

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

OFFICER DECISION NOTICE

01 October 2025

Matter: Audley Rural Neighbourhood Plan Examination

Decision Taker: Deputy Chief Executive

Portfolios: Strategic Planning

Ward(s) affected: Audley

Decision Taken

Key Decision Yes ☐ No ☒

To note the results of the referendum and agree to 'Make' the Audley Rural Neighbourhood Plan in accordance with the Council's Decision Statement presented in Appendix 1.

Reasons

This report relates to the preparation of the Audley Rural Neighbourhood Plan (the 'Neighbourhood Plan') which was subject to referendum on 25th September 2025 where it received a majority (greater than 50% of those who voted) 'Yes' vote.

It posed the question *"Do you want Newcastle-under-Lyme Borough Council to use the Neighbourhood Plan for Audley to help it decide planning applications in the neighbourhood area?"*

The results of the referendum were as follows:

Response	Votes	Percent of Total (rounded)
YES	1228	85%
NO	214	15%
Total	1445	-

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.

The Audley Rural Neighbourhood Plan now therefore 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).

Officer Authority

At a Cabinet Meeting on the 08 November 2017, decisions on the appointment of an independent examiner and examination of neighbourhood plan's (Regulation 17), the publication of the examiner's report and the subsequent decision on the examiner's recommendations & referendum organisation were delegated to the Executive Director, Regeneration and Development in consultation with the Portfolio Holder. In addition, all relevant Ward Members will be notified.

1. Background

- 1.1 The Audley Rural Neighbourhood Plan has been prepared by Audley Parish Council with on-going engagement with the local community and the Borough Council. Prior to Examination, the Audley Rural Neighbourhood Plan went through the following formal stages of preparation:
 - Designation as a Neighbourhood Area (December 2020)
 - Consultation on a pre-submission version (October - November 2023)
 - Submission to the Council and publicity (June 2024, consultation Nov-Dec 2024)
- 1.2 Following the end of the latter publicity period, and with the consent of the Parish Council, an independent examiner was appointed to undertake an Independent Examination of the Plan. The purpose of the Examination was to consider whether the Plan complies with various legislative requirements and meets a set of "Basic Conditions" which are:
 - i) To have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - ii) To contribute to the achievement of sustainable development;
 - iii) To be in general conformity with the strategic policies contained in the development plan for the area;
 - iv) To not breach, and be otherwise compatible with, EU and European convention on Human Rights obligations; and
 - v) To not breach the requirements of Chapter 8 of Part 6 of the Conservation of habitats and Species Regulations 2017.
- 1.3 The Examiner can make one of three overall recommendations on the Plan namely that it can proceed to referendum (i) with modifications; (ii) without modification; or (iii) that the Plan cannot be modified in a way that allows it to meet the Basic Conditions or legal requirements and should not proceed to referendum.
- 1.4 The Audley Rural Neighbourhood Plan was submitted to the Council in June 2024 and, following a statutory publicity period, proceeded to Independent

Examination. The Examiner's report has now been received and recommends that the Audley Rural Neighbourhood Plan is considered to meet the statutory tests, the Basic Conditions and procedural requirements set out in Schedule 10, paragraph 8, of the Localism Act and subject to modifications, it can now proceed to referendum.

- 1.5 Subjecting the Plan to referendum has allowed the local community to vote on whether it should be used to determine planning applications in the neighbourhood area and bring the plan into statutory effect as a Development Plan document.

2. Material Issues & Options

- 2.1 The preparation of the Plan began in 2020 with the submission of the Neighbourhood Area Designation, which covered the Parish of Audley, which was approved in December of that year.
- 2.2 Whilst producing the Plan it has been subjected to 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 Plan with multiple opportunities for the community and interested parties to participate in the development of the plan.
- 2.3 The submission version of the Plan and its supporting documents were submitted to Newcastle-under-Lyme Borough Council in June 2024. The documents included:
 - The Draft Audley Rural Neighbourhood Plan (June 2024)
 - A map of the Neighbourhood Area
 - A Basic Conditions Statement (June 2024)
 - A Consultation Statement (June 2024)
 - A copy of the Screening reports demonstrating an assessment of the need to undertake Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).
- 2.4 The Borough Council undertook the required publicity between 4th November and 16th December 2024. Relevant consultees, residents and other interested parties were provided with information about the submitted plan and were given the opportunity to submit comments to the Examiner.
- 2.5 The Borough Council, with the agreement of the Parish Council, appointed John Slater DMS, MRTPI as the independent examiner of the neighbourhood development plan. The Examiner holds appropriate qualifications and has appropriate experience. He is an experienced Independent Examiner of Neighbourhood Plans and a Member of the Royal Town Planning Institute.
- 2.6 On reviewing the content of the plan and the representations received as part of the publication process, he decided to determine the Plan by

