

Public Document Pack

Date of meeting Thursday, 16th March, 2023
Time 7.00 pm
Venue Astley Room - Castle
Contact Geoff Durham - 742222



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Economy & Place Scrutiny Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 APOLOGIES
- 2 DECLARATIONS OF INTEREST
- 3 MINUTES OF PREVIOUS MEETING (Pages 3 - 6)
To consider the minutes of the last meeting of the Committee.
- 4 UPDATE FROM CABINET
- 5 STRATEGIC MANAGEMENT OF THE TOWN CENTRE / NUL BID (To Follow)
- 6 FUTURE HIGH STREETS FUND AND TOWN DEALS UPDATE (Pages 7 - 14)
- 7 BOROUGH LOCAL PLAN (Pages 15 - 20)
- 8 HOUSING PROVISION SUBCOMMITTEE SET UP (To Follow)
- 9 WORK PROGRAMME (Pages 21 - 24)
- 10 PUBLIC QUESTION TIME
Any member of the public wishing to submit a question must serve two clear days' notice, in writing, of any such question to the Borough Council.
- 11 URGENT BUSINESS
To consider any business which is urgent within the meaning of Section 100B (4) of the Local Government Act 1972.

Members: Councillors Beeston, Bettley-Smith, Burnett, Edginton-Plunkett, Gorton, Grocott, Hutchison (Vice-Chair), Moffat, Panter, Skelding and G White (Chair)

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- Where the total membership of a committee is 12 Members or less, the quorum will be 3 members....Where the total membership is more than 12 Members, the quorum will be one quarter of the total membership.

SUBSTITUTE MEMBER SCHEME (Section B5 – Rule 2 of Constitution)

The Constitution provides for the appointment of Substitute members to attend Committees. The named Substitutes for this meeting are listed below:-

If you are unable to attend this meeting and wish to appoint a Substitute to attend in your place you need go:

- Identify a Substitute member from the list above who is able to attend on your behalf
- Notify the Chairman of the Committee (at least 24 hours before the meeting is due to take place)

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

NOTE: THERE ARE NO FIRE DRILLS PLANNED FOR THIS EVENING SO IF THE FIRE ALARM DOES SOUND, PLEASE LEAVE THE BUILDING IMMEDIATELY THROUGH THE FIRE EXIT DOORS.

ON EXITING THE BUILDING, PLEASE ASSEMBLE AT THE FRONT OF THE BUILDING BY THE STATUE OF QUEEN VICTORIA. DO NOT RE-ENTER THE BUILDING UNTIL ADVISED TO DO SO.

Economy & Place Scrutiny Committee - 12/12/22

Councillor Simon White, Deputy Mayor and Heritage Champion, introduced the report on the programme of commemorations for the 850 years of the Borough of Newcastle under Lyme. The council had set up a Working Group which had met regularly to plan the programme.

The Leader provided more detail on the plans which were set out in the report and included Civic, community and legacy celebrations and events. A dedicated area on the website displayed the programme and information. There were various sponsorship packages available and £35k in sponsorship had been committed to date. Local schools would be able to get involved. The logo had been designed by the council's in-house team.

Members raised queries as follows:

- Would the King's Coronation be included within the plans? The committee was advised that the programme would complement the Coronation.
- Were there opportunities for other events to be added as the programme progressed? The committee was informed that the council welcomed all involvement from across the borough and events could be 'badged' as 850 commemorations if wished. Town and Parish Councils were encouraged to participate and had been contacted.
- The proposals were welcomed particularly the civic pride elements and it was hoped could lead to the relaunch of the Civic Society.
- Was there any involvement by Newcastle College? The college was working with Daniel Jones, the council's Culture and Dance Leader, regarding a performance.
- Could the programme run without sponsorship? All elements could be funded except the legacy of a statue for Queen Elizabeth II which would require external funding/sponsorship.

RESOLVED: that the report be received and noted.

[Click here to watch the debate](#)

6. BOROUGH LOCAL PLAN UPDATE

The committee received an update on the current position with the Borough Local Plan. The Leader, Councillor Simon Tagg, updated that the council was currently calling for brownfield sites to be identified. There would be a consultation in spring 2023 on preferred sites with the final Plan to be submitted to Council by the end of the year.

Members queried the confidence in the timescales and were advised there was a detailed Project Plan in place and regular monitoring to ensure the Plan kept on track.

Members requested an update on the current position with the Borough Local Plan be included on every agenda.

RESOLVED: that the Borough Local Plan be included as an agenda item for each meeting for the foreseeable future.

[Click here to watch the debate](#)

7. **FUTURE HIGH STREET FUNDS AND TOWN DEALS FOR KIDSGROVE AND NEWCASTLE UNDER LYME**

The committee considered the Future High Street Funds and Town Deals for Kidsgrove and Newcastle under Lyme:

FHSF: Ryecroft site:

- Morgan Sindall had been appointed to support delivery of the car park and were preparing a planning application.
- A feasibility study was underway for the provision of a mid-range hotel.
- Planning applications for Aspire HQ and residential development were due in 2023.
- Funding streams were outlined.

