

Neighbourhood planning in Milton Keynes

Support available from Milton Keynes Council
August 2021



www.milton-keynes.gov.uk/planning

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Introduction

The Localism Act, 2011 (the Act), gives communities a number of new rights, including the right to prepare plans and policies for their local area, called Neighbourhood Plans and the right to prepare Neighbourhood Development Orders to give planning permission for certain types of development in an area. There is no requirement for communities to get involved in neighbourhood planning. It is the decision of individual parish and town councils as to whether they feel that they have issues that they want to address through a plan.

The Act places a duty on Local Planning Authorities to support communities undertaking neighbourhood planning. There is no definition of what the Duty to Support should include, but Milton Keynes Council will provide the following support on request from parish councils undertaking neighbourhood planning:

- Advice to the parish or town council on the strategic policies in the area;
- Provision of background material such as maps and plans to support the process;
- Advice on the legal requirements for Neighbourhood Planning as set out in the Act and the Neighbourhood Planning Regulations (the Regulations);
- Assisting in meetings and providing advice on community engagement methods;
- Sharing information on key contacts and stakeholders;

The Duty to Support does not require the giving of financial assistance to parish or town councils. There is a national support package available for parishes, this can provide either funding or one to one support for neighbourhood planning. For more information see the 'My Community Rights' website at:

<https://tinyurl.com/k9l925u>

What does this document do?

This document performs two functions and is split into two main sections:

1. **The Neighbourhood Planning Process** - this section sets out the key stages in neighbourhood planning and clarifies, for each stage, what is expected of the parish/town council and what Milton Keynes Council has to do. Links to websites providing additional sources of advice are also provided.
2. **Advice and Support** - this section clarifies the nature and extent of advice and support that Milton Keynes Council will provide to parish/town councils undertaking neighbourhood planning.

We have deliberately not repeated advice that is widely available through national organisations, but we have provided a number of links and contact details for useful websites at the end of the document. Of particular relevance for parish and town councils is MHCLG's Planning Practice Guidance which supplements the legislation and provisions in the National Planning Policy Framework (NPPF). See: <https://tinyurl.com/mdzdhad>

Before you start down the road of Neighbourhood Planning, please contact the Development Plans team at Milton Keynes Council at an early stage. We are happy to discuss your ideas with you as, depending on the problems you are trying to address, there may be better alternatives to a Neighbourhood Plan, such as a parish plan; working with us to prepare a Supplementary Planning Document; or the development of locally specific policies for inclusion in our own local plan. Our contact details are given at the end of this section.

If, following discussion with us you want to go ahead with Neighbourhood Planning in your area, there are five main stages in the preparation of a Neighbourhood Plan or Neighbourhood Development Order for a parish or town council and these are covered in more detail in the rest of this section. Where a parish meeting wants to prepare a Neighbourhood Plan it will first need to establish a Neighbourhood Forum (Stage A1).

A	Neighbourhood Area designation
A1	Neighbourhood Forum designation (limited relevance in MK)
B	Plan/ Order Preparation (including a 6 week pre-submission consultation)
C	Plan/ Order submission to the Local Planning Authority (MKC) and Independent examination
D	Community referendum
E	Following acceptance of the plan at Referendum, MKC will make the neighbourhood plan/ order part of the Development Plan

Our Contact details:

Email: NeighbourhoodPlanning@milton-keynes.gov.uk

Tel: 01908 252358

Post: Planning and Placemaking
Civic Offices,
1 Saxon Gate East,
Milton Keynes
MK9 3EJ

Section 1

The Neighbourhood Planning process

Starting out – deciding to get involved

If your parish or town council is thinking about preparing a Neighbourhood Plan or Development Order, please first contact the Development Plans team at Milton Keynes Council.

Email: NeighbourhoodPlanning@milton-keynes.gov.uk

Tel: 01908 252358

Milton Keynes Council has a duty to support communities undertaking Neighbourhood Planning and also needs to ensure that neighbourhood plans and orders are complementary to the council's wider strategic planning policies. Neighbourhood Planning can be a time and resource intensive process and we can advise you as to whether there are alternative or more effective methods to Neighbourhood Planning that you could use to shape the future of your area and address the issues that you are trying to solve.

When thinking about getting involved in Neighbourhood Planning it might be useful to consider the following questions and discuss them with the Development Plans team:

- What are the local issues that you are trying to address?
- Is a Neighbourhood Plan or Development Order the best tool for the job, or are there other ways of achieving your objectives?
- Do you have the necessary time, capacity, commitment and resources (including staffing & finance) to undertake Neighbourhood Planning?
- What support do you think you will need, from whom and at what stage in the process?
- Is there the desire from the wider local community to get involved?

