

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Cabinet
08 September 2021

Report Title: Local Plan Issues and Strategic Options

Submitted by: Executive Director Commercial Development and Economic Growth

Portfolios: Planning & Growth

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

Purpose of the Report

To seek Cabinet approval to undertake a period of not less than six weeks public consultation on the draft Local Plan Issues and Strategic Options Paper.

Recommendation

That Cabinet:

- 1. Delegates to the Executive Director - Commercial Development & Economic Growth, in consultation with the Cabinet Member for Strategic Planning, authority to finalise the public consultation arrangements and associated documentation for the Issues and Strategic Options Paper.**
- 2. Cabinet approves a period of not less than six weeks public consultation to conclude no later than Tuesday 14th December 2021 on the draft Issues and Strategic Options Paper and the publication of the accompanying Sustainability Appraisal Scoping Report.**
- 3. Receives a report at a future meeting summarising the findings of the consultation event**

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

1.0 Background

- 1.1** Local Plans are a statutory requirement set by the Government under the Planning and Compulsory Purchase Act 2004 which require Local Authorities to set out a local development plan for their area.
- 1.2** The Council currently has a Local Plan in place which was adopted in 2003 and this is supported by the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy which was adopted in 2009. Both of these documents though were in place prior to the National Planning Policy Guidance (NPPF) being issued in 2012 and are now considered to have limited weight in terms of decision making.

- 1.3 Work was undertaken to deliver a new Joint Local Plan (JLP) with Stoke but due to an increasing recognition to ensure the Plan gave consideration to the needs of the Borough and in particular the role of Neighbourhood Planning, the Council chose to separate from Stoke at the beginning of 2021 and commence work on its own Local Plan.
- 1.4 The new Local Plan sets the vision and framework for how Newcastle-under-Lyme will grow to 2040. It sets out targets for the number of homes and jobs to be delivered in the Borough and a spatial strategy to guide development and infrastructure to the most sustainable locations.
- 1.5 The process of taking a plan to adoption is set out in legislation, notably The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004.
- 1.6 The three key stages consist of a consultation process for the Council to seek opinions on the issues that are of concern to the plan area and to look at how local and national needs around development can be met, this is known as the Issues and Options Stage. The next step is the production and subsequent consultation on a draft plan which seeks to identify sites and provide distinct policies which will help shape future development. Based on the feedback received at consultation, the Council can then reconsider the proposed plan before it is submitted to the Planning Inspectorate for examination. The examination process is an independent evaluation of whether the plan is “sound” and can therefore be adopted and brought into effect.
- 1.7 It is expected that by presenting a combined Issues and Strategic Options document at this time, more thorough engagement can be archived with the public and consultees thus helping to bring forward the draft plan as early as possible.
- 1.8 It should be noted that the Plan will need to be supported by evidence to show how impacts generated through development can be mitigated and where impact does occur, how alternative options have been considered. Whilst most of the evidence is thematic in nature e.g. open space study, retail study etc. two key pieces of work, the Sustainability Appraisal and the Habitats Regulations Assessment (SA and HRA) are overarching studies which look at the plan as a whole.
- 1.9 The SA and the HRA will be produced alongside the emerging Local Plan and draft documents will be presented for consideration at the time the draft Local Plan is published next year.
- 1.10 At this initial stage of plan preparation, a scoping report has been prepared for the SA and this will be published alongside the Issues and Strategic Options Paper for consultation purposes.

2.0 Issues

- 2.1 There are different approaches Councils can adopt to the preparation of their consultation paper ranging from quite open ended requests for options to more focused documents. Two key tests though are that the options presented should be deliverable and the manner in which they are presented is not seen as steering peoples thinking either through design or omission. If the consultation is perceived as being pre-determinative in nature there is the potential of challenge on the grounds that the plan is biased in favour of, or against, certain policies or sites.
- 2.2 It is not essential for Councils to put forward site proposals at this stage but if sites are being presented for discussion, the Council needs to be clear that the land owner is party to the

proposal and willing to bring the site forward for development in the lifetime of the plan. The site also needs to be technically deliverable in principle i.e. access can be gained from the adopted highway, pollution, flooding and other technical and environmental challenges can theoretically be addressed and the site is viable.