FHSF York Place:

- Wilmott Dixon appointed to support delivery of the proposed development of ground floor retail/leisure/restaurant with office space above. Funding was as shown.

Kidsgrove Town Deal:

- There were 5 projects with the current position as stated – Kidsgrove Sports Centre was now open; Chatterley Valley works and the Railway Station enhancements – for both projects the design works had begun and funding was being finalised; Shared Service hub – business case was being approved and design works and scope had been agreed.

Newcastle Town Deal:

- There were 9 projects with the current position as stated – Knutton Masterplan designs were being developed following consultation; Cross Street, Chesterton – feasibility study for the next phase was being developed; Walking and Cycling routes were being progressed by Staffordshire County Council; the design for the former Zanzibar site had been agreed and the Midway proposals were awaiting the operation of the car park at Ryecroft; Centre for Performing Arts – the preferred location had been identified and the Business Case was being finalised; Digital Society – the premise had been secured and grant agreement was being finalised; GB Broad Band and EV Charging Points were both being initialised.
- The funding for each project was outlined along with the inflationary pressures and other considerations.

Members referred to York Place and asked how confident was the council that the units would be filled and income received when there were already a number of empty units in the town centre. In response, the committee was informed that the design made it a modern, flexible and efficient space with lower operating costs due to the zero carbon design. There was no such similar offer in the town.

A query was raised around the hotel proposal and whether there was a contingency plan should no provider come forward? In this case, the council would look into developing the site and a consultant was investigating whether this was feasible.

Members asked who the council's partners were in the delivery of all the schemes and were business plans available? It was agreed that in future the presentation would be circulated in advance of the meeting and that all available information would be shared.

Members also asked about the current position with the Sky Building and were advised that works would continue in the next few weeks.

RESOLVED: that

- (a) The update be noted.

Economy & Place Scrutiny Committee - 12/12/22

- (b) The presentation be circulated in advance of the meeting for all future meetings to enable Councillors to identify in advance any areas for which further information is needed.

[Click here to watch the debate](#)

8. WORK PROGRAMME

The committee considered the Work Programme. As discussed at the meeting, the item from the BID would be deferred to the March meeting along with the A53/Bus Gate Full Business Case if it was ready and the regular items relating to the Future High Streets Funds/Town Deals and the Borough Local Plan. Members asked whether scrutiny could consider social housing providers as this had been an issue raised with some Members particularly relating to ongoing maintenance works at properties. It was agreed that this would be added to the Work Programme for March. In addition, it was agreed to set up a sub-committee to review social housing provision across the Borough and the work plans for Aspire Housing.

RESOLVED: that the Work Programme be updated as discussed at the meeting.

[Click here to watch the debate](#)

9. PUBLIC QUESTION TIME

There were no members of the public present.

10. URGENT BUSINESS

There was no urgent business.

**Councillor Gary White
Chair**

Meeting concluded at 8.15 pm

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Economy Environment and Place Scrutiny Committee
16 March 2023

Report Title: Future High Street Fund and Town Deal Update

Submitted by: Executive Director Development and Growth

Portfolios: Finance, Town Centres and Growth

Ward(s) affected: Town

Purpose of the Report

To provide an update on progress on key projects within the Future High Street (FHSF) and Town Deal Funded Programme, these being the new Castle Multi Storey Car Park on Ryecroft and the redevelopment of York Place Shopping Centre.

Recommendation

That

1. That Members note the potential benefits of the proposals, the progress made and risks associated with delivery a major regeneration programme for Newcastle town centre.

Reasons

To provide an opportunity for scrutiny of the budgets and funding for the key developments in the FHSF and Town Deal programme of regeneration.

1. Background

- 1.1 As Members will be aware through the regular updates provided at Scrutiny the Borough Council has received over £50m of Government funding through the Future High Street and Town Deal programmes of grant funding. This represents a significant opportunity for the Council to drive investment in the Borough with a focus on economic regeneration benefits. This is a significant opportunity to tackle sometimes long standing and difficult issues with a degree of funding that would not otherwise be available to the Council.
- 1.2 A series of interventions across both Newcastle and Kidsgrove are currently underway – over 15 individual projects in total, excluding the Advanced Town Deal Projects that were completed in 2021. Delivery of these projects is both directly by the Council itself and also with a range of delivery partners who are likewise investing substantial amounts in driving forward the opportunity presented.
- 1.3 This report will focus on:-
 - the redevelopment of York Place Shopping Centre
 - The new Castle Multi Storey Car Park on Ryecroft

1.4 The strategic case for these projects has been set out respectively in the Future High Street Funding bid or Newcastle Town Deal Investment Plan. The focus of the interventions is to drive significant regenerative benefit in Newcastle town centre with a series of linked interventions addressing those areas that have great opportunity to uplift the appearance and economic performance of the town centre. A draft masterplan for the Ryecroft area has been produced to support its redevelopment.