Neighbourhood Planning Process

Deciding to get involved

We think that this stage is an essential pre-requisite for the Neighbourhood Planning process. It helps to give the planning process a clear foundation and ensures that all parties are aware of what the preparation of a Neighbourhood Plan might entail.

What the parish/town council should do

- Contact the Development Plans team at MKC for advice and to discuss why you would like to get involved in Neighbourhood Planning.
- Make information on the intention to produce a Neighbourhood Plan or Development Order public, eg through parish newsletters, websites, information boards. This can help to secure early community engagement and support for the Neighbourhood Planning process.
- Early engagement can also be used to help to define the area that the Neighbourhood Plan should cover. Although it is expected that, in most cases, a neighbourhood plan area will be the same as the parish boundary, this is not essential and it is worth considering if a smaller (or larger) area is appropriate. For example, depending on the issues you want to address, you could work with a neighbouring parish on a joint plan; or you might just want your plan to focus on a specific area rather than the whole parish.
- Give consideration to how you will manage the process, eg by setting up a project team or steering group to do some of the work.

What Milton Keynes Council will do

Following an enquiry we will:

- Offer verbal advice, eg over the phone and also by email
- Offer a meeting with the parish/town council to discuss the process and requirements.

Resources - for more information on this stage see:

MHCLG Planning Practice Guidance on Neighbourhood Planning:

<https://tinyurl.com/mdzdhad>

Part A of the “Neighbourhood Plans Roadmap Guide” produced by Locality:

<https://tinyurl.com/887khkkj>

Stage A – Neighbourhood Area Designation

Once a parish/town council has decided that it wants to proceed with a Neighbourhood Plan, the first formal stage is the designation of the neighbourhood area (the area for which the Neighbourhood Plan will be prepared). At this stage parishes might find it helpful to set up a project team or steering group to consider how best to proceed and make recommendations to the parish council for their consideration. The project team can include local residents, businesses and representatives of local groups as well as members of the parish or town council.

The table below sets out the responsibilities of both the parish/town council and Milton Keynes Council for this stage.

For parish/town councils it is assumed that the neighbourhood area will be the same as the parish boundary, but it is possible to choose a smaller (or larger) area where policies can focus in more detail on a specific issue. It is important to note that Neighbourhood Areas cannot overlap, but there could be a number of different Neighbourhood Areas within a parish and it is also possible for parishes to join together to prepare a joint Neighbourhood Plan.

Neighbourhood Planning Process Stage A – designating the Neighbourhood Area

What the parish/town council should do

The parish/town council is responsible for making the application to Milton Keynes Council for the designation of the Neighbourhood Area.

The regulations require the application to include:

- A map which identifies the area to which the application relates – e.g. a map of the parish area with a red line around the area proposed for designation. If only a part of the parish is to be designated, then the reason for this should be explained in the statement, below.
- A statement as to why the area is appropriate eg: the area is the same as that of the parish/town council; there are particular development pressures facing the area which create the need for a Neighbourhood Plan. If the proposed Neighbourhood Area is different from the parish area then the statement should give reasons for that.
- A statement confirming who is applying for the Neighbourhood Area and that they are the relevant body for Neighbourhood Planning – in parished areas, only the parish/town council for that area can be the qualifying body under the Act.

What Milton Keynes Council will do

Offer advice, at the request of the parish/town council, as to the suitability of the documents prepared for the Neighbourhood Area application and the area proposed to be designated.

Under the regulations (1 October 2016) a local planning authority must designate all of the neighbourhood area applied for, with no discretion to amend the boundary where:

- a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, or
- applies to enlarge an existing designation of part of the parish to include the whole of the parish area; or
- in other cases, a local planning authority has not determined an application for designation of a neighbourhood area within statutory time periods.

There would be an exception if any of the area had already been designated (other than where a parish want to enlarge an existing designated area), or if there was an outstanding application for designation.

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Neighbourhood Planning Process

Stage A – designating the Neighbourhood Area

What the parish/town council should do

Submitting the application:

The application for the Neighbourhood Area needs to be sent (preferably in electronic format) to the Development Plans Team at Milton Keynes Council:

Email:

NeighbourhoodPlanning@milton-keynes.gov.uk

Post:

Planning and Placemaking
Civic Offices,
1 Saxon Gate East,
Milton Keynes
MK9 3EJ

Publicity:

The responsibility for publicising the application is that of Milton Keynes Council, however, it is very helpful for information about the Neighbourhood Area application to be shared by the parish/town council as well – eg on the parish website, on any noticeboards and in the parish newsletter if timescales allow.

What Milton Keynes Council will do

On receipt of a Neighbourhood Area application, MKC officers will:

- Check for any overlap with other Neighbourhood Plans
- Check that the proposed Neighbourhood Area boundary is appropriate and that the area shown on the plan lies wholly within the parish concerned (except in the case of a joint plan).
- Contact the parish/town council as soon as possible if clarification is required on any aspect of the application.

