

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

CORPORATE LEADERSHIP TEAM'S
REPORT TO CABINET

23 June 2026

Report Title: Adoption of Borough Local Plan (2020-2040)

Submitted by: Deputy Chief Executive

Portfolios: Planning and Town Centres

Ward(s) affected: All

<u>Purpose of the Report</u>	<u>Key Decision</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
To consider the adoption of the Newcastle-under-Lyme Borough Local Plan (2020-2040).			
<u>Recommendation</u>			
That Cabinet:			
<ol style="list-style-type: none"> 1. Notes the outcomes of the Inspectors report into the examination of the Borough Local Plan 2020-2040 (appendices 1 and 2 to this report). 2. Recommends that Council adopts the Borough Council Local Plan (2020-2040), subject to: <ol style="list-style-type: none"> 2.1 Incorporating the Main Modifications (Appendix 2) recommended by the Inspector necessary to make the Plan sound as well as the accompanying list of changes to the associated Policies Map (Appendix 3) 2.2 The schedule of additional modifications (Appendix 4) 			
<u>Reasons</u>			
To enable the Borough Council to adopt the Local Plan and therefore ensure that an up-to-date Local Plan is in place. To recommendations will also 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.

- 1.2** On its adoption, the Newcastle-under-Lyme Borough Local Plan (2020-2040) will form part of the statutory Development Plan for the Borough and would replace all policies in the Joint Core Strategy 2009 and most of the policies contained within the legacy Newcastle-under-Lyme Local Plan 2003. The list of policies to be deleted are set out in Appendix 2 of the Local Plan 2020 – 2040.
- 1.3** The Borough Council submitted the Local Plan 2020-2040 for examination on the 20 December 2024. Inspector Anne Jordan (BA Hons) MRTPI was appointed to examine the Local Plan.
- 1.4** The Local Plan has been examined to assess whether it has been prepared correctly in accordance with legal and procedural requirements and whether the in terms of its content it is 'sound'. Plans are considered to be 'sound' if they are:-
- a. 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;
 - b. Justified – sets out an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c. Effective – is deliverable over the plan period, and 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
 - d. Consistent with national policy – enables the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.
- 1.5** Public examination hearing sessions were held from the 20 May to 26 June 2025. The Inspector issued her post hearing views on the 1 August 2025 and asked the Council to undertake some additional work. The Council duly responded to the Inspector and again on additional matters raised on the 22 September and the 3 October 2025 respectively.
- 1.6** Consultation on Main Modifications or changes to the Local Plan (following the examination hearing sessions) took place between the 5 November and the 17 December 2025. Here, the Council consulted on a schedule of main modifications required to the Local Plan following the outcomes of the examination process. Other consultation documents included a list of additional minor modifications to the Plan (focused on non-material matters such as formatting of the text) and supporting documentation including Sustainability Appraisal and Habitats Regulations Assessment. Changes to the Policies Map were also consulted upon at this stage to reflect the implications of changes being proposed to the Local Plan.
- 1.7** Responses to the consultation on Main Modifications were duly sent to the Inspector. The Inspector issued her final report to the Council on the 19 May 2026 recommending that with the modifications confirmed in her report, the Council could adopt the Local Plan.

- 1.8** The Local Plan for the Borough has been developed since 2021 and represents a major milestone for the Council, replacing the existing development plan documents (including the joint Core Strategy with Stoke-on-Trent City Council) from 2009. The Council has undertaken at least 4 consultations on the Local Plan and has expended considerable resource in commissioning evidence and developing evidence to justify the proposals in the Plan. The Plan has identified appropriate employment and residential allocations to support the Plan proposals and provides for an up to date and positive framework for the achievement of sustainable development and support investment across the Borough.