written representations; and not to hold a public hearing. The role of an independent examiner of a neighbourhood development plan is defined; an examiner is not examining the test of soundness provided for in respect of examination of Local Plans, nor is it within an examiner's role to examine or produce an alternative plan, or a potentially more sustainable plan. The purpose of the Examination is to consider whether the Plan complies with various legislative requirements and meets a set of "Basic Conditions" which are set out in para 1.2 above.

- 2.7 During the Examination, the Examiner provided an opportunity for the Parish Council to make comments on the representations received at the Regulation 16 stage on the submitted version of the neighbourhood plan. On 16th January 2025 the Examiner made a request for clarifications on numerous points and requested a response from the Parish Council and Borough Council. The responses were duly provided to the Examiner by the deadline of 7th February 2025.
- 2.8 The Examiner's report was received on the 10 March 2025. It contained his findings on legal and procedural matters and his assessment of the Plan against the Basic Conditions and Convention rights. Overall, it concludes that the Plan does comply with the Basic Conditions and other statutory requirements and that, subject to his recommended modifications, it can proceed to a referendum based on the Neighbourhood Area that was designated on 21st December 2020.
- 2.9 The Examiner's recommended modifications are detailed within Appendix 1, and for reference, the submitted Audley Rural Neighbourhood Plan can be found at Appendix 3.
- 2.10 Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 (as amended) requires the Borough Council, within 5 weeks of receipt of the Examiner's Report, unless an alternate date is agreed with the qualifying body (this being the case in this circumstance, with agreement reached with representatives of the Audley Neighbourhood Plan Steering Group), to consider the report and make a decision on the plan. The Borough Council need to decide:
 - (a) to decline to consider a plan proposal;
 - (b) to refuse a plan proposal;
 - (c) what action to take in response to the recommendations of the Examiner in his report;
 - (d) what modifications, if any, it intends to make to the draft plan;
 - (e) whether to extend the area to which the referendum is (or referendums are) to take place; or
 - (f) that it is not satisfied with the plan proposal.
- 2.11 Audley Parish Council confirmed in writing, via an email from the Secretary of the Audley Neighbourhood Plan Steering Group on 12 May 2025 to members of the Planning Policy Team, their positive &

constructive position on the recommended modifications, with final consideration at the Full Parish Council meeting 19 June 2025.

- 2.12 Officers were content with the manner in which the Plan was prepared and in agreeing with the Examiner's recommendation considered that the most appropriate option was to proceed to referendum to be held within 56 working days (excluding weekends and bank holidays) of the Council making this decision. The recommendation to the Executive Director being that the modifications made by the Examiner are well justified and that, with these modifications, the Audley Rural Neighbourhood Plan proposals would meet the legislative requirements.
- 2.13 Consultation has been undertaken with the Ward Members, Councillor Nicholas Crisp, Councillor Rebekah Lewis, Councillor Ian Wilkes, and the Cabinet Portfolio Holder for Strategic Planning, Councillor Andrew Fear. Between Friday 27 June & Wednesday 9 July 2025, Audley Ward Members (namely Cllr's Crisp, Wilkes & Lewis) were notified of the opportunity to provide feedback on the proposed modifications, decision statement and the intent to progress to a referendum. During this period, no comments were received from any of the respective councillors.
- 2.14 The Borough Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. A referendum gives the local community the opportunity to vote on whether they deem the Neighbourhood Plan meets the needs and aspirations for the future of their Neighbourhood Area.
- 2.15 At referendum wherever more than 50% of eligible voters vote in favour of the plan, then the Borough Council will 'make' the plan within 8 weeks of the referendum assuming no legal challenge is made.
- 2.16 Once 'made' the Neighbourhood Plan forms part of the statutory Development Plan for the Neighbourhood Area and planning decisions should be made in accordance with the Development Plan, unless there are other material considerations that would outweigh the Plan.
- 2.17 Alternative Options considered and rejected for the reasons set out below:
- 2.18 Option 2: The Borough Council is not required to 'make' the plan where it considers that the making of the plan would breach or otherwise be incompatible with any extant European or other human rights obligations. This option is not considered appropriate or justified in the case of the Audley Rural Neighbourhood Plan.