Publicity

Milton Keynes Council will:

- Advertise the application on the council's website (on the consultation finder and on the Planning Policy part of the website); any other methods considered appropriate, eg a poster in the library or on noticeboards
- We will encourage the parish/town council to also advertise the application on the parish website and on parish noticeboards
- Notify neighbouring parish/town councils, including those outside of the Milton Keynes Council area where relevant
- Advertise the application in the council's internal newsletter, to draw to the attention of other council departments
- Advertise on the council's consultation finder webpage
- Notify all Milton Keynes Council ward councillors
- Arrange for the decision to be taken to designate the Neighbourhood Area.

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Neighbourhood Planning Process

Stage A – designating the Neighbourhood Area

What the parish/town council should do

What Milton Keynes Council will do

Responses

Milton Keynes Council will

- Receive and keep a database of all responses received during the publicity period
- Discuss responses with the parish/town council if they raise issues that need further consideration.

Decision

As soon as possible after the end of the consultation period Milton Keynes Council will arrange for a decision to be taken to approve the designation.

Post-decision

Milton Keynes Council will

- Notify the applicants of the decision
- Publish the designation information, including a map, the name of the area and the name of the parish/town council on the MKC website
- Notify all who made comments on the application.

Resources - for more information on designating a Neighbourhood Area see:

MHCLG Planning Practice Guidance:

<https://tinyurl.com/q5homs2>

Part B of the “Neighbourhood Plans Roadmap Guide” produced by Locality:

<https://tinyurl.com/887khkkj>

Stage A1 – Neighbourhood Forum Designation

Although Milton Keynes is described as ‘fully parished’, there are a number of small rural areas that have a parish meeting rather than a parish council. Parish meetings do not have the same status as parish councils when it comes to Neighbourhood Planning and, so in these areas, it will be necessary to first designate a Neighbourhood Forum in order to prepare a plan.

Parish meetings can submit applications for the designation of both a Neighbourhood Area and a Neighbourhood Forum at the same time.

The table below sets out the responsibilities of both the prospective Neighbourhood Forum and Milton Keynes Council for this stage.

The legal requirements for designating a Neighbourhood Forum are that it must:

- Be established for the express purpose of promoting or improving the social, economic and environmental well-being of the neighbourhood area concerned;
- Ensure that its membership is open to individuals who live in the area, individuals who work or operate a business there and elected members of Milton Keynes Council;
- Comprise at least 21 people who reflect the diversity, character and inclusivity of the area and each of whom live, work (or carry on business) in the Neighbourhood Area concerned or are elected members of Milton Keynes Council;
- Have a written constitution

All Neighbourhood Forums will require a written constitution – this could be the constitution of the existing parish meeting amended to reflect its specific purpose in relation to Neighbourhood Planning.

For more information on creating a Neighbourhood Forum and constitution see the Locality roadmap, pages 19-21 incl. <https://tinyurl.com/887khkkj>

Neighbourhood Planning Process

Stage A1 – designating the Neighbourhood Forum

What the parish/town council should do

The prospective Neighbourhood Forum is responsible for making the application to Milton Keynes Council for the designation of the Neighbourhood Forum.

The Regulations require the application to include:

- The name of the proposed Neighbourhood Forum
- A copy of the written constitution of the proposed Neighbourhood Forum
- The name of the Neighbourhood Area to which the Forum application relates, and a map which identifies the area
- The contact details of at least one member of the proposed Neighbourhood Forum to be made public once a Forum has been designated by Milton Keynes Council
- A statement which explains how the proposed Neighbourhood Forum meets the legal requirements set out above.

What Milton Keynes Council will do

Offer advice, at the request of the parish meeting, as to the suitability of the documents prepared for the Neighbourhood Forum application.

Submitting the application:

The application for the Neighbourhood Forum needs to be sent (preferably in electronic format) to the Development Plans Team at MKC:

Email:

NeighbourhoodPlanning@milton-keynes.gov.uk

Post:

Planning and Placemaking
Civic Offices,
1 Saxon Gate East,
Milton Keynes
MK9 3EJ

On receipt of a Neighbourhood Forum application, Milton Keynes Council officers will:

- Check for any overlap with other Neighbourhood Forums
- Contact the parish meeting as soon as possible if clarification is required on any aspect of the application.

The Regulations (1 October 2016) state that;

- LPAs should decide on an application to designate a neighbourhood forum within 13 weeks.
- Where the application must be submitted to more than one local planning authority, this time period would be 20 weeks to allow time for the authorities to cooperate in considering the application.
- there would be an exception to the time period where more than one neighbourhood forum application has been made in relation to the same or overlapping areas, including any under consideration.

