 Background Papers**

- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy
- The National Planning Policy Framework
- Draft National Planning Practice Guidance
- The Town and Country (Local Planning) (England) Regulations 2012
- Decision taken by Cabinet at the meeting held on 11 December 2013

**12.0 Appendices**

- Joint Local Plan Work Programme
- Key Joint Local Plan Stages