

EWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S
REPORT TO**

Cabinet
17 October 2023

Report Title: Borough Local Plan Update

Submitted by: Deputy Chief Executive

Portfolios: Strategic Planning

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<p>To provide an update following consultation on the First Draft Local Plan and to set out next steps in the production of the Local Plan.</p>	
<p><u>Recommendation</u> That:-</p> <ol style="list-style-type: none"> 1. The update following consultation on the First Draft of the Borough Local Plan be noted 2. The Local Development Scheme 2023-2026 (Appendix 1) be published to confirm that the Council intends to prepare a Final Draft (Regulation 19 stage) of the Local Plan by Summer 2024. 3. Approval is given to allocate £300,000 from the Budget Support Fund to fund the Local Plan programme. 	
<p><u>Reasons</u></p> <p>To provide an update on the Local Plan. 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 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). To seek the necessary financial provisions to allow the Plan to be progressed as per the Local Development Scheme.</p>	

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 an overarching spatial strategy to guide development to sustainable locations.

- 1.2 Consultation on the Regulation 18 Draft Local Plan (First Draft Local Plan) ended on the 14 August 2023. Officers are still in the process of registering comments to the consultation plan on the dedicated consultation portal before analysing the comments that have been received. Therefore, the position relating to the consultation outcomes on the First Draft Local Plan outlined in this report should be regarded as an interim position.
- 1.3 Following consultation on the First Draft, it is necessary to set out the next steps in the development of the Local Plan. In line with legislation, the Council is required to update and maintain a timetable in the production of the Local Plan, called the Local Development Scheme. An updated version of the Local Development Scheme is included in Appendix 1. The intention of the Council is to move to the final draft of the Local Plan (called the Regulation 19 version) and seek approval, to consult on it in the summer of 2024 (indicatively at Full Council on the 24 July 2024). This is with the aim of formally submitting the Local Plan for examination by the end of 2024.
- 1.4 The Final Draft Local Plan (at Regulation 19) stage presents the opportunity to comment on the content of the draft Local Plan, within a specific remit. The focus at this stage is receiving representations on Legal Compliance, 'soundness' (has the plan been positively prepared, justified, effective, and consistent with national policy) and the Duty-to-Cooperate. The Regulation 19 Local Plan is intended to be the document that the Council considers 'sound' and legally compliant and the document to be submitted to the Planning Inspectorate for public examination.
- 1.5 Through the associated project planning on the next stages of the Local Plan, it has been identified that additional resources will be required to support the commissioning of additional / revised evidence to support the draft Local Plan and its proposals.

2. Issues

First Draft Local Plan Consultation

- 2.1 Cabinet approved the First Draft Local Plan for consultation on the 6 June 2023. Consultation took place from the 19 June until the 14 August 2023 (a period of 8 weeks, 2 weeks longer than the statutory period of 6 weeks).
- 2.2 The consultation was held in line with the Council's approved Statement of Community Involvement (SCI). The Statement of Community Involvement sets out how the Council will engage with residents, communities and stakeholders across the Borough on matters relating to planning, including preparation of the Local Plan.
- 2.3 Consequently, in respect of the Local Plan and the consultation period, the Council: -

- a. Published consultation documents online, alongside all the evidence base which supports the First Draft Local Plan. It also provided a frequently asked question (FAQ) webpage and a video presentation was also made available on the website
- b. Made copies of the consultation documents available in local libraries and customer service centres
- c. Advertised the consultation via press release and social media channels
- d. Displayed site notices where there are site specific proposals included in the Plan. The site notices have provided information about the consultation and how residents can submit comments to the consultation
- e. Enabled responses to be submitted, via a dedicated website but also by e-mail and letter to the Council
- f. Held a programme of consultation exhibitions (drop in events) across the Borough providing information on the Plan, details of proposals relevant to the locations where events are being held and allowing attendees to ask questions of officer's present at the events.

2.4 In terms of the consultation exhibition 'drop in' events, the events were held on the following dates and listed locations: -

Event	Date	Number of residents who completed a 'sign in' sheet
Silverdale (Library)	22 June 2023	79
Kidsgrove (Town Hall)	28 June 2023	237
Ashley, Loggerheads (Oddfellows Hall)	5 July 2023	40
Audley (Methodist Church)	12 July 2023	191
Madeley (Madeley Centre)	13 July 2023	39
Keele (Village Hall)	20 July 2023	62
Chesterton (Holy Trinity Church)	27 July 2023	57
Silverdale (Methodist Church)	2 August 2023	72
Newcastle-under-Lyme Library (by appointment only)	3 August 2023	11
Bradwell (Bradwell Lodge Community Centre)	8 August 2023	7
Guildhall (NUL Town Centre)	10 August 2023	19

2.5 Most of the 'drop in' events were held from 5pm until 7pm. The exception was the event at Newcastle-under-Lyme Library where an appointment could be made to speak to a Planning Officer between 10am – 6pm.

2.6 There has been a strong response to the First Draft of the Local Plan. It is difficult to provide a full picture of the responses received until after all the responses have been processed. The Council is currently processing hard copy responses (letters) and e-mail comments to the First Draft Local Plan and associated consultation documents. It is difficult therefore to provide a final number of consultation responses at this stage. This is due, in part, to

the fact that a single response may contain multiple comments on the draft Plan.