2. Issues

- 2.1** The Inspector concludes that subject to Main Modifications recommended in her report, that the Local Plan provides an appropriate basis for planning in the Borough. The report concludes that the duty-to-co-operate has been met and all other legal, procedural and regulatory requirements have been complied with the Plan can be made sound, through modifications proposed.
- 2.2** The Inspector in her final report has detailed final modifications required to make the Plan 'sound' (included in Appendix 2). These vary in character and are summarised as follows: -
- The provision of a safeguarded route for a link road between the A53 Whitmore Road and the A525 Keele Road;
 - Removal of the housing allocations: -
 - AB12 Diglake Street;
 - AB33 Land off Nantwich Road/Park Lane Audley;
 - CT1 Land at Red Street Chesterton;
 - CH13 Land at Castletown Grange Cross Heath;
 - KS3 Land at Blackbank Road Knutton;
 - Site 8 G&T Land West of Silverdale Business Park.
 - Changes to the housing trajectory to reflect up-to-date development assumptions;
 - Changes to Policy AB2 (Land at Junction 16) to ensure that suitable on and off-site mitigation measures for any adverse impacts on the M6 (Junction 16) or other parts of the highway network (strategic and local) are adequately identified and addressed, that adequate public transport is provided, and that the landscape impacts of the development are appropriately considered;
 - Changes to clarify the Neighbourhood Plan housing requirements;
 - Deletion of Policy SA1 General Requirements and inclusion of site-specific criteria for a number of housing allocations;
 - Allocation of land for the extension of Madeley High School;
 - Changes to clarify how employment land supply is calculated;
 - Changes to clarify how compensatory improvements to the Green Belt will be identified and secured;
 - Changes to remove reference to First Homes in line with up- to-date national policy;
 - Changes to Policy EMP2 Existing Employment Sites to include the 'agent of change principle';
 - Changes to Policy SE9 Historic Environment to reflect national policy;
 - A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

- 2.3** Subject to the Plan's adoption, the Council will make a copy of the document publicly available alongside an adoption statement and information about the Sustainability Appraisal in line with the Town and Country Planning (Local Planning) (England) Regulations 2012. These will be made available to view on the Council's website and for inspection at Castle House. The Borough Council will also notify statutory consultees and those who commented at the Final Draft Local Plan and other interested parties (including the Secretary of State).
- 2.4** 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 in order to address any shortfall in housing need. This is the position that applies to the Council following the publication of the National Planning Policy Framework in December 2024.
- 2.5** The Council has published a local development scheme which sets out the timetable / programme for producing a new local plan. Following the publication of the Local Development Scheme, regulations associated with the new local plan system have now been published in line with the Levelling Up and Regeneration Act that requires the Council to produce a notice of intention to start plan making, through the new Local Plan system by the 30 June 2026 and an early assessment, through the new local plan process (called gateway 1 assessment) by the end of October 2026.

3. Recommendation

3.1 That Cabinet:

Notes the outcomes of the Inspectors report into the examination of the Borough Local Plan 2020-2040 (appendices 1 and 2 to this report).

Recommends that Council adopts the Borough Council Local Plan (2020-2040), subject to incorporating the Main Modifications (appendix 2) recommended by the Inspector necessary to make the Plan sound as well as the accompanying list of changes to the associated Policies Map (appendix 3) the schedule of additional modifications (appendix 4).

4. Reasons

- 4.1** To enable the Borough Council to adopt the Local Plan and therefore ensure that an up-to-date Local Plan is in place. The recommendations will also 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** At this stage in the statutory plan-making process the Council cannot introduce further Main Modifications, amend policy wording or alter site allocations.

There is a binary choice here and Members will have two options available to them: to adopt the Local Plan incorporating the Inspector's recommendations or to not adopt the Plan. To not adopt the Local Plan at this stage is not recommended.

- 5.2 To adopt the Local Plan, as amended by Main Modifications set out in the Inspectors report is the preferred option. It has taken a number of years to get this point and significant cost and resources to prepare the Plan. This would be lost if the Plan were not to be adopted. It could also lead to reputational damage to the Council if the Plan were not taken forward. The Council has consistently 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.
- 5.3 The Local Plan will support the delivery of infrastructure and provide for certainty to support investment and economic growth in the Borough. A decision to not adopt the modified Local Plan would mean that the Council would continue to use policies that date from the Joint Core Strategy in 2009.
- 5.4 Without the Local Plan, the Council would have difficulties in demonstrating a five-year supply of homes and would continue to accept that its policies are not up to date for the purposes of decision taking. This would leave the Borough Council in a vulnerable position to speculative planning applications, with potentially increased appeal and other costs. It would not provide stability in decision making, nor support investment or regeneration 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 2004 Act'), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan. Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 6.2 Following adoption (which takes effect immediately on the resolution of Council), the Local Plan, along with an 'Adoption Statement' and Sustainability Appraisal Adoption Statement, will be published in due course and made available for inspection. Parties involved in the process will also be notified. There is a period of six weeks for legal challenge by way of judicial review, although the Local Plan would remain in effect pending the outcome of any challenge.
- 6.3 The Planning and Compulsory Purchase Act 2004 (as amended) gives the Secretary of State (Ministry of Housing, Communities and Local Government) powers to intervene. Until 24 March 2026, section 21 of the Planning and Compulsory Purchase Act 2004 provided the principal intervention powers. From 25 March 2026, sections 15H, 15HA and 15HE of the Planning and Compulsory Purchase Act 2004 (as substituted by the Levelling-up and Regeneration Act 2023) now govern intervention powers. Under both regimes, the Secretary of State possesses powers to intervene at any time before a Local Plan is adopted, including after an inspector has examined the plan and recommended main modifications

