

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Council

26 July 2023

Report Title: Receipt of a Petition Submitted under the Council's Petition Scheme

Submitted by: Deputy Chief Executive

Portfolios: Strategic Planning

Ward(s) affected: All

Purpose of the Report

Key Decision Yes No

To consider an e-petition, containing more than 1500 signatures, submitted to the Council regarding the emerging Borough Local Plan.

Recommendation

That Council:-

- 1. Note the contents of the petition and resolve that it be recorded as a consultation response to the First Draft Borough Local Plan. Consultation on the First Draft Local Plan ends on the 14 August 2023.**
- 2. That the petition, alongside a summary of other responses to the consultation on the First Draft Local Plan, be considered at a future meeting of the Economy and Place Scrutiny Committee and Cabinet.**

Reasons

To ensure that the issues raised in the petition are appropriately considered in the development of the new Borough Local Plan.

1. Background

1.1 A petition has been received by the Council. The petition reads:-

"We the undersigned petition the Council to review its targets for new housing in the Borough in the emerging Local Plan (given the recent flexibility offered by the

Secretary of State, Michael Gove), to greater reflect the actual need (both in number and type of dwellings), recognising that the central Government formula only produces a notional starting figure. We believe that this approach should be part of a genuinely community led, green and regenerative Local Plan. We believe that the review should take into consideration the most up to date population demographics from ONS and others, the various Housing Needs Surveys that have been undertaken throughout the Borough and the various Neighbourhood Development Plans within the Borough, as well as accepting the planning constraints imposed by the Green Belt.

We believe that the above approach acknowledges the exceptional circumstances that justify a more realistic calculation of needs (a flexibility that is stated in paragraph 61 of the NPPF). The exceptional circumstances include the following:

- The falling population of the Borough (a 0.5% drop from 2011 to 2021) suggests a lower household forecast.*
- The constraint that a large percentage of the Borough's rural area that is in the Green Belt (approximately 50%).*
- The number of new dwellings built in the Borough in excess of the targets in previous years (32% over the target from the 2018-19 year to the 2020-21 year) and the fact the housebuilding has exceeded the increase in households over the past 10 years in the Borough.*
- The negative effect that largescale housing would have on the character of, and wildlife in, our rural areas. Also, the adverse impact that it could have on some rural parishes' Defra urban/rural classification”.*

1.2 The petition has been hosted online for people sign up to (from the 27.01.2023) and also made available in paper form. The paper copy has 427 signatures and 1,657 signatures have been submitted online. The signatures on the petition have been validated. In line with the Council's constitution, if a valid petition contains more than 1,500 signatures, it is to be considered and debated at Full Council.

2. Issues

2.1 As set out above, a petition has been received by the Council in relation to the emerging Local Plan for the Borough. The first draft version of the Local Plan is out to public consultation from the 19th June until the 14th August 2023.

2.2 As the petition relates to the Borough Local Plan and its future direction and content, then it is considered appropriate for the petition to be recorded as a consultation response to the First Draft Local Plan. All responses to the consultation will be recorded, summarised and then reported to members in due course alongside officer recommendations as to how the Council may want to respond to the responses in taking the Local Plan forward.

- 2.3 Notwithstanding the comments made above in paragraph 2.2, a brief technical explanation of some of the issues raised by the petition is included below to inform Council's consideration of the petition.

Status of National Planning Policy Framework and Planning Practice Guidance

- 2.4 The Levelling Up and Regeneration Bill is currently at the report stage in the House of Lords and has therefore yet to gain Royal Assent. The consultation on draft "reforms to national planning policy", which took account of potential changes advanced through the Bill took place between December 2022 and March 2023 and are not scheduled to be implemented until late 2024. A report setting out responses to the consultation has yet to be published by the Government. Alongside this, an update to the National Planning Policy Framework was planned to be published during Spring 2023, however this also is yet to occur. Therefore the Council cannot shape its Local Plan around the proposals set out within the reforms or proposed changes to the National Planning Policy Framework (NPPF). Rather, the Council must be guided by the existing NPPF. For the avoidance of doubt then, Local Plans must continue to be prepared in accordance with NPPF dated July 2021.
- 2.5 The Department for Levelling Up, Housing and Communities (DLUHC) continues to encourage local authorities to progress Local Plan making to ensure they have an up-to-date Local Plan in place and in a timely manner. There are also other important reasons for the Council to continue with Plan making, not least to ensure an ongoing five year supply of housing, in line with expectations included in the National Planning Policy Framework.
- 2.6 Whilst national guidance does allow a degree of flexibility in interpretation it does not allow the Council to ignore the standard methodology for determining housing needs. Statements made by the Government in Parliament surrounding the calculation of housing requirements were precursors to consultation on potential changes to national guidance however at present time guidance remains unchanged.

