

JOINT LOCAL PLAN – ISSUES PAPER CONSULTATION DOCUMENT

Submitted by: Executive Director: Regeneration & Development

Portfolio: Planning and Housing

Ward(s) affected: All Wards

Purpose of the Report

- a) To seek Cabinet approval to go out to public consultation on the Joint Local Plan – Issues Paper Consultation Document.
- b) To seek agreement on a revised work programme for the production of the Joint Local Plan

Recommendation

- 1. Cabinet agree to public consultation on the Issues Paper Consultation Document (Appendix 1), in line with the methods of consultation set out in the adopted Joint Statement of Community Involvement.**
- 2. That the results of the consultation be brought back to Cabinet at the next stage in the Joint Local Plan Process – Strategic Options in summer 2016.**
- 3. That Cabinet agree to the revised work programme for the production of the Joint Local Plan, set out in the report and that this is published as an update to the Council’s Local Development Scheme.**

Reasons

To provide elected members with relevant information in respect of this matter and to facilitate the successful delivery of the Joint Local Plan.

To comply with Regulations, see section 6.4.

The Issues Paper Consultation document does not set or propose Council policy and so the decision to approve it for consultation purposes falls to the Executive (i.e. the Cabinet).

1. Background

- 1.1 The Issues consultation forms part of the preparation of the Joint Local Plan, which is a statutory development plan and is being jointly prepared with Stoke-on-Trent City Council. The Plan will eventually replace the adopted Joint Core Spatial Strategy, which was adopted in 2009 and covers the period 2006 to 2026 as well as the saved policies from the Newcastle-under-Lyme Local Plan, adopted in 2003. Once adopted the Joint Local Plan will therefore provide a new and up to date development strategy, which will form the starting point for considering whether a planning application is acceptable. The plan will also allocate land to meet projected needs for housing and employment, which will help to create certainty where significant development will take place and when it is likely to be built. Therefore, the Joint Local Plan will play an important role in attracting and guiding investment in housing and jobs, as well as, retail and community facilities/services. It will also work to secure the physical infrastructure to support new development.

- 1.2 The councils have signed up to a plan making programme which seeks to get a full plan through the examination process and adopted by late 2018. This involves an iterative process where the overarching development strategy is developed through a number of stages involving several rounds of public consultation, see section 2.1.
- 1.3 In September 2015 Members considered a report which gave an update in respect of the Local Plan timetable and approved the proposed changes to the pre- production process of the Local Plan, involving an initial consultation on the key issues (demands on the area) to be followed with consultation on the Strategic Options (land supply in response to the issues) in the middle of next year. The effect on the overall timetable, which has now been agreed with officers from Stoke-on-Trent City Council, is set out in section 2.
- 1.4 This first stage of consultation forms part of the Joint Local Plan Pre-production process, and seeks to identify the key issues and challenges facing the area, which the Joint Local Plan will seek to address over the new plan period 2013 – 2033. The Issues Paper Consultation Document covers eight themes identified below, see section 2.5. The consultation document will summarise the important issues under each of the themes and include a questionnaire and feedback form for comments to be captured and taken forward as part of the next stage of consultation when we will set out a range of policy and strategic options to manage future development needs and aimed at addressing the issues and challenges that have been highlighted at this initial stage.
- 1.5 The issues and challenges identified in the consultation document have largely been drawn from monitoring data prepared by both councils and several significant studies completed this year: **A Joint Strategic Housing Market Assessment; A Joint Employment Land Review; a Joint Gypsy and Travellers Accommodation Needs Assessment**, and previously published Retail and Leisure Studies.
- 1.6 In addition a draft Sustainability Scoping Report has been prepared and this was the subject of statutory stakeholder consultation during August and September 2015, in line with the Environmental Assessment of Plans and Programmes Regulations, 2004. The comments from this consultation are being considered with a view to finalising the Scoping Report. The scoping report sets out the approach to assessing the potential social, economic and environmental impacts of any new development strategy and will therefore be used to inform the development of strategic options.
- 1.7 These studies together with the Scoping Report help to lay the essential foundations of the Joint Local Plan. However, it should be noted that further studies will be required during the preparation of the Joint Local Plan to assist the development and appraisal of site allocations.
- 1.8 The draft Issues Paper Consultation Document and timetable have been the subject of extensive discussion at the Joint Advisory Group (JAG) upon which senior Members from both Councils sit.
- 1.9 The draft Issues Paper Consultation Document is to be considered by Planning Committee on the 13 January 2016. The recommendations of the Planning Committee will be reported to Cabinet via a supplementary report.
- 1.10 Stoke-on-Trent City Council's Cabinet will consider the Issues Paper Consultation Document for consultation purposes on the 19 January 2016. The decision of the City Council Cabinet will be reported verbally.

2. Issues

Revised Local Plan programme

- 2.1 The agreed process for the preparation of the Joint Local Plan is presented in the revised timetable below with the current stage highlighted.