2. **Progress to Date and Issues**

2.1 Demolition and Redevelopment of York Place

Redevelopment of York Place was included in the Future High Streets Fund Bid as it is an aging property that was struggling to retain tenants and had a developing issue with anti-social behaviour in Astley Walk. Following Council acquisition of the site in February 2022 Willmott Dixon were appointed as Design and Build contractor to redesign the site, submit a planning application, demolish the building and redevelop the site.

Willmott Dixon have worked with the Council on designs for York Place resulting in a planning application being submitted in December 2022. It should be noted that as York Place is in the Town Centre Conservation Area demolition will not be permitted unless there is a proposal for its replacement.

The proposed buildings will provide a mix of uses including commercial office space and active retail and food and beverage uses on the ground floor, with the market ultimately determining the precise mix. The development is arranged over two blocks with connectivity between Merrial Street and Ironmarket and a small public square between the two buildings providing the opportunity for animation through outdoor dining and small-scale performances. The new development has been designed to achieve Net Zero Carbon In Operation status through a series of measures embedded within the substructure, superstructure as well as solar panels, ground source and air source heat pumps.

A planning application has been submitted for the scheme to allow for the demolition of the existing building, funded by FHSF grant. The work for this needs to progress at pace to ensure spend by the FHSF deadline of March 2024 and to avoid the impact of holding costs, such as empty property rates if the building were to stand empty.

The Council is exploring the best option for taking forward the redevelopment phase of the project. This is aimed at getting the best deal for the redevelopment and a procurement exercise is being prepared to seek a partner for this. A procurement specialist is supporting this approach. Early soft market testing has provided feedback of what the market will need from the Council as partner. To date this feedback is giving the Council confidence in its ability to be an active and positive partner.

There are positive indications for the 'pre-letting' of space once developed and the Council will seek to have some pre-lets in place prior to a construction contract being awarded, giving both the Council and any perspective partner confidence in future income levels from the development.

The existing tenants have all been consulted with over the past year and we have assisted several relocate to, as were, empty retail units in the Lancaster Building, Castle Walk units and several units along the High Street. There have been a few hurdles we have had to cross in getting all retailers on board and relocated but the vast majority of the tenants have understood the need and agree that the centre is due for redevelopment and have actively worked with the Council to sort the relocation and the financial support that was available to them. We are

confident that all tenants will have relocated out of the building by June 2023 in time for the demolition to commence.

2.2 York Place Capital budgets/funding

York Place has allocation of £3,015,218 of FHSF to fund purchase of the existing complex (now complete), relocation costs for the existing tenants (in progress) and demolition of the existing complex. FHSF grant must be spent by the end of March 2026.

The Council is seeking a Joint Venture partner to progress the redevelopment. Redevelopment of the site will be funded from Council borrowing, Subject to Government approval, there is potential for an amount of Newcastle Town Deal funds to be contributed, subject to a particular use in one of the ground floor units.

The principal cost of delivering the scheme as submitted for planning permission stands at c.£20m. This includes build and demolition costs, costs associated with achieving a Net Zero Carbon development as well as provision for sunk costs and Section 106 contributions.

Based on development costs of c£20m and a current PWLB annuity borrowing rate of 4.94% over a loan period of 40 years, the development generates a surplus of c.£2,778,000 over the 40 year period, an in year surplus is generated from year 19 onwards, offsetting borrowing costs of £1,156,000 per annum. A value engineering exercise on the scheme, and/or waiting for construction material inflation to cease, in order to ensure that a £18m scheme is deliverable will show an in year surplus from year 14 onwards. The Council's borrowing may reduce subject to the nature of any JV entered into.

2.3 Castle Car Park on Ryecroft

A key enabler of the regeneration of the town centre, and of the Ryecroft and Midway sites in particular is the development of a new multi-story carpark which would include a step change in quality of provision, including installation of electric vehicle charging points at a scale to meet anticipated future demand. The cleared Ryecroft site offers this opportunity and the proposed car park is acting as an anchor development to support the proposed hotel development and also the significant investment planned by Aspire Housing on the site of the former Civic Offices building.

The car park will provide a total of 453 car spaces of which 16 are accessible, 6 are accessible with EV charging, 392 are standard spaces and 39 are standard spaces with EV charging. There will be 19 motorcycle bays and a cycle hub located within the new car park

Following a procurement exercise in late 2021. Morgan Sindall was appointed as design and build contractor for the new car park. The design has gone through a number of iterations through the RIBA Stages with the final design comprising of aluminium powder coated mesh screen facades which incorporate the Newcastle-under-Lyme castle emblem. A planning application was submitted in early March 2023.

