

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Cabinet**  
**05 October 2022**

**Report Title:** Local Plan 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 update Cabinet on the progress made to date with the Draft Local Plan, and the next steps required before the next stage of public consultation in undertaken.

**Recommendation**

**That Cabinet:**

- **Notes the housing growth requirements for the Borough based on the nationally set Government's standard methodology which is 7000 homes over the 20 year plan period (350 dwellings per annum)**
- **Notes the progress made with the Local Plan.**
- **Delegates to the Executive Director - Development & Growth, in consultation with the Cabinet Member for Strategic Planning, authority to**
  - (i) publish an updated Local Development Scheme (LDS) to show the anticipated key milestones in the production of the Local Plan and,**
  - (ii) to finalise the public consultation arrangements and all documentation for the Draft Local Plan publication.**
- **Cabinet approves a period of eight weeks public consultation commencing no later than Spring 2023 on the Draft Local Plan and the publication of the accompanying Sustainability Appraisal Scoping Report.**
- **Receives a report at a future meeting summarising the findings of the consultation process.**

**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 current development plan for the Borough consists of the Joint Core Spatial Strategy (2009) and saved policies from the Newcastle-under-Lyme Local Plan (2003) in addition to four Neighbourhood Plans. The Borough wide plans were produced 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 In January 2021 the Council embarked on producing a new Local Plan for the Borough. 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.
- 1.4 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.
- 1.5 The program for production of the plan was set in the Local Development Scheme which sets a target end date of adoption in 2024 and provides three consultation periods on the Local Plan document to provide the opportunity for the public, organisations, stakeholders and the development industry to help shape the plan as it is developed.
- 1.6 This initial consultation, on the Issues and Strategic Options document, was undertaken in the Autumn last year, from Monday 1st November 2021 and Monday 24 January 2022. A report was taken to Cabinet on 19<sup>th</sup> July 2022 which presented the detailed feedback from the consultation.
- 1.7 The report noted that a total of 289 people made comments on the Issues and Strategic Options document by using the consultation portal. Two petitions were submitted to the Borough Council; one containing 294 signatures, with the other containing 1376 signatures. A further 757 identical letters with regard to the same issue were submitted to the Borough Council in response to the consultation. 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. The report summarised the main issues raised reporting qualitative feedback and quantitative data from the consultation.
- 1.8 The feedback from the first consultation will help develop further iterations of the Local Plan for consultation. The second stage will present the Draft Plan and sets out the proposed overall housing and employment growth figures for the borough, the settlement hierarchy and the proposed development sites to meet the target over a twenty year plan period (to year 2040). Detailed local planning policies will be reserved until the final stage of the consultation process.

## 2.0 **Progress to Date and Issues**

- 2.1 Since November 2021, when the Issues and Options Consultation began, the team have been working on the following in anticipation of the Preferred Sites Consultation :-
- Completed/published the RSK Open Space and Green Infrastructure Strategy
  - Completed/published the CBA Parts 1 and 2 Landscape Character Assessment
  - Completed/published Authorities Monitoring Report covering time period 2011 – 2021
  - Completed/published 5 year housing land supply statement 2021-2026 confirmed by Planning Committee in March 22
  - Collated all commitments and completions since start of plan period
  - Rationalised the existing SHLAA reducing the roughly 550 sites to 350 to remove sites that don't meet criteria.
  - Turned the database into a HELAA (adding info for employment sites) and updated all records – e.g. those with planning application info etc or where new evidence influenced content of site records and updated accompanying GIS mapping.
  - From 350 site records identified all options with no current planning status which are reasonable options for consideration to subject to Sustainability Appraisal (SA)
  - Assessed in the region of 120 sites against 20 SA criteria to support the site allocations plan
  - Drafted site selection topic paper
  - Completions, commitments and potential allocations analysed by ward to determine how this fits with spatial strategy and also how this fits with the work undertaken in house to determine potential targets for each ward is taking a share of the housing target based on population
  - Procurement of consultancy to undertake HRA work
  - Draft of duty to cooperate letter to send to neighbouring authorities produced
  - Commenced update of Equality Impact Assessment
  - Recommended Transport modelling for sites.
  - Issues and Options consultation, associated FOI's and correspondence in addition to responding to all 3649 representations on the consultation portal and produced a summary report including qualitative and quantitative summary
- Nevertheless it is a legal requirement to prepare further documentation and our Policy Team are now working on the delivery of this.
- 2.2 The Growth Targets for the Borough have also been assessed with three options considered:-
- Government's Standard Methodology Target – 7,000 homes over the 20 Year Plan Period
  - Sustainable Growth Target – 8,200 homes over the 20 Year Plan Period
  - Greater Job Growth Target – 8,900 homes over the 20 Year Plan Period
- 2.3 The impact of these targets will be that more land will need to be identified for the accommodation of the additional homes and whilst the exhaustion of brown field sites is preferred, not all housing growth and suitable employment land can be accommodated within existing land allocations.
- 2.4 One additional issue that will need to be considered is the recent announcement by the Government regarding Investment Zones and the potential designation of these new 'growth sites' and the impact any changes to planning law might have on the site allocation aspects of the Local Plan.

