

Wards Affected: <i>Wolverton Ward</i>
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Report considered by Cabinet – 14 September 2015

## WOLVERTON TOWN CENTRE NEIGHBOURHOOD PLAN

Responsible Cabinet Member: Councillor Legg (Cabinet Member for Public Realm)

Report Sponsor: Anna Rose (Service Director: Planning and Transport)

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### Executive Summary:

The report seeks Cabinet's agreement to recommend to Council that it 'makes' the Wolverton Town Centre Neighbourhood Plan following the referendum held on 30 July 2015. The referendum returned a majority 'Yes' to the question asked – whether those voting wanted Milton Keynes Council to use the neighbourhood plan when deciding planning applications in the neighbourhood area. Given the 'Yes' vote, the Council is now obliged to 'make' the Plan.

### 1. Recommendation(s)

1.1 That the Cabinet recommends that the Council 'makes' the Wolverton Town Centre Neighbourhood Plan pursuant to the provisions of Section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

1.2 That, subject to the Council's agreement to the making of the Neighbourhood Plan:

(a) the decision document (at Annex A to the report) and the Wolverton Town Centre Neighbourhood Plan (at Annex B) be published on the Council's website and in other manners, 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 (Wolverton and Greenleys Town Council) and any person who asks to be notified of the decision.

1.3 That Wolverton and Greenleys Town Council and Future Wolverton be congratulated on the successful outcome of the referendum.

### 2. Issues

2.1 The Wolverton Town Centre Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for comments from 7 January and 18 February 2015. All comments received were then submitted to the Examiner, Mr Chris Collison, who submitted his report in April 2015.

- 2.2 On 9 June 2015, the Cabinet Member for Public Realm made the decision to accept the Examiner's report and the modifications to the neighbourhood plan that the examiner had recommended. It was also agreed that the Plan, as modified, should proceed to a referendum of those residents eligible to vote within Wolverton and Greenleys Parish area. As the Wolverton Neighbourhood Plan is not a Business Neighbourhood Plan, it was not necessary for a business referendum to also be held.
- 2.3 The referendum took place on 30 July 2015. 1,452 residents voted Yes (90.2% of those voting) and 153 voted No (9.5% of those voting), with 4 ballot papers left blank. The turnout for the referendum was 1,609 residents; 16.74% of the electorate.
- 2.5 Once a neighbourhood plan has successfully passed all the stages of preparation, including an Examination and Referendum, it is 'made' by the local planning authority and forms part of that authority's Development Plan, meaning that it will be a material consideration when deciding development proposals within the area covered by the Plan.
- 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. Options**

- 3.1 Once a neighbourhood plan has been supported by a majority of those voting in a referendum the Council is obliged to proceed to 'make' the Plan under section 38(A)(4) of the Planning and Compulsory Purchase Act, 2004. The Council is not subject to this duty if the making of the plan would breach, or otherwise be incompatible with, any EU obligation or any of the convention Rights. The Neighbourhood Plan does not breach and would not otherwise be incompatible with the conventions or obligations.
- 3.2 There are, therefore, no other options than to 'make' the Wolverton Town Centre Neighbourhood Plan so that it will form part of the Milton Keynes Development Plan and specifically part of the Development Plan for Wolverton.

### **4. Implications**

#### **4.1 Policy**

The National Planning Policy Framework sets out 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 and Development Orders should not promote less development than is set out in the Local Plan, or undermine its strategic policies. In Milton Keynes, the strategic policies are set out in the adopted Milton Keynes Local Plan and the emerging Core Strategy.

Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an examination and referendum, it is 'made' by the local planning authority and forms part of the authority's Development Plan,

meaning it will be a material consideration when considering development proposals. In terms of the planning policy hierarchy, a Neighbourhood Plan, once adopted, carries more weight than a Supplementary Planning Document.

#### 4.2 Resources and Risk

The Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (“the 2012 Regulations”) place 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, DCLG has made available grants to local planning authorities up to £30,000 for each neighbourhood plan.

Publicity costs associated with making the Plan will be met within the Development Plans budget and staff resources to implement the Plan will come from the existing staff within the Development Plans and Development Management teams.

A recent internal audit of the Neighbourhood Plans service has shown that that the additional costs incurred delivering the service are only just covered by the extra burdens funding.

N	Capital	Y	Revenue	N	Accommodation
N	IT	N	Medium Term Plan	N	Asset Management

#### 4.3 Carbon and Energy Management

The proposal does not impact on carbon and energy management.

#### 4.4 Legal

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 Act and the subsequent 2012 Regulations confer specific functions on local planning authorities in relation to neighbourhood planning and lays down the steps that must be followed in relation to Neighbourhood Planning.

The Wolverton Town Centre Neighbourhood Plan has been consulted on and subjected to a referendum in accordance with the 2012 Regulations.

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.

Risk is being managed by ensuring that the 2012 Regulations are followed and that the Council’s decision making process is clear and transparent. Once a Neighbourhood Plan is made it carries real weight and the LPA is obliged to consider proposals for development against the policies in the Plan.

In accordance with Section 61E(4) of the Town and Country Planning Act, as modified by the Localism Act 2011, the Council must, as soon as possible after deciding to make the 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 addition, the council will, as soon as possible after deciding to make the neighbourhood development plan;

- (a) publish on its website and in such other manner as is likely to bring the order to the attention of people who live, work or carry on business in the neighbourhood area:
  - (i) the Wolverton Town Centre Neighbourhood Plan; and
  - (ii) details of where and when the plan may be inspected;
- (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.

#### 4.5 Other Implications

Included in the Basic Conditions that the Wolverton Town Centre Neighbourhood Plan must meet are the requirements for the plan to:

- (a) Contribute to the achievement of sustainable development;
- (b) Not breach and otherwise be compatible with EU obligations (including Human Rights, the Strategic Environmental Assessment Directive and the Habitats Directive)

The Examiner's report has confirmed that the Plan meets those Basic Conditions and officers are satisfied that there are no conflicts with these aspects.

The consultations on the draft plan have helped to raise awareness of the development of the plan.

N	Equalities/Diversity	Y	Sustainability	Y	Human Rights
N	E-Government	n	Stakeholders	N	Crime and Disorder

**Annex A** Decision document for making the Wolverton Town Centre Neighbourhood Plan

**Annex B** Wolverton Town Centre Neighbourhood Plan, online at <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/wolverton-neighbourhood-plan>

Background Papers:           The Localism Act, 2011  
  The Neighbourhood Planning (General) Regulations 2012