2.4 Castle Multi storey car park Capital budgets/funding

£3.5 million of Future High Street Funding is allocated to Castle Car Park. An amount of which has been used to arrive at planning submission, with the balance to be used for the build phase. The Council has also committed capital funds for the project which it will seek to partly offset through receipts from the sale of the Midway site (assumed £1 million) plus proceeds from the rationalisation of car parking provision within the town. (£1 million assumed).

The Stage 3 Cost Plan (Q4 2022) for the car park calculated a principal cost for the development of £12,362,059.22 including build costs, preliminaries, fees, risk, contingency, insurances and developer overheads and profits. As we are now into work stage 4 costs will be redefined following discussions with the supply chain and overall cost inflation and a further cost plan will be issued in April 2023, it is anticipated that this will be value engineered to a cost of £11,600,000.

Based on a PWLB annuity borrowing rate of 4.94% over a 40 year loan period, and assuming a loan of £6.1m (for illustrative purposes) with remaining costs being met from FHSF and the rationalisation of other car park provision there would be a net cost of £2,215,286 over the 40 year period after taking account of new income from the development.

It is anticipated that this net cost will be offset by surpluses forecast to be generated on the subsequent Hotel development. Income includes new parking permits and increased usage resulting from the adjacent developments – the hotel with an estimated 27,000 room nights taken each year (based on 60% occupancy which will increase to over 80%) and the new Aspire Housing developments. It is also expected that the car park fees for the new facility will reflect the quality of the offer represented by the new facility.

All of the above will assist in the financial viability of the site. As the key initial development on the Ryecroft site the car park is required to kick start each of the subsequent developments – without this the rest of the Ryecroft developments are at risk of failure, in particular the hotel.

3. **Proposal**

1 That Members note the potential benefits of the proposals, the progress made and risks associated with delivery a major regeneration programme for Newcastle town centre.

4. **Reasons for Proposed Solution**

4.1 To secure substantial regeneration and economic development benefits for the town centre.

4.2 To maximise the benefit of Government grant funding for Newcastle town centre and lever in additional investment from other delivery partners and investors.

4.3 To uplift the appearance and functionality of significant areas of the town centre.

5. **Options Considered**

5.1 Do nothing - The Council could opt not to use the Government grant funding offered to it. This would result in a substantial loss of investment in the town centre and result in either the sites remaining as a blight on the town centre for a substantial number of years, significant investment by the Council to bring forward the sites on its own or the attraction of private sector development at a challenging time for the construction industry.

5.2 Partial delivery – this would deliver only one or two of the proposed projects. However as a number of the projects are linked this would severely limit the beneficial impact and ability to lever in additional investment to the town centre.

5.3 Deliver the projects as proposed – This will maximise the benefit of Government grant monies for the benefit of the town, lever in additional investment, support the functionality and economic health of the town centre and produce future income streams for the Council through car park receipts, business rates and property rental. This is the recommended option.

6. **Legal and Statutory Implications**

- 6.1 Section 2(1) of the Local Government Act 2000 permits local authorities to do anything they consider likely to promote or improve the economic, social and environmental well-being of their area.
- 6.2 The Council will be required to commit to a number of contractual relationships in delivery of the programme of projects. These are reported separately to Cabinet at the appropriate time.
- 6.3 The Council has to comply with the conditions of Government grant funding in the delivery of the projects, ensuring good governance and compliance with public sector duties in its management of the funds.

7. **Equality Impact Assessment**

- 7.1 The projects are intended to deliver benefits to a wide range of town centre users.

8. **Financial and Resource Implications**

- 8.1 The public borrowing rate used below is at 8 March 2023 for illustrative purposes, this is subject to change on a daily basis and could have a significant impact on the financial viability if increases in interest rates are forthcoming, or may result in considerably less costs in the instances of lower rates being obtained when borrowing is required.
- 8.2 Rigorous financial challenge and monitoring of the projects expenditure will be required in both the interim and during subsequent construction phases. Financial monitoring will be reported as part of the scrutiny process, will be submitted to the Capital, Assets and Commercial Investment Review Group for further monitor and review and will also form part of the quarterly financial report to Cabinet.

9. **Major Risks**

- 9.1 Inflation in construction costs

A number of external factors are affecting construction cost inflation and it is likely that these factors will continue to have influence over the next few years. The potential consequence of this is that projects need to be phased or scaled to reflect cost and market confidence. The project team are responding to this in several ways. At the procurement stage potential contractors are being asked about supply chain management to ensure that they have robust processes in place. Cost management is a part of our project management processes and the Council has appointed a firm of Quantity Surveyors to support delivery of major projects and examine construction contractor cost proposals. Value engineering is undertaken at key stages of project delivery and information is fed back to DLUHC as a part of information returns so that they can report to central Government on this issue. The Council is also exploring whether a joint venture partnership approach will bring value in delivering certain key projects.

