

# Executive Report

Delegated Decisions - 19 December 2023

## Making of the Emberton Neighbourhood Plan

Name of Cabinet Member	<b>Councillor Peter Marland</b> (Leader of the Council)
Report sponsor	<b>Paul Thomas</b> Director of Planning and Placemaking
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Exempt / confidential / not for publication	<b>No</b>
Council Plan reference	<b>Not in Council Plan</b>
Wards affected	<b>Olney Ward</b>

### Executive Summary

The report seeks agreement to recommend to Council that it makes (brings into legal force) the Emberton Neighbourhood Plan, following the successful referendum held on 23 November 2023.

#### 1. Proposed Decision

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

#### 2. Reasons for the Decision

2.1 The local planning authority must make a neighbourhood plan where the majority of those who vote in a referendum are in favour of the draft neighbourhood plan.

#### 3. Background to the Decision

3.1 The Emberton Neighbourhood Plan was submitted to the Council for examination and subsequently publicised for a six-week period, ending on 20 June 2023. All comments received were then passed to the Examiner, Louise Brooke-Smith, who submitted her report on the Plan in September 2023, stating that the plan met the relevant basic conditions and requirements, and should proceed to referendum.

- 3.2 Following the examination, in consultation with the Parish Council, we accepted the examiner’s recommendations and proceeded to make arrangements for a referendum to be held on 23 November 2023.
- 3.3 The Emberton Neighbourhood Plan (attached at **Annex A** to the report) was successful at the referendum. In total, 117 people voted ‘Yes’ and 60 ‘No’; turnout was 34.5%. Under Section 38(3A) of the Planning and Compulsory Purchase Act 2004 a neighbourhood plan comes into force as part of the statutory development plan once it has been approved by referendum and used to determine relevant planning applications. The plan must still be made by the local planning authority within eight weeks of the referendum.
- 3.4 In accordance with the Act, the Neighbourhood Plan would be compatible with retained European Union and European Convention on Human Rights obligations. It would also meet the basic conditions (paragraph 37 of National Planning Policy Framework) required for neighbourhood plans. This was also the view of the Neighbourhood Plan examiner, as set out in her report (see **Annex B** to the report).

#### 4. Implications of the Decision

Financial	N	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Subsidy	N
Workforce	N	Other	N

##### (a) Financial Implications

Publicity and officer support costs associated with making neighbourhood plans is met within the Urban Design budget and staff resources to implement the plan come from the existing staff within the Development Plans and Development Management Teams.

##### b) Legal Implications

The Emberton Neighbourhood Plan has been consulted on in accordance with the relevant regulations and subjected to a referendum in accordance with the Neighbourhood Planning (Referendums) Regulations 2012.

In accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 Regulations, we must, as soon as possible after deciding to make a neighbourhood development plan:

- (i) 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:
- the decision document;
  - details of where and when the decision document may be inspected;

- (i) send a copy of the decision document to:
- the qualifying body; and
  - any person who asked to be notified of the decision.

In accordance with Regulation 20, we must, as soon as possible after making a neighbourhood development plan:

- (i) 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:
- the neighbourhood development plan;
  - details of where and when the neighbourhood development plan may be inspected; and
- (ii) 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.

A Decision Statement (see **Annex C** to the report) will be published once Council makes the plan. As with any planning decision there is a risk of legal challenge, but that risk has been managed by ensuring that the regulations are being followed and that our decision-making process is clear and transparent.

## 5. Alternatives Considered

- 5.1 In the event of a 'Yes' vote in the referendum, we are obliged to proceed to make the Plan as outlined above, unless there is a breach of a retained EU obligation or Convention rights. The alternative option is to recommend to the Council that the Emberton Neighbourhood Plan is not made, if it is considered that there is a breach of a retained EU obligation or Convention rights.

## 6. Timetable for Implementation

- 6.1 The Neighbourhood Plan will be made by Council at its meeting to be held on 17 January 2024.

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### List of Annexes

- Annex A Emberton Neighbourhood Plan [Emberton Neighbourhood Plan | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/emberton-neighbourhood-plan)
- Annex B Examiner's Report
- Annex C Decision document for making the Emberton Neighbourhood Plan

### List of Background Papers

The Localism Act, 2011

The Neighbourhood Planning (General) Regulations 2012

National Planning Policy Framework paragraphs 29 and 37