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Neighbourhood Planning Process

Stage A1 – designating the Neighbourhood Forum

What the parish/town council should do

Publicity:

The responsibility for publicising the application is that of Milton Keynes Council, however, it is very helpful for information about the Neighbourhood Area application to be shared by the parish meeting as well – e.g. on the parish website; on any noticeboards and in any local newsletters if timescales allow.

What Milton Keynes Council will do

Publicity

Milton Keynes Council will:

Advertise for six weeks on the council's website (on the consultation finder and on the planning policy part of the website); any other methods considered appropriate, eg a poster in the library or on noticeboards:

- A copy of the application;
- A statement that if a Neighbourhood Forum designation is made then no other organisation or body may be designated for that Neighbourhood Area until that designation is withdrawn or expires;
- Details of how to make representations
- The date by which representations must be received.

Milton Keynes Council will:

- Notify neighbouring parish/town councils, including those outside of the Milton Keynes Council area where relevant
- Advertise the application through the Members Weekly News and the council's internal Tuesday Bulletin, to draw to the attention of other council departments
- Advertise on the council's consultation finder webpage
- Notify all Milton Keynes Council ward councillors
- Encourage the parish meeting to also advertise the application on its website and noticeboards

Responses

Milton Keynes Council will

- Receive and keep a database of all responses received during the publicity period
- Discuss responses with the parish meeting if they raise issues that need further consideration.

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Neighbourhood Planning Process

Stage A1 – designating the Neighbourhood Forum

What the parish/town council should do

Publicity:

The responsibility for publicising the application is that of Milton Keynes Council, however, it is very helpful for information about the Neighbourhood Area application to be shared by the parish meeting as well – e.g. on the parish website; on any notice boards and in any local newsletters if timescales allow.

What Milton Keynes Council will do

Decision

Milton Keynes Council will

- Arrange for a decision to be taken by the Service Director for Planning and Transport to be taken as soon as possible after the end of the publicity period.

Post-decision

Milton Keynes Council will

- Notify the applicants of the decision
- Publish the designation information, including the name of the Neighbourhood Forum; a copy of the written constitution; the name of the Neighbourhood Area to which the designation relates and contact details for at least one member of the Neighbourhood Forum on the Milton Keynes Council website
- Notify all who made comments on the application.

Resources - for more information on designating a Neighbourhood Forum see:

MHCLG Planning Practice Guidance:

<https://tinyurl.com/q5homs2>

Part B of the “Neighbourhood Plans Roadmap Guide” produced by Locality:

<https://tinyurl.com/887khkkj>

Stage B – Plan/Order Preparation

Once the Neighbourhood Area (and Forum if required) has been designated, work can start in earnest on the preparation of the Neighbourhood Plan or Order. This stage therefore requires probably the greatest input of time and resources as it is here that the groundwork needs to be carried out to understand the issues and scope of the plan and collect background information and evidence that will support the plan's eventual objectives and policies. Ongoing engagement with a range of stakeholders is helpful in a number of ways – it keeps people informed about progress on the plan and they, in turn, can help to provide some of the evidence to support the plan.

Neighbourhood Planning Process Stage B – Plan/Order Preparation

What the parish/town council should do

Information gathering and identification of issues

Time spent identifying relevant issues affecting the community and gathering relevant evidence about the local area is invaluable, so it is important not to rush straight into writing a draft plan.

Early discussion with the Conservation and Archaeology Team at the Council can ensure that information about the heritage assets in the plan area is known and can be incorporated into the neighbourhood plan. Contact: neighbourhoodplanning@milton-keynes.gov.uk

Questionnaires or short surveys to gather the views of local people and community groups active in the plan area is a good way of understanding local priorities and spreading awareness of the plan at the same time.

Pre-submission Consultation and Publicity (the “draft plan”)

Prior to submitting a plan proposal to Milton Keynes Council the parish/town council are required to carry out consultation on the proposed Neighbourhood Development Plan.

The regulations require that the parish/town council publicise the below information, for a period of at least six weeks, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area.

- Details of where and when the proposals for the Neighbourhood Development Plan may be inspected.

What Milton Keynes Council will do

Planning Officers can help to direct you to available and relevant evidence and information, as well as offering advice on ways of getting people involved.

The Council will screen the emerging plan to see if it is likely to require a Strategic Environmental Assessment to address any significant impacts on the environment. This consultation and publicity period is to be entirely run by the Parish/Town Council and will have very limited input from MKC.

Milton Keynes Council will however:

- Include information about the publication of and consultation on the draft plan on the Milton Keynes Council Planning Policy webpage.
- Provide advice, at the request of the parish/town council, on the relevant statutory consultees that must be consulted.
- Consider the draft plan and respond to the consultation, offering advice as to how the plan could be improved or amended to ensure that it meets relevant planning policies and can be implemented effectively.