- 6.4** These powers include directing the local planning authority to modify the plan or calling in the plan for the Secretary of State's own approval. Such an action would strip the Council of its power to adopt the plan (or that part of it), with the Secretary of State assuming that responsibility. The Secretary of State has related holding powers that can be exercised while the Secretary of State is ultimately deciding whether, and how, to intervene; so that the prospect of any intervention is not frustrated.
- 6.5** The powers arise where the Secretary of State thinks that a local planning authority is failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of their local plan.

7. Equality Impact Assessment

- 7.1** The Local Plan is supported by an Equality Impact Assessment as part of its Sustainability Appraisal. This has considered how development proposed and planning policies impact on different groups in the community. The Inspector's Report (in paragraph 14) notes there is no compelling evidence that the Local Plan, as a whole, would bear disproportionately on protected characteristics.

8. Financial and Resource Implications

- 8.1** The expenditure associated with the preparation of the Local Plan (2020 to 2040) has been funded through a combination of the existing Planning Policy staffing budget and the full utilisation of the Local Plan reserve. Since the start of the 2020/21 financial year, total costs have amounted to £1.269m, of which £1.079m has been met directly from the Local Plan reserve.
- 8.2** Alongside this, the Planning Policy staffing budget has continued to support the programme, with staffing expenditure totalling £306k in 2025/26 alone. The costs relating specifically to the examination stage have, to date, reached £341k.

9. Major Risks & Mitigation

- 9.1** 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 in order to address any shortfall in housing need. This is the position faced by the Council following the publication of the National Planning Policy Framework in December 2024.
- 9.2** Regulations which come into effect from the 25 March 2026 sets out a new process for preparing a Local Plan. The guidance associated with the new local plan system suggests that the Council must produce a notification of commencement (essentially to publish a timetable of production of the new local plan) through the new local plan system by the 30 June 2026 and further information (called a Gateway 1 assessment) by the end of October 2026.
- 9.3** The Government have also recently published a consultation version of changes that they would like to make to the National Planning Policy

Framework alongside draft guidance on how to produce a new Local Plan. This may have implications for the Local Plan (2020-2040) alongside the development of the new Local Plan.

- 9.4 The Planning and Infrastructure Act received Royal Assent in late 2025. This may also have a future impact on Planning and Local Plan making. The English Devolution and Community Empowerment Act 2026 also establishes a new tier of plan making, at the sub-regional level, called spatial development strategies. The development of these documents may have implications for future plan making in the Borough.
- 9.5 There is an opportunity for an aggrieved party to challenge a decision to adopt a Local Plan under s113 of the Planning and Compulsory Purchase Act. An application must be made before the end of the period of six weeks following the adoption of the Plan.

10. UN Sustainable Development Goals (UNSDG)

10.1 As the Local Plan is primarily focused on the use of land and the achievement of sustainable development, 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

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

- Site allocations in the Local Plan will support sustainable development in the Local Plan up to 2040, including sites in the Council’s ownership.

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.

- Consultation on the Local Plan has included appropriate engagement including via digital means. There will be an interactive version of the Local Plan Policies Map, on the Council's website.

One Sustainable Council

We will deliver on our commitments and make all decisions with sustainability as a driving principle

- The Local Plan includes policies to support the Council's urban tree planting schemes and policies in relation to energy efficiency and renewable energy

12. Key Decision Information

12.1 The Local Plan is a borough wide document that has implications on communities living or working in an area comprising more than two or more wards.

13. Earlier Cabinet/Committee Resolutions

13.1 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** Appendix 1: Inspectors Report
- 14.2** Appendix 2: List of Main Modifications
- 14.3** Appendix 3: List of changes to the Policies Map
- 14.4** Appendix 4: List of Additional Modifications

15. Background Papers

15.1 The Local Plan Examination Library can be viewed using the following webpage:- [Local plan examination – Newcastle-under-Lyme Borough Council](#)