

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO CABINET**

19 July 2022

Report Title: Local Plan Issues & Strategic Options – Consultation Feedback

Submitted by: Executive Director Commercial Development & Economic Growth

Portfolios: Strategic Planning

Ward(s) affected: All

Purpose of the Report

To provide feedback on the Newcastle-under-Lyme Local Plan Issues & Strategic Options consultation.

Recommendation

That Cabinet:-

1. notes the feedback on the Newcastle under Lyme Local Plan Issues & Strategic Options consultation
2. notes the feedback received from the Economy and Place Scrutiny Committee

Reasons

To comply with the legal and procedural requirements necessary to complete the preparation and adoption of a Local Plan for Newcastle-under-Lyme, in line with the National Planning Policy Framework (NPPF).

1. **Background**

- 1.1. Local Plans are a statutory requirement under the Planning and Compulsory Purchase Act 2004, requiring Local Authorities to set out a local development plan for their area.
- 1.2. The Council currently has a Local Plan in place that was adopted in 2003. This is supported by the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy, which was adopted in 2009. Both of these documents were in place prior to the National Planning Policy Framework (NPPF) being issued in 2012. Depending on their conformity with the NPPF, the local policies in our plans now have varying degrees of weight that can be applied in planning decision making.
- 1.3. Work was previously undertaken to deliver a new Joint Local Plan (JLP) with Stoke. Due to an increasing desire to provide a plan more focused on the needs of the Borough, and in particular, the role of Neighbourhood Planning, the Council agreed to separate from the Joint Local Plan arrangements in January 2021 and commence work on a Borough Local Plan.
- 1.4. The new Local Plan sets the vision and framework for how Newcastle-under-Lyme will grow up 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. Once adopted it will provide a strategic approach to the delivery of a range of development types including market and affordable housing, employment, and supporting hard and soft infrastructure. Such development requirements will be balanced against the need to protect the built and natural environment, whilst also furthering the Council's response to the climate emergency declaration.
- 1.6. Having an up to date local planning policy framework that reflects national policy will be more robust in determining planning applications and defending planning appeals. An up to date plan also gives more certainty to the development industry and local community on where development is likely to be supported.
- 1.7. A key element to the preparation of the Local Plan is the Council's approach to consulting and engaging the community. The Local Plan goes through a number of stages of preparation and it is important to clearly set out how and when people can be involved in the process. Significant consultation will be undertaken throughout all stages of preparing and producing the Local Plan. In undertaking consultation, the Council must comply with its adopted Statement of Community Involvement (SCI).
- 1.8. The Council's communications team was involved from the outset of the consultation process, as were officers with experience of consultation undertaken in other authorities, and previously when the Joint Local Plan with Stoke on Trent was being prepared.
- 1.9. The current Issues and Strategic Options version of the local plan forms part of the Regulation 18, issues consultation. This stage does not commit the Council to allocate land for development or include detailed land use policy wording. Rather its purpose is to highlight, and consult on, the planning issues across Newcastle under Lyme that need addressing and offer options to address the issues identified.
- 1.10. The Council has considered all responses received as part of the Issues and Strategic Options consultation process and will take them into account when preparing the Publication Draft Local Plan. The Publication Draft Local Plan will set out the details of aspects including how the Council proposes to meet the Borough's development needs and site allocations.
- 1.11. The consultation on the Issues & Strategic Options was also accompanied by a 'Call for Sites', inviting landowners and the development industry to submit potential development sites for assessment. A continued, proactive approach by the Council will further seek to identify opportunities for development, prioritising Brownfield sites.
- 1.12. Further evidence will be completed to support the preparation of the next stage of the Local Plan and discussions continue with our duty to cooperate partners to meet our legal obligations.
- 1.13. Following on from the now completed Issues & Strategic Options stage, there are also two further proposed rounds of consultation included within the project plan for the Local Plan, so by the end of the process the public will have had 3 distinct formal opportunities to engage with the plan and provide comments to the Council to express their views and ideas.
- 1.14. Economy & Place Scrutiny Committee considered this report and the Issues & Strategic Options consultation feedback at its meeting of 15 June 2022. No recommendations were made.

2. **Issues**

Consultation Process

- 2.1 Consultation on the Issues & Strategic Options took place between Monday 1st November 2021 and Monday 24 January 2022. This exceeded the statutory minimum both in duration, but also the mechanisms employed to engage. Given the public health situation at the time,

many Councils chose not to hold face to face events due to the additional burden of ensuring venues and interactions were Covid secure. However in NuLBC significant efforts were made by Officers to ensure that there was the opportunity for face to face dialogue which was considered to be integral to the overall consultation process.