3. Legal and Statutory Implications

- 3.1 The Localism Act (2011) introduced the concept of Neighbourhood Planning. The Localism Act also made amendments to the Town and Country Planning Act (1990) and the Planning and Compulsory Purchase

Act (2004) in order to incorporate neighbourhood plans within the statutory development plan system.

- 3.2 Legal requirements for Neighbourhood Plans are as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended in 2016). This report relates to Regulation's 17 and 18 of said regulations.
- 3.3 The Audley Rural Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements, and this is supported in the Examiner's report. Proceeding to referendum with sufficient votes being cast in favour, enables the Plan to be 'made', and legally form part of the Development Plan for the Neighbourhood Area within the Borough.

4. Equality Impact Assessment

- 4.1 The qualifying body, in this case Audley Parish Council, are responsible for producing the Neighbourhood Plan. Similarly, the Examiner's Report has been produced by a mutually agreed (between the Parish & Borough Council's) appointed independent person.
- 4.2 The Plan has been prepared in a manner which has been inclusive and open to all to participate in policy making and establish a shared vision for future development in the parish of Audley. The policies proposed are not considered to disadvantage those with protected characteristics.

5. Financial and Resource Implications

- 5.1 The budget for supporting the production of neighbourhood planning is included in the Planning Policy budget. The Borough Council has a statutory duty to take decisions at key stages in the neighbourhood planning process. This includes organising formal public consultation periods and making the arrangements for the examination and referendum of the Neighbourhood Plans.
- 5.2 It is also required to provide advice or assistance to a parish/town council or neighbourhood forum producing a neighbourhood plan. The Authority must give such advice or assistance as, in all the circumstances, it considers "appropriate". There is no statutory requirement to provide financial assistance. The Planning Policy Team take the main responsibility for neighbourhood planning support on behalf of the Borough Council.
- 5.3 The Borough Council can claim financial support from MHCLG towards the cost of meeting its legislative duties in relation to neighbourhood planning. Specifically, it covers the neighbourhood planning duties introduced by the Localism Act 2011 which are to provide advice or assistance; to hold an examination; and to make arrangements for a referendum.

5.4 The first payment for financial support to the Council for this Neighbourhood Plan totalled £5,000 following designation of the Neighbourhood Area, recognising the officer time supporting and advising the community in taking forward a neighbourhood plan. A second claim for financial support can be made for £20,000 on setting the date for a referendum following a successful examination where a neighbourhood plan has not been previously made for that area.

5.5 Grant monies received will be utilised to cover the costs of the examination and the further steps needed for the neighbourhood plan to come into legal force, including the referendum.

6. Major Risks & Mitigation

6.1 The decision to proceed to referendum and subsequently to 'make' the Audley Development Plan is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.

7. UN Sustainable Development Goals (UNSDG)

7.1 As Development Plans (of which Neighbourhood Plans form an integral part once made, alongside the Local Plan) are primarily focused on the use of land & properties and how these relate to people's use of the environment, a number of the UN Sustainable Development Goals will overlap with the aims of expressed by the Neighbourhood Plan Qualifying Body for. These include:

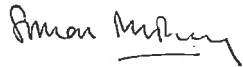


8. List of Appendices

8.1 Appendix 1: Decision Statement regarding the Borough Council's consideration of the result of the Referendum

9. Background Papers

9.1 N/A



Signed.....

Dated.....26th September 2025.....

Name Simon McEneny

Position: Deputy Chief Executive

In consultation with:



Councillor Andrew Fear
Cabinet Portfolio Holder – Strategic Planning
Date: 01 October 2025