

Audley Rural Neighbourhood Plan

Initial Comments of the Independent Examiner

Prepared by

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Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Audley Rural Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents. I visited the parish on Monday 13th January 2025.
2. I spent the whole day in the parish – starting in Audley and then visiting Bignalls End, Wood Lane, Miles Green, Halmers End, Alsangers Bank and Scot Hays. I visited most of the proposed local green spaces and I also drove around some of the more peripheral rural parts of the parish.
3. Based on what I have read and seen during my visit, I have concluded that I will be able to deal with the examination solely based on the written material and it will not be necessary for me to call for a public hearing.

National Planning Policy Framework

4. Just before Christmas, the Government issued a new version of the National Planning Policy Framework. Paragraph 239 of the latest version deals with Implementation and confirms that only those neighbourhood plans which are submitted after 12th March 2025, will be assessed at examination against the policies in the new version of the NPPF. I can confirm that I will be examining this neighbourhood plan in the context of the previous version of the Framework, which was issued on 19th December 2023. My subsequent reference to paragraph numbers in this document relates to the Dec 2023 version of the Framework.

Regulation 16 Comments and Strategic Policies

5. I would like to offer the Parish Council the opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation. I do not expect a response to every comment made, just those that the Parish Council feels that it wishes to respond to or comment upon.
6. Can I ask the Borough Council to confirm which of the policies in the Core Strategy should be treated as strategic policies for the purpose of the test of general conformity, in relation to the basic conditions. Also, are there any saved local plan policies that should be treated as strategic?
7. It appears that the Borough Council is proposing some changes in the approach taken in the adopted development plan and that which is being taken in the Reg 19 version of the emerging Local Plan. In the Core Strategy, the settlement hierarchy identifies the whole of Audley Parish as a Rural Service Area, but the submission version of the emerging Local Plan only identifies the settlements of Audley

and Bignalls End as rural centres. Does that have implications for the neighbourhood plan housing policies?

8. The neighbourhood plan is clear that it is leaving the question of housing allocations to the new local plan. I anticipate that the allocations will requiring consequential changes to the settlement boundary around both Audley and Bignalls End and the Green Belt boundary. Such changes must await the outcome of the local plan examination.
9. My reading of the Proposals Map for the new plan is that the settlements of Alsangers Bank, Halmer Green, Miles Green and Wood Lane appear to still remain outside the Green Belt but will now be subject to open countryside policies. Is that correct and does the Borough Council consider that will have any implications for the examination, in terms of general compliance with strategic policy particularly in terms of how development within the settlements is to be treated?
10. I note that the Reg 19 version of the draft Local Plan was only submitted on 20th December 2024. Does the Borough Council have any idea of the likely timing of the examination and likely earliest adoption date?
11. The end date of the emerging local plan is 2040 yet the neighbourhood plan is proposing the lifespan of the plan to be 2024 to 2042. Can the Parish Council explain the reason for adopting a different end date and whether that has any implications for housing policy for example. Would a proposal to bring the end dates together to 2040 cause any major issues for the Parish Council? Similarly, should the timeframe be included in the title of the neighbourhood plan, so that it reads Audley Parish Neighbourhood Plan 2024-40(2)?

Neighbourhood Plan Policies

Policy ANP1 – Residential Development

12. I note that plan, as submitted, is including the settlement boundaries as defined in the Local Plan. However, the plan recognises that it is the emerging Local Plan that will be addressing the question of housing allocations and consequential changes to the Green Belt boundary. Would the Parish Council have a view on whether the definition in clause a) should refer to settlement boundaries as set by the most recently adopted local plan? That would then allow the policy to retain its currency when the new local plan is adopted. Is the intention for the remaining settlements which are outside the green Belt but subject to open countryside policy should still be

referred to in the policy as settlements where housing proposals will be supported?

