

Cabinet report



Report considered b Cabinet on 1 October 2019

MAKING THE HANSLOPE NEIGHBOURHOOD PLAN

Name of Cabinet Member	Councillor Martin Gowans Planning and Transport
Report sponsor	Tracy Darke Director (Growth, Economy & Culture)
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	Newport Pagnell North & Hanslope Ward

Summary

A referendum for The Hanslope Neighbourhood Plan will take place on 26 September. The referendum will ask those voting whether they want Milton Keynes Council to use the Hanslope Neighbourhood Plan when deciding planning applications in the neighbourhood area. If the vote is 'Yes', the Council would be obliged to make the Plan.

This report seeks Cabinet's agreement, in the event of a 'yes' vote in the referendum, to recommend to Council that it makes (brings into legal force) the Hanslope Neighbourhood Plan.

1. Decision/s to be made

1.1 Either:

Recommendation A.

- That in the event of a 'Yes' vote in the Hanslope Neighbourhood Plan Referendum, the Cabinet recommends to Council that it makes the Hanslope Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

2. That if the Council agrees the recommendation:
 - (a) a decision document (Annex A) setting out the results of the referendum and the Council's decision to make the plan, and the Hanslope Neighbourhood Plan (at Annex B) 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 (Hanslope Parish Council) and any person who asked to be notified of the decision.

OR

~~Recommendation B.~~

~~That in the event of a 'No' vote in the Hanslope Neighbourhood Plan Referendum, that:~~

- ~~(a) a decision document (Annex A) setting out the results of the referendum and the Hanslope Neighbourhood Plan (at Annex B) 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 on the neighbourhood area; and~~
- ~~(b) the decision document and details on how to view the plan be sent to the qualifying body (Hanslope Parish Council) and any person who asked to be notified of the decision.~~

2. Why is the decision needed?

- 2.1 The Hanslope Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 18 January 2019. All comments received were then passed to the Examiner, John Slater, who submitted his report on the Plan in June 2019, stating that the plan met the relevant basic conditions and requirements, subject to modifications, and should proceed to referendum.
- 2.2 Following the examination, Milton Keynes Council, in consultation with Hanslope Parish Council accepted the examiner's recommendations and proceeded to make arrangements for a referendum to be held on 26 September 2019.
- 2.3 In the event of a 'Yes' vote, the Council would be obliged under national legislation¹ to pass a resolution within eight weeks of the day after the referendum to 'make' the neighbourhood plan. Should there be a 'Yes' vote in the Plan referendum, a decision to make the Plan by Council on 23 October 2019 would meet that timescale.

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. Implications of the decision

3.1 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 Hanslope Neighbourhood Plan was examined against the strategic policies set out in Plan:MK, adopted in March 2019.

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.

¹ The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and section 38(A)(4) of the Planning and Compulsory Purchase Act 2004

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”) 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 (Ministry of 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. The Council has received notification of the £20,000 grant and is providing evidence to support the grant being paid over to the council. 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) Regulations 2012 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.

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 Hanslope Neighbourhood Plan has been consulted on in accordance with the 2012 Regulations and subjected to a referendum which will be held in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.

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.

In accordance with Regulation 20 of the 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 decision 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 it may be inspected.

c) Other implications

The Hanslope 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:

- Contribute to the achievement of sustainable development
- 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 Hanslope 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 Hanslope 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 Hanslope Neighbourhood Plan, and for Council to implement that recommendation, so that the Hanslope Neighbourhood Plan becomes 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. That is not the case here.

- 4.2 In the event of a 'No' vote in the referendum, then no further action is required of the Council in regards to the Neighbourhood Plan other than to publicise the result. Hanslope Parish Council, as the qualifying body responsible for the preparing the plan, would then need to consider its next steps.
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List of annexes

Annex A – Decision document for making the Hanslope Neighbourhood Plan –

Annex B – Hanslope Neighbourhood Plan <https://www.milton-keynes.gov.uk/planning-and-building/hanslope-parish-council-neighbourhood-plan>

List of background papers

The Localism Act, 2011

The Neighbourhood Planning (General) Regulations 2012

The Housing and Planning Act, 2016

The Neighbourhood Planning (Referendum) Regulations 2012

Development Management Procedure (Amendment) Regulations 2012

The Neighbourhood Planning Act 2017

National Planning Policy Framework

National Planning Practice Guidance