

## THE LAKES ESTATE NEIGHBOURHOOD PLAN PUBLICATION, May 2014

### MILTON KEYNES COUNCIL PUBLISHES THE LAKES ESTATE NEIGHBOURHOOD PLAN

Milton Keynes Council will be publishing the submitted Lakes Estate Neighbourhood Plan for 8 weeks, from 4 September **until 15 July 2014**.

This note has been prepared to give you some more information about the publication and examination of the neighbourhood plan.

#### What is the Lakes Estate Neighbourhood Plan?

Neighbourhood Plans are a new way for communities to decide the future of the places where they live and work. They were introduced in the Localism Act 2011 as a way of letting the people who know about and care for an area, plan for it. Neighbourhood planning is about building neighbourhoods and planning positively for development – not stopping growth. The Act explains how communities can get more involved in planning for their areas – specifically how they can create plans and policies to guide new development and in some cases grant planning permission for certain types of development.

The Lakes Estate Neighbourhood Plan sets out planning policies to aid the continuing regeneration of the Lakes Estate and provide opportunities for improvements to the public realm of the area.

There has been a previous round of public consultation on the draft Lakes Estate Neighbourhood Plan organised by Bletchley and Fenny Stratford Town Council. Now that the Plan has been submitted to Milton Keynes Council this publicity period is the final opportunity for you to have your say on this document before it is considered at an independent examination.

#### What is the next stage in the Plan's preparation?

The Lakes Estate Neighbourhood Plan will be publicised for 8 weeks so that people interested in the Plan can make comments on it. During the publicity period Milton Keynes Council, in consultation with Bletchley and Fenny Stratford Town Council will appoint an independent person to examine the plan.

The Localism Act 2011 sets out what the examiner can consider when he or she is examining the plan. The Act does not allow consideration of the soundness or quality of the plan, so the examiner cannot recommend changes solely to improve the plan. Instead, the examiner has to consider whether the plan:

- a) meets the basic conditions (for an explanation of these see the next section)
- b) satisfies the legal requirements for neighbourhood plans and
- c) identifies an appropriate area for the referendums.

The examiner of the recent Exeter St James Neighbourhood Plan also considered that it was appropriate for him to also have regard to the statement in the National Planning Policy Framework that *"plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency"*<sup>1</sup>

#### What are the Basic Conditions?

The Basic Conditions are set out in the Localism Act 2011 and provide four tests against which neighbourhood plans are examined:

#### ***Test 1: Is the Plan appropriate having 'regard to' national policies and advice contained in guidance issued by the Secretary of State?***

*So that it does not prevent or affect the delivery of nationally important planning policies, a neighbourhood plan must have an appropriate fit with national policy. The wording of the test means that there is some flexibility where:*

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<sup>1</sup> Exeter St James Examiner's report: <http://www.exeter.gov.uk/CHttpHandler.ashx?id=18343&p=0>

- it is not possible or appropriate for the plan to be consistent with every piece of national policy
- different parts of national policy need to be balanced against each other.

**Test 2: Does the Plan contribute to the achievement of sustainable development?**

*This test is consistent with the basic planning principle that all plan-making and decision-taking should contribute to delivering sustainable development.*

*The independent examiner will need to see evidence to prove that the neighbourhood plan meets this condition. The neighbourhood plan is not a development plan document. It does not legally require a sustainability appraisal of the type that has been prepared for the Milton Keynes Core Strategy for example. However communities can make use of evidence available from the Core Strategy sustainability appraisal in order to help to show that this test has been met.*

**Test 3: Is the Plan in general conformity with the strategic policies contained in the development plan for the Milton Keynes Council area?**

*The neighbourhood plan must be in general conformity with the strategic policies of the development plan that is in force at the time of its examination. This is to be sure that the neighbourhood plan does not undermine those policies which are central to delivering the overall planning and development strategy for the wider area.*

*In order to be in 'general conformity', the neighbourhood plan should uphold the general principle of the strategic policies idea or issue it is concerned with. The test provides an important degree of flexibility. It enables communities to come to a different view on a strategic policy in their neighbourhood plan as long as they have good reasons and evidence and can show that they "generally conform" with the policy proposals.*

**Test 4: The plan should not breach, and should otherwise be compatible with, EU obligations**

*The neighbourhood plan must be compatible with various European Union obligations in order to be legally compliant. There are three Directives that may be of particular relevance to neighbourhood planning*

- Strategic Environmental Assessment (SEA) Directive
- Environmental Impact Assessment Directive
- Habitats Directive.

*The plan must also be compatible with the European Convention on Human Rights (ECHR). A fair balance has to be struck between the rights of those affected by any development as a result of a draft neighbourhood plan and the rights of the wider community. Those affected by a development must have their interests considered in a meaningful way through consultation and the independent examination.*

*The independent examiner's can hear evidence in public if this is necessary to make sure a person has a fair chance to put a case or to properly examine a particular issue.*

What can I comment on at this stage?

At this stage you can comment on the plan and its policies. It is however important to remember that, as the Examiner will only be able to recommend changes to the plan necessary to ensure that it meets the basic conditions, you should consider in particular whether the plan meets those basic conditions. The Basic Conditions Statement submitted with the proposed Neighbourhood Plan sets out how the Town Council considers they have met the tests, but you may disagree.

When making comments you can request that you be notified of Milton Keynes Council's decision under Regulation 19 (making a plan) to make the submitted neighbourhood plan for the Lakes Estate.

I made comments on the draft plan in the November 2013 – January 2014 consultation, do I need to repeat those comments?

All of the issues raised in response to the pre-submission consultation are included in the Consultation Statement submitted with the Plan. As a result, the Examiner will be aware of those comments, so you do not need to repeat

comments previously made. However if any changes that have been made to the draft Plan since the consultation last year raise new issues or affect the points you made last time, you might want to send in some further comments. All comments made at this stage will be sent on to the Examiner.

#### What happens next?

At the end of the publicity period any comments received will be passed on to the Examiner who will then carry out an Examination of the plan. It is down to the Examiner to decide how he/she wishes to undertake the Examination – it is possible that the Examiner will just use the written representations that have been received but a public hearing could be held if the Examiner feels that it is beneficial to do so.

The Examiner will consider whether the Plan meets the Basic Conditions or whether any changes need to be made to the plan in order to improve it. The Examiner will decide if the plan should proceed to the Referendum stage.

#### Questions?

If you have any questions, you can

- Call the Development Plans team on 01908-252358
- E-mail us at, [development.plans@milton-keynes.gov.uk](mailto:development.plans@milton-keynes.gov.uk) or
- Go to the Planning Policy pages of the website <http://www.milton-keynes.gov.uk/planning-policy>
- For general information about Neighbourhood Planning see: <https://www.gov.uk/neighbourhood-planning>

#### Making comments

**Any comments on the submitted Lakes Estate Neighbourhood Plan must be received by the Development Plans Team at the following address before 5pm 15 July 2013.**

**Development Plans Team  
Milton Keynes Council  
Civic Offices  
1 Saxon Gate East  
Central Milton Keynes  
MK9 3EJ**

**E-mail address: [development.plans@milton-keynes.gov.uk](mailto:development.plans@milton-keynes.gov.uk)**

**Please be aware that all comments that we receive will be publicly available and may be included on our website.**