

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**CABINET**

**16 January 2024**

**Report Title:** Borough Local Plan Consultation Responses and Next Stages

**Submitted by:** Deputy Chief Executive

**Portfolios:** Strategic Planning

**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	<b>Yes <input checked="" type="checkbox"/></b>	<b>No <input type="checkbox"/></b>
<p>To provide an update to Cabinet following consultation on the First Draft Local Plan and to set out next steps in the production of the Local Plan. To agree governance arrangements for agreeing the Final Draft Local Plan for consultation and subsequent submission to the Secretary of State.</p>			
<p><b><u>Recommendation</u></b></p> <p><b>That Cabinet:</b></p> <ol style="list-style-type: none"> <li><b>Notes the summary of the main issues raised to the consultation on the First Draft Local Plan which took place from the 19 June to the 14 August 2023 and the Council's initial response as set out in the Consultation Report (Appendix 1)</b></li> <li><b>Authorises the Deputy Chief Executive, in consultation with the Strategic Planning Portfolio Holder, to recommend to Council at its meeting on the 24 July 2024 that it approves the Final Draft Local Plan (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulation Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme</b></li> <li><b>Subject to the outcome of consultation, and if no matters are raised that materially impact upon the Plan strategy, authorise the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Local Plan and supporting documents to the Secretary of State for formal examination by the end of 2024.</b></li> </ol>			
<p><b><u>Reasons</u></b></p> <p>To provide an update on the work undertaken to date in respect of the Local Plan and to agree the next stages of plan preparation. 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).</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 First Draft Local Plan ended on the 14 August 2023 after an 8-week consultation period. The consultation was held in line with the Council's approved Statement of Community Involvement (SCI). Appendix 1 includes detailed commentary on our approach to the consultation. The Council: -
- 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.
  - Made hard copies of the consultation documents available in local libraries and customer service centres.
  - Advertised the consultation exercise via press releases and social media channels.
  - Displayed site notices where there are site specific proposals included in the Plan. The site notices provided information about the consultation and how residents could submit comments to the consultation.
  - Enabled responses to be submitted, via a dedicated website but also by e-mail and letter to the Council.
  - Held 11 consultation exhibitions (drop in events) across the Borough providing information on the Plan, details of proposals relevant to the locations where events were being held and allowing attendees to ask questions of officer's present at the events.

## 2. Issues

### First Draft Local Plan Consultation (19 June until 14 August 2023)

- 2.1 During the consultation the Council received: -
- 5,159 individual comments from 1,378 consultees currently registered on our consultation portal.
  - 13 comments on the Sustainability Appraisal from 11 consultees currently registered on our consultation portal.
  - 18 comments on the Habitats Regulation Assessment from 14 consultees currently registered on our consultation portal.
- 2.2 There have also been four recorded petitions submitted to the consultation, these include: -
- "Request NULBC to Review Housing Targets for Local Plan". As at the 04 January 2024, 1,857 people had signed the online petition (this petition was also considered at Full Council on the 26 July 2023).
  - "Save your Newchapel and Harseahead Green Belt from housing development" (sites NC77 and NC13) with 88 signatures currently.

- “Housing proposals at Red Street, High Carr Farm, Talke Pitts, Butt Lane, West Avenue and Congleton Road”. This petition claims that infrastructure cannot support the proposed level of development in such a small area and alleges that there are no plans for additional schools or GP surgeries. It contains over 500 signatures.
- ‘Save Hassell Street Car Park’ submitted by several local businesses and their patrons on Hassell Street, Newcastle included with over 450 signatures.

**2.3** A consultation report has been prepared (attached at Appendix 1) that sets out the process by which the consultation on the First Draft Local Plan was held and the main issues and themes identified by the consultation. The report also sets out the Council’s initial response to those themes that have been identified.

### **Consultation Themes**

**2.4** In respect of consultation on the First Draft Local Plan, the following key themes have been identified:

Theme	Initial Council Response
Comments regarding the consultation process on the First Draft Local Plan	The consultation was held in line with the Council’s Statement of Community Involvement. The consultation report (appendix 1) details the process undertaken on the First Draft Local Plan.
That the overall housing numbers should be recalculated and are either too high or too low	The position on the overall housing numbers is informed by evidence in the Housing and Economic Needs Assessment (2023). The position is also informed by the Council’s ongoing housing monitoring position. The Council has commissioned consultants Turley’s to prepare an update to the 2023 study and undertake a check on the overall housing and employment numbers. The update to the study will consider consultation responses received to the First Draft Local Plan, any additional evidence and will also consider the implications of revisions made to the National Planning Policy Framework in December 2023.
That brownfield sites should be prioritised in the Plan	The Council has undertaken a call for site opportunities (including a dedicated brownfield call for sites stage) which has informed its Strategic Housing and Employment Availability Assessment and subsequent site selection work.