- 9.2 Interest rate increases to fund development costs

Changes in interest rates can impact the attractiveness of Council borrowing to enable delivery of the projects. The consequence of this is that the project may not reach the Council's desired payback period resulting in viability challenges which would need to be dynamically addressed. Many of the controls listed in 9.1 above apply as controls for this element of risk. Through

proper project management processes, cost control and supply chain management the project team is endeavouring to reduce the capital requirement needed to be committed by the Council. The team also explores options for other sources of funding, such as joint venture or use of grant funding in a way that delivers complimentary project elements without contravening funding body requirements. Where grant funding monies are being used there is a cut-off for defrayal however for Council funded elements a delay in delivery until a more favourable interest rate is available may ultimately be an option that has to be considered although this would delay delivery of positive economic benefits from the project and the Council would need to be confident that it could still deliver contracted outputs in the required timescale.

9.3 Failure to deliver and removal of Govt funding

Grant funding awarded to the Council has a definitive deadline for defrayal and outputs to be achieved as a result of the spend occurring. Should the Council be unable to deliver in time and deliver the required outputs then there is a risk that funding would be withdrawn or reclaimed leading to a loss of investment in the Borough. In addition to the processes set out in 9.1 and 9.2 above, one part of the Council's robust project governance processes is regular engagement with DLUHC as our key funder, this is in addition to more formal monitoring and evaluation and assurance processes that need to be followed. By proactively managing this relationship the Council is able to engage at an early stage where project variations may need to be notified.

9.4 Business case assumptions not realised – income targets not achieved

Business cases that are developed to attract funding are developed using the MHCLG 5 case standard which ensures that a robust project proposal is produced to attract funding. The business case model includes scenario testing of 'do nothing' 'do something', variations on the 'do something' option before arriving as the desired project proposal. Sensitivity testing is applied as a part of this process to ensure the best possible proposal is made to achieve development and income targets are met.

9.5 Planning considerations / requirements add costs to developments

Planning considerations have the potential to add to the cost of development. The project team and its contracted suppliers are proactively engaging with the planning process at an early stage to ensure that planning requirements are factored into the end design, mitigating the need to re-work projects and ensuring a good standard of design responds to such considerations.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 Newcastle town centre is a highly accessible location, encouraging greater use of its land and assets enhances its role as a centre for services, leisure, retail and living and its connection to local residents. Further these projects are intended to enable the redevelopment or re-use of derelict land, an underused retail complex that is in a poor state of repair and currently blocks good connectivity between the Ryecroft site and Ironmarket / High Street. The new car park will upgrade EV charging facilities in the town centre and provide enhanced cycle storage, both of which are more sustainable forms of transport than fossil fuelled vehicles. New buildings will have sustainable features as a part of their development. The projects are intended to bring with it sustainability improvements, regeneration and economic benefits, in that respect, the project supports the realisation of the following UNSDG objectives:-



11. **Key Decision Information**

11.1 This report provides an update on progress relating to the development of regeneration projects in Newcastle Town Centre

11.2 Future High Street Fund required the Council to administer a grant to the value of £11.4 million.

12. **Earlier Cabinet/Committee Resolutions**

12.1 March 2022, Cabinet, Contract award to Wilmott Dixon for the York Place contract.

12.2 December 2021 Cabinet purchase of York Place Newcastle under Lyme.

12.3 December 2021 contract award to Morgan Sindall for Castle Multi Story Car Park

12.4 April 2021 Cabinet accepting FHSF Grant monies and grant conditions

12.5 September 2020, Cabinet concerning delivery of accelerated Town Deal projects for Newcastle Town Deal

12.6 July 2020, Cabinet concerning approval for submission of a Future High Street Fund bid into MHCLG (now DLUHC).

12.7 December 2019, Economy Environment & Place Overview and Scrutiny Committee Town Centre Funding Update (information item).

12.8 October 2019, Cabinet concerning development of the second stage FHSF bid and procurement of consultancy support.

13. **List of Appendices**

13.1 None

14. **Background Papers**

- York Place planning application ref: [22/01079/DEM3](#)
- Castle Car Park planning application (available once validated)
- Ryecroft indicative masterplan
- Future High Street Fund bid

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Economy Environment and Place Scrutiny Committee
16 March 2023

Report Title: Local Plan Progress Update

Submitted by: Executive Director Commercial Development and Economic Growth

Portfolios: Planning and Regeneration

Ward(s) affected: All Wards within the Borough of Newcastle-under-Lyme

Purpose of the Report

To provide an update on progress with the Borough Local Plan, and the anticipated next steps for the period March until June 2023

