

Delegated Decisions report



6 September 2022

MAKING THE WALTON NEIGHBOURHOOD PLAN REVIEW

Name of Cabinet Member	Councillor Pete Marland (Leader of the Council)
Report sponsor	Paul Thomas Director - Planning and Placemaking
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Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	Monkston, and Danesborough & Walton Wards

Executive Summary

The report seeks agreement to recommend to Council that it makes (brings into legal force) the Walton Neighbourhood Plan Review.

1. Decision to be Made

- 1.1 That Council be recommended to make the Walton Neighbourhood Plan Review pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004 (PCPA).

2. Why is the Decision Needed?

- 2.1 The existing Walton Neighbourhood Plan was made in January 2017. A Review of the Neighbourhood Plan was submitted to the Council for examination in February 2022 and was subsequently publicised for a six-week period, ending on 15 April 2022. All comments received were then passed to the Independent Examiner, Nigel McGurk, who submitted his report on the Plan on 16 August 2022 (attached at **Annex A** to the report), stating that the plan met the relevant basic conditions and requirements, subject to modifications.

- 2.3 The main modifications recommended by the examiner are the deletion of Policy WNP5 - Land at Hindhead Knoll (paragraphs 81-84 of Examiner's Report), and changes to Policy WNP6 - Caldecotte Site C (paragraphs 85-90 of Examiner's Report). Policy WNP5 has been overtaken by events, in that part of the site has been developed out and the other part has received planning permission and development has commenced. Consequently, it is no longer a land use planning policy. Policy WNP6 requires the applicant to ensure that development does not preclude a future railway crossing. However, the proposed modification requires the applicant to ensure various matters relating to the crossing over which they have no control. The Policy requirements in this regard are not considered to be deliverable and consequently, this proposed modification does not have regard to Paragraph 16 of the National Planning Policy Framework (NPPF).
- 2.4 Modification of existing neighbourhood plans is governed by Schedule A2 of the PCPA. Where it is considered that the modifications contained in the draft plan would not be so significant or substantial as to change the nature of a plan, a referendum is not required. The examiner stated that the modifications to the draft plan would not change the nature of the plan and recommended that the plan should be made with the modifications specified in his report.
- 2.5 Paragraph 14 (3) of Schedule A2 of the PCPA states that *"if the examiner's report recommends that the authority should make the draft plan with the modifications specified in the report, the authority must make the draft plan with those modifications."* The Council must accept the independent examiner's recommendations, except where there are concerns in relation to breach of any retained EU obligation or Convention rights, or to correct errors. There are no such concerns in this case and therefore the Council is obliged to accept the examiner's recommendations.
- 2.6 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 NPPF paragraph 29 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 Walton Neighbourhood Plan Review was examined against the strategic policies set out in Plan:MK, adopted in March 2019, and was found to be in general conformity with them.

- 3.2 Once a modified neighbourhood plan has been made, 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.

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”) place duties on local planning authorities in relation to neighbourhood planning. These duties have considerable implications for Council resources. In recognition of the additional burdens that these duties place on local planning authorities, the Department for Levelling Up, Housing and Communities makes extra burden funding. Where substantive modifications are made to a neighbourhood plan, requiring an examination but no new referendum, £10,000 is available to local authorities, which can be claimed after the revised plan comes into force following examination. Further duties and deadlines for decisions have been imposed through the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 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.

(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 Walton Neighbourhood Plan Review has been consulted on in accordance with the 2012 Regulations.

Regulation 18A (3) of the 2012 Regulations requires the local planning authority to make the neighbourhood plan within five weeks of the receipt of the examiner's report, or such later date as agreed in writing between the local planning authority and the qualifying body.

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 Plan 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 and when it may be inspected.

4. Alternatives

- 4.1 The Council is obliged to proceed to make the Plan as outlined above. Therefore, there are no options available other than to recommend to the Council to make the Walton Neighbourhood Plan Review, and for Council to implement that recommendation, so that the Walton Neighbourhood Plan Review becomes part of the Milton Keynes Development Plan.

List of Annexes

- Annex A Examiner's Report
- Annex B Decision document for making the Walton Neighbourhood Plan
- Annex C Walton Neighbourhood Plan
[Walton Community Council Neighbourhood Plan | Milton Keynes Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/walton-community-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 (General and Development Management Procedure (Amendment) Regulations 2016
- The Neighbourhood Planning Act 2017
- National Planning Policy Framework - paragraphs 29 and 37
- National Planning Practice Guidance - paragraph 085a