

Newcastle-under-Lyme Borough Council

Executive Director Decision Report

Date: 23rd May 2022

Report Title: Madeley Neighbourhood Development Plan: Decision to Make the Neighbourhood Plan after Referendum.

Portfolio Holder: Councillor Andrew Fear, Portfolio Holder for Strategic Planning.

Decision maker: Executive Director, Commercial Development & Economic Growth, in consultation with the Portfolio Holder.

Ward(s): Madeley and Betley.

Ward Councillors: Councillor Simon White & Councillor Gary White.

Decision status: To note the results of the referendum and agree to 'Make' the BBWNDP.

This report relates to the preparation of the Madeley Neighbourhood Development Plan (the 'Neighbourhood Plan') which was subject to referendum on 5th May 2022 where it received a majority 'Yes' vote. The Borough Council now has to formally 'Make' the Neighbourhood Plan in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

The Madeley Neighbourhood Plan now forms part of the Development Plan and its policies will be given the weight to be accorded to part of the Development Plan when assessing planning applications that affect land covered by the Neighbourhood Plan (the Neighbourhood Area).

Reasons for Decision:

The Examiner's Report recommended modifications to the Neighbourhood Plan which were completed; considered it met the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended), and was compatible with EU obligations and the Convention of Rights and complies with relevant provisions made by or under Sections 38A and 38B of the Planning and Compulsory Act 2004 (as amended).

The referendum held on 5th May 2022 met the requirements of the Localism Act 2011. It was held in the referendum area, consisting of the parish of Madeley. It posed the question "*Do you want Newcastle-under-Lyme Borough Council to use the Neighbourhood Plan for Madeley to help it decide planning applications in the neighbourhood area?*"

The count took place on 7 May 2022 and greater than 50% of those who voted were in favour of the Neighbourhood Plan being used to help decide planning applications in the neighbourhood area. The results of the referendum were as follows:

Response	Votes	Percent of Total
YES	1005	86%
NO	168	14%
Total	1,173	100%

Newcastle-under-Lyme Borough Council has assessed that the Neighbourhood Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council must now 'Make' the Neighbourhood Plan.

Background

1. The Madeley Neighbourhood Area is situated in the north western part of the Borough and comprises the parish area of Madeley. The preparation of the Neighbourhood Plan began in 2017 and the neighbourhood area was designated on 11th May 2017 as an area for the purpose of preparing a neighbourhood plan in accordance with section 61G of the Town and Country Planning Act 1990 (as amended).
2. Between April 2017 and August 2021 the Neighbourhood Plan has been subject to further consultation and engagement with the local community. Consultation is a legal requirement of the neighbourhood planning process and has taken place throughout the preparation of the Neighbourhood Plan with multiple opportunities for the community and interested parties to participate in its development.
3. The final draft Neighbourhood Plan and its supporting documents were submitted to Newcastle-under-Lyme Borough Council on 5th August 2021.
4. Newcastle-under-Lyme Borough Council undertook the required publicity between 6 September 2021 and 22 October 2021. Relevant consultees, residents and other interested parties were provided with information about the submitted Neighbourhood Plan and were given the opportunity to submit comments to the Examiner.
5. The Borough Council, with the agreement of the parish council, appointed John Slater BA (Hons) DMS, MRTPI as the independent examiner of the Neighbourhood Plan to consider whether it complied with various legislative requirements and met the set of 'Basic Conditions'.
6. The Examiner's final report was received on 13th January 2022. It contained his findings on legal and procedural matters and his assessment of the Neighbourhood Plan against the 'Basic Conditions' and Convention Rights. Overall it concluded that the Neighbourhood Plan did comply with the 'Basic Conditions' and other statutory requirements and that, subject to his recommended modifications, it could proceed to a referendum. Following discussions with the lead body for the three parish councils the Council published its decision on the Examiner's Report in March 2022.
7. A referendum was held on 5 May 2022 and 86% of those who voted were in favour of the Neighbourhood Plan being used by Newcastle-under-Lyme Borough Council to help it

decide planning applications in the neighbourhood area. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Council 'make' the Neighbourhood Plan if more than half those voting have voted in favour of it. The Council are not subject to this duty if making the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).



Simon McEneny,

Executive Director – Commercial Development & Economic Growth

In consultation with



Councillor Andrew Fear,

Portfolio Holder for Strategic Planning