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Neighbourhood Planning Process Stage B – Plan/Order Preparation

What the parish/town council should do

- Details of how to make representations and when these representations must be received by.

Local publicity about the draft plan could include using the parish website, local noticeboards, parish newsletters if timescales allow, local drop-in sessions and meetings for residents, communication through local community groups or leaflet drops amongst local residencies (depending on the nature of the Neighbourhood Area).

The regulations also require the parish/town council to consult any consultation body referred to in paragraph 1 of Schedule 1 of the Neighbourhood Planning (General) Regulations (2012)¹ that are affected by the proposals of the Neighbourhood Development Plan and to send a copy of the proposals to Milton Keynes Council.

What Milton Keynes Council will do

Milton Keynes Council will however:

- Arrange for a Delegated Decision to be taken within the consultation period to agree the council's response.

Resources - for more information on preparing a Neighbourhood Plan or Order see:

MHCLG Planning Practice Guidance:

<https://tinyurl.com/yd265o3a>

Part B of the "Neighbourhood Plans Roadmap Guide" produced by Locality:

<https://tinyurl.com/887khkkj>

¹ <https://tinyurl.com/mb2d3cf>

Stage C – Submitting the plan for independent examination

Submitting the Plan: Following the end of consultation on the draft plan discussed above, the parish or town council must consider any comments received and, where necessary, should amend the proposed plan or order. A brief report should be produced by the parish or town council, summarising the comments received and describing if and how the plan has been modified in response to the issues raised.

It is important not to rush this stage and to take time to consider all comments and any new information that might have emerged through the consultation. If significant changes need to be made to the draft plan then consideration may need to be given to carrying out a further round of consultation on the revised plan. Please stay in contact with the Neighbourhood Planning Support Officer at this stage as we can advise on the best way forward.

As you are finalising the plan ready for submission, it makes sense for the parish or town council to discuss with the Neighbourhood Planning Support Officer any concerns they might have about the plan. Whilst the local planning authority should provide constructive comments on the emerging plan, they are not required to come to a formal view as to whether the draft plan meets the basic conditions.

Neighbourhood Planning Support Officers are also willing to look at the proposed policies and offer advice as to whether they are written in such a way as to make them as effective as possible when used to consider planning applications in the future.

Following any amendments resulting from the pre-submission consultation stage, the parish or town council submits the 'final' Neighbourhood Plan or Order to Milton Keynes Council.

A number of supporting documents need to accompany the submitted plan, these are listed in the table below. Following a period of publicity on the submitted plan (undertaken by Milton Keynes Council), Milton Keynes Council will appoint a person to carry out the independent examination of the Neighbourhood Plan who is known as the 'independent examiner'. This appointment will be agreed with the parish or town council. MKC will send a copy of the plan and supporting information, along with a copy of any comments received during the consultation period that took place following submission of the plan, to the appointed examiner.

Normally the independent examination will be conducted by the examiner considering the written representations. However, if it is considered necessary, the examiner may invite interested parties to a public hearing to present and discuss their comments. This might be necessary to examine an issue in more depth or to ensure fairness.

The independent examiner will only consider whether the proposed Neighbourhood Plan meets the basic conditions set out by the law (they are not permitted to explore other considerations). The examiner will be considering whether the plan:

- has appropriate regard to national policy
- contributes to the achievement of sustainable development
- is in general conformity with the strategic policies in the development plan for the local area
- is compatible with human rights requirements
- is compatible with EU obligations

Where a Neighbourhood Development Order is being examined there is an additional requirement to consider whether it:

- has regard to the protection and enhancement of listed buildings and conservation areas.

The independent examiner may request further information if they think the plan may transgress European directives.

Following the examination, the examiner will issue a report to Milton Keynes Council and the parish/town council. If the plan meets the basic conditions, the examiner will recommend that the plan proceeds to the referendum stage, or may suggest further modifications to the plan so that it meets the basic conditions before it can proceed to referendum. If the plan can proceed to referendum (with or without modifications) the examiner will be required to advise Milton Keynes Council on the recommended referendum area. This may be a referendum area that includes people beyond the boundary of the neighbourhood area.

It is Milton Keynes Council's responsibility to cover the costs of the examination and referendum.

If the independent examiner recommends that the plan does not proceed to a referendum, it will be necessary to consider the reasons behind the recommendation and whether the plan can be changed to address those reasons. The parish/town council should discuss this with the local planning authority. It may also be necessary to consult local partners or stakeholders. The options will then be to either abandon the plan or to change it and then repeat the plan preparation process, from the pre-submission six week consultation.

Stage C - Plan/ Order submission to the local planning authority (MKC) and independent examination

What the parish/town council should do

Submitting the plan proposal

The parish/town council is responsible for submitting the proposed Neighbourhood Development Plan to MKC.

