

SITE ALLOCATIONS AND POLICIES DEVELOPMENT PLAN DOCUMENT – SCOPE OF CONTENTS AND DRAFT TIMETABLE

Submitted by: Regeneration and Development

Portfolio: Regeneration and Planning

Ward(s) affected: All

Purpose of the Report

To agree a revised timetable for the Site Allocations and Policies Development Plan Document.

Recommendations

(a) That Cabinet agree to proceed with the preparation of the Site Allocations and Policies Development Plan Document in accordance with the draft timetable set out in the report.

(b) That a further report is submitted to a subsequent meeting on an Issues paper together with further details of the consultation arrangements for the Site Allocations and Policies Development Plan Document.

Reasons

The preparation of the Site Allocations and Policies Development Plan Document is included in the Council's approved Local Development Scheme and is a very important priority in the Local Development Framework. Formal changes to the Local Development Scheme are required to be approved by Cabinet.

1. Background and Purpose of the Report

- 1.1 Members will be aware that the preparation of a Site Allocations and Policies Development Plan Document (the Plan) forms part of the Council's Local Development Scheme (the document that explains the programme in respect of planning policy documents) which was 'brought into effect,' in January 2009.
- 1.2 This report proposes a revised timetable for this important development plan document (DPD) and describes the role of the different timetable stages. The Planning Committee are considering a report on the Site Allocations Development Plan and Policies on 11 October, 2011 and are being asked for their views and these will be reported orally to Cabinet.
- 1.3 It should be noted that the progress of this DPD has been delayed due to the need to pay regard to the scrutiny review of the Newcastle Development Programme. Nevertheless the new draft National Planning Policy Framework (NPPF) places a strong emphasis on having up to date plans in place and further increases the pressure on Councils by proposing that planning permission should be granted 'where the plan is absent, silent, indeterminate or where relevant policies are out of date.' The adopted Core Spatial Strategy places the Council in a relatively strong position, however, your officers consider that the Council should take the necessary steps through the preparation of a Site Allocations and Policies DPD to put in place 'proactive' policies that provide an even greater degree of 'certainty' to facilitate sites coming forward 'efficiently' and in a managed way.

- 1.4 The recent Cabinet resolution 'to test the appropriateness of development of the Council's surplus non-operational land through the preparation of the Site Allocations Development Plan Document process' further, increases the importance of progressing the Plan as quickly as possible.
- 1.5 Once adopted the Plan will form a part of the Development Plan and as such will carry full weight in the determination of planning applications. It will remain in force until the end of the plan period until 2026.

2. **Scope and Content**

- 2.1 The Newcastle and Stoke-on-Trent Core Spatial Strategy, adopted in November 2009, provides the overarching framework to develop and support detailed planning policies. The Site Allocations and Policies Development Plan Document (the Plan) will be a more detailed plan and once adopted will: direct where future housing, retail, leisure facilities and employment should be located; which areas of the Borough should be protected and safeguarded from future development; and the main tests that the Council should take into account when deciding whether to grant planning permission for new development.
- 2.2 In respect of the latter this will involve the generation of criteria based policies relating to specific site allocations and a limited suite of generic development control policies giving clear guidance on what will or will not be permitted and where. In due course these generic policies will supersede many of the policies 'saved' from the Newcastle-under-Lyme Local Plan 2011, adopted in 2003, and its supporting supplementary planning guidance.
- 2.3 Housing and employment sites will only be allocated if they are of strategic importance, or required to ensure that the delivery targets set in the Core Spatial Strategy can be met. However, additional evidence will be needed to justify the site, including whether the site is suitable for the intended purpose (the issue of suitability is intimately related to viability) and available and furthermore that a high quality and sustainable development can be achieved.
- 2.4 All allocated sites will be identified on an updated version of the Proposals Map.

