

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
CORPORATE LEADERSHIP TEAM'S
REPORT TO ECONOMY & PLACE SCRUTINY COMMITTEE

DATE: 19 JUNE 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. Notes 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. 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.
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.

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.
4. All comments received at the Regulation 19 stage were 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 interested parties and is also holding public hearing sessions, details of which follow later in this report.
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.
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.
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.
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.

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.
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**

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. On her appointment and following review of the local plan and evidence, in February the Inspector asked a number of initial questions. These questions were to seek clarification and/or to help direct the Inspector to where she would be able to find relevant information to aid her understanding of a topic/s. The Inspector also asked for an update as to where the Council was in relation to engagement with Natural England on matters concerning the Habitats Regulation Assessment and in respect of outstanding work linked to an employment allocation AB2.
3. The Council responded to all questions and at the end of March was in a position to both furnish updated reports in connection with the HRA and AB2 site and a Statement of Common Ground with Natural England following further on-going engagement with that body.
4. On 4th April the Inspector formally notified all parties of her intention to proceed with hearing sessions into the submitted local plan. The hearings would take place at Castle House, Newcastle and commence on 20th May 2025. The sessions would run initially for two weeks from 20th May to the 30th May and then after a break for 1 week 18-21st June. Alongside the notification, the Inspector also published guidance on how the examination hearing sessions

were to operate and a list of issues, matters and questions which would form the basis for the discussion and debate. The Inspector set a deadline for the 1st May for the Council to respond to all the questions posed (121 in total) and for Reg 19 respondents, those questions that related to their original representations. Those parties who had made representations were also asked to confirm by the same date whether or not they wished to appear at the hearing sessions.

5. The Council duly prepared and submitted by the stated deadline a number of statements relating to the matters and individual questions. Reg 19 respondents also submitted their own statements. Separately, the Council also submitted Statements of Common Ground with the Environment Agency, Historic England, Sport England and Cheshire East Council which were outstanding and a completed Level 2 Strategic Flood Risk Assessment.
6. On the 20th May the hearing sessions commenced in the Astley Room, Castle House, Newcastle with Council officers attending supported by an appointed barrister to assist in advocating the Authority's case. All hearing sessions are open to the public (limited by seating capacity) and are also being live streamed.
7. The first week of sessions focused on the compliance of the Plan with legal and soundness matters, the spatial strategy, green belt and housing requirements. Arising out of the sessions were some questions and clarifications where the Inspector asked the Council to go away and provide a written response. This is normal in an examination. The second week of hearing sessions had to be cancelled at short notice due to unforeseen circumstances with the dates re-arranged to the week commencing 23rd June. The hearings will resume on the 17 June and will now run until the 26 June 2025. Further details and the programme of examination 'sitting' days are available in the examination library accessible via the Council's website.

3. **Recommendation**

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

4. **Reasons**

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**

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**

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.
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**

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**

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**

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)**

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:

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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**

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**

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

1. N/A

15. **Background Papers**

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