The regulations require that when submitting a plan proposal, it must include:

- A map identifying the area to which the proposed Neighbourhood Development Plan relates.
- A statement outlining details of the consultation that has been carried out on the proposed plan, including:
 - 1 Details of all the persons and bodies who were consulted (including their contact details)
 - 1 Details of how they were consulted
 - 1 A summary of the main issues and concerns raised by those who were consulted
 - 1 Details of how these issues and concerns have been considered and, if needs be, addressed in the proposed plan.
- A copy of the proposed Neighbourhood Development plan.
- A statement explaining how the proposed Neighbourhood Development Plan meets the basic conditions and requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act (1990)².

What Milton Keynes Council will do

On receipt of a Neighbourhood Development Plan Proposal, Milton Keynes Council officers will:

- Check that the parish/town council have submitted all the required information.
- Contact the parish/town council if clarification is required on any aspect of the Neighbourhood Development Plan proposal.
- Check that the parish/town council proposal complies with the legal requirements of the regulations. The decision confirming that the plan meets the legal requirements and can proceed to publicity and then on to examination may require a Delegated Decision to be taken by the Head of Planning.

² <https://tinyurl.com/ybwhp5lg>

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Stage C - Plan/ Order submission to the local planning authority (MKC) and independent examination

What the parish/town council should do

The proposed neighbourhood development plan and the related submission documents need to be sent (preferably in electronic format) to the Development Plans Team at MKC:

Email:

NeighbourhoodPlanning@milton-keynes.gov.uk

Post:

Planning and Placemaking
Civic Offices,
1 Saxon Gate East,
Milton Keynes
MK9 3EJ

Publicity:

Following submission of the Neighbourhood Plan proposal, Milton Keynes Council is responsible for publicising the proposal and related submission documents. It would however, also be helpful for information about the plan's submission and Milton Keynes Council's publicity/consultation period to be posted on the parish/town council's website.

What Milton Keynes Council will do

Publicity

Once submitted, Milton Keynes Council will:

- Publicise details of the plan proposal for a period of at least six weeks.
- Outline in the publicity material how, where and to whom representations can be made on the proposals.
- Notify any consultation body which is referred to in the proposal's consultation statement, that the plan proposal has been properly received.
- Milton Keynes Council will publicise the plan proposals by:
 - 1 Advertising the application on the council's website and through the council's consultation finder.
 - 1 Placing an advert in the public notice section of the local newspaper.
 - 1 Advertise through the Member's Weekly News and the council's internal Tuesday Bulletin to inform other council departments.
 - 1 Advertising via any other methods considered appropriate (dependant on the nature/location of the plan).
 - 1 Notifying all parish/town councils, including those outside the Milton Keynes Council area where relevant.
 - 1 Notifying all Milton Keynes Council ward councillors.

Responses: Milton Keynes Council will

- Consider if a formal response from Milton Keynes Council to the plan proposal is appropriate and, if so, arrange for a Delegated Decision to be taken to agree the response.
- Receive and keep a database of all responses received during the publicity period to pass on to the independent examiner for consideration during the examination.

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Stage C - Plan/ Order submission to the local planning authority (MKC) and independent examination

What the parish/town council should do

Engage with Milton Keynes Council to agree on an appropriate candidate to carry out the examination.

What Milton Keynes Council will do

With the agreement of the relevant parish/town council, appoint a person to carry out the examination.

Send to the appointed examiner a copy of the plan and supporting information, together with a copy of any comments received during the consultation period following submission of the plan.

Liaise with the examiner and make necessary arrangements for any public hearings that the examiner wishes to hold.

The Regulations (1 October 2016)

state that LPAs have five weeks (from the date the authority receive the examiner's report) to make a decision on whether the draft neighbourhood plan or Order meets the basic conditions and other legal tests (or would do with modifications) and whether a referendum must be held.

The exceptions to this would be when:

- a local planning authority proposes to make a decision which differs from that recommended by the examiner; or
- a local planning authority and a neighbourhood group agree that more time than the proposed five week period will be required to reach a decision.

Notifications where the decision differs from that recommended by the examiner

When an authority's proposed decision differs from that recommended by the examiner the following people must be notified and consulted (LPAs continue to have discretion to extend the list more widely):

- the neighbourhood planning group
- anyone who made representations during the period the plan was publicised by the local planning authority.
- statutory bodies (i.e. Natural England, Historic England and the Environment Agency)

Resources - for more information on submitting a Neighbourhood Plan or Order see

MHCLG Planning Practice Guidance:

<https://tinyurl.com/y8ktvgbc>

Part B of the "Neighbourhood Plans Roadmap Guide" produced by Locality:

<https://tinyurl.com/887khkkj>

For more information on the independent examination process see:

MHCLG Planning Practice Guidance:

<https://tinyurl.com/q22vgch>

Stage D - Community referendum

If the Neighbourhood Plan passes examination, with modifications if necessary, then Milton Keynes Council will arrange for a referendum to take place.