2.2 The following paragraphs outline the organisations and other bodies that the Council is required to consult and involve in preparing our planning documents, in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

Specific & Duty to Cooperate:

- Stoke-on-Trent City Council
- Cheshire East Council
- Shropshire Council
- Stafford District Council
- Staffordshire Moorlands District Council
- Staffordshire County Council
- Historic England
- National Highways
- Environment Agency
- Natural England
- Coal Authority
- United Utilities
- Staffordshire Police

General:

2.3 Voluntary bodies whose activities benefit any part of the borough; bodies that represent the interests of different racial, ethnic, national or LGBTQ+ groups in the borough; bodies that represent the interests of different religious groups in the borough; bodies that represent the interests of disabled persons in the borough; bodies that represent the interests of businesses in the borough.

Additional Groups & Bodies:

2.4 In addition to the above groups, a wide range of other interest groups and organisations, developers and consultants, as well as local residents and businesses were involved and consult.

2.5 In addition, the following methods of publicity and engagement were used:-

2.6 Press release:

Published 26 October 2021 in the Sentinel. A copy of this can be found on the Council's website:-

<https://www.newcastle-staffs.gov.uk/news/article/14/council-launches-consultation-on-new-borough-local-plan>

Consultation events:

2.7 Having notified local residents, agents, stakeholders and the consultation bodies about the consultation period, the Council provided a number of drop-in sessions and appointments where interested parties could find out more about the Local Plan Issues and Strategic Options document and how to make comments on it.

2.8 A total 13 events (10 in-person & 3 virtual) were held across the borough:

- Newcastle Town Centre Guildhall, Tuesday 2nd November 2021
- Kidsgrove Town Hall, Wednesday 3rd November 2021
- Silverdale Library, Thursday 4th November 2021
- Chesterton Holy Trinity Church Hall, Tuesday 9th November 2021
- Loggerheads Oddfellow's Hall, Wednesday 10th November 2021
- The Madeley Centre, Monday 15th November 2021
- Audley Methodist Church, Wednesday 24th November 2021
- Virtual Consultation (Zoom or telephone), Wednesday 17th November 2021
- Virtual Consultation (Zoom or telephone), Tuesday 30th November 2021
- Newcastle-under-Lyme Borough Council Offices, Thursday 2nd December 2021
- Audley Methodist Church, Tuesday 11th January 2022
- Virtual Consultation (Zoom or telephone), Wednesday 12th January 2022
- Keele Village Hall, Thursday 13th January 2022

2.9 Officers from the Planning Policy team were available at these locations to assist members of the public to find out more about the Local Plan Issues and Strategic Options document, to answer questions and to provide advice on how to use the Consultation Portal to submit their comments.

2.10 In addition, presentations (via Zoom) were provided to two Parish Councils following direct requests. These took place on 11 November 2021 for Audley Parish Council & 1 December 2021 for Madeley Parish Council.

Social Media:

2.11 The Council used social media to advertise information about the Issues and Strategic Options document and to present information on the consultation events listed above. Social media posts were made on Facebook and Twitter.

Availability of the document:

2.12 The Issues and Options document was available online at:

<https://consult.newcastle-staffs.gov.uk/kse>

2.13 The Sustainability Appraisal Scoping Report and the Equality Impact Assessment were also available to view by using the above link.

2.14 The evidence base for the Local Plan was available to view at:

<https://www.newcastle-staffs.gov.uk/planning-policy/local-plan-evidence-base>

Hard Copies:

2.15 Hard copies of the Issues and Strategic Options document were made available, along with information posters, at all libraries across the borough. These were:

- Clayton Library
- Newcastle Library
- Silverdale Library
- Talke Library
- Kidsgrove Library
- Knutton Library
- Audley Library
- Loggerheads Library