<p>That further work is needed to understand the infrastructure requirements of the Local Plan</p>	<p>Alongside the First Draft Local Plan, an Infrastructure Delivery Plan was prepared and formed part of the evidence base for the draft Plan. The Infrastructure Delivery Plan will be updated to support the Regulation 19 Final Draft Local Plan.</p>
<p>Concerns expressed over the need and justification for Green Belt release</p>	<p>The Council has published a few studies in relation to work on the Green Belt including Green Belt Assessment (Parts 1, 2 &amp; 3) and a note on the Council's initial position on Exceptional Circumstances related to the justification for Green Belt release.</p>
<p>Further feedback on the strategic employment sites</p>	<p>The Council included three strategic locations in the draft Plan. These sites were not proposed as allocations in the First Draft Plan and views were sought on the principle of allocating strategic sites in the Plan and then also on the site options themselves. Now that this information has been received, the Council will make a decision on the principle of including one, or a number of strategic locations, in the Plan in the Final Draft Local Plan.</p>
<p>Further feedback on the sites proposed for allocation in the Draft Plan</p>	<p>The Council published a site selection report alongside the First Draft Local Plan. The site selection report detailed the methodology used to select draft allocations in the Plan. The site selection methodology will continue to be used in the selection of sites in the final draft Plan.</p>
<p>Detailed feedback on policy wording in the Draft Plan.</p>	<p>The Council will review the suite of policies in the Draft Plan in the light of consultation responses received and any changes evidence / wider circumstances, including a revised version of the National Planning Policy Framework published on the 19<sup>th</sup> December 2023.</p>

### **Next Steps**

**2.5** The consultation report in Appendix 1 summarises the responses received to the First Draft Local Plan and in addition identifies further work that may need to be carried out to address some of the issues raised to inform the Final Draft Local Plan. The Council has or is in the process of commissioning further evidence on the Local Plan to take account of consultation responses and / or updated evidence for the following work areas: -

- Housing and Economic Needs Assessment
- Infrastructure Delivery Plan
- Habitats Regulations Assessment / Sustainability Appraisal (incorporating Equality Impact Assessment)
- Strategic Employment Needs Assessment

- Gypsy and Traveller and Travelling Showperson Accommodation Assessment
- Strategic Flood Risk Assessment / Water Cycle Study
- Viability Assessment
- Strategic Transport Assessment

**2.6** Alongside the above, the planning policy team will also be working on the following activities associated with the Local Plan: -

- Reviewing and responding to consultation responses made to First Draft Local Plan
- Ongoing Duty-to-Co-operate discussions
- Monitoring
- Work on housing land supply
- Work on Green Belt and Exceptional Circumstances
- Updating the Strategic Housing and Employment Land Availability Assessment and Site Selection work including considering site deliverability, availability and suitability.
- Updating the Local Plan in readiness for the Final Draft Local Plan, including policies and sites.

**2.7** The Local Development Scheme (“LDS”) (2023-2026) was approved by Cabinet in October 2023 and sets out the programme for producing the Local Plan. The LDS confirms that the intention is to prepare the Regulation 19 Final Draft Version of the Local Plan by the summer of 2024. Subject to approval at Full Council on the 24 July 2024, the Final Draft Local Plan will then be consulted on for the statutory period of six weeks. Following the end of the consultation and assuming that no issues emerge to challenge the overall integrity of the planning strategy, the Final Draft Local Plan, its evidence base and comments received (at Regulation 19 stage) will be packaged up and submitted to the Secretary of State for public examination by the end of 2024.

**2.8** The Regulation 19 consultation stage is a more formal stage and invites representations on whether the Final Draft Local Plan meets the tests of soundness set out in the National Planning Policy Framework (NPPF) and is legally compliant. Consultation responses at Regulation 19 stage are sent to the Secretary of State on submission of the Plan for consideration by the Inspector as part of a future examination of the Plan. The Inspector is also provided with a summary of the main issues raised at Regulation 18/19 stages as well.

**2.9** Prior to the Full Council meeting on the 24 July 2024, the Final Draft Local Plan will also be considered at an Economy and Place Scrutiny Committee (in early July at a date yet to be confirmed) and any comments fed into the Full Council meeting.

### **3. Recommendation**

**3.1** Notes the summary of the main issues raised to the consultation on the First Draft Local Plan which took place from the 19 June to the 14 August 2023 and the Council’s initial response as set out in the Consultation Report (Appendix 1).

- 3.2** Authorises the Deputy Chief Executive, in consultation with the Strategic Planning Portfolio Holder, to recommend to Council at its meeting on the 24 July 2024 that it approves the Final Draft Local Plan (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulation Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme.
- 3.3** Subject to the outcome of consultation, and if no matters are raised that materially impact upon the Plan strategy, authorise the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Local Plan and supporting documents to the Secretary of State for formal examination by the end of 2024.

#### **4. Reasons**

- 4.1** To provide an update on progress made with the Local Plan and to agree the next stages of plan preparation. 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).

#### **5. Options Considered**

- 5.1** The Council has already expressed its clear intention through its LDS and through the progress on 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.
  - To ensure that the existing development plan is updated so that our planning decisions reflect current policies and best practice
  - The possibility without a forward supply of development sites that the Council fails to demonstrate sufficient sites to ensure an appropriate housing land supply which may then have implications for decision taking in the borough.

#### **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.

#### **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 & Mitigation

- 9.1 Changes in National Policy, Legislation and Guidance - The Levelling-Up and Regeneration Act now has Royal Assent. The Act will have implications for the formulation of future Local Plans. 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).
- 9.2 On the 19 December 2023, the government published a revised National Planning Policy Framework. The implications of changes made through the revised National Planning Policy Framework will be kept under review during the development of the Final Draft Local Plan.

## 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 several 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 the Borough Local Plan. 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 - [Agenda for Cabinet on Tuesday, 6th June, 2023, 2.00 pm – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](https://www.newcastle-staffs.gov.uk/agenda-for-cabinet-on-tuesday-6th-june-2023-2-00-pm)

**12.2** Cabinet – 17 October 2023 – update following consultation on the First Draft Local Plan and consideration of Local Development Scheme - [Agenda for Cabinet on Tuesday, 17th October, 2023, 2.00 pm – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](#)

**13. List of Appendices**

**13.1** Appendix 1: Consultation Report

**14. Background Papers**

**14.1** Local Development Scheme (2023 – 2026) - [Local Development Scheme 2023-2026 \(newcastle-staffs.gov.uk\)](#)