

**Wards Affected:**

Stony Stratford Ward

**ITEM 10****CABINET****5 JUNE 2018****MAKING THE STONY STRATFORD NEIGHBOURHOOD PLAN**

Responsible Cabinet Member: Councillor Legg, Cabinet member for Customer Services

Report Sponsor: Brett Leahy, Chief Planner

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**Executive Summary:**

The report seeks Cabinet's agreement to recommend to Council that it makes (brings into legal force) the Stony Stratford Neighbourhood Plan, following the successful referendum held on 3 May, 2018.

**1. Recommendation(s)**

- 1.1 That the Cabinet recommends to Council that it makes the Stony Stratford 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 setting out the results of the referendum and the Council's decision to make the plan, and the Stony Stratford Neighbourhood Plan be published on the Council's website and in 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 (Stony Stratford Town Council) and any person who asked to be notified of the decision.
- 1.2 That Stony Stratford Town Council be congratulated on the successful outcome of the referendum.

**2. Issues**

- 2.1 The Stony Stratford Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 10<sup>th</sup> August, 2016. All comments received were then passed to the Examiner, Mr John Slater, who submitted his report on the Plan in December 2016, stating that the plan met relevant basic conditions and requirements, subject to modifications, and should proceed to referendum. The Examiner however suggested that the Council should prepare a revised Strategic Environmental Assessment (SEA) screening opinion before adopting the plan.
- 2.2 Following the examination, Milton Keynes Council accepted the examiner's recommendations on 23 November 2017. In line with the Examiner's recommendations, the Council prepared a revised Strategic Environmental

Assessment (SEA) Screening Opinion and, as a result of this work, considered that some additional modifications should be made to Policies 2, 3 and 9 of the Neighbourhood Plan in order to improve their clarity and provide an appropriate level of protection for the historic environment.

- 2.3 Milton Keynes Council therefore carried out a further 6 week consultation on the proposed additional changes, under section 13 (1) of Schedule 4B of the Town and Country Planning Act 1990. Four responses were received during the consultation period. Having considered these responses, the council considered that a further examination into the matters they raised was not required and, on 7<sup>th</sup> March 2018 the Director of Place decided that the changes that were consulted on should be made to the plan and it should proceed to a referendum on 3 May, 2018.
- 2.4 The Stony Stratford Neighbourhood Plan was successful at the referendum held on 3 May. 2208 voted 'Yes' and 237 'No', turnout was 43.15%. Under the changes to S38 of the Planning and Compulsory Purchase Act 2004, introduced by the Neighbourhood Planning Act, 2017<sup>i</sup> 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.
- 2.5 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 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 Stony Stratford Neighbourhood Plan, and for Council to implement that recommendation, so that the Stony Stratford 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

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 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.

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, 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	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 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 Stony Stratford 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 it becomes 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 20 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 Stony Stratford 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)

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. The additional consultation following the revised SEA Screening Opinion has, furthermore, ensured that the Plan meets these Basic Conditions.

The consultations on the draft plan carried out by the Town 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 Stony Stratford Neighbourhood Plan

**Annex B** Stony Stratford Neighbourhood Plan (<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/stony-stratford-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 Practice Guidance

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