

## Newcastle under Lyme Borough Council (NuLBC)

### Response to the Audley Neighbourhood Plan Regulation 16 Consultation

#### General Comments

NuLBC wishes to place on record that it commends the Steering Group, Parish Council & residents of Audley on the extent of engagement undertaken (illustrated by the June 24 Consultation Statement), as well as the significant time, thought, effort and resource that has been invested by all involved in advancing the Neighbourhood Plan to the Regulation 16 stage. The approach to those issues (as referred to in Section 1.4 Other Actions) that are beyond the parameters of the Neighbourhood Plan are also to be applauded.

The Council are keen to maintain a close working relationship with Audley Parish Council to help facilitate the implementation of the Neighbourhood Plan, and its alignment to the emerging Local Plan (which was consulted on as a Final Draft – Reg 19 - in late Summer/early Autumn 2024). This is especially significant in so far as the Basic Conditions Statement (June 24) submitted by the Qualifying Body refers (under Section 5.2) to a detailed assessment that compares the strategic policies of the Newcastle-Under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 with the relevant policies of the Audley Rural Neighbourhood Plan.

A subsequent section (5.3) gives a less exhaustive overview of the engagement of the Qualifying Body in making representations to the emerging Local Plan & in utilising its evidence base. The submission of the neighbourhood plan in advance of commencement of consultation on the Reg.19 Local Plan is, however, fully acknowledged.

The Neighbourhood Plan in general is considered to be well structured, informative and concise which collectively makes it easy to read and navigate.

The specific comments raised below are presented under the relevant Chapter/Section headings of the Neighbourhood Plan. It is also important to recognise that several of the points raised were highlighted to the Qualifying Body at the Reg.14 stage, but nonetheless the LPA consider, having due regard to the responses provided previously by the Qualifying Body as detailed in Table 1 of the June 24 Consultation Statement, their essence remains of merit, valid & worthy of further consideration within the Examination.

#### Introduction

*Section 1.3 Monitoring and Review:* Owing to the updated NPPF (Dec 24) being published very recently, the Neighbourhood Plan Examiner should carefully consider its content where relevant to the Plan's production and application.

#### Background and Context

*Section 2.6 Aims:* Careful consideration should be given by the Examiner as to how these aims align with the Basic Conditions as prescribed by [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) and listed in planning practice guidance:- [Neighbourhood planning - GOV.UK \(www.gov.uk\)](#) and with strategic policy specifically, particularly in aspects such as Green Belt.

This is especially pertinent as the LPA has through its recently consulted upon Reg.19 Final Draft Local Plan (with accompanying evidence base) made clear its stance regarding the need for and scale & distribution of growth which it is considered presents the exceptional circumstances to necessitate the release of land that is currently designated as Green Belt. This includes areas within the Audley Rural Neighbourhood Area.

## Housing

*Section 3.2 Planning Rationale:* The flux in national planning policy (illustrated by the consultation on an updated NPPF Summer/Autumn 24 & also referred to above under the Introduction heading), whilst having largely emerged post submission of Audley's Neighbourhood Plan, is recognised by the LPA. With regard to neighbourhood planning specifically, the LPA's interpretation of the updated NPPF (December 24) suggests that there are no substantive changes proposed in the status or implementation of neighbourhood plans as part of the development plan. Nonetheless, consideration by the Examiner could be given to appropriate modification(s) being made to reflect the most contemporary policy picture.

The engagement between the qualifying body & the LPA is acknowledged. Ultimately, however, it is felt that the Examiner will determine if there are any disparities between the Local Plan & the Neighbourhood Plan, so the comment made as to there not being any such disparities should be viewed in the context of the representation the LPA makes to the Reg.16 version of the NP and the Examiners view as to the basic conditions being satisfactorily addressed.

*Audley Rural Housing Needs Assessment, AECOM November 2021 (updated October 2023):*

Completions as well as unimplemented planning permissions are factored into the LPA's assessment of supply in Audley (detailed within Section 8 of the Site Selection Methodology Report – linked below). Talled together with the three (3) proposed residential allocations identified for Audley in the Local Plan (each of which is currently green belt, with a suggested addition to settlement boundaries advocated accordingly), this equates to a comparable overall yield figure to address the need highlighted within AECOM's work on behalf of the Parish. There are perhaps questions marks over the deliverability of some of the infill sites that the qualifying body assumes satisfies in part the identified need, which may consequently bring into question the extent of shortfall, but the overall sentiment is understood & the stated willingness to engage with the LPA is welcomed.