2.5 **Local and National Priorities**

In addition to issues of local importance, issues of national importance like climate change will need to be reflected in the Plan. However, it will be possible to put a local interpretation and weight on any such issues, although overall the Plan will need to be in conformity with national policy.

2.6 **Managing Delivery**

The Plan will set out implementation strategies for housing and employment land. The aim will be to describe the approach to managing the delivery of allocated sites to ensure a flexible supply of land able to respond to changing economic circumstances.

2.7 **Place Shaping**

It will be a key objective of the Plan, when allocating land, to seek to create attractive neighbourhoods that function and relate well together. In respect of housing the aim would be to bring forward new housing schemes that benefit places socially, economically and environmentally.

- 2.8 Indeed the preparation of the Plan presents an excellent opportunity for the local community (includes the business community) to become actively involved in shaping their

neighbourhoods. However, it will be inevitable that the process of place shaping will have to balance competing, and often conflicting, objectives and needs within a community. At the end of the day it will be necessary to take a holistic view of the challenges the Borough faces even though there may be difficult and contentious choices.

2.9 Infrastructure

In addition to providing guidance for achieving the best arrangement of land uses and activities the Plan will seek to ensure that the allocated sites are supported by an adequate social and transport infrastructure.

- 2.10 This will involve a fresh iteration of the Infrastructure Delivery Plan (IDP) prepared in support of the Core Spatial Strategy. The IDP will seek to set out when and what infrastructure is required and also, as far as possible, how and by whom this will be provided. To do this it will be necessary to liaise with service providers, including the County Council. In addition it will identify strategic infrastructure to be funded by the Community Infrastructure Levy and individual site specific infrastructure to be funded through planning obligations.

3. Sustainability Appraisal

- 3.1 To comply with both European and National legislation, the Plan will be accompanied by a 'Sustainability Appraisal,' which is an assessment of its effect on the environmental, social and economic condition of the Borough. It will involve an assessment of the policies and proposals against indicators of sustainable development and targets in accordance with the methodology used during the production of the Core Spatial Strategy.
- 3.2 The indicators and targets will be decided following consultation with bodies such as the Environment Agency, community groups and individuals with expertise in sustainability appraisal.

4. Objective Assessment

- 4.1 The allocation of a site will not happen without an objective assessment of a site's suitability and deliverability. Such an assessment will include giving consideration to how the allocation of a site will help to deliver the aims and objectives of the Council's Joint Core Spatial Strategy, how well it is backed up by evidence from technical studies and databases and information held by both the Council itself, and other public and voluntary bodies (several of the main evidence documents are reported elsewhere on this agenda) and critically the views of the community, which have been obtained through a lengthy process of community collaboration.

5. Community Collaboration

- 5.1 The involvement of the community will be integral to the way in which the Plan is prepared and will be conducted through an iterative process of informal and formal consultation. This will involve engagement and partnership working with other council services, community groups, the third sector, the business community, including the Staffordshire and Stoke-on-Trent Local Enterprise Partnership, neighbouring authorities and statutory consultees like the Environment Agency and English Heritage.
- 5.2 The Plan is likely to be the focus of intense public interest not least as a result of the review of the Newcastle Development Programme, by the Council's Scrutiny Task and Finish Group. Lessons learnt during this scrutiny process regarding public communication will enable the Council to manage public expectations more effectively, but it is evident that the

preparation of the Plan will impose very large demands on the Council and will require significant resource planning and very robust consultation and communication processes.

- 5.3 It should be noted that the information from local residents, given to the Council during the Review of the Newcastle Development Programme, will be taken into consideration.
- 5.4 Similarly the results of a survey of all businesses in Newcastle and Kidsgrove Town Centres, undertaken in June 2011, as part of the Borough Council's recent Retail and Leisure Capacity Study, will be taken into account.
- 5.6 The Council will take into account all comments made during the community engagement stages of the preparation of each DPD prior to publication of the DPD.

