

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL



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

DATE: 13 MARCH 2025

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** The Borough Council submitted the Local Plan for examination on the 20 December 2024. Inspector Anne Jordan (BA Hons) MRTPI has been appointed to examine the Local Plan.

- 1.4** All comments received at the Regulation 19 stage have been sent to the Secretary of State on the submission of the Plan for consideration. 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.
- 1.5** 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.
- 1.6** 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. The Council has asked the Inspector appointed to examine the emerging Local Plan to consider main modifications in her consideration of the Local Plan. 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.
- 1.7** 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.
- 1.8** A revised version of the National Planning Policy Framework (“NPPF”) was published by the Government in December 2024. In line with the transitional provisions of the December 2024 National Planning Policy Framework (paragraphs 234b & 236 respectively) for Local Plan making, where a Local Plan has been submitted for examination on or before the 12 March 2025 and the emerging Plan provides for less than 80% of local housing need, the Local Planning Authority will be expected to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025) in order to address any shortfall in housing need. This is the position faced by the Council following the publication of the NPPF in December 2024.
- 1.9** As part of a package of announcements made at the launch of the revised NPPF in December 2024, the Deputy Prime Minister has asked all local

planning authorities to produce an updated Local Development Scheme ("LDS") within 12 weeks of the publication of the NPPF (i.e. by no later than 6 March 2025). The LDS sets out the programme for producing a Local Plan. In line with this request, the Council's Cabinet on the 4 February 2025 considered and approved an LDS for the period 2025 – 2028. The LDS has been submitted to government.

- 1.10** The LDS sets out the Council's indicative programme for producing a new Local Plan on adoption of the submitted Local Plan. The need for and progress on a new Local Plan, beyond the Plan submitted for examination, will be dependent on the outcomes of the examination and the content of the regulations provided for under the Levelling Up and Regeneration Act 2023.

2. Issues

- 2.1** A Local Plan 'examination library' webpage has been created: - [Local plan examination – Newcastle-under-Lyme Borough Council](#). The examination library provides regular updates on the examination. The Inspector and Programme Officer, appointed to assist the Inspector with the running of the examination maintain the library. Any updates to the website are facilitated by the Council. The examination library contains documents submitted to the Inspector on the submission of the Local Plan and then regular updates on the Local Plan examination, including letters and correspondence that the Inspector issues to the Council and formal responses by the Council in return.
- 2.2** The Inspector has asked the Council initial questions about the Habitats Regulation Assessment submitted by the Council. The Inspector has asked the Council for an update on engagement with Natural England regarding the Habitats Regulations Assessment and the position regarding work commissioned in response to comments raised by Natural England to the Local Plan.
- 2.3** The Council has provided an initial response to the Inspector noting that engagement with Natural England continues and provided an indication of timescales for a response to the Inspector. This indicates that the finalisation of air quality and ecological interpretation reports would be provided to the Inspector by the 28 March 2025. This would include the intention of providing a Statement of Common Ground on air quality with Natural England by that time.
- 2.4** The Inspector has indicated that once the matters and position with Natural England is clear, that the Inspector will be able to prepare Matters Issues and Questions for the examination. These are a set of questions, issued by the Inspector to discuss at the examination hearing sessions. The Council is expected to respond to each question set based on each topic area in the Local Plan. Whilst the Inspector is hoping that the matter with Natural England will not significantly delay the examination, and that the hearing sessions will be able to start in May, the Inspector has made clear that this cannot be assured until the outcome of the work above is known.

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 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 15 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.

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:

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

One Commercial Council

We will make investment to diversify our income and think entrepreneurially.

One Digital Council

We will develop and implement a digital approach which makes it easy for all residents and businesses to engage with the Council, with our customers at the heart of every interaction.

One Green Council

We will deliver on our commitments to a net zero future and make all decisions with sustainability as a driving principle.

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 – 4 February 2025 – Local Development Scheme - [Agenda for Cabinet on Tuesday, 4th February, 2025, 2.00 pm – Newcastle-under-Lyme Borough Council](#)
- 13.2 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](#)
- 13.3 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](#)

14. **List of Appendices**

14.1 N/A

15. **Background Papers**

- 15.1 The Local Plan examination website can be viewed here: - [Local plan examination – Newcastle-under-Lyme Borough Council](#)