

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL



CORPORATE LEADERSHIP TEAM'S
REPORT TO ECONOMY & PLACE SCRUTINY COMMITTEE

DATE: 09 DECEMBER 2024

Report Title: Newcastle-under-Lyme Borough Local Plan 2040

Submitted by: Deputy Chief Executive

Portfolios: Strategic Planning

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
To provide an update on the emerging Borough Local Plan.			
<u>Recommendation</u>			
That Committee:			
1. Members note the update on the progress of developing a new Local Plan for the Borough.			
<u>Reasons</u>			
To provide an update on the progress of developing a new Local Plan. To ensure that the process of adopting a Local Plan is undertaken in accordance with the requirements of the Planning and Compulsory Purchase Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).			

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 provides a spatial strategy to guide development to the most sustainable locations. At its adoption, the Plan will form part of the statutory Development Plan for the Borough.
- 1.2 The Economy and Place Scrutiny Committee, at its meeting on the 12 December 2022, requested that a standing item be added to future meeting agendas to provide an update on the current position with regards to the preparation of the emerging Borough Local Plan.
- 1.3 At the Full Council meeting on the 24 July 2024, Members approved the Final Draft Local Plan (at Regulation 19 stage) and associated documentation for eight weeks consultation. Consultation on the Final Draft Local Plan started on the 12 August 2024 and ended on the 7 October 2024.

- 1.4** Following consultation and subject to the caveat in paragraph 1.5 below, the Council would then submit the Final Draft Borough Local Plan, comments received in their entirety (at Regulation 19 Stage) and the related evidence base to the Secretary of State for public examination. The examination of the Final Draft Borough Local Plan would then be anticipated to take place sometime in 2025.
- 1.5** However, if representations are received during the Final Draft Borough Local Plan Regulation 19 consultation stage that would materially impact on the overall Plan strategy or have a significant implication for the examination of the Plan, then a further report would be brought back to Full Council to allow Members to consider those representations and determine the Council's response.
- 1.6** Consultation on the Final Draft Borough Local Plan, at the Regulation 19 stage, is a more formal stage than that at Regulation 18 stage. The aim of this consultation stage is to seek views on whether the Plan as prepared and published meets legal and procedural requirements and also the 'tests of soundness' set out in paragraph 35 of the National Planning Policy Framework (NPPF). The tests of soundness are: -
- Is the plan positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Is the plan justified – does it reflect an appropriate spatial strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - Is the plan effective – are the proposed plans and policies deliverable over the plan period. Is the plan based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - Is the plan consistent with national policy – does it enable the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 1.7** All comments received at the Regulation 19 stage are sent in full to the Secretary of State on the submission of the Plan for consideration by an independent Inspector appointed as part of the Plan examination. The Inspector holding the examination will consider the evidence provided by the Council to support the Plan and any representations which have been put forward by local people and other interested parties. It is expected that the examination will include public hearing sessions.
- 1.8** There are three potential outcomes to the examination process:
- a) The Plan as submitted by the Council is found to be sound and legally compliant;
 - b) Changes (known as 'main modifications') to the Plan are considered necessary to make it legally compliant and sound; or
 - c) The Plan is deemed unsound and/or not legally compliant with any deficiency (ies) unable to be remedied through main modifications. In

this outcome, the Council is asked to withdraw the Plan from examination.

- 1.9** The outcome for a large proportion of plan examinations is (b), involving ‘main modifications. Proposed main modifications that the Inspector considers necessary are subject to public consultation for a period of six weeks during the examination. At the end of the examination the Inspector will send a report to the Council with their findings including final, recommended main modifications. After that, the Plan, incorporating the main modifications, can be adopted by the Council. Upon adoption the Plan would become part of the statutory development plan for the Borough and would replace most policies in the Joint Core Strategy 2009 and legacy Newcastle-under-Lyme Local Plan 2003.
- 1.10** In July 2024, the Housing Minister Matthew Pennycook MP wrote to the Planning Inspectorate to emphasise that Inspectors should not be ‘fixing’ local plans during the examination process and that pragmatism should only be used by Inspectors where it is likely that a plan is capable of being found sound with limited additional work required to address soundness issues. This work should take usually no more than six months overall.
- 1.11** The government has recently consulted on changes to the National Planning Policy Framework. The consultation ended on the 24 September 2024. As part of the draft changes proposed, transitional arrangements were included that identified that those local plans that have reached Regulation 19 publication stage but not yet been submitted for examination could proceed to examination under transitional arrangements, if there was a gap of no more than 200 dwellings between the local planning authorities local housing need figure (identified nationally) and the Plan’s proposed housing requirement. On the basis of the proposals in the draft National Planning Policy Framework, the Council’s Local Plan can currently proceed, with a proposed housing requirement of 400 dwellings per annum, compared with 593 dwellings per annum under the draft local housing need figure. According to documents published alongside the recent 2024 Budget, the government is expected to publish the final version of the National Planning Policy Framework by the end of this calendar year.

2. Issues

- 2.1** Consultation on the Final Draft Local Plan took place from the 12th August to the 7 October 2024. The Council consulted on the Final Draft Local Plan, alongside the Sustainability Appraisal (incorporating Equality Impacts Assessment) and the Habitats Regulations Assessment. Local Plan evidence base documents were also published on the website, alongside several explainer videos and supporting documents, such as frequently asked questions.
- 2.2** Copies of the consultation documents were made available on the Council’s website and in hard copy form in libraries located across the Borough. Site notices were put up in relation to areas of land proposed for allocation in the Final Draft Local Plan.
- 2.3** The Council maintains a database of stakeholders who have responded to the Local Plan previously or have asked to be notified about the Local Plan. E-

mails and / or letters were sent out to notify consultees on the database about the consultation. E-mail notifications were also sent to Borough and relevant County Council Councillors, all Town and Parish Councils in the Borough and Members of Parliament (MPs) whose constituencies lie partly or wholly within Newcastle-under-Lyme Borough Council's administrative area.