6. **Draft Timetable for the Site Allocations and Policies DPD**

6.1 **Stage One – Developing the Evidence Base**

The creation of a robust but proportionate evidence base remains critical to the plan making system. Work on the evidence base for the Plan is largely complete and includes: a Strategic Housing Land Availability Assessment 2010 (subject to annual review); an updated Retail and Leisure Capacity Study for the Borough, the North Staffordshire Executive Housing Market Study and a Joint Employment Land Review conducted with the City Council.

- 6.2 Assessing whether a site is suitable will involve making a judgment that there is a reasonable prospect that development will occur on the site. Therefore, detailed assessments will be required in the case of sites where the costs of developing are expected to undermine the suitability and viability of the site. In some cases it may also be necessary to undertake work to assess flood risk so that potential mitigation works can be identified.

6.3 **Stage Two – Discussion of Issues and scoping of Options**

An 'Issues' paper will be prepared, which will work to 'set the scene' and get people up to speed with the issues impacting on the Borough, as well as, presenting a variety of policy options to resolve the main issues and take forward the policy objectives of the Core Spatial strategy.

- 6.4 It is the intention that this paper will form the basis of early discussions with: residents; representatives from the business community; partners; landowners; and developers and will provide them with an opportunity to consider and evaluate the different issues and potential options. The effectiveness of this 'frontloading' will be considered during an Examination in Public – a stage later on in the process (see 6.11 - Stage six).
- 6.5 It will also provide an opportunity to consider the Council's various evidence reports, as well as, identify their infrastructure requirements. People will also be able to nominate sites for development, including telling the Council about land that should be identified for new uses. It will not be the intention to seek views on detailed site proposals, but a long list of sites, accompanied by maps, will be made available for comment.
- 6.6 This 'frontloading' stage will be quite informal and is likely to be conducted via a range of workshops, forums and public meetings.

6.7 Stage Three - Options

This next stage will involve formal consultation on an "Options" document over a six week period and will aim to focus on the timing and location of available site options to be taken forward into the Draft Plan. At this stage it will remain open for people to express a preference for any option including stating the Council's proposals should be rejected. Similarly it will be possible to comment on any alternative options not being taken forward (those options, which are not seen as being suitable), as well as any new evidence reports used to justify the Council's position.

6.8 It may be necessary to consult more than once to refine and improve the options and then again on more detailed policy criteria relating to the implementation of a particular site option.

6.9 Stage Four – Publication of the Draft Plan

At this stage a Draft Plan will be published so that representations can be received, but solely on whether the proposals will be effective and can be justified and are consistent with national policy. This 'Publication' stage again will require a minimum six week consultation period prior to submission to the Secretary of State.

6.10 Stage Five - Submission Draft

The final plan will be 'Submitted' to the Planning Inspectorate for Public Examination following a review of the representations submitted after Publication. In addition a statement will be formally submitted setting out what consultation took place, a summary of the issues raised by any representations and the Council's response to each point.

6.11 Stage Six – Examination in Public

An Inspector will be appointed to undertake an Examination in Public on the Plan. A 'Hearing' will be held during the Examination period to provide an opportunity for the public to participate in the Examination in respect of any matter or topic identified by the Inspector. The role of the Inspector is to consider whether the document is legally compliant and satisfies the criteria for soundness, or in other words is fit for purpose.

6.12 At the Examination the Council will need to show a clear trail of option generation, appraisal, selection or rejection and the role that the Sustainability Appraisal and community engagement have played.

6.13 Should the proposals in the draft NPPF come into force it will also be necessary to demonstrate evidence of having successfully cooperated with neighbouring authorities to plan for issues with cross-boundary impacts.

6.14 Planning positively to meet the infrastructure requirements of a locality has also been added to the existing tests of soundness.

6.15 Stage Seven – Adoption

Once the Plan has been found sound it will be necessary for the Council to formally adopt the document. This will be a decision of Council.

