

Wards Affected:

Bletchley East Ward

ITEM 10**CABINET****12 OCTOBER 2015****LAKES ESTATE NEIGHBOURHOOD PLAN 2015-2026**

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

Report Sponsor: Anna Rose, Service Director: Planning & Transport
Author and contact: Michael Moore, Senior Planning Officer, Tel: 01908-252352**Executive Summary:**

This report seeks Cabinet's agreement to recommend to Council that it 'makes' the Lakes Estate Neighbourhood Plan 2015-2026 following the referendum held on 17 September 2015. The referendum returned a majority 'Yes' to the question asked – "Do you want Milton Keynes Council to use the Neighbourhood Plan for the Lakes Estate Area to help it decide planning applications in the neighbourhood area?" Given the 'Yes' vote, the Council are now obliged to 'make' the Plan.

1. Recommendation(s)

- 1.1 That the Cabinet recommends that the Council 'makes' the Lakes Estate Neighbourhood Plan 2015-2026 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 agreement to the making of the Neighbourhood Plan:
 - (a) the decision document (at Annex A to the report) and the Lakes Estate Neighbourhood Plan (at Annex B) 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) that the decision document and details on how to view the plan be sent to the qualifying body (Bletchley and Fenny Stratford Town Council) and any person who asks to be notified of the decision.
- 1.3 That Bletchley and Fenny Stratford Town Council and the Lakes Regeneration Steering Group are congratulated on the successful outcome of the referendum.

2. Issues

- 2.1 The Lakes Estate Neighbourhood Plan was submitted to Milton Keynes Council (MKC) for examination and subsequently publicised for comments for an eight week period until Tuesday 15 July 2014. All comments received were then submitted to the Examiner, Mr John Slater, who submitted his report to MKC in February 2015.
- 2.2 On 14 April 2015, the Cabinet Member for Public Realm made the decision to accept the Examiner's report and the modifications to the neighbourhood plan that the examiner had recommended, together with any consequential

decisions required as a result of the Examiner's report. It was also agreed that the Plan, as modified, should proceed to a referendum of those residents eligible to vote within the Lakes Estate Neighbourhood Plan Area. As this Neighbourhood Plan is not a Business Neighbourhood Plan, it was not necessary for a business referendum to be held.

- 2.3 The referendum took place on Thursday 17 September 2015, 472 residents voted Yes (88.4% of those voting) and 62 voted No (11.6 % of those voting), with 1 ballot paper left blank. The turnout for the referendum was 14.93% of the electorate.
- 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 (LPA) and forms part of that authority's Development Plan. This means 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 is being managed and minimised 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. The Neighbourhood Plan does not breach and would not otherwise be incompatible with the conventions or obligations.
- 3.2 There are, therefore, no other options than to 'make' the Lakes Estate Neighbourhood Plan so that it will form part of the Milton Keynes Development Plan and specifically part of the Development Plan for the Lakes Estate.

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 Core Strategy and relevant 'saved' policies in the adopted Milton Keynes Local Plan.

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 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”) place 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 for each neighbourhood plan.

Publicity costs associated with making the Plan will be met within the Development Plans budget and staff resources to implement the Plan will come from the existing staff within the Development Plans and Development Management teams.

A recent internal audit of the Neighbourhood Plans service has shown that that the additional costs incurred delivering the service are 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 Lakes Estate Neighbourhood Plan has been consulted on and subjected to a referendum in accordance with the 2012 Regulations.

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 to make the Lakes Estate Neighbourhood Plan.

Risk is being 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 the 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 addition, the council will, as soon as possible after deciding to make the neighbourhood development plan;

- a. publish on its website and in such other manner as is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area:
 - i. the Lakes Estate Neighbourhood Plan; and
 - ii. details of where and when the plan may be inspected;
- b. notify any person who asked to be notified of the making of the neighbourhood plan that it has been made and where and when it may be inspected.

4.5 Other Implications

Included in the Basic Conditions that the Lakes Estate Neighbourhood Plan must meet are the requirements for the plan 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.

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

Annex A: Decision document for making the Lakes Estate Neighbourhood Plan.

Annex B: Lakes Estate Neighbourhood Plan online at:-

<http://www.milton-keynes.gov.uk/planning-and-building/planning-policy/lakes-estate-neighbourhood-plan>

Background Papers:

1. The Localism Act, 2011
2. The Neighbourhood Planning (General) Regulations 2012
3. Lakes Estate Neighbourhood Plan-Modifications Arising from Examiner's report. Milton Keynes Council Delegated Decision report for 14 April 2015.
4. Declaration of Result of Neighbourhood Plan Referendum, Thursday 17 September 2015 available at:-

<http://www.milton-keynes.gov.uk/planning-and-building/planning-policy/lakes-estate-neighbourhood-plan>

12 OCTOBER 2015