- 2.3 This, pre-assessment is not a pre-determination of any subsequent planning application that may follow if a site is eventually allocated in the plan. National policies both for planning and those adopted by consultees may change prior to any application being submitted, new development may change the character of an area since the plan was adopted and neighbour comments may affect arguments in favour or against certain material planning considerations affecting the weight given in debate to these points.
- 2.4 The second point though is of more importance, the need to present a document that could not be perceived as being pre-determined in nature supporting one option to the detriment of any another.
- 2.5 It is for the next stage of plan preparation to select sites and certain policies which in turn will be supported by the Council as means to try and deliver the widest benefits for the Borough in a manner that balances the environmental, social and economic matters as highlighted in the NPPF.
- 2.6 At this initial stage of plan preparation, officers are presenting a range of options which seek to explore people's interests on a number of issues around the delivery of new housing and employment provision in particular but also to protect and enhance local centres, enhance the environment and deliver a sustainable transport system for example.
- 2.7 It is recognised that some of these options will be preferable to others and some by quite a wide margin. Nevertheless, all of the options are viable and if it proves impossible for more appealing options to come forward in the draft plan e.g. a landowner withdraws their interest in releasing a site for development, then it may prove necessary for considerations to be given to these less desirable locations.
- 2.8 The Issues and Strategic Options paper is structured around our vision and 12 strategic objectives. The vision is set out in section 3 and reads:

By 2040, the Borough will have delivered sustainable new homes and jobs meeting local needs and providing more opportunities for people. We will have respected and improved the character and distinctiveness of our Staffordshire market towns, villages and rural areas with a particular focus on broadening our network of Neighbourhood Plans.

We will have enabled new infrastructure, supported the growth of businesses and our University, whilst preserving and enhancing our natural and built assets and taken action to tackle the impacts of climate change.

- 2.9 The 12 strategic objectives are:
- Create development with character
 - Support Kidsgrove railway station
 - Diversify employment base
 - Support neighbourhood planning
 - Mitigate climate change
 - Invest in regeneration
 - Maintain open spaces
 - Enable growth of Keele University
 - Balanced growth and conservation

- Provide a mix of housing types
 - Protect the Green Belt
 - Support rural villages
- 2.10 The opening section of the paper looks at the current local plan position and the national requirements on all councils with regard to what should be included in the plan before stating the vision and the objectives. The context for both employment and housing needs are then set out.
- 2.11 In section 6, the consultation document then sets out options for growth for the council. At the heart of this work are the three growth models as defined through the Council's work with Turleys which was completed last summer and the projections from the econometrics firm Experian.
- 2.12 The three scenarios begin with the lowest growth option known as the Standard Methodology as it reflects the Governments minimum standards for housing growth before looking at two additional options which seek to facilitate a degree of enhanced growth in the employment sector namely Experian Baseline and Experian Plus which in turn support additional housing supply to provide for a growing workforce in the borough.
- 2.13 In accordance with Government guidance on plan making, the consultation does not look at a nil growth scenario as this approach is not supported by Government Policy and if pursued, would be unlikely to meet the requirements of the planning framework when brought to examination thus resulting in the plan being found to be unsound.
- 2.14 Recognising the importance of the local communities that make up the Borough, the document then seeks to ask for opinions on the hierarchy of centres in the Borough. Officers have sought to ensure all local centres have been recognised as these locations will form the starting point for consideration around the provision of new infrastructure e.g. transport hubs, medical facilities, libraries etc. and wider retail provision which in turn will be heart of any community.
- 2.15 A series of six growth directions for the wider spatial strategy lie at the heart of the consultation paper and in turn, these may be adopted by the subsequent Draft Local Plan due next summer.
- 2.16 These options have been presented as although officers have sought to pursue a brownfield first agenda to meeting even the lowest growth figures i.e. those based on the Standard Methodology, there are insufficient brownfield sites available in the borough to meet the target figures.
- 2.17 The Draft Plan may be structured on one or more of these growth directions and this will depend on a series of inputs to the drafting of the local plan next summer following the public consultation this autumn and national planning guidance which will need to be taken to account.
- 2.18 It should be highlighted that all these options are being presented to the public to ensure that there can be no criticism that the Council has sought to steer people away from certain options through omission. Taken on their own, it is feasible that some options may be heavily criticised or even supported through the public consultation but this in itself would not be sufficient justification to support the addition or omission of a site from the Draft Local Plan. The feedback from the consultation will inform the allocation process but it will be one of many factors that contribute to the final document.
- 2.19 In summary, the six options to meet housing need beyond the capacity of brownfield sites are as follows:

