

**Wards Affected:**

Newport Pagnell South, Stantonbury, Central Milton Keynes, Campbell Park and Old Woughton, Broughton

**ITEM 4(d)****MILTON KEYNES COUNCIL****23 MARCH 2016**

Report considered by the Cabinet – 14 March 2016

**GREAT LINFORD NEIGHBOURHOOD PLAN NORTH AND GREAT LINFORD NEIGHBOURHOOD PLAN SOUTH**

Responsible Cabinet Member: Councillor Legg, Cabinet Member for Public Realm

Report Sponsor: Anna Rose, Service Director: Planning and Transport

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**Executive Summary:**

The report seeks Cabinet's agreement to recommend to Council that it 'makes' the Great Linford Neighbourhood Plans North and South following the referendums held on 11 February 2016. Both referendums returned a majority 'Yes' to the question asked – whether those voting wanted Milton Keynes Council to use the neighbourhood plan when deciding planning applications in the neighbourhood area. Given the 'Yes' vote, the Council are now obliged to 'make' both Plans.

**1. Recommendation(s)**

- 1.1 That the Council be recommended to 'make' the Great Linford Neighbourhood Plan North and the Great Linford Neighbourhood Plan South pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.
- 1.2 That, subject to the Council's making the Neighbourhood Plans:
  - (a) the decision documents (at Annex A to the report) and the Great Linford Neighbourhood Plans North and South (available using the links at the end of this report) be published on the Council's website and in other manners, to bring them to the attention of people who live, work or carry out business in the neighbourhood area; and
  - (b) the decision documents and details on how to view the plans be sent to the qualifying body (Great Linford Parish Council) and any person who asks to be notified of the decision.
- 1.3 That Great Linford Parish Council be congratulated on the successful outcome of the referendums.

**2. Issues**

- 2.1 The Great Linford Neighbourhood Plans North and South were submitted to the Council for examination and were both subsequently publicised for comments from 10<sup>th</sup> August to 21<sup>st</sup> September 2015. All comments received were then passed to the Examiner, Mr Chris Collison, who submitted his report on each Plan in October 2015.

- 2.2 On 23 November, 2015, under the new Scheme of Delegation for Neighbourhood Planning agreed by Cabinet on 13<sup>th</sup> July 2015, the Service Director for Planning and Transport made the decision to accept the Examiner's reports and the modifications that the examiner had recommended be made to each Neighbourhood Plan in order to ensure their compliance with the basic conditions. It was also agreed that each Plan, as modified, should proceed to a referendum of those residents eligible to vote within the parish of Great Linford.
- 2.3 The two referendums took place on 11<sup>th</sup> February 2016. For the Great Linford Neighbourhood Plan North, 1475 residents voted Yes (83% of those voting) and 276 voted No (15% of those voting), with 19 ballot papers rejected. For the Great Linford Neighbourhood Plan South, 1469 residents voted Yes (83% of those voting) and 281 voted No (16% of those voting), with 24 ballot papers rejected. The turnout for both referendums was 12.4%.
- 2.4 Once a neighbourhood plan has successfully passed all the stages of preparation, including an Examination and Referendum, it is 'made' by the local planning authority and forms part of that authority's Development Plan, meaning that it will be a material consideration when deciding development proposals within the area covered by the Plan.
- 2.5 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 Once a neighbourhood plan has been supported by a majority of those voting in a referendum the Council is obliged to proceed to 'make' the Plan under section 38(A)(4) of the Planning and Compulsory Purchase Act, 2004. The Council is not subject to this duty if the making of the plan would breach, or otherwise be incompatible with, any EU obligation or any of the convention Rights. Neither of the Neighbourhood Plans breach nor would they be incompatible with the conventions or obligations.
- 3.2 There are, therefore, no other options than to 'make' both the Great Linford Neighbourhood Plans North and South so that they become part of the Milton Keynes Development Plan and specifically part of the Development Plan for Great Linford Parish.

### 4. **Implications**

#### 4.1 Policy

The National Planning Policy Framework sets out 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 all of the stages of preparation, including an examination and referendum, it is ‘made’ by the local planning authority and forms part of the authority’s Development Plan, meaning it will be a material consideration when considering development proposals in the Neighbourhood Plan area. In terms of the planning policy hierarchy, a Neighbourhood Plan, once adopted, carries more weight than a Supplementary Planning Document.

#### 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, DCLG has made available grants to local planning authorities up to £30,000 in staged payments for each neighbourhood plan.

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	Y	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 2012 Regulations confer specific functions on local planning authorities in relation to neighbourhood planning and lays down the steps that must be followed in relation to Neighbourhood Planning.

The Great Linford Neighbourhood Plans North and South have been consulted on and each subjected to a referendum in accordance with the 2012 Regulations.

As with any planning decision, there is a risk of legal challenge to the plans and/or judicial review of the Council’s decision to proceed with the referendums.

Risk has been managed by ensuring that the 2012 Regulations are followed and that the Council’s decision making process is clear and transparent. Once a

Neighbourhood Plan is made it carries real weight and the LPA is obliged to consider proposals for development against the policies in the Plan.

In accordance with Section 61E(4) of the Town and Country Planning Act, as modified by the Localism Act 2011, 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 two Great Linford Neighbourhood Plans have both been tested against and found to meet a number of basic conditions. Two of the basic conditions are the requirements for the plans to:

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

The Examiner’s reports have confirmed that both Plans meets those Basic Conditions and officers are satisfied that there are no conflicts with these aspects.

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

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

Annex A Decision documents for making the Great Linford Neighbourhood Plan North and South.

Annex B Great Linford Neighbourhood Plan North at: <http://www.milton-keynes.gov.uk/planning-and-building/planning-policy/great-linford-neighbourhood-plan-1-north-area>

Great Linford Neighbourhood Plan South at: <http://www.milton-keynes.gov.uk/planning-and-building/planning-policy/great-linford-neighbourhood-plan-2-south-area>

Background Papers: The Localism Act, 2011 and the Neighbourhood Planning (General) Regulations 2012