The Neighbourhood Planning Regulations 2016 (<https://tinyurl.com/y8o2vda7>) prescribe the date by which a referendum must be held once the decision to hold it has been taken. In the majority of cases, that is within 56 working days of the decision that a referendum should be held and within 84 working days for business referendums.

This would allow 28 working days in all cases for the local authority to prepare the Information Statement.

Three exceptions to this were proposed:

- where a neighbourhood planning referendum can be combined with another poll that is due to be held within three months of the end of the 10 or 14 week period described above.
- where there are unresolved legal challenges to the decision to hold a referendum.
- where a local planning authority and the neighbourhood group agree an alternative time period.

The referendum will be organised by Milton Keynes Council's Elections Team in liaison with the Neighbourhood Planning Support Officer. Milton Keynes Council is required to publish information about the Neighbourhood Plan 28 working days before the date of the referendum. Then, 25 working days before the date of the referendum, they are required to give notice that a referendum is taking place and the date of the poll.

The Neighbourhood Planning (Referendum) Regulations, 2012, set out what the Information Statement and the Specified Documents comprise. (<https://tinyurl.com/yba7xf4g>). Regulation 3 contains much of the relevant information, ie, the question to be asked; the referendum notice period and means of publishing the information statement and specified documents.

Milton Keynes Council has to publish a number of documents for the referendum:

- A copy of the final version of the Neighbourhood Plan for the referendum
- A copy of the Examiner's report
- A summary of the comments received during the publicity period on the submitted Neighbourhood Plan
- A General Statement about Town and Country Planning.
- A map showing the Neighbourhood Plan Area
- An Information Statement with specific information about the Plan

Groups wanting to campaign for a Yes or No vote in a Neighbourhood Plan reference should notify the Elections Team at MKC and ensure that their campaign expenses do not exceed the expenses limit that will be set out in the Information Statement published by MKC. Public money cannot be used to pay for campaigning.

The question that will be asked is as follows:

Do you want Milton Keynes Council to use the neighbourhood plan [name of neighbourhood area] to help it decide planning applications in the neighbourhood area?

If more than 50% of those voting in the referendum vote 'yes', then MKC will bring the plan into force.

Stage E- Adoption

Once a Neighbourhood Plan is brought into legal force, it forms part of the Milton Keynes Statutory Development Plan. Consequently, decisions on whether or not to grant planning permission in the neighbourhood area will need to be made in accordance with the Neighbourhood Development Plan, unless material considerations indicate otherwise.

The Neighbourhood Planning (General) Regulations 2012

(<https://tinyurl.com/y8yu9fbl>)

Decision on an order proposal

As soon as possible after deciding to make (or refusing to make) an NP Order or Plan, we must publish on the website and in such other manner likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area:

- (i) a document setting out their decision and their reasons for making that decision (“the decision document”);
- (ii) details of where and when the decision document may be inspected

And, send a copy of the decision document to:

- (i) the qualifying body or the community organisation, as the case may be; and
- (ii) any person who asked to be notified of the decision.

Publicising a Neighbourhood Development Order or a community right to build order

As soon as possible after making a neighbourhood development order/ plan or community right to build order under section 61E(4) of the 1990 Act, a local planning authority must:

- (a) publish on their website and in such other manner as they consider is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area:
 - the neighbourhood development plan / order or community right to build order; and
 - details of where and when the order may be inspected;
- (b) notify any person who asked to be notified of the making of the neighbourhood development order or community right to build order that it has been made and where and when it may be inspected.

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations

2016 sets out that (<https://tinyurl.com/yadpo7pn>) a local planning authority is required to ‘make’ a Neighbourhood Plan or Order within **eight weeks** of the date of the referendum or referendums, unless there are unresolved legal challenges to the decision to hold either referendum or around the conduct of either referendum.

The 2017 Neighbourhood Planning Act

The Neighbourhood Planning Act 2017 (<https://tinyurl.com/yadscpdq>) includes the following series of regulations:

Status of 'Post-examination' neighbourhood plans

The 2017 Neighbourhood Planning Act requires that a local planning authority has to have regard to a 'post-examination' unmade neighbourhood plan as a material consideration in the determination of planning applications. Prior to a draft neighbourhood plan being made after succeeding at referendum, the Plan forms part of the development plan but it would not continue to do so if the LPA were to decide it should not be made.