Recommendation

That

1. That Members note the progress update provided on the Borough Local Plan.

Reasons

To ensure that the process of adopting the Local Plan is undertaken in accordance with the requirements of the Planning and Compulsory Purchase Act 2004

1. Background

- 1.1 The Local Plan sets the vision and framework for how the borough will grow up to 2040. It sets out targets for the number of jobs and homes to be delivered in the Borough and a spatial strategy to guide development to the most sustainable locations.
- 1.2 An initial consultation on the Local Plan, relating to Issues and Strategic Options, was undertaken in autumn 2021. A report was taken to Cabinet on the 19 July 2022 which presented detailed feedback on responses received.
- 1.3 A further report was considered by Cabinet on the 05 October 2022 which delegated authority to update the Local Plan milestones in the Local Development Scheme, which sets out the anticipated timetable for future stages of the Local Plan.
- 1.4 The Economy and Place Scrutiny Committee, on the 12 December 2022, requested that a standard item be added to the agenda to provide an update on the current position with the Borough Local Plan.

2. Progress to Date and Issues

- 2.1 Since the report to Cabinet on the 05 October 2022, a number of work areas associated with the Local Plan have been progressed:-

Item	Comments
Local Development Scheme & Project Plan	Updated Local Development Scheme has been published on the Borough Council website. Local Plan Project Plan has been updated and maintained.
Duty-to-Co-operate	Ongoing meetings with partners and neighbours supported by advice from the Planning Advisory Service (part of the Local Government Association which provides consultancy and peer support and other resources to help Local Authorities on planning and service delivery)
Strategic Housing and Employment Land Availability Assessment (SHELAA)	The SHELAA provides a snapshot of the current housing land supply position. An update of this document was published in November 2022.
Interactive Mapping	The Local Plan Interactive Map was published on the Borough Council website in December 2022
Policy drafting	The drafting of policies to include in the Local Plan is an ongoing activity.
Evidence base	Significant amount of ongoing work on collating evidence, including but not exclusive to the following items:- <ul style="list-style-type: none"> • Settlement hierarchy • Plan strategy and site selection • Town centre capacity study • Housing and economic needs assessment • Further Green Belt evidence • Gypsy and Traveller and Travelling Showperson Site Report • 5 year supply position statement • Infrastructure Delivery Plan • Viability Assessment • Transport Modelling • Landscape character assessment • Ecological network recovery assessment and mapping • Sustainability Appraisal • Habitats Regulations Assessment • Equality Impact Assessment • Interactive mapping update

Next Steps (March – June 2023)

2.2 The anticipated next stage of activity for the period March – June 2023 is as follows:-

- Completion of evidence base and the drafting of policies
- Appraisal of policies in the Plan
- The consideration of suitable site options for allocation in the draft Plan to meet identified development requirements

2.3 It is anticipated that the First Draft Local Plan and associated evidence base will be considered by Cabinet on the 23 May 2023. Subject to approval at that meeting, the First Draft Local Plan will be the subject of an 8 week public consultation over the spring / summer. The consultation will be undertaken in accordance with the Council's Statement

of Community Involvement - <https://www.newcastle-staffs.gov.uk/planning-policy/statement-community-involvement-sci>

2.4 Once consulted upon, the planning policy team will review responses in the light of current evidence and any other material considerations such as changes in national planning policy.

2.5 The Local Development Scheme proposes, beyond the consultation on the First Draft Local Plan, the following outline milestones:-

- Prepare submission draft of the Local Plan (Quarter 3 / Quarter 4 2023)
- Consultation on submission draft (Quarter 1, 2024)
- Submission of the Plan to the Planning Inspectorate for public examination (Quarter 3, 2024)
- Examination of Plan (Quarter 4 2024 / Quarter 1 2025)*
- Adoption (Quarter 2 2025)*

*these later stages will be dependent upon the appointed inspector(s), on behalf of the Secretary of State, who will examine the Plan and the examination process itself. The recent Government consultation on Levelling-up and Regeneration Bill: Reforms to National Planning Policy (Dec 2022), confirms that the Council has until the 30 June 2025 for Plans to be submitted for examination (to be adopted by 31 December 2026). Beyond this, Local Plans will have to be prepared in line with the requirements of the new style Plan making process set out in the Levelling Up and Regeneration Bill.

2.6 Regular progress updates will be provided to this committee on the Local Plan.

3. **Proposal**

3.1 The Economy and Place Scrutiny Committee at its meeting of the 12 December requested regular updates on progress with the Borough Local Plan.

4. **Reasons for Proposed Solution**

4.1 In order that Council deliver a robust and fully considered Borough Local Plan, it is paramount that appropriate evidence is collated and that consultations on the drafts are undertaken and that feedback is received and acted upon.

