

# Cabinet report



14 December 2021

## MAKING THE ASTWOOD AND HARDMEAD NEIGHBOURHOOD PLAN

Name of Cabinet Member	<b>Councillor Peter Marland</b> Leader of the Council
Report sponsor	<b>Paul Thomas</b> Director of Planning & Placemaking
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Exempt / confidential / not for publication	<b>No</b>
Council Plan reference	<b>Not in Council Plan</b>
Wards affected	<b>Olney Ward</b>

### Executive summary

The report seeks Cabinet's agreement to recommend to Council that it makes (brings into legal force) the Astwood and Hardmead Neighbourhood Plan, following the successful referendum held on 25<sup>th</sup> November 2021.

#### 1. Decisions to be made

- 1.1 That Council be recommended to make the Astwood and Hardmead Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

## 2. Why is the decision needed?

- 2.1 The Astwood and Hardmead Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 21<sup>st</sup> May 2021. All comments received were then passed to the Examiner, Louise Brooke-Smith, who submitted her report on the Plan in August 2021, stating that the plan met the relevant basic conditions and requirements, and should proceed to referendum.
- 2.2 Following the examination, Milton Keynes Council, in consultation with Astwood and Hardmead Parish Council, accepted the examiner's recommendations and proceeded to make arrangements for a referendum to be held on 25<sup>th</sup> November 2021.
- 2.3 The Astwood and Hardmead Neighbourhood Plan was successful at the referendum. In total, 89 people voted 'Yes' and 12 'No'; turnout was 43.9%. Under Section 38(3A) of the Planning and Compulsory Purchase Act 2004 a neighbourhood plan comes into force as part of the statutory development plan once it has been approved by referendum. The plan must still be made by the local planning authority within 8 weeks of the referendum.
- 2.4 Under Sections 38A(4) and 38A(6) of the Planning and Compulsory Act 2004, before making the Neighbourhood Plan, Milton Keynes Council is required to consider whether the making of the plan would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. The Neighbourhood Plan would not be in breach of any retained EU obligations or any of the Convention Rights. This was also the view of the Neighbourhood Plan examiner.

## 3. Implications of the decision

- 3.1 National Planning Policy Framework 2021 (NPPF) footnote to paragraph 29 states 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 should not promote less development than is set out in the Local Plan or undermine its strategic policies. The Astwood and Hardmead Neighbourhood Plan was examined against the strategic policies set out in Plan:MK, adopted in March 2019, and was found to be in general conformity with them.
- 3.2 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.

Financial	N	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

### a) Financial implications

The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”) place duties on local planning authorities in relation to neighbourhood planning. These duties have considerable implications for Council resources. In recognition of the additional burdens that these duties place on local planning authorities, Department for Levelling Up, Housing and Communities (DLUHC) 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.

Publicity and officer support costs associated with making neighbourhood plans is met within the Urban Design and Landscape Architecture budget and staff resources to implement the plan come from the existing staff within the Development Plans and Development Management teams.

### b) Legal implications

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 Localism Act 2011 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 Astwood and Hardmead Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations and subjected to a referendum in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.

In accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 Regulations, 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.

In accordance with Regulation 20 of the Neighbourhood Planning (General) 2012 Regulations, the Council must, as soon as possible after making 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 neighbourhood development plan; and
  - ii) details of where and when the neighbourhood development plan may be inspected; and
- b) notify any person who asked to be notified of the making of the neighbourhood development plan that it has been made and where and when it may be inspected.

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 being followed and that the Council's decision-making process is clear and transparent.

### c) Other implications

The Astwood and Hardmead Neighbourhood Plan has been tested against and found to meet the basic conditions (paragraph 37 of NPPF) required for neighbourhood plans.

The Examiner's report has confirmed that the Astwood and Hardmead Neighbourhood Plan meets the basic conditions and officers are satisfied that there are no conflicts with these aspects.

The consultations on the draft plan carried out by Astwood and Hardmead 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.

## 4. Alternatives

- 4.1 In the event of a 'Yes' vote in the referendum, the Council is obliged to proceed to make the Plan as outlined above, unless there is a breach of a retained EU obligation or Convention rights. Cabinet is advised in this report that there is no breach of a retained EU obligation or Convention rights, and therefore it is recommended that Cabinet recommends to the Council to make the Astwood and Hardmead Neighbourhood Plan, and for Council to implement that recommendation, so that the Astwood and Hardmead Neighbourhood Plan becomes part of the Milton Keynes Development Plan. Alternative option for Cabinet is to recommend to the Council that the Astwood and Hardmead Neighbourhood Plan is not made, if Cabinet considers that there is a breach of a retained EU obligation or Convention rights.

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## List of annexes

Annex A – Decision document for making the Astwood and Hardmead Neighbourhood Plan

Annex B – Astwood and Hardmead Neighbourhood Plan <https://www.milton-keynes.gov.uk/assets/attach/73050/Astwood-Hardmead-Neighbourhood-Plan-Referendum-Version-Sept-2021.pdf>

Annex C – Examiner’s Report

[https://www.milton-keynes.gov.uk/assets/attach/73053/Astwood-and-Hardmead-NP-Examination-Report-final-version-Aug-2021\\_-002-.pdf](https://www.milton-keynes.gov.uk/assets/attach/73053/Astwood-and-Hardmead-NP-Examination-Report-final-version-Aug-2021_-002-.pdf)

## List of background papers

The Localism Act, 2011

The Neighbourhood Planning (General) Regulations 2012

National Planning Policy Framework paras 29 & 37