- 2.4** The consultation was further promoted via social media and press releases and there were items in relation to the Local Plan covered on BBC Radio Stoke.
- 2.5** In addition to the aforementioned several 'drop in' consultation events were held throughout the consultation period. The 'drop in' events were held between 5pm and 7pm at various venues across the borough. The exception was an event undertaken at Newcastle-under-Lyme Library on 12th August where a pre-booked appointment could be made to speak to a planning officer between 10am – 6pm. Table 1 (below) includes details in relation to the consultation events including the number of attendees who completed a 'sign in' sheet for the respective events: -

Table 1: Details of Local Plan Consultation Events

Local Plan Consultation Exhibition 'drop in' event	Date of Event	Number of Attendees who completed a 'sign in' sheet
Newcastle-under-Lyme Library (by appointment only)	12 August 2024	0
Bradwell (Bradwell Lodge Community Centre)	14 August 2024	14
Loggerheads (Loggerheads Community Fire Station)	15 August 2024	49
Kidsgrove (Kidsgrove Town Hall)	20 August 2024	23
Madeley (Madeley Centre)	29 August 2024	8
Crackley & Red Street (Red Street Community Centre)	4 September 2024	14
Audley (Audley Methodist Church)	12 September 2024	93
Silverdale (Methodist Church)	16 September 2024	46
Keele (Sneyd Arms)	19 September 2024	36
Guildhall (NUL Town Centre)	24 September 2024	9

- 2.6** As a result of the consultation, the Council has received the following number of representations to the Local Plan: -
- 1,407 representations have been made to the Final Draft Local Plan from 427 individual people or organisations.
 - 5 representations have been made to the Sustainability Appraisal (incorporating the Equality Impact Assessment) from 5 people/organisations.
 - 2 representations have been made to the Habitats Regulations Assessment from 2 people/organisations.

- 2.7 As part of the figures quoted above, a representation from Talke Action Group was submitted with signatures of approximately 172 people.
- 2.8 All of the representations received to the Final Draft Local Plan can be viewed on the Council's consultation portal, which can be found here:- <https://consult.newcastle-staffs.gov.uk/kse/event/38096/peoplesubmissions/section/>. For the avoidance of doubt, all of the representations received will be provided to the Inspector on submission of the Local Plan for examination.
- 2.9 In terms of next steps, the policy team are currently reviewing the representations received and preparing a consultation report which will be submitted alongside the plan. This will seek to summarise the main issues raised to the consultation. There are also a number of other submission documents which are being prepared, including an update to the Duty-to-Co-operate statement of compliance alongside other relevant documents.

3. **Recommendation**

- 3.1 That the Committee notes the update on the progress of developing a new Local Plan for the Borough.

4. **Reasons**

- 4.1 To provide an update on the progress of developing a new Local Plan. To ensure that the process of adopting a Local Plan is undertaken in accordance with the requirements of the Planning and Compulsory Purchase Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

5. **Options Considered**

- 5.1 The Council has previously expressed its clear intention through the approval of a Local Development Scheme (Local Plan Timetable) to adopt a new Local Plan providing a comprehensive set of up-to date planning policies for 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 2004 Act'), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan.
- 6.2 Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

7. **Equality Impact Assessment**

- 7.1 The Local Plan is supported by an Equality Impact Assessment as part of its Sustainability Appraisal. This will consider how development proposed and planning policies impact on different groups in the community.

8. Financial and Resource Implications

- 8.1 The preparation of the Local Plan is resourced through the Planning Policy budget and full use of the Local Plan reserve. Cabinet on the 15th October 2024 considered a report on the funding of the Local Plan Examination and resolved that the allocation of up to £200,000 be made from the Budget Support Fund to fund the Local Plan programme and examination.

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.
- 9.2 The government have consulted upon changes to the planning system including draft revisions to the National Planning Policy Framework. The consultation ended on the 24 September 2024. The implications of any changes will be kept under review during the development of the 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. One Council

Please confirm that consideration has been given to the following programmes of work:

- One Commercial Council
- One Digital Council
- One Green Council

12. Key Decision Information

12.1 This report and the recommendations contained within it relate to the preparation of a new Borough Local Plan. Decision reports associated with the formal consultation and submission of the Local Plan will affect all wards in the Borough

13. Earlier Cabinet/Committee Resolutions

13.1 Cabinet – 15 October 2024 – Cabinet Decision Funding the Local Plan Examination - [Agenda for Cabinet on Tuesday, 15th October, 2024, 2.00 pm – Newcastle-under-Lyme Borough Council](#)

13.2 Council – 24 July – Council decision to consult on the Final Draft Local Plan - [Agenda for Council on Wednesday, 24th July, 2024, 7.00 pm – Newcastle-under-Lyme Borough Council \(newcastle-staffs.gov.uk\)](#)

14. List of Appendices

14.1 N/A

15. Background Papers

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

15.2 The Local Plan consultation pages can be viewed here:- <https://www.newcastle-staffs.gov.uk/planning-policy/local-plan>