Approach to calculating housing need

- 2.7 Paragraph 61 of the NPPF advises that to *determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – **unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals (emphasis added)***. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 2.8 The standard method calculation asks Councils to use the 2014 based household projections as a baseline for calculating their respective housing

need. The Housing and Economic Needs Assessment (Turley's, 2023) prepared as part of the evidence base for the First Draft Local Plan has used the standard method, in line with national planning guidance as a starting point. The Housing and Economic Needs Assessment (2023) suggests that there are no exceptional circumstances to suggest that housing need in the area should be lower than that set out. To sense check this and as part of the work carried out, the Council-appointed consultants have reflected on the implications of the 2021 Census data and the study has been prepared in line with current national planning guidance. Furthermore, it is also important that the Local Plan responds to market signals, for example on affordability and its alignment between the level of jobs growth proposed in the Local Plan, and its local housing offer.

First Draft Local Plan

2.9 The First Draft Local Plan has been published for consultation, from the 19 June until the 14 August 2023. The Plan is supported by a suite of evidence based documents which has informed the Council's position on a number of matters in the First Draft Local Plan. It is recognised, that having regard to Green Belt matters for example, that the Council is required to demonstrate exceptional circumstances to release sites from the Green Belt. The Council has published its site selection report and a supporting paper on exceptional circumstances and residents and communities will have the opportunity to comment on all the evidence published to support the First Draft Local Plan, during the consultation on the Plan.

2.10 It is also important to note that this is the *First Draft* of the Local Plan. The Council will reflect on consultation responses and new evidence as it arises in preparing the next iteration of the Local Plan. Ultimately, Local Plans are examined by independent planning inspector(s) to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are 'sound'. Plans are 'sound' if they are positively prepared, justified, effective and consistent with national policy to enable the delivery of sustainable development.

3. Recommendation

3.1 That Council

- **Note the contents of the petition and resolve that it be recorded as a consultation response to the First Draft Borough Local Plan. Consultation on the First Draft Local Plan ends on the 14 August 2023.**
- **That the petition, alongside a summary of other responses to the consultation on the First Draft Local Plan, be considered at a future meeting of the Economy and Place Scrutiny Committee and Cabinet.**

4. Reasons

- 4.1 To ensure that the issues raised in the petition are appropriately considered in the development of the new Borough Local Plan.

5. Options Considered

- 5.1 There are no alternative options. The petition has reached the required 'trigger' in line with the constitution and consequently should be considered and debated at Full Council.

6. Legal and Statutory Implications

- 6.1 The petition has been prepared and accepted in line with the requirements of section A3 of the Council's constitution (May 2023)
- 6.2 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"). The National Planning Policy Framework (July 2021) 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. Equality Impact Assessment

- 7.1 The First Draft Local Plan is supported by a Sustainability Appraisal, incorporating an Equality Impact Assessment, of the draft Plan proposals. This document has been published, alongside the First Draft Local Plan and comments can be made on the Sustainability Appraisal during the consultation stage, up to the 14 August 2023.

8. Financial and Resource Implications

- 8.1 There are no financial implications arising directly from this report.

9. Major Risks & Mitigation

- 9.1 To consider the petition outside of the Local Plan consultation process
If the petition was considered outside of the consultation process on the First Draft Local Plan then there would be a risk of creating parallel processes regarding the strategic direction of the Local Plan. There would also be a risk of not appropriately reflecting the views of residents who have signed the petition in the First Draft Local Plan. It is therefore proposed to consider the petition as a consultation response to the First Draft Local Plan.

9.2 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. Including the petition as a consultation response to the First Draft Local Plan supports transparency and inclusiveness in the Council's consultation processes.

10. 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. Key Decision Information

11.1 N/A

12. Earlier Cabinet/Committee Resolutions

12.1 Cabinet – 06 June 2023. Please follow this link: - <https://moderngov.newcastle-staffs.gov.uk/documents/s40137/Local%20Plan%20Cabinet%20Report%20June%202023%20Final.pdf> Cabinet approval to consult on the First Draft Local Plan

13. List of Appendices

13.1 N/A

14. Background Papers

14.1 The First Draft Local Plan and associated evidence base documents can be accessed using the following website link:- <https://www.newcastle-staffs.gov.uk/localplan>