- Development on Strategic Sites outside the Green Belt: This option seeks to identify a series of large sites adjoining villages beyond the Green Belt. Whilst it protects the Green Belt, the option is considered difficult to deliver as a standalone solution due to matters around sustainability and impact on a small number of communities.
 - Urban Extension at Keele University Growth Corridor: This option relies on the release of the former golf course site which is in the Green Belt for the housing element but also incorporates an expansion of the employment provision to the east of the University. As a Green Belt site, it will be imperative that strong arguments are put forward to pass the exceptional circumstances tests set by the Planning Inspectorate.
 - Release of Green Belt sites at Talke and Chesterton: As with option 2, strong arguments will be needed to meet the exceptional circumstances tests. The sites though do provide good opportunity to improve local infrastructure.
 - Green Belt expansion at Kidsgrove: A number of sites have historically been submitted to the north and east of the town for development. The town could be considered a sustainable location especially given the presence of the railway station and capacity at the high school to accommodate more pupils but as with the previous two sites, exceptional circumstances will need to be presented to support Green Belt release.
 - Green Belt sites around Audley: This options looks at the six villages around Audley including Halmer End at Bignall End. The area has a number of key facilities including a medical centre, small supermarket and secondary schools and some employment options but the land around the villages is Green Belt so the exceptional circumstances will need to be met.
 - A combination of sites: This option seeks to take parts from each of the other five scenarios. Whilst this may allow the impacts to be dispersed, additional resourcing will be required to deliver a more complex matrix of sites to meet identified needs and with a requirement for infrastructure for each site, the opportunities for infrastructure gain will be diminished.
- 2.20 The document looks at options for meeting areas of specific housing need including gypsy and travel sites, affordable housing, and self-build units.
- 2.21 Two strategic employments sites are presented at this time at Keele as part of the Growth Corridor and adjacent to Junction 16 on the M6. These sites are being explored as opportunities for the Borough to move its employment offer into areas currently under served by the existing stock and so diversify opportunities for the Borough meet wider employment needs in north Staffordshire, the West Midlands and onto the North West.
- 2.22 The retail section highlights a number of possible changes to the existing boundaries of Newcastle and Kidsgrove town centres. This is significant as the boundary can affect how development proposals for non-retail use are considered and what changes may happen in the future in these locations.
- 2.23 In closing, the document looks at key planning matters linked to the development management process supporting the national policy framework. These matters include, design, natural environment, historic environment, flood risk, open space, transport, renewable energy and air quality.

3.0 Proposal

3.1 It is requested that Cabinet:

- Delegates to the Executive Director - Commercial Development & Economic Growth, in consultation with the Cabinet Member for Strategic Planning, authority to finalise the public consultation arrangements and associated documentation for the Issues and Strategic Options Paper.
- Approves a period of not less than six weeks public consultation to conclude no later than Tuesday 14th December 2021 on the draft Issues and Strategic Options Paper and the publication of the accompanying Sustainability Appraisal Scoping Report and
- Receives a report at a future meeting summarising the findings of the consultation event

4.0 Reasons for Proposed Solution

- 4.1 The options within the Issues and Strategic Options paper have been presented to firstly allow consideration of a range of wide range of options to accommodate development in the borough and secondly, to ensure that the process of preparing the plan is undertaken in accordance with the legislative requirements for the preparation and adoption of a plan that is deemed by the Planning Inspectorate to be sound, i.e. correctly processed and reasonable in its allocations and policies.
- 4.2 It is considered that the document represents a fair balance between the need to present options for discussion, facilitate the opportunity for new thoughts to be presented by consultees whilst also not delving into a multitude of theoretical of options that would overwhelm consultees to the point where it would become difficult for people to engage with the process.
- 4.3 Whilst it is recognised that some of the options are less palatable than others, it is also noted that there is a requirement on the Council by Government to meet a number of competing aims. Notably, the Council is expected to meet basic housing requirements as set through the standard methodology whilst also enabling the delivery of sustainable development in a form that supports the local and national economy whilst supporting support strong, vibrant and healthy communities and not causing unacceptable harm to the environment.
- 4.4 The Plan seeks to reconcile these competing aims in the least harmful way possible and where impacts may arise, provide mechanisms to secure appropriate mitigation.