2.16 The document could also be downloaded and printed from the consultation portal.

Response to Consultation

- 2.17 A total of 289 people made comments on the Issues and Strategic Options document by using the consultation portal. All comments which were sent to the Borough Council by post, which did not form part of the petitions referenced below, were scanned and uploaded to the consultation portal. In aggregate, recognising that many individuals provided multiple comments, a total of 3649 representations were incorporated within the consultation portal. Each of these comments were given individual, tailored responses by Planning Policy Officers for the consultees to be able to view once published.
- 2.18 Two petitions were submitted to the Borough Council; one containing 294 signatures, with the other containing 1376 signatures. Both of these petitions were in response to Question 18 of the Issues and Strategic Options document; *“should site AB2 – Land south east of Junction 16 be considered for Green Belt release?”* These petitions were scanned and uploaded to the consultation portal.
- 2.19 A further 757 identical letters with regard to the same issue were submitted to the Borough Council in response to the consultation. This has also been treated as a petition and all details of the consultees who submitted this letter have been collated into a spreadsheet and uploaded to the consultation portal.
- 2.20 All consultees have been added to our consultation database and will receive updates as we move towards the next and future stages of the plan making process.
- 2.21 The petitions & letters combined with the representations made via the consultation portal give a total of 6076 comments made on the Newcastle-under-Lyme Local Plan Issues and Strategic Options Consultation.
- 2.22 It is important to recognise that to allow for the expedient use of resources and the efficient progression of the Local Plan, the intention for subsequent rounds of consultation is to produce a summary of issues raised & the Council’s stance on a topic by topic basis, as opposed to responding directly to every representation.

Summary of Issues Raised in Response to the Consultation

2.23 The Summary table below presents summary of the key issues raised in response to each Section of the Issues & Strategic Options consultation document. A more detailed overview, including a quantitative breakdown of responses, where appropriate, is included as Appendix A attached to this report.

Key issues:

2.24 The following recurring themes were present in responses received to the consultation:

- Utilise brownfield opportunities
- Loss of green belt
- Impact on existing communities/settlements
- Infrastructure capacity
- Engagement with adjacent Local Authorities
- Climate Change
- Value of recreational & open spaces
- Alignment with Neighbourhood Plans

Section	Key Issues
Vision & Strategic Objectives (Q's 1-2)	<ul style="list-style-type: none"> ○ The Vision & Strategic Objectives do not align ○ Need to be more ambitious - considered in some cases to be too insular, too limited, parochial, lacking imagination & generic ○ Include a Vision Statement for individual settlements ○ Emphasis should be on environmental protection & climate change adaptation ○ Strategic Objectives contradict each other - climate change, environment & development ambitions ○ Lack of clarity in terminology e.g. aspirational housing, re-imagination of town centres, enabling balanced growth ○ Include a Strategic Objective on Historic Environment
Housing & Employment Need (Q3)	<ul style="list-style-type: none"> ○ The impact of Covid needs to be factored in ○ Take full account of 2021 Census ○ Justification for satisfying regional employment need ○ Past shortfalls in housing delivery should be addressed
Options for Growth (Q4)	<ul style="list-style-type: none"> ○ Majority support for option 1 – national minimum, standard methodology target ○ Representatives of landowners or the development industry agreed with the justification in the housing and economic needs assessment for targets above the standard methodology and put forward detailed reasons for support, for example to address past under delivery, to support economic growth, in line with modelling ○ Should focus more on town centre regeneration, housing mix not number, and the type of employment development needed ○ Bring empty homes back into use
Hierarchy of centres (Q5)	<ul style="list-style-type: none"> ○ Many respondents supported the hierarchy in principle ○ Concern over the link between position in the hierarchy and link to the level of development that could come forward ○ The hierarchy does not reflect proposals in the plan which focus on large scale rural development
Spatial Strategy (Q's 6 – 11)	<ul style="list-style-type: none"> ○ Examine all derelict land, vacant and commercial premises, brownfield land and surplus employment which could be converted to residential, empty homes ○ Protection of green belt, greenspace, agricultural land ○ Evidence and unique factors to each settlement including local need, history, infrastructure capacity, and character should be considered rather than an even distribution across the rural areas ○ There were several consultees that did not support any of the growth directions owing to perceived brownfield land availability, green belt loss impacting on rural character & countryside and infrastructure concerns ○ A greater proportion supported either growth directions 1, 2 and 6. Reasons for which include that it encourages a more even distribution of growth across the Borough and that Keele already has existing development and infrastructure in place to accommodate growth. ○ Growth directions 3, 4 and 5 were less favoured in comparison to the others ○ Proportionately, disagreement was evenly spread between the individual growth directions ○ Growth direction 1 would result in increasing car journeys which would then increase traffic, congestion and pollution ○ Growth direction 2 would result in the merging of Keele and Silverdale, losing their individual identities and undermining the function of the Green Belt ○ Growth direction 3 would bring the settlements of Talke, Chesterton and Audley closer together, which would diminish their individual character and identity

