

Report considered by Cabinet on 4 June 2019

MAKING THE RAVENSTONE NEIGHBOURHOOD PLAN

Responsible Cabinet Member: Councillor Gowans (Cabinet Member for Customer Services)

Report Sponsor: Tracy Darke (Director, Growth, Economy and Culture) Tel: 01908 252394

Author and contact: David Blandamer (Senior Urban Designer) Tel: 01908 254836

Executive Summary:

The report seeks Cabinet's approval to recommend to Council that it makes (brings into legal force) the Ravenstone Neighbourhood Plan, following the successful referendum held on 2 May, 2019.

1. Recommendations

- 1.1 That the Council be recommended to make the Ravenstone Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004 and that, if the Plan is made by the Council,:
- (a) a decision document (**Annex A**) setting out the results of the referendum, the Council's decision to make the Ravenstone Neighbourhood Plan and the Ravenstone Neighbourhood Plan (**Annex B**) be published on the Council's website and by 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 (Ravenstone Parish Council) and any person who asked to be notified of the decision.
- 1.2 That Ravenstone Parish Council be congratulated on the successful outcome of the referendum.

2. Issues

- 2.1 The Ravenstone Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 19 June 2018. All comments received were then passed to the Examiner, Rosemary Kidd, who submitted her report on the Plan in January 2019, stating that the plan met relevant basic conditions and requirements, subject to modifications, and should proceed to referendum.
- 2.2 Following the examination, Milton Keynes Council, in consultation with Ravenstone Parish Council accepted the examiner's recommendation and proceeded to make arrangements for a referendum to be held on 2 May 2019.

- 2.3 The Ravenstone Neighbourhood Plan was successful at the referendum. In total, 124 people voted 'Yes' and 9 'No'; turnout was 68.56%. Under the changes to Section 38 of the Planning and Compulsory Purchase Act 2004, introduced by the Neighbourhood Planning Act, 2017¹, 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.
- 2.4 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 Ravenstone Neighbourhood Plan, and for Council to implement that recommendation. The only exception to this is where the Council considers the neighbourhood 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

National Planning Policy Framework (NPPF) 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 Ravenstone Neighbourhood Plan was prepared and examined against the strategic policies set out in the previously adopted Milton Keynes Local Plan (2005) and Core Strategy (2013), which have subsequently been superseded by Plan:MK, the new Local Plan for the Borough adopted in March 2019. The Ravenstone Neighbourhood Plan does not however conflict with any of the strategic policies within Plan:MK. As the more recently adopted plan, any non-strategic policies within the Neighbourhood Plan will take precedence over existing non-strategic policies contained within Plan:MK, where they are in conflict.

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 from the date of the referendum.

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, the Ministry for Housing, Communities and Local Government 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 Housing and Planning Act 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.

An internal audit of the Neighbourhood Plans Service carried out in 2015 has shown that the additional costs incurred delivering the service was only just covered by the extra burdens funding.

N	Capital	N	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 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 Ravenstone Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations and subjected to a referendum in accordance with the Neighbourhood Planning (Referendums) 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 neighbourhood 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 as 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 neighbourhood plan within 8 weeks of the successful referendum.

In accordance with Regulation 19 of the 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.

4.5 Other Implications

The Ravenstone Neighbourhood Plan has been tested against and found to meet the basic conditions required for neighbourhood plans. 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 incompatible with EU obligations (including the Strategic Environmental Assessment Directive, Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives), or any of the Convention rights (within the meaning of the Human Rights Act 1998).

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

The consultations on the draft plan carried out by Ravenstone 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.

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

Annex A Decision document for making the Ravenstone Neighbourhood Plan

Annex B Ravenstone Neighbourhood Plan (<https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/ravenstone-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 Policy Framework
 National Planning Practice Guidance

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