

Cabinet report



1 June 2021

MAKING THE STANTONBURY NEIGHBOURHOOD PLAN

Name of Cabinet Member	Councillor Peter Marland Leader of the Council
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	Stantonbury Ward

Executive summary

The report seeks Cabinet's agreement to recommend to Council that it makes (brings into legal force) the Stantonbury Neighbourhood Plan, following the successful referendum held on 6th May 2021.

1. Decisions to be made

- 1.1 That Council be recommended to make the Stantonbury 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 Stantonbury Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 8th March 2019. The Stantonbury Neighbourhood Plan Examiner's report was received in June 2019. The Examiner, Nigel McGurk, in his report, recommended that policies SNP14, SNP16 and SNP17 should be deleted from the Plan.
- 2.2 Milton Keynes Council considered the Examiner's report and accepted all of the recommendations apart from those relating to policies SNP14, SNP16 & SNP17. In the Council's view, these policies were capable of being amended in order to overcome the Examiner's concerns and to meet the basic conditions. A re-examination of these revised policies was undertaken by a new examiner, Andrew Ashcroft, who recommended that subject to modifications to these policies the Neighbourhood Plan proceed to referendum.
- 2.3 Following the re-examination, Milton Keynes Council, in consultation with Stantonbury Parish Council accepted the examiner's recommendations and proceeded to make arrangements for a referendum to be held on 7th May 2020. However, the referendum was postponed as a consequence of the coronavirus outbreak.
- 2.4 This postponement was confirmed through the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, which provided that any referendums due to be held between 7th May 2020 and 5th May 2021 shall be postponed and deferred until Thursday 6th May 2021.
- 2.5 The referendum was held on 6th May 2021 and Stantonbury Neighbourhood Plan was successful at the referendum. In total, 2385 people voted 'Yes' and 461 'No'; turnout was 36.72%. Under Section 38 of the Planning and Compulsory Purchase Act 2004, 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.
- 2.6 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. Implications of the decision

- 3.1 National Planning Policy Framework (NPPF) para 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 Stantonbury 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, Ministry of Housing, Communities and Local Government 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. The grant of £20,00 for the Stantonbury Neighbourhood Plan has been successfully claimed. Further duties and deadlines for decisions have been imposed through the Neighbourhood Planning (General) Regulations 2012 and Development Management Procedure (Amendment) Regulations 2016.

Publicity and officer support costs associated with making neighbourhood plans is met within the Urban Design and Landscape Architecture (UDLA) 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 Stantonbury 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, 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.
- c) Other implications

The Stantonbury Neighbourhood Plan has been tested against and found to meet the basic conditions required for neighbourhood plans.

The Examiner's report has confirmed that the Stantonbury 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 Stantonbury 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. Therefore, there are no options available other than for Cabinet to recommend to the Council to make the Stantonbury Neighbourhood Plan, and for Council to implement that recommendation, so that the Stantonbury Neighbourhood Plan becomes part of the Milton Keynes Development Plan.

List of annexes

Annex A – Decision document for making the Stantonbury Neighbourhood Plan

Annex B – Stantonbury Neighbourhood Plan <https://www.milton-keynes.gov.uk/planning-and-building/stantonbury-neighbourhood-plan>

List of background papers

The Localism Act, 2011

The Neighbourhood Planning (General) Regulations 2012

The Housing and Planning Act, 2016

The Development Management Procedure (Amendment) Regulations 2016

The Neighbourhood Planning Act 2017

National Planning Policy Framework paras 29 & 37

National Planning Practice Guidance para 064