

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Economy Environment and Place Scrutiny Committee
16 March 2023

Report Title: Local Plan Progress Update

Submitted by: Executive Director Commercial Development and Economic Growth

Portfolios: Planning and Regeneration

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

Purpose of the Report

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

Recommendation

That

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

Reasons

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

1. **Background**

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

2. **Progress to Date and Issues**

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

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

Next Steps (March – June 2023)

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

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

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

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

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

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

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

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

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

3. **Proposal**

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

4. **Reasons for Proposed Solution**

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

5. **Options Considered**

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

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

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

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

6. **Legal and Statutory Implications**

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

7. **Equality Impact Assessment**

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

8. **Financial and Resource Implications**

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

9. **Major Risks**

9.1 Changes in National Policy, Legislation and Guidance.

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

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

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

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

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

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

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

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

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

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

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

10. UN Sustainable Development Goals (UNSDG)

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



11. **Key Decision Information**

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

12. **Earlier Cabinet/Committee Resolutions**

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

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

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

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

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

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

13. **List of Appendices**

13.1 None

14. **Background Papers**

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