5.0 Options Considered

- 5.1 There are two main alternative options to that being presented. Approve an Issues and Strategic Options Paper with different options within it for consultation in the autumn or not to proceed with the approach being proposed and undertake consultation in separate stages addressing initially issues and then opportunities at a later date.
- 5.2 There is a third option which is not to proceed with the production of a Local Plan and cease work. This is the 'do-nothing' scenario.
- 5.3 It is considered this third option is not viable as it would directly conflict with the Governments aims for all Local Planning Authorities to have a Local Plan in place by the end of 2023. If the Council is seen as not having reached this goal or at least made good progress towards it, there is the potential the Government may seek to intervene in the Councils making process

and even if that were not the case, the Council would be exposed at each appeal reliant primarily on national policies to defend its position

- 5.4 It is officers view that the document put forward offers the Council the greatest scope to engage with the views of the public and consultees whilst also progressing consultation in an expedient manner
- 5.5 As the proposed document does not seek to preclude options for development, it is felt that it offers an opportunity for progress to be made towards the adoption of the Local Plan.
- 5.6 Whilst a multi stage approach to undertaking consultation could provide greater opportunities for members of the public to engage in the planning process, these opportunities are dependent on the outcomes of each previous stage. Accordingly, consultees would need to take into account earlier decisions and it would not be possible for them to keep reopening matters previously considered. Should this occur, progress towards adoption could be significantly delayed with the plan entering a repeating loop of consultation.

6.0 Legal and Statutory Implications

- 6.1 The Local Plan is a statutory requirement and needs to conform to the requirements set out within the Planning and Compulsory Purchase Act, 2004 (“the 2004 Act”) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”).
- 6.2 Once adopted, the Local Plan will replace the adopted Core Spatial Strategy, 2009 and saved policies of the Newcastle-under-Lyme Local Plan 2003 - 2011.
- 6.3 The National Planning Policy Framework and the 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 2004 Act and the 2012 Regulations.

7.0 Equality Impact Assessment

- 7.1 An Equality Impact Assessment (EqIA) has been undertaken for the Issues and Strategic Options document. At this stage of plan preparation, it is considered there are no specific detrimental equality impacts arising as a result of this report. The EqIA has been published alongside the main report.
- 7.2 The EqIA has assessed how the Issues and Strategic Options document and the questions raised within, impact on the nine protected characteristics identified in the Equalities Act 2010.
- 7.3 Whilst there are no negative impacts arising for people with any of the protected characteristics, it is anticipated that the Plan will bring about a number of positive impacts. These include securing a range of housing types, increased open space provision, improved health care provision and safer environments. These gains will be of benefit to people with disabilities and of different ages or those who are pregnant. People from different ethnic or racial groups and those who experience hostility and are threatened in the environment for their sexuality or sexual orientation will also benefit from the policies in the Plan.
- 7.4 When the Plan moves on to its next stage and sites are proposed and specific policies put forward which may affect individuals and groups, an Equality Impact Assessment will be carried out on the recommendations.

8.0 Financial and Resource Implications

- 8.1 The costs of the public consultation exercise are provided for in the Planning Policy Team budget.
- 8.2 Additional resources will be provided during consultation events to ensure not only basic public health requirements are taken into account but to also try and offer a reassurance to the public that the consultation events will be safe to secure the widest engagement with the public possible.

9.0 Major Risks

- 9.1 There are some significant risks associated with the consultation process which have been considered and addressed.