Notification of applications to neighbourhood planning bodies

If a relevant planning application (within the neighbourhood area for planning permission or approval of reserved matter) or alteration to a planning application falls within an area where there is a relevant neighbourhood development plan (A post-examination draft neighbourhood plan or a neighbourhood plan that has been approved in a referendum or made), the local planning authority must notify the parish council (This does not apply if they do not wish to be notified).

Modification of Neighbourhood Plan or Order

A local planning authority may at any time by order modify a neighbourhood development order they have made if they consider that the modification does not materially affect any planning permission granted by the order.

Changes to neighbourhood areas

A neighbourhood area designation ceases to have effect if a new parish council is created or there is a change in the area of a parish council, and as a result, the neighbourhood area for which the neighbourhood forum is designated consists of or includes the whole or any part of the area of the parish council.

Assistance in connection with neighbourhood planning

A statement of community involvement must set out the local planning authority's policies for giving advice on proposals for making neighbourhood development orders and modification of neighbourhood plans.

Engagement by examiners with qualifying bodies

The regulations require the examiner;

- (a) To provide prescribed information to the qualifying body, the Local Planning Authority and any such other persons as may be prescribed
- (b) To publish a draft report containing the recommendations which the examiner is minded to make
- (c) To invite the qualifying body, the local planning authority and any such other persons as may be prescribed or representatives of such a person to one or more meetings at a prescribed stage or prescribed stages of the examination process
- (d) To hold a meeting following the issuing of such invitations if such a person requests to do so.

Section 2

Advice and Support

The Act places a duty on local authorities to support Neighbourhood Planning as well as undertake a number of statutory duties, including publicising applications for neighbourhood area designations and submitted Neighbourhood Plans; arranging the examination and the referendum.

The council will support parish and town councils in the preparation of a Neighbourhood Development Plan or Order, but the level of support offered to parishes will depend on the resources available to the council at the time and:

- How many groups seek support for formal processes
- Where the Neighbourhood Planning Areas are located – priority will be given to supporting those areas where there is growth potential identified in the Core Strategy and Plan MK, eg the key settlements of Olney, Newport Pagnell, Woburn Sands and the selected village, Sherington
- How much development potential is likely to come forward in the designated Neighbourhood Plan Area

The following table sets out the type of support that the council will aim to provide:

Topic	Advice and Support – Milton Keynes Council will
Published advice	<p>Provide a range of generic information on the Milton Keynes Council website providing guidance about Neighbourhood Planning (e.g. the process, how to get started, what others are doing locally)</p> <p>www.milton-keynes.gov.uk/planning-policy</p> <p>We will also direct you to other resources produced by external bodies, including MHCLG; Locality; Planning Aid etc</p>
Professional advice	Provide a named officer as the first point of contact for advice and technical support
Meetings	<p>Initial meeting</p> <p>At the request of the parish/town council an officer from the Development Plans team will attend a meeting to discuss the issues that the parish/town council wishes to address and the options available, eg neighbourhood plan, SPD, parish plan</p>
	<p>Post Neighbourhood Area designation</p> <p>At the request of the parish/town council and following designation of the Neighbourhood Area, the support officer will provide advice on the regulations, procedures and issues. This advice will be provided in writing and/or by attendance at a meeting and will cover:</p> <ul style="list-style-type: none"> • The legal procedures to be followed, including compliance with the basic conditions • Governance (eg setting up of steering group/project team) • Preparation of a project plan • Methods of consultation and engagement • Who to consult

Topic	Advice and Support – Milton Keynes Council will
Provision of background information	<p>Following a discussion with the parish to understand their requirements, the support officer will provide and/or direct to relevant data and evidence for example:</p> <ul style="list-style-type: none"> • Information on grants and support programmes for neighbourhood planning • Advice on how to run a consultation exercise • Comments on a draft version of the plan • Signposting to relevant contacts within the Council or within other stakeholder organisations (e.g. the Conservation and Archaeology Team, Environment Agency, Historic England etc.) • Signposting to relevant data and evidence (e.g. the Annual Monitoring Report, Census data, LDF evidence base) • Advice on national and strategic planning policies and conformity of emerging Neighbourhood Plan policies with those policies • Advice on any requirements for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessments (HRA) and on meeting the basic condition that the plan should contribute to the achievement of sustainable development.
Draft neighbourhood plan	<p>Provide advice and support in relation to:</p> <ul style="list-style-type: none"> • Conformity of the plan with the NPPF and local strategic policies • Suitability of the policies for use by Development Management in the consideration of planning applications • The suitability of the Consultation Statement and the Basic Conditions Statement • Suitability of any SEA or HRA undertaken • Conformity with other legislative requirements

Milton Keynes Council will NOT offer support or assistance in the following areas:

- Writing documents
- Undertaking primary survey work
- Attend every meeting or consultation event organised
- Direct financial support
- The carrying out of research for the Neighbourhood Plan
- Media

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