7. Timescales

Stage	Key activities	Start Target Date	End Target Date	Consultation Status	Decision Process
1	Preproduction evidence gathering	Pre Core Strategy	ongoing	Informal	N/A
2	Discussions on Issues	Jan 2012	End March 2012	Informal	Planning Committee/Cabinet
3	Representations invited on Options	July 2012	End Aug 2012	Formal	Planning Committee/Cabinet/Council
4	Representations invited on Publication of Draft Plan.	Mid Dec 2012	End Jan 2013	Formal	Planning Committee/Cabinet/Council
5	Representations invited on Submission Draft	April 2013	Mid May 2013	Formal	Proceed to submission assuming no substantive amendments
5	Submission to the Secretary of State		End June 2013		
6	Examination in Public	July 2013	Mid Sept 2013	Formal	Planning Inspectorate
6	Hearing		End Aug 2013	Formal	Planning Inspector
6	Final Inspector's Report		End Sept 2013	N/A	Non binding report
7	Adoption		Oct 2013	Formal notice	Council

7.1 Delays to the timetable could arise from the need for additional evidence, as well as, the need to repeat a stage, or conduct additional consultation. The timing of the independent examination will be dependent upon the Planning Inspectorate and will be subject to negotiation.

7.2 The intention is to prepare the Plan concurrently with the process of preparing a charging schedule under the Community Infrastructure Levy Regulations 2010, with a view to the examination of the charging schedule following on from the examination of the DPD. Accordingly Officers are currently exploring the possibility of a joint economic viability assessment with the City of Stoke-on-Trent. The feasibility of this will take into consideration any potential impact on the Plan's draft timetable.

8. Next Steps

8.1 Steps will be taken to publicise the timetable set out in this report, so that people are aware of the forthcoming opportunity to take part in the production of the Plan. People will be encouraged to engage in shaping their surroundings to help create strong Town Centres, as well as, distinctive settlements and neighbourhoods, which better reflect their needs and priorities.

8.2 Through this process of advanced publicity your officers will seek to find out how communities, including representatives from the business community, wish to be involved during the informal and formal processes of consultation. A further report will then be presented to the January Cabinet meeting, setting out in more detail the consultation arrangements and presenting the draft 'Issues and Options' paper which will be used to hold informal discussions with stakeholders

8.3 The ultimate aim will be to produce a Plan that is: distinctive to Newcastle; which is an effective response to local issues and priorities and which contributes to our corporate priorities.

9. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

9.1 All the documents prepared as part of the Council's LDF are intended to be "spatial", in that they are limited only by the definition of the area they cover and should take into account all the plans and strategies of the Council and other partners. They should therefore affect directly every aspect of the Council's priorities. Development Plan Documents are also required to set out specific performance data on which their success can be monitored.

10. **Legal and Statutory Implications**

10.1 The Planning and Compulsory Purchase Act 2004 sets out the requirements for the production of Local Development Plan Documents. However, local authorities have to adapt their approach to plan making as Government's requirements are subject to frequent change and to conform to national policies unless a different local solution can be justified.

11. **Financial/Resource Implications**

11.1 With the exception of the Examination in Public the cost of preparing the DPD is already included in the budget.

12. **Equality Impact Assessment**

12.1 An Equality Impact Assessment will be undertaken on the final draft DPD.

13. **Major Risks**

13.1 Consultations will take place with the Planning Inspectorate in the development of the DPD, so that the timing of the examination of the DPD can be confirmed. The Planning Inspectorate will also assess whether the DPD is 'sound.'

14. **Earlier Cabinet/Committee Resolutions**

14.1 The Newcastle-under-Lyme Local Development Scheme, was brought into effect by the Cabinet at its meeting in January 2009.

14.2 Cabinet resolved on 7 September 2011 'to test the appropriateness of development of the Council's surplus non-operational land through the preparation of the Site Allocations Development Plan Document.'

15. **Background Papers**

Newcastle-under-Lyme Local Development Scheme (2009)