- 2.7 As outlined in the paragraph above, comments are still being processed but the interim position for responses registered on the system currently, as at the 2 October 2023 is:
- a. 3,123 comments received from 909 consultees currently registered on our consultation portal
 - b. 13 comments on the Sustainability Appraisal from 11 consultees currently registered on our consultation portal
 - c. 18 comments on the Habitats Regulations Assessment from 14 consultees registered on our consultation portal
- 2.8 There have also been four recorded petitions submitted to the consultation, these include: -
- a. A petition considered at Full Council on the 26 July 2023 regarding a review of the Council's housing targets. At the time of preparing the Full Council report this had recorded 427 hard copy signatures and 1,657 signatures online. As at the 2 October, 1,857 people have signed the online petition.
 - b. A petition entitled 'Save your Newchapel and Harriseahead Green Belt from housing development' (sites NC77 and NC13) with 88 signatures currently.
 - c. A petition regarding housing proposals at Red Street, High Carr Farm, Talke Pitts, Butt Lane, West Avenue and Congleton Road. The petition notes that infrastructure cannot take that level of development in such a small area, no plans for additional schools or GP surgeries with 289 online and 296 written signatures.
 - d. A petition submitted by several local businesses on Hassell Street, Newcastle entitled 'Save Hassell Street Car Park' with over 450 signatures.
- 2.9 The immediate next steps for the planning policy team are to continue to register and publish consultation responses onto our consultation portal <https://consult.newcastle-staffs.gov.uk/kse/>. Once this has been completed, the team will then analyse responses received identifying the key issues raised and prepare a consultation report. The process of identifying key issues will be issue based rather than a bespoke individual response to comments made to the First Draft Local Plan. The outcome of the consultation will also help with the next stages on the Local Plan, identifying where further evidence may be required. The Council will then look to prepare the next iteration of the Local Plan, the Regulation 19 Local Plan for consultation and submission to the Planning Inspectorate for examination next year.

Consultation themes

- 2.10 As all the responses have not yet been processed on the system, it is difficult to provide a comprehensive review of key themes raised at this stage.

However, the following themes in the consultation responses received to date have been identified including: -

- a. That the overall housing numbers should be recalculated and are either too high or too low.
- b. That further work is required to understand the infrastructure requirements of the Local Plan
- c. Views expressed on various sites proposed to be allocated in the draft Plan
- d. Concerns expressed over the need and justification for Green Belt release
- e. That brownfield sites should be prioritised in the Plan

Next Steps

- 2.11 Alongside registering consultation responses, the Council has also been considering the next steps on the Local Plan. The intention of the Council is to move to the final draft of the Local Plan (called the Regulation 19 version) and seek approval, to consult on the Final Draft Local Plan in the summer of 2024 (indicatively at Full Council on the 24 July 2024). This is with the aim of submitting the Local Plan for examination by the end of 2024.
- 2.12 In order to support the development of the final draft of the Local Plan, detailed project planning has indicated that additional resources are required to support the development of the Local Plan and its proposals. The additional funds required are in the order of £300,000. Approval is sought for this funding to be provided from the Budget Support Fund. The additional monies are intended to commission consultants to update / revise evidence base documents alongside responding to themes raised during the consultation on the draft Plan.

3. Recommendation

- 3.1 That the update following consultation on the First Draft Local Plan be noted.
- 3.2 That the Local Development Scheme 2023-2026 (Appendix 1) be published to confirm that the Council intends to prepare a Final Draft of the Local Plan by Summer 2024.
- 3.3 Approval is given to allocate £300,000 from the Budget Support Fund to fund the Local Plan Programme.

4. Reasons

- 4.1 To provide an update on the Local Plan. 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 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). To provide the necessary financial support to enable the Local

Plan to be progressed in line with the proposed Local Development Scheme.

5. Options Considered

- 5.1 The Council has already expressed its clear intention through its current 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 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 submitted and requiring to be 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.
- 6.2 A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). This must specify the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. The Local Development Scheme must be made available publicly and kept up-to-date. Local planning authorities are asked to publish their Local Development Scheme on their website.

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. Further funding is required to support the development of the Local Plan. An additional £300,000 is requested from the budget support fund in order to deliver the Local Plan.

9. Major Risks & Mitigation

- 6.1 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 can present their case fully. The Borough Council will also follow its Statement of Community Involvement during consultation stages.
- 6.2 Changes in National Policy, Legislation and Guidance - The Levelling-Up and Regeneration Bill is currently before parliament. The Bill will have implications for the formulation of Local Plans, once it receives Royal Assent (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.

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 following consultation on the First Draft 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 – 6 June 2023 – Cabinet decision to consult on the First Draft Local Plan - <https://moderngov.newcastle-staffs.gov.uk/ieListDocuments.aspx?CId=118&MId=4234>

13. **List of Appendices**

- 13.1 Appendix 1: Newcastle-under-Lyme Borough Council's Local Development Scheme 2023 - 2026

14. **Background Papers**

- 14.1 Information on the emerging Local Plan including a link to the Borough Council's consultation portal can be viewed here: - <https://www.newcastle-staffs.gov.uk/planning-policy/local-plan>