- 2.5 Once these pieces of work are completed and the implications of Investment Zones are fully understood, a Draft Report containing the preferred site allocations can be published and consulted upon.
- 2.6 This consultation period will be longer than the statutory minimum of 6 weeks, as we did with the Issues and Options consultation at the end of 2021 / beginning of 2022.
- 2.7 Once this consultation has completed all representations will be assessed and if necessary the draft plan will be revised accordingly and final round of consultation on the plan will be undertaken. It is this then this plan that is submitted to the Secretary of State for consideration with the likelihood of a Public Enquiry taking place. It is estimated that the adoption of the New Borough Local Plan will be complete by late 2024.

### **3.0 Proposal**

- 3.1 It is proposed that the Council select the Growth target for housing and employment sites as set by the Government's standard methodology target, which is in effect the default position for all Council Growth Targets, maintains sustainable growth the Borough without the need for excessive green belt release, and the results from the initial consultation on the Issues and Options consultation in late 2021 / early 2022 favoured the National Target.
- 3.2 The target is 7000 homes in the Plan period of 20 years which is equal to 350 units per year.
- 3.3 It is proposed that the Preferred Sites Consultation begin Spring 2023.
- 3.4 It is proposed that this consultation stage lasts for 8 weeks: more than the statutory 6 weeks recommended.
- 3.5 Subject to the second consultation it is further proposed that a Final Draft Local Plan will be consulted upon in early 2024, with a view to submitting the Local Plan to the Secretary of State in mid 2024, for an Examination in Public in 2024 for possible adoption by Dec 2024.

### **4.0 Reasons for Proposed Solution**

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

### **5.0 Options Considered**

- 5.1 The final option is not to proceed with the production of a Local Plan and cease work. This is the 'do-nothing' scenario. This is not considered a reasonable option as it contravenes Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 which requires local planning authorities to identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole).
- 5.2 The consequence of failure to progress plans is the likelihood of government intervention with the possibility that the plan will be produced for the Borough Council by another organisation. In March 2020, the government set a deadline of December 2023 for all authorities to have up-to-date Local Plans in place and plan progression is monitored by national government. 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.

## **6.0 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 Draft Local Plan document. The EqIA has assessed how the Draft Local Plan document impact on the nine protected characteristics identified in the Equalities Act 2010.
- 7.2 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.

## **8.0 Financial and Resource Implications**

- 8.1 The costs of the consultation are already accounted for in the Planning Policy budget. These costs relate to the following:
- booking venues (for any additional venues required that are not Council property),
  - Health and safety materials for the venues (e.g. hand sanitiser and cleaning supplies)
  - Various modes of consultation including printing posters, site notices and consultation material as well as some copies of the Local Plan document
  - officer time – whilst not an additional cost, officers working outside normal hours at events can claim time off to compensate for longer working days

## **9.0 Major Risks**

- 9.1 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 and also ongoing review of evidence as the plan progresses to adoption.

- 9.2 Failure to demonstrate that the plan has been prepared in line with the Duty to Cooperate.

The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness. Proposals and policies in the plan may have cross boundary implications that require effective cooperation to understand and mitigate. The Draft Local Plan also contains proposals for Green Belt release which is subject to a separate 'exceptional circumstances' test which again relies on discussion with neighbouring authorities to determine any reasonable alternative options to green belt release. The Borough Council is communicating with our partners and neighbours and will continue to develop Statements of Common Ground to ensure that the duty is fulfilled and any cross boundary issues are addressed effectively.

### 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.

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. The Government have also made statements regarding a consultation on revisions to the NPPF, although this has been delayed. 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.

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

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.

### 9.5 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.



## 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, 13<sup>th</sup> January 2021. Please follow this link

<https://moderngov.newcastlestaffs.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.

12.2 Planning Committee - Tuesday, 31<sup>st</sup> August, 2021. Please follow this link:

<https://moderngov.newcastlestaffs.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

12.3 Cabinet – 8<sup>th</sup> September 2021. Please follow this link:

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3429&Ver=4>

Sought authorisation to publish Local Plan Issues and Strategic Options for 6 week public consultation

12.4 Economy & Place Scrutiny Committee – Wednesday, 15<sup>th</sup> June 2022. Please follow this link:

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=467&MId=4163&Ver=4>

Presentation and report on the outcomes of the Borough Local Plan Issues and Options consultation.

12.5 Cabinet 19<sup>th</sup> July 2022. Please follow this link:

<https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=3979&Ver=4>

Presentation of the feedback from the Local Plan Issues and Strategic Options consultation.

### **13.0 List of Appendices**

13.1 None

### **14.0 Background Papers**

- 14.1 Newcastle-under-Lyme open space and green infrastructure strategy; RSK (2022)
- 14.2 Landscape and settlement character assessment study; CBA (2022)
- 14.3 Housing and Economic Needs Assessment; Turleys; 2020
- 14.4 Climate Change Adaptation and Mitigation Report; AECOM Limited; 2020
- 14.5 Playing Pitch Strategy 2020; Knight, Kavanagh & Page Ltd; 2020
- 14.6 Green Belt Assessment; Arup; 2020
- 14.7 Gypsy and Traveller and Travelling Showperson Accommodation Assessment; Arc4; 2020
- 14.8 Water Cycle Study; JBA Consulting; 2020
- 14.9 Newcastle-under-Lyme and Stoke-on-Trent Retail and Leisure Study; Nexus Planning; 2019
- 14.10 Strategic Housing Land Availability Assessment (SHLAA); NULBC; 2020
- 14.11 Strategic Housing Land Availability Assessment Methodology; NULBC; 2017
- 14.12 Level 1 Strategic Flood Risk Assessment Report; JBA Consulting; 2019.