13. Does the Borough Council have a view on this policy supporting development in the settlements other than the rural centres, Audley or Bignalls End, which are now being proposed as being covered by open countryside policies and will no longer be enclosed by a development boundary although there will remain a Green Belt boundary as proposed in the draft local plan. As these are existing settlements, is it expected that in future proposals will now be considered against the criteria set out in Policy PSD4 and, in particular, part 4 of that policy? It may be that this neighbourhood plan policy explicitly countenances further development in these settlements, and it may not constitute an issue under basic conditions and indeed could be considered sustainable locations for new residential development in terms of access to primary schools and social facilities. My concern is that if there is a conflict between the different plan policies then it is the last adopted plan that would take precedence under the legislation.
14. Could the Parish Council elaborate on what its expectations are in terms of requirement 4 of the policy regarding flexibility for different needs such as homeworking – for example would it consider a resident's use of a spare bedroom as a home office, suitable, or use of the dining room table? Is there a particular standard that it thinks developers should be adhering to?
15. Can the Borough Council confirm whether the facilities for charging of electric motor vehicles is now covered by the Building Regulations?
16. Can the Parish Council offer a view as to whether the types of houses supported by clause 8 i.e. community led housing or self-build, equally applies outside of settlement boundaries?

Policy ANP4 – Sustainable Design

17. Does the Parish Council have a view on whether the policy wording should also be referring to the Audley Rural Parish Design Guidance and Codes?
18. Should the policy be caveated by “where appropriate”, recognising the fact that not all clauses will be relevant to all developments?
19. Can the Parish Council give me examples as to how it expects developments may reduce carbon impacts and is it something that should be “encouraged” rather than the implied requirement by the use of “should include”?

Policy ANP5: Audley Conservation Area

20. The policy in b) identifies Leddy's Field as a key green space. Can it be identified on a map as I could not see it marked on any of the plans – is it proposed as one of the local green spaces?

Policy ANP6: Character of Settlements

21. Again does the Parish Council have a view on whether the policy wording should also be cross referring to the Audley Rural Parish Design Guidance and Codes?

Policy ANP7: Heritage

22. Can the Parish Council confirm that whilst the evidence base includes a document entitled Audley Parish Heritage Assets, the plan itself is not proposing to designate any non-designated heritage assets?

Policy ANP8: Shopfronts

23. During my site visit I saw the variety of shopfronts and it occurred to me that in some cases a shopkeeper / property owners or decision makers would not know with certainty whether their property would be classed as having a historic shopfront or historic features. Would the Parish Council consider that it would be a practical proposition for the plan to identify the properties in the Parish which it considered had a historic shopfront?

Policy ANP9: Natural Environment and Landscape

24. I note that the policy expects development to maintain the separation of settlements – surely that is already achieved by the inclusion of these gaps between settlements being situated within the Green Belt, one of its purposes being to prevent the coalescence of settlements. Is that an unnecessary duplication of policy that would already apply in the context of para 16f) of the NPPF?
25. Does the Parish Council have a view whether this policy should be prefaced by the caveat “where it is appropriate”
26. Should the retention of existing mature trees also need to include an assessment their long-term health?
27. It does occur to me that the policy relating to loss of the best and most versatile agricultural land merely repeats the national policy position as set out in the NPPF.

Policy ANP11: Local Green Space

28. Should the policy not only identify the local green spaces, but also set out the planning policy that would apply to proposals for

development that takes place on the LGS i.e. cross reference to paragraph 107 of the NPPF?

29. I do find the justification for the school playing fields being included somewhat light as set out in the Local Green Space Audit Report, in terms of why they are demonstrably special to the local community. The evidence table merely refers to them as “school playing fields”. Can the Parish Council elaborate as to how it has special significance to local residents – for example are they available for community use or other teams or is there any public access outside school hours?

Policy ANP12: Transport and Active Travel

30. Paragraph 117 of the NPPF states that “all development that will generate *significant* amounts of movements should be required to produce a Travel Plan and an application should be accompanied by a transport statement or assessment”. Does the Parish Council and / or the Borough Council have a view as to whether the statement that any development likely to generate “additional travel” should be changed to those that generate “significant” amounts of additional movement”?
31. How would a decision maker assess whether additional movements would cause significant harm to residential amenity? Would it be related to the status of the road eg a quiet cul de sac compared to someone living on a main road, should it relate to traffic noise or air quality? I am concerned that as submitted it could be something of a subjective judgement.
32. I am assuming the requirement to create safe and convenient environment for horse riders would only relate to development in the rather more rural parts of the parish. Can the Parish Council clarify?

Concluding Remarks

33. I am sending this note direct to both Audley Rural Parish Council, and Newcastle under Lyne Borough Council. I would request that both parties’ responses to my questions should be sent to me by 5 pm on **7th February 2025** and be copied to the other party.
34. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan’s and Borough Council’s respective websites.

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Independent Examiner to the Audley Rural Neighbourhood Plan