5. **Options Considered**

5.1 The Council has already expressed its clear intention through its Local Development Scheme and through the preparation of the Local Plan to date that it intends to put in place a comprehensive set of up-to-date planning policies for the borough.

5.2 The Government has recently consulted on changes to the Planning system. The consultation on changes to the National Planning Policy Framework (NPPF) contains certain focussed additions that represent a clear steer from the Government to align the NPPF with the Levelling Up and Regeneration Bill (LURB). The consultation documents indicate that the Council has until 30 June 2025 for 'old style Plans' to be submitted for examination (and to be adopted by 31 December 2026). Beyond this, Local Plans will have to be prepared in line with the requirements of the new style Plan making process supported by the Levelling Up and Regeneration Bill. The Borough Council has submitted a response to the consultation on the NPPF and wider reforms. The Government is expected to publish a response and the revised NPPF later this spring. Further consultation is scheduled to take place on the rest of the NPPF and National Development Management Policies (once the Levelling Up and

Regeneration Bill has Royal Ascent) from Spring 2023 with further updates to the NPPF to arrive later in the year. A number of Local Planning Authorities have paused Plan making but the clear message from Government is for Plan making to continue.

5.3 The option of not to proceed with the Local Plan and to cease work is not considered a reasonable option as the Council has a statutory duty to prepare development plan documents. Other consequences are the diminishing weight applied to out of date policies in existing development plan and the possibility without a forward supply of development sites that the Council fails to demonstrate a 5 year land supply. This would result in planning applications being determined in line with the presumption of sustainable development.

6. **Legal and Statutory Implications**

6.1 In accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan. Secondary legislation contained in the Town and Country Planning (Local Planning) (England) Regulations 2012 provides additional guidance on Plan making. The next consultation stage will be carried out in the stage of plan-making governed by Regulation 18, to consider the subject of the Local Plan and consult about what it should contain.

7. **Equality Impact Assessment**

7.1 The Local Plan will be supported by an Equality Impact Assessment. This will consider how development proposed and planning policies impact on different groups within the community.

8. **Financial and Resource Implications**

8.1 The preparation of the Local Plan is resourced through the Planning Policy budget.

9. **Major Risks**

9.1 Changes in National Policy, Legislation and Guidance.

The Levelling-Up and Regeneration Bill is currently before parliament. The Bill will have implications for the production of Local Plans, once it receives Royal Ascent (anticipated to be later in the year). The Government has outlined that Councils have until 30 June 2025 for old style Plans to be submitted for examination (to be adopted by 31 December 2026). Alongside this, the government has recently consulted on proposed changes to the National Planning Policy Framework. This may result in changes to the approach to Plan making, particularly in respect of the Green Belt. Again this position will be kept under review. Transitional arrangements are likely to apply and implications of any changes to the approach and content of the Local Plan will be kept under review.

9.2 Failure to demonstrate that the Plan has been prepared in line with the Duty-to-Co-operate.

The Duty-to-Co-operate is a legal test that requires co-operation between Local Planning Authorities and other public bodies on relevant strategic cross border matters included in the Local Plan. The Borough Council continues to have ongoing communication with our partners and neighbours on the Local Plan and advice has been sought from the Planning Advisory Service on how best to evidence meeting the Duty to Co-operate going forward.

9.3 Failure to meet the timetable for the preparation and adoption of the Local Plan.

There is some potential for slippage in the time line of the Plan and this will be dependent on a number of factors notably the amount and diversity of the comments received at each consultation stage and the availability of staff to support this requirement. This risk though can be addressed through managing staffing levels and utilising other sources of external and internal staff support as appropriate.

9.4 Failure to provide robust evidence base for the emerging Local Plan

The risk here is that the policies and allocations proposed by the Local Plan are based on erroneous or out of date data. This is being addressed through the work already undertaken on some key pieces of evidence base (some involving external consultancies) and also ongoing review of evidence as the plan progresses to adoption.

9.5 Failure to demonstrate transparency and inclusiveness in our engagement and consultation with stakeholders on strategy development.

If an aggrieved party feels the process has not been followed correctly then it may launch a challenge to the validity of the plan through the judicial review process. It is therefore important that the plan presents itself in a manner where each party has the opportunity to present their case fully. The Borough Council will also follow its Statement of Community Involvement during consultation stages.

9.6 Failure of a Consultant or Third Party to Deliver to Council's Timeframe

If a contracted consultancy company who is delivering evidence for the Local Plan is delayed this could potentially delay the subsequent or next stage of the evidence development and plan drafting. It is important that evidence is robust (see 9.4 above) and that short cuts aren't taken in building the evidence bases. Unsoundness of the foundations of evidence will undermine all subsequent evidence levels.

10. UN Sustainable Development Goals (UNSDG)

10.1 As the Local Plan is primarily focused on the use of land, overall levels of growth and the relationship to the environment and infrastructure then a number of the UN Sustainable Development Goals will overlap with the aims of the Plan.