	<ul style="list-style-type: none"> ○ Growth direction 4 would lead to urban sprawl and the merging of Kidsgrove, Harriseahead, Mow Cop and Stoke (i.e. Goldenhill) to the north-east, and Kidsgrove and Alsager to the north-west ○ There was concern about the cumulative impact of housing and employment development at Audley under growth direction 5. ○ Many of the alternative options suggested were made up of components already forming parts of the existing six growth directions. Other suggestions moved away from housing and employment growth entirely
Gypsy & Travellers (Q's 12 – 13)	<ul style="list-style-type: none"> ○ Very few site suggestions were put forward. Walleys Quarry, extension to the existing site at Cemetery Road was the most popular suggestion. The former municipal golf course at Keele and a couple of further observations of potential sites were put forward but there were no formal site submissions or sites put forward by landowners. ○ Many suggested talking to the Gypsy and Traveller community to identify sites including for transit provision
Other housing need (Q's 14 – 16)	<ul style="list-style-type: none"> ○ Broad consensus was that affordable housing levels should look to exceed the 10% figure ○ Viability & site specific circumstances could also be significant ○ Some considered first homes should be prioritised ○ Explore a tiered system based on varying land values across the Borough ○ Older people's accommodation should be located with good access to services and facilities ○ Consult those with other needs ○ Support a range of models of housing for elderly care, integrate with other housing and support people to stay in their own homes.
Strategic Employment Sites (Q's 17-19)	<ul style="list-style-type: none"> ○ Significant focus on the proposals at Junction 16, M6 in so far as they could impact on Audley and the surrounding localities ○ Development would result in the loss of agricultural land, recreational value and biodiversity (habitats and species). Furthermore, development would have a negative impact on the rural and landscape character of Audley ○ Existing employment development already located at Crewe and Alsager (i.e. Radway Green). The abundance of employment development will have cumulative impacts. ○ Rather than a single large site, the focus should be on a series of smaller sites potentially tied in with existing employment areas/more central locations ○ Focus should be on higher value industries ○ The Local Plan does not set out a clear rationale for a new strategic employment site and more cooperation is needed with the adjoining boroughs. ○ The Local Plan evidence base does not reflect the post-Covid economic environment ○ Staffordshire County Council highlight that Keele Science & Innovation Park remains one of their flagship employment sites and supports plans for its continued development. They also support the notion of the development of a site at M6 J16
Development boundaries (Q's 20 – 21)	<ul style="list-style-type: none"> ○ Majority considered that development boundaries should be reviewed with most supporting this to be undertaken through Neighbourhood Development Plans
Retail/town centre regeneration (Q's 22 – 24)	<ul style="list-style-type: none"> ○ Key themes emerging were shopping including a greater diversity of retail offer, competition posed by sources such as online retail and out-of-town retail parks, parking, issues related to feeling safe and residential accommodation

	<ul style="list-style-type: none"> ○ The general consensus was that it is futile to challenge these rivals to high-street shopping directly but rather an alternative needs to be presented by the high-street which online and out of town retail cannot provide ○ The kinds of shops some respondents said they would like to see include, bars, restaurants and eateries, coffee shops, book shops, craft shops, convenience stores, post offices, doctors, and dentists ○ The plan should prioritise the viability of existing retail centres. Providing a healthier balance of retailers, and improvements to the appearance of existing shop fronts, by encouraging market stalls, and offering business rates that are attractive to independent retailers. ○ Of those that responded, just over half the respondents had no opinion on changes to town centre boundaries ○ There were very few detailed comments on the boundaries overall ○ Some sought specific expansions; in Newcastle to expand the centre beyond the ring road and in Kildgrove to incorporate the railway for regeneration purposes.
Pollution, water & environmental quality (Q's 25 -27)	<ul style="list-style-type: none"> ○ A strong majority indicated a policy on air pollution is required for the Local Plan ○ Walley's Quarry was a recurring theme ○ The Local Plan and relevant policies are expected to address the impacts of air quality on people and the environment
Development Management Policies (Q's 28-35)	<ul style="list-style-type: none"> ○ Strong majority in supports for inclusion of DM policies re: water & environmental quality including explicit reference to biodiversity net gain. Green infrastructure, flood risk, open space provision, enhanced active travel (walking, cycling) opportunities, renewable energy & sustainable urban drainage systems were also considered significant ○ Support was received for the principle of design codes to provide certainty to the development industry about design quality but also to improve the sustainability credentials of development ○ A number of sustainable construction standards were referenced and suggested that these should be required in new development such as BREEAM and Passivhaus ○ Staffordshire County Council strongly advises that a local policy on heritage is required. It advises that an up-to-date historic environment evidence base is needed ○ The key evidence should include the Newcastle-under-Lyme Borough Integrated Transport Strategy. New development should be located and designed to limit journeys by car. ○ Zero carbon targets should take account of Government ambitions and viability ○ Health was considered significant in terms of other issues to consider
Any other matters (Q36)	<ul style="list-style-type: none"> ○ There were a large number of individual letters which did not relate to any specific question but had general comments on the content of the plan ○ Points raised included concern that the plan will have a negative impact on climate change, population and statistical issues, potential green belt loss, infrastructure issues ○ Consultation & the structure/useability of the document were common themes