9.1.1 Failure to provide robust evidence base for the emerging Local Plan.

The risk here is that the policies and allocations subsequently proposed are based on erroneous or out of date data. This is being addressed through the work already undertaken on some key pieces of the evidence base, notably the employment and housing study by Turleys and also ongoing review of evidence as the plan progresses to adoption.

In addition to the thematic evidence base, the Council will need to evidence how the associated tasks around duty to cooperate, sustainability appraisal, viability appraisal and other work has been undertaken.

9.1.2 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.

Another factor that may affect the timeline for the delivery of the Plan is the emerging Planning Act expected in response to the 2020 Planning White Paper: Planning for the Future. It is hoped that the new Plan can be brought forwards before any requirements to deliver the Plan in a new format may be in place under anticipated transitional arrangements.

An update of this risk will be provided as details of any new Planning Bill become known.

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

This is possibly the most significant risk. If an aggrieved party e.g. a developer who's site hasn't be allocated or a resident group who are facing a major allocation near their houses feels the process has not been clear or biased to a certain site either through under or over promoting 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 part has the opportunity to present their case fully.

- 9.2 Whilst these risks could in result in either the plan being found to be unsound, delays through legal challenge or work proceeding too slowly such that more decisions on applications are made without the benefit of a local policy framework, it is felt appropriate mitigation is in place to reduce the possibility of these events occurring and in the unlikely event they do, any harm is minimised.

10.0 UN Sustainable Development Goals (UNSDG)

- 10.1 As the Local Plan is primarily focused on the use of land and properties and how these relate to peoples use of the environment a number of the UN Sustainable Development Goals will overlap with the aims of the Plan.

- 10.2 At this stage and as the draft plan is worked up, the following goals will be taken into account:

- Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3. Ensure healthy lives and promote well-being for all at all ages
- Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 6. Ensure availability and sustainable management of water and sanitation for all
- Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12. Ensure sustainable consumption and production patterns
- Goal 13. Take urgent action to combat climate change and its impacts]
- Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development



11.0 **Key Decision Information**

11.1 The policies and allocations in the draft plan will affect sites all wards in the Borough over time.

12.0 **Earlier Cabinet/Committee Resolutions.**

12.1 Cabinet - Wednesday, 9th December, 2020. Please follow this link:

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3422&Ver=4>

Cabinet resolved to undertake a review on the viability of commencing work on a Borough Local Plan and ceasing work on the Joint Local Plan

12.2 Cabinet - Wednesday, 13th January, 2021. Please follow this link:

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3423&Ver=4>

Following completion of the review agreed at the previous meeting, Cabinet resolved to cease work on the Joint Local Plan and commence work on the Borough Local Plan.

12.3 Planning Committee - Tuesday, 31st August, 2021. Please follow this link:

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=119&MId=3819&Ver=4>

Presentation of draft Issues and Strategic Options Paper to Planning Committee for consideration and for opportunity to pass comment on the plan to Cabinet

13.0 **List of Appendices**

13.1 Draft Issues and Strategic Options Paper. Please follow this link:

<https://www.newcastle-staffs.gov.uk/Local-Plan-Issues-and-Strategic-Options.pdf>

13.2 Sustainability Appraisal Scoping Report. Please follow this link:

<https://www.newcastle-staffs.gov.uk/SA-Scoping-Final.pdf>

13.3 Equality Impact Assessment – Attached to the report

14.0 **Background Papers**

14.1 Housing and Economic Needs Assessment; Turleys: 2020

14.2 Climate Change Adaptation and Mitigation Report; AECOM Limited; 2020

14.3 Playing Pitch Strategy 2020; Knight, Kavanagh & Page Ltd; 2020

- 14.4 Green Belt Assessment; Arup; 2020
- 14.5 Gypsy and Traveller and Travelling Showperson Accommodation Assessment; Arc4; 2020
- 14.6 Water Cycle Study; JBA Consulting; 2020
- 14.7 Newcastle-under-Lyme and Stoke-on-Trent Retail and Leisure Study; Nexus Planning; 2019
- 14.8 Strategic Housing Land Availability Assessment (SHLAA); NULBC; 2020
- 14.9 Strategic Housing Land Availability Assessment Methodology; NULBC; 2017
- 14.10 Level 1 Strategic Flood Risk Assessment Report; JBA Consulting; 2019.