

Labour Group Amendments to the Report Titled;

Newcastle-under-Lyme Borough Local Plan 2040 of the 24-07-24

Background

The Newcastle Labour group of councillors met on Monday 22nd July to review the agenda for the meeting of full council taking place on 24-07-24. The agenda contained at item 5 - Newcastle-under-Lyme Borough Local Plan 2040. The item contains the paper which asks members and council to approve four recommendations as follows;

That Council: .

- 1. Approves the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulations Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme;*
- 2. Authorises the Service Director (Planning), in consultation with the Strategic Planning Portfolio Holder to make any necessary minor typographical changes and modifications to the Final Draft Newcastle-under-Lyme Borough Local Plan 2040, Sustainability Appraisal and Habitat Regulations Assessment prior to consultation;*
- 3. Subject to the outcome of consultation, and if no matters are raised that materially impact upon the Plan strategy, authorises the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination by the end of 2024;*
- 4. Authorises the Service Director (Planning) to write to the appointed Inspector(s) at the start of the examination of the Final Draft Newcastle under-Lyme Borough Local Plan 2040 requesting them, under section 20(7C) of the Planning and Compulsory Purchase Act 2004, to recommend any main modifications necessary to ensure the Plan sound and legally compliant.*

Issues identified

In relation to recommendation 1

When the Labour group met on the 22-07-24, some 48 hours before the meeting to consider the recommendations we observed that the following supporting documents (none exhaustive) were not available;

1. Infrastructure Delivery Plan
2. Infrastructure Delivery Schedule
3. Strategic Housing and Employment land availability assessment 2024
4. Site assessments
5. Green Belt Assessment
6. Strategic transport assessment
7. Water cycle study
8. Gypsy and traveller site selection report
9. Duty to co-operate statement of compliance
10. Housing supply and delivery position statement

Clearly, the expectation that members approve a local plan through to the regulation 19 representation period, which is the last stage of public engagement before submitting the draft plan to the Inspectorate for examination, is unreasonable and does not adhere to sound governance of the council.

This is a formal process that requires comments on the soundness and legal compliance of the plan.

Members wish to be in a fully informed position in order to move the plan through its statutory process.

In relation to recommendation 3

Consultation is technically any activity that gives people a voice, in this context it is an exercise to provide local residents, businesses and stakeholders a voice and an opportunity to influence important decisions relating to the Borough's local plan.

Consultation requires listening to local people and learning from affected people before decisions are made or priorities are set.

Councils have a statutory requirement to consult their residents, this is especially true for planning or redevelopments. There are strict rules surrounding how consultations are conducted, and a failure to adhere to this could render the council liable for a judicial review.

It is in this regard that recommendation 3 is manifestly problematic – to agree to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination by the end of 2024, without affording council the time and space to review the consultation, in full, and to take account of residents, business and stakeholders views in our plan before submitting to the Secretary of State, does not accord with the fundamental principles of consultation compliance. A failure to demonstrate that council has undertaken meaningful consultation could leave council open to complaints of pre-determination.

The most common failures of local authority plans are due to inconsistencies with National Planning Policy, lack of evidence base and inadequate engagement. The amendments below seek to remedy any possible flaws in the plan and process. It is our view that a failure to do so would open the authority to the risk of litigation, reputational damage, and a loss of trust and confidence by those engaging with the process.

Proposed amendments

Replace recommendation(s) 1 and 3 with the following;

1. Council agrees to bring the final draft plan, and supporting documents to the September 2024 full council meeting seeking councils approval of the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 (at Regulation 19 stage), the Sustainability Appraisal, Habitats Regulations Assessment and supporting documentation for public consultation in line with the approved Local Development Scheme.
3. Following completion of the consultation, council will meet to receive and consider the responses. If council agrees that no amendments to the plan are required and no matters are raised that materially impact upon the Plan strategy, council authorises the Deputy Chief Executive in consultation with the Strategic Planning Portfolio Holder to submit the Final Draft Newcastle-under-Lyme Borough Local Plan 2040 and supporting documents to the Secretary of State for formal examination at the earliest opportunity.

ENDS

Amendment Proposer

Cllr Dave Jones

Amendment Seconder

Cllr Andrew Fox-Hewitt