11. **Key Decision Information**

11.1 This report provides an update on progress relating to the development of the Local Plan. Decision reports associated with the formal consultation and submission of the Local Plan will affect all wards in the Borough.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Cabinet – Wednesday 13 January 2021 – Cabinet resolved to cease work on the joint Local Plan and commence work on the borough Local Plan - <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3423>

12.2 Cabinet – 8 September 2021 – to publish the Local Plan Issues and Options Paper - <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3429>

12.3 Economy and Place Scrutiny Committee – Wednesday 15 June 2022 – presentation and report on outcomes from Local Plan Issues and Options Consultation - <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=467&MId=4163>

12.4 Cabinet – 19 July 2022 – Presentation and feedback on Local Plan Issues and Options Consultation - <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3979>

12.5 Cabinet – 5 October 2022 – update Cabinet on progress made on the Local Plan and next steps before consultation is undertaken - <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=4181>

12.6 Economy and Place Scrutiny Committee – 12 December 2022 – Borough Local Plan Update provided - <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=467&MId=4130>

13. **List of Appendices**

13.1 None

14. **Background Papers**

14.1 The Local Plan evidence base can be viewed on the Council's website:- <https://www.newcastle-staffs.gov.uk/planning-policy/local-plan-evidence-base>

ECONOMY AND PLACE SCRUTINY COMMITTEE



Work Programme 2023/24

Chair

Cllr G. White

Vice-Chair

Cllr D. Hutchison

Members

Cllrs S. Beeston, R. Betley-Smith, G. Burnett,
J. Edgington-Plunkett, R. Gorton, D. Grocott, S. Moffat,
B. Panter, C. Skelding

Scrutiny Champion

Simon McEneny

**Portfolio Holders within the
Committee's remit**

Cllr S. Sweeney - Deputy Leader – Finance, Town
Centres and Growth
Cllr T. Johnson – Environment and Recycling
Cllr A. Fear – Strategic Planning

This committee scrutinises how the council influences, affects and interacts with the natural and built environment. It also scrutinises how the council influences, affects and interacts with the local, regional and national economy.

This Work Programme is set and reviewed at quarterly meetings of the Scrutiny Management Group. The Chair and Vice Chair also meet regularly with the Portfolio Holders to discuss this Work Programme. There is an opportunity for committee Members to discuss the Work Programme at each committee meeting. Part D of the Council's [Constitution](#) governs the scrutiny process.

For more information on the Committee or its work Programme please contact the Democratic Services:

✚ Geoff Durham at geoff.durham@newcastle-staffs.gov.uk or on (01782) 742222

✚ Alexandra Bond at alexandra.bond@newcastle-staffs.gov.uk or on (01782) 742211

Planned Items

DATE OF MEETING	ITEM	NOTES
16 March 2023	<ul style="list-style-type: none"> • Strategic Management of the Town Centre/NUL BID • Future High Streets Fund and Town Deals for Kidsgrove and Newcastle under Lyme • Borough Local Plan • Housing Provision – set up Working Group 	
8 June 2023	<ul style="list-style-type: none"> • HS2 Update • Future High Streets Fund and Town Deals for Kidsgrove and Newcastle under Lyme • Borough Local Plan • Neighbourhood Planning 	<ul style="list-style-type: none"> • Including an update on York Place and the Multi-Storey Car Park • Including consultation responses and housing numbers
21 September 2023	<ul style="list-style-type: none"> • Future High Streets Fund and Town Deals for Kidsgrove and Newcastle under Lyme • Borough Local Plan 	
7 December 2023	<ul style="list-style-type: none"> • Planning Enforcement & Performance 	
18 March 2024	<ul style="list-style-type: none"> • Knutton Master Plan 	

Special Meeting

1. A53/Bus Gate – Final Business Case – joint meeting with HWE Scrutiny when appropriate

Previous Items

DATE OF MEETING	ITEM	NOTES
15 June 2022	<ul style="list-style-type: none">• HS2 – look ahead to the next 12 months on works impacting on the Borough• Sustainable Environment Strategy, Action Plan• Future High Streets Fund update & Town Investment Plans for Newcastle and Kidsgrove – update on progress• Borough Local Plan• Police presence in the town centre	
1 August 2022	<ul style="list-style-type: none">• Borough Local Plan Call-In	
1 September 2022	<ul style="list-style-type: none">• Recycling and Waste Services Update – Town Centre Impact• Future High Streets Fund and Town Deals for Kidsgrove and Newcastle under Lyme	
12 December 2022	<ul style="list-style-type: none">• Strategic management of the Town Centre• Future High Streets Fund and Town Deals for Kidsgrove and Newcastle under Lyme• 850 Commemorations• Local Plan timings and next steps	

Last updated on 3rd February 2023

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