Stage	What it involves	Progress/ Timeframe
Stage 1	Assembly of evidence base	Work on-going
Stage 2	SCI and stakeholder engagement	Statement of Community Involvement has been adopted. And is available to view on our website
Stage 3	Sustainability Appraisal (SA) Scoping Report	Draft SA Scoping Report consultation with statutory consultees completed in August/September 2015. Further Stakeholder consultation in 2016 at Strategic Options
Stage 4a	Issues Papers Consultation	Consultation timetabled for February / March 2016
Stage 4b	Strategic Options Consultation	Consultation timetabled for July / August 2016
Stage 5	Draft Plan (new policies and potential allocations)	Consultation timetabled for May / June 2017
Stage 6	Final draft: pre-submission Joint Local Plan	Timetabled to be published February / March 2018
Stage 7	Submission of Joint Local Plan to Secretary of State	May 2018
Stage 8	Public examination of Joint Local Plan	May to October 2018
Stage 9	Adoption of final agreed Joint Local Plan by Council	December 2018

- 2.2 In September 2015 the Government appointed a panel of experts to consider how the local plan making process could be streamlined in order to reduce the amount of time it takes to get a plan in place. The Panel's report is expected in January 2016 and this could well have implications for the Joint Local Plan timetable. This is to be welcomed and your officers will closely monitor the situation to ensure that the timetable is adapted in accordance with any new Government guidelines.
- 2.3 Members will be aware that the Housing and Planning Bill was introduced on the 13 October 2015. This is proposing separate interventions for putting plans in place more quickly. The Secretary of State will have more powers to, amongst other things, intervene if in their judgement a local authority is not making sufficient progress with its local plan (Clause 107 Secretary of State's default powers).

Key consultation issues

- 2.4 The Issues Paper Consultation Document (Appendix 1) is available only on the Council's website, this is due to the length of the document. For the convenience of

Members a summary of the key issues highlighted in the Consultation Document are appended to this report, see Appendix 2 Local Plan Key Issues Diagram.

2.5 The Consultation Document is split into eight themes:

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|----------------------------------------|-----------------------------------------|
| 1. Housing | 5. Health and Communities |
| 2. Economy | 6. Heritage |
| 3. City, Town and Local Centres | 7. Natural and Rural Environment |
| 4. Transport | 8. Climate Change |

The document seeks to set out a background, baseline position, as well as, the key issues and challenges for each theme. The purpose is to identify where the Joint Local Plan can seek to address these challenges with regard to the provision of planning policy, which will start to shape the aims, objectives and overall vision for the Plan.

2.6 The eight themes follow the topics covered in the National Planning Policy Framework and have been informed by updated evidence, as well as, information from specialist in-house teams at both authorities, including Staffordshire County Council.

2.7 A more detailed separate Technical Appendix is also to be provided in each case, which sets out in more detail the findings from the evidence base so far and summarised in the Issues consultation document. These Technical Appendices underpin each theme and contain a summary of past trends, strengths and weaknesses section and the policy context. The evidence documents will also be available during the consultation to help informed comments to be made. Essentially this is a nested approach, which provides various levels of information to enable people with different levels of interest and knowledge to be able to participate in the consultation process.

2.8 Whilst some of the issues may seem obvious and are indeed not new issues to the area it is important to establish the connections between the themes and understand what has and has not changed since the adoption of the Joint Core Spatial Strategy in 2009, in order to forward plan over the next 20 years and new plan period.

Statement of Community Involvement

2.9 The councils adopted a Joint Statement of Community Involvement in July 2015 and this sets out the Councils' commitment to how and when both authorities will consult with the general public at each stage of consultation during the Joint Local Plan process. The framework for the consultation process is therefore in place and will include:

- Duty to cooperate discussions, see below.
- Liaison with statutory consultees & partners
- Publishing documents online and make reference copies available
- Publicising via Press release and social media
- Leaflets and posters
- Focus groups & workshops
- Unmanned exhibition

- Enabling public responses to be submitted
- Publishing and considering all comments received
- Making appropriate changes to documents

It is proposed that the details of these arrangements are agreed in consultation with the acting portfolio holder for Planning and Housing, with the support of the Borough Council's Communications Team.

Duty to Cooperate

- 2.10 The key issues identified in this paper are likely to have implications wider than the geographical area of Newcastle-under-Lyme and Stoke-on-Trent. Therefore the consultation will involve consultation with neighbouring local authorities as well as organisations such as Historic England and Natural England and the Environment Agency. The councils also required to pay regard to the activities and proposals of the Staffordshire and Stoke-on-Trent Enterprise Partnership and Local Nature Partnership.
- 2.11 The consultation document will also serve to notify these bodies of the intention to prepare a Joint Local Plan for Newcastle-under-Lyme and Stoke-on-Trent.

3. Proposal

- 3.1 **A.** That Cabinet agree to go out to public consultation on the Issues Paper Consultation Document and supporting evidence base (see section 1.5 above) for a minimum of six weeks during February and March 2016.
- 3.2 **B.** That Cabinet agree to the consultation arrangements following the framework set out in the adopted Statement of Community Involvement and that the details are agreed in consultation with the acting portfolio holder for Planning and Housing and the Communications Team.
- 3.3 **C.** That Cabinet agree to the results of the Issues Consultation being reported back to Cabinet at the next stage of the Joint Local Plan process.
- 3.4 **D.** That Cabinet approve the revised timetable for the Joint Local Plan.

