

Wards Affected:

Woughton & Fishermead Ward

ITEM 4(b)**MILTON KEYNES COUNCIL****28 NOVEMBER 2018**

Report considered by Cabinet – 6 November 2018

MAKING THE CAMPBELL PARK NEIGHBOURHOOD PLAN

Responsible Cabinet Member: Councillor Legg (Cabinet Member for Customer Services)

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c/o Tel: 01908 691691**Executive Summary:**

The report seeks Cabinet's agreement to recommend to Council that it makes (brings into legal force) the Campbell Park Neighbourhood Plan, following the successful referendum held on 11 October, 2018.

1. Recommendations

1.1 That Cabinet recommends to Council that it makes the Campbell Park Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004, and that:

- (a) A decision document (Annex A) setting out the results of the referendum and the Council's decision to make the plan, and the Campbell Park Neighbourhood Plan (at Annex B – see link at end of report) be published on the Council's website and by other means, to bring them to the attention of people who live, work or carry out business in the neighbourhood area; and
- (b) the decision document and details on how to view the plan be sent to the qualifying body (Campbell Park Parish Council) and any person who asked to be notified of the decision.

1.2 That Campbell Park Parish Council be congratulated on the successful outcome of the referendum.

2. Issues

2.1 The Campbell Park Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 28 March 2018. All comments received were then passed to the Examiner, Mr John Parmiter, who submitted his report on the Plan in June 2018, stating that the plan met relevant basic conditions and requirements, subject to modifications, and should proceed to referendum.

2.2 Following the examination, Milton Keynes Council, in consultation with Campbell Park Parish Council accepted the examiner's recommendation and proceeded to make arrangements for a referendum to be held on 11 October 2018.

- 2.3 The Campbell Park Neighbourhood Plan was successful at the referendum. In total, 991 voted 'Yes' and 155 'No', turnout was 10.95%. Under the changes to Section 38 of the Planning and Compulsory Purchase Act 2004, introduced by the Neighbourhood Planning Act, 2017¹, following a successful referendum, a Neighbourhood Plan comes into force as part of the statutory development plan. The Plan must still be made by the local planning authority within 8 weeks of the referendum.
- 2.4 As with any planning decision there is a risk of legal challenge, but that risk has and is being managed by ensuring that the regulations are followed and that the Council's decision making process is clear and transparent.

3. **Options**

- 3.1 As a result of the successful referendum, the Council is obliged to proceed to make the Plan as outlined above. Therefore, there are no options available other than for Cabinet to recommend to the Council to make the Campbell Park Neighbourhood Plan, and for Council to implement that recommendation, so that the Campbell Park Neighbourhood Plan continues to form part of the Milton Keynes Development Plan. The only exception to this is where the Council considers the plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). That is not the case here.

4. **Implications**

4.1 Policy

A revised National Planning Policy Framework (NPPF) was introduced on 24 July 2018, however, the Neighbourhood Plan was prepared and examined against the original 2012 NPPF policies which state that Neighbourhood Plans must be in general conformity with the strategic policies of the development plan. Neighbourhood Plans should reflect these policies, and neighbourhoods should plan positively to support them. Neighbourhood Plans and Development Orders should not promote less development than is set out in the Local Plan, or undermine its strategic policies. In Milton Keynes, the strategic policies are set out in the adopted Milton Keynes Local Plan and Core Strategy.

Once a Neighbourhood Plan has successfully passed the referendum stage, it comes into force as part of the statutory development plan, meaning it will be a material consideration when considering development proposals in the Neighbourhood Plan area. The Plan must still be made by the local planning authority within 8 weeks of the referendum.

4.2 Resources and Risk

The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 ("the 2012 Regulations") placed new duties on local planning authorities in relation to Neighbourhood Planning. These new duties have considerable implications for Council resources. In recognition of the additional burdens that these new duties place on local planning authorities, MHCLG now makes extra burden funding of £20,000 available to local authorities, which can be claimed once a date for a referendum has been set following a successful examination. This is a reduction of £10,000 per plan from that which has been available in previous years. Further duties and

deadlines for decisions have been imposed through the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, as a result of the 2016 Housing and Planning Act.

Publicity and officer support costs associated with making Neighbourhood Plans is met within the Development Plans budget and staff resources to implement the Plan come from the existing staff within the Development Plans and Development Management teams.

An internal audit of the Neighbourhood Plans service carried out in 2015 has shown that that the additional costs incurred delivering the service were only just covered by the extra burdens funding.

N	Capital	N	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

4.3 Carbon and Energy Management

The proposal does not impact on carbon and energy management.

4.4 Legal

Neighbourhood planning is part of the Government's initiative to empower local communities to take forward planning proposals at a local level, as outlined in Section 116 of the Localism Act, 2011. The Act and the subsequent regulations confer specific functions on local planning authorities in relation to neighbourhood planning and lay down the steps that must be followed in relation to Neighbourhood Planning.

The Campbell Park Neighbourhood Plan has been consulted on and subjected to a referendum in accordance with the 2012 Regulations (as amended).

As with any planning decision, there is a risk of legal challenge to the plan and/or judicial review of the Council's decision to proceed with the referendum and the making of the Plan.

Risk has been managed by ensuring that the relevant regulations are followed and that the Council's decision making process is clear and transparent. Once a Neighbourhood Plan has successfully passed referendum, it comes into force as part of the Statutory Development Plan and the Local Planning Authority is obliged to consider proposals for development against the policies in the Plan. The Local Planning Authority must make the plan within 8 weeks of the successful referendum.

In accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012, the Council must, as soon as possible after deciding to make a neighbourhood development plan:

- (a) publish on the website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area:
 - (i) the decision document,

- (ii) details of where and when the decision document may be inspected;
- (b) send a copy of the decision document to:
 - (i) the qualifying body and
 - (ii) any person who asked to be notified of the decision.

4.5 Other Implications

The Campbell Park Neighbourhood Plan has been tested against and found to meet a number of basic conditions. Two of the basic conditions are the requirements for the plans to:

- Contribute to the achievement of sustainable development
- Not breach and otherwise be compatible with EU obligations (including Human Rights, the Strategic Environmental Assessment Directive and the Habitats Directive)

4.6 The Examiner’s report has confirmed that the Plan meets those Basic Conditions and officers are satisfied that there are no conflicts with these aspects.

4.7 The consultations on the draft plan carried out by the Parish Council and then the publicity on the submitted plan carried out by Milton Keynes Council have helped to raise awareness of its preparation and have allowed community engagement and participation in the process. .

N	Equalities/Diversity	Y	Sustainability	Y	Human Rights
N	E-Government	Y	Stakeholders	N	Crime and Disorder

Annex A Decision document for making the Campbell Park Neighbourhood Plan

Annex B Campbell Park Neighbourhood Plan (<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/campbell-park-neighbourhood-plan>)

Background Papers:

- The Localism Act, 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Housing and Planning Act, 2016
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
- The Neighbourhood Planning Act 2017
- National Planning Policy Framework
- National Planning Practice Guidance

<http://www.legislation.gov.uk/ukpga/2017/20/section/3/enacted>