<https://www.newcastle-staffs.gov.uk/downloads/file/2377/site-selection-report-and-assessments>

[For the benefit of the Examiner, the Final Draft Local Plan proposes development boundaries for the Strategic Centre, Urban Centre and Rural Centres (including Audley & Bignall End). However, the Local Plan is not proposing to include development boundaries below the rural centres tier in the settlement hierarchy. This may have relevance for Alsagers Bank, Halmer End, Miles Green & Wood Lane settlement boundary's, recognising that the neighbourhood plan can set development boundaries for their area as per those detailed in Figure 3.3 and Figures 3.6-3.9].

*Policy ANP1: Residential Development:* Further to the point raised immediately above re: suggested additions to settlement boundaries as part of the Local Plan, recognition should be made in the Interpretation section stating that the settlement boundaries may alter (for Audley & Bignall End specifically) to reflect the position reached upon the adoption of the Local Plan, including areas which are currently designated as Green Belt.

## Economy

*Section 4.2 Planning Rationale:* Thoughts as per 3.2 above

The Local Plan identifies a strategic employment site (ref: AB2) that falls within the neighbourhood plan area & is located adjacent to J16 of the M6 motorway on green belt land. As per all the proposed allocations, its merits or otherwise will be examined in due course following the intended submission in the coming weeks of the Local Plan and accompanying evidence base to the Planning Inspectorate.

*Rural Topic Paper, Rural Hierarchy of Centres, Newcastle-under-Lyme Borough Council, June 2021:* For information, this evidence base document was revisited in July 2024. Owing to the services & facilities available, Audley & Bignall End remain as rural centres, with the other settlements found within the Parish also continuing to be identified as Other Settlements & Rural Areas.

## Design & Heritage

*Section 5.2 Planning Rationale:* Thoughts as per 3.2 above

## Green Environment

*Section 6.2 Planning Rationale:* Thoughts as per 3.2 above

*Figure 6.10: Strategic Green Gaps:* Whilst the position regarding this is considered in the Audley Rural Design Codes (AECOM - May 2023) document, the LPA remains to be 100% convinced as to the merits for their inclusion, especially given the extent of Green Belt (of which avoiding coalescence of settlements is a key function). As referred to in the text (p63), the area also contains an array of both statutory and non-statutory environmental designations.

Therefore, it may be worth as part of the Examination reflecting on whether it is considered that the practical application of such a policy stance would fail to stand up to scrutiny in the determination (by the LPA's Development Management Team) of development proposals. For instance, would there be a higher-level expectation of what constitutes very special circumstances (para 153 of the Dec 24NPPF) for development in these localities? On this basis, whilst there could be value in retaining these for information & contextual purposes within the Neighbourhood Plan, it could perhaps not be assumed that they would automatically provide any additional layer of protection beyond what the designations (such as Green Belt) provide at present.

This argument is also relevant to Policy ANP9 (bullet Point 2) & the maintaining of separation between settlements.

*Figure 6.10: Local Green Spaces across the neighbourhood area:* With reference to paragraph 107 of the NPPF (December 24) any designations need to be demonstrably special & whilst this is alluded to in Section 2.4 (p14 of the Neighbourhood Plan), the Local Green Space Designation audit (August 23 – highlighted in Section 2.7) is considered to be a valuable resource in making a more explicit case by case argument, in so far as detailing the rationale for each site being considered demonstrably special & holding a particular local significance. It is important, nonetheless, that in each circumstance (based on the list under Policy ANP11) the Examiner is confident that the additional designation is necessary and would serve a useful purpose.

*ANP9:* The approach to the use of Best & Most Versatile agricultural land should look to consider the more nuanced approach in the Local Plan (highlighted at Reg.18 stage onwards) of seeking to limit & mitigate the loss of best and most versatile agricultural land, rather than a more absolute assertion that development should not involve the loss of... stated in bullet point 6 of this policy.

## Infrastructure

*Section 7.2 Planning Rationale:* Thoughts as per 3.2 above

*Infrastructure Priorities:* For the avoidance of doubt, there is no Community Infrastructure Levy (CIL) system in operation within the Borough. An Infrastructure Delivery Plan has been produced for the Local Plan & this demonstrates the understood requirements for new and enhanced infrastructure that arises from the Borough's proposed growth ambitions. The provisions of any S106 contributions are also tightly regulated, taking account of factors such as their necessity to make the development reasonable in planning terms; being directly related to the development; & fairly and reasonably related in scale and kind to the development. It is within this context that the list on p91, whilst fully acknowledged, should be seen to a degree as the community's wishes rather than what can necessarily be provided through developer contributions. A modification could therefore be made to this effect.

## Green Development Guidance Note

*Section 8.2 Green Building Design:* The section's status as an informal note is recognised.

*Section 8.3 Biodiversity:* There is a mandatory requirement for implementation of Biodiversity Net Gain of at least 10% by local authorities which may be worth highlighting.

## Consultation Infographics

It is assumed that, where appropriate, this information reflects that presented in the main body of the Neighbourhood Plan.