4. Reasons for the Preferred Solution

- 4.1 The Issues Paper Consultation Document provides the opportunity to consult on the important issues and challenges identified from key evidence documents and to seek comments and views on them, including asking if we have identified the right issues facing the plan area, before work is undertaken on developing the aims and objectives of the plan's development strategy and setting out options to manage future development and address the key challenges. This front loading will ensure key issues are recognised early before more detailed work is carried out on the draft strategic options.
- 4.2 To achieve the Council's objectives for open and transparent decision making.
- 4.3 Practice Guidance says that local planning authorities should constructively engage within the community throughout the process of preparing a local plan.

5. Financial and Resource Implications

- 5.1 The consultation on the Issues Paper will be carried out within existing revenue resources of the Council.
- 5.2 Failure to engage effectively with the community in the early stages of the preparation of the Joint Local Plan could ultimately undermine the soundness of the Document and this could have financial implications in the long term should it be necessary to start the process again.
- 5.3 The preparation of the Joint Local Plan is being carried out in-house and in partnership with the City Council's Planning and Transportation Team. This partnership provides some flexibility to reduce staff related risks, nevertheless both teams are not yet staffed to their full capacity. Both councils are actively taking steps to address this situation, but the revised timetable is predicated on adequate staff resources. Resources from other departments in both councils will continue to be required to ensure satisfactory progress with the Joint Local Plan.
- 5.4 There has been and will continue to be a requirement to procure additional evidence material. However, there are no significant additional financial implications arising from the proposals in this report.

6. Outcomes Linked to Corporate Priorities

- 6.1 The preparation and implementation of the Joint Local Plan will contribute to the following corporate priorities:
 - A clean, safe and sustainable borough
 - A borough of opportunity
 - A healthy and active community
 - A co-operative council delivering high quality, community driven, services

7. Legal and Statutory Implications

- 7.1 The Town and Country Planning (Local Planning) (England) Regulations, 2012, and Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, require local authorities to publish and monitor a project timetable or Local Development Scheme, for their development plan documents and supporting documents. It must also take account of provisions of the Localism Act, 2011 relating to town and country planning.
- 7.2 In addition to consulting the public the Council is now legally required to cooperate with neighbouring authorities and the County Council on relevant issues, as well as, work collaboratively with public health leads and organisations, utility and infrastructure providers, and a variety of statutory and private sector bodies.
- 7.3 The public consultation on the Issues Paper is not a statutory requirement, but in accordance with section 155 of the NPPF 'early and meaningful engagement and collaboration with neighbourhoods, local organisations and business is essential.'
- 7.4 The Town and Country Planning (Local Planning) England Regulations, 2012, require local authorities to publish and monitor a project timetable or Local Development Scheme, for their development plan documents and supporting documents.

8. Major Risks

- 8.1 It is important to recognise that due to factors outside the councils' control, the proposed timetable has the potential to change, this includes changes to legislation and accompanying regulations, as well as, the timetabling of the examination by the Planning Inspectorate. The greatest risk of this happening is at the Draft Plan and Final 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 receipt of large numbers of major objections may require substantive changes to be made to the Draft/Final plans and/or more evidential work to be carried out. Therefore it will be important to continue to closely monitor progress throughout the process to understand the impact on the Local Plan Programme.
- 8.2 The Joint Local Plan timetable could be put at risk by the impact of other work streams which are outside the control of the Council, such as responding to consultations generated by neighbouring authorities, the preparation of neighbourhood plans prepared by qualifying bodies (two neighbourhood plans are in preparation within the borough) and potential work on planning appeals and inquiries etc.
- 8.3 Staff turnover and recruitment difficulties could also undermine the progress of the Joint Local Plan and therefore it will be important to ensure sufficient resources are available throughout the timescales of the Joint Local Plan.
- 8.4 A joint Risk Assessment of the Joint Local Plan is currently being updated to take account of the above risks.
- 8.5 To avoid any risk of intervention by the Secretary of State progress on the Joint Local Plan must be maintained in an expedient manner.

9. **Appendices** (available via modern.gov or printed upon request)

- Appendix 1:
Issues Paper Consultation Document. A hard copy of this document can be found in the Members' Room.
- Appendix 2:
Local Plan Key Issues Diagram

10. **Background Papers**

- Joint Strategic Housing Market Assessment.
- Joint Employment Land Review.
- Joint Gypsy and Traveller Accommodation Needs Assessment (GTANA).
- Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy.
- Newcastle-under-Lyme Retail and Leisure Study, 2011.
- Stoke-on-Trent Retail and Leisure Study, 2014.
- Housing and Planning Bill, 2015.
- Planning and Compulsory Purchase Act, 2004.
- Town and Country Planning (Local Planning) England Regulations, 2012.
- The Environmental Assessment of Plans and Programmes Regulations, 2004.
- Technical Appendices.
- Draft Sustainability Appraisal Scoping Report.
- Draft Strategic Housing Land Availability Assessment Methodology.