3. **Proposal**

5.1 That Cabinet notes the feedback on the Newcastle under Lyme Local Plan Issues & Strategic Options consultation.

4. **Reasons for Proposed Solution**

- 4.1 Consultation is a vital part of the preparation of the Local Plan. The Council needs to demonstrate how it has considered the representations and that the consultation was in conformity with its Statement of Community Involvement.
- 4.2 Consultation ensures local engagement and input to reflect local circumstances and ambitions for the Borough and this is taken further through collaboration with our partners and statutory undertakers. In this way, as the Local Plan evolves, the number and nature of representations to the Local Plan should be more focused and the later versions of the Local Plan should be more robust and justified. In turn, this will help focus a Local Plan examination and potentially reduce the number of hearing sessions and consequently reduce the time and cost of the examination in public.

5. **Options Considered**

- 5.1 The Local Plan Issues and Strategic Options included a range of land use issues and planning policy options that may exist to address them. An alternative option available to the report recommendation would be to request a multi-stage approach to consultation. This would result in a delay to the plan-making process and a risk of entering a repeating consultation loop, leading to a continued reliance on existing, dated local plans and policies. This would increase the risk of unplanned development and planning by way of planning appeal decisions. It could also result in the risk of intervention referenced in the third option referenced below. Alternatively, a fully drafted local plan could be published under Regulation 19 and submitted without further Issues and Options consultation, however this is not recommended as it will not enable feedback from the community to inform the policy approach.
- 5.2 A third option of not proceeding with the production of the Local Plan and cease work is not considered viable as it would directly conflict with the Government requirement for all Local Planning Authorities to have reached, or made good progress towards, having a Local Plan in place by the end of 2023. This option raises the risk of potential for Government intervention in the Council's Plan making process.

6. **Legal and Statutory Implications**

- 6.1 The Issues and Strategic Options consultation was undertaken in accordance with Regulation 18 of the Town and Country Planning Regulations (Local Planning) 2012. The production of a Local Plan has to comply various legislation including Strategic Environmental Assessment and Habitats Regulation Assessment provisions as well as having regard to a range of relevant government policy and guidance.

7. **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 it impact on the nine protected characteristics identified in the Equalities Act 2010.
- 7.3 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 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. **Financial and Resource Implications**

8.1 There are no final implication as the costs of the public consultation exercise were provided for within set aside budgets and costs of making the consultation fully accessible (events and paper copies at libraries etc) were covered through this budget.

9. **Major Risks**

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

9.2 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.

9.3 Whilst these risks could result in either the plan being found 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. **UN Sustainable Development Goals**

10.1 As the Local Plan is primarily focused on the use of land and properties and how these relate to people's 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:



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Cabinet - Wednesday, 9th December, 2020. 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.

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

12.2 Cabinet - Wednesday, 13th January, 2021. 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.

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

12.3 Planning Committee - Tuesday, 31st August, 2021. Presentation of draft Issues and Strategic Options Paper to Planning Committee for consideration and for opportunity to pass comment on the plan to Cabinet

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

12.4 Cabinet – Wednesday, 8th September 2021. Cabinet resolved that public consultation be approved on the draft Issues and Strategic Options Paper and the publication of the accompanying Sustainability Appraisal Scoping Report. It also resolved that a report be submitted to a future meeting summarising the findings of the consultation event.

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3429>

13. **List of Appendices**

13.1 Appendix A: Summary of responses to the Local Plan Issues & Strategic Options Consultation

14. **Background Papers**

14.1 Contact Author