

LAKES ESTATE NEIGHBOURHOOD PLAN- MODIFICATIONS ARISING FROM EXAMINER'S REPORT

Responsible Cabinet Member: Councillor Legg – Cabinet member for Public Realm

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Executive Summary

Following the examination of the Lakes Estate Neighbourhood Plan and publication of the Examiner's report, this report seeks delegated authority from the portfolio holder to agree that the plan should be modified in line with the Examiner's recommendations and to authorise the necessary arrangements for the holding of a referendum, including the area for the referendum.

1. Recommendations

- 1.1 That Examiner's conclusions outlined in paragraph 2.7 and Annex A be noted.
- 1.2 That the Milton Keynes Council's response to the modifications set out in the Annex to this report, together with any consequential decisions required as a result of the report, be agreed.
- 1.3 The area for the referendum as recommended by the Examiner be agreed and that the referendum be authorised to take place.

2. Issues

- 2.1 The Lakes Estate Neighbourhood Plan was submitted to Milton Keynes Council (MKC) in April 2014. Following a delegated decision on the 13 May 2014 the submitted Plan was the subject of public consultation for an eight week period until Tuesday 15 July 2014.
- 2.2 Mr John Slater was appointed in November 2014 as the independent Examiner to examine the plan by the Council, in consultation with Bletchley and Fenny Town Council (BFSTC). The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only, but the Examiner can hold a public hearing in order to hear oral evidence on matters which he or she wishes to explore further.
- 2.3 In this case, Mr Slater was satisfied that he was in a position to examine the plan without the need for a hearing. Additionally, as he mentions in his report no parties requested a hearing. During the course of his examination, he invited further written representations in respect of Policy GP7 and relevant exchanges of correspondence were placed on both the Milton Keynes Council (MKC) and Town Council's websites. Mr Slater carried out an unaccompanied

visit to the Lakes Estate on Friday 2 January to familiarise himself with the area and to visit all the sites referred to in the plan.

- 2.4 The draft examiner's report was received on 10 February 2015 and after a fact check, a final version of the report was received by MKC and BFSTC on 20 February 2015. The report is available to view on both Councils' websites and at their offices. Now the report has been received by both Councils, the Act and the Neighbourhood Planning (General) Regulations, 2012, require Milton Keynes Council, as Local Planning Authority to decide what action to take in response to each of the Examiner's recommendations. The Examiner states:
- 2.5 *'I applaud the focus that the Plan has on trying (to) ensure that new development meets the area's specific needs and is not overambitious in terms of attempting to try to introduce a policy for everything. The submission plan only has 8 general policies and 8 site allocations. Some Neighbourhood Plans seem to aspire to become duplicate local plans but this is an excellent example of a focused neighbourhood plan that has been drawn up by a community, for an individual housing estate covering the next decade.'*
- 2.6 In his summary the Examiner says: *'The community of the Lakes Estate, led by Bletchley and Fenny Stratford Town Council and in particular the Task and Finish Group who have led the Plan's production and with the professional planning support of David Lock Associates should be congratulated on the quality of the Neighbourhood Plan'*.
- 2.7 His overall conclusion is that the Plan, if amended in line with his recommendations, meets all the statutory requirements, including the basic conditions test. His recommendations address:
- Modifications to the plan and its content in order to ensure that it complies with the basic conditions that all neighbourhood plans must meet; and
 - The area over which the referendum will take place.
 - He also has some made some suggestions to clarify points within the plan and amendments to graphics to make the plan easier to understand.
- 2.8 The Examiner's report proposes fourteen changes to the Plan, set out in the Annex to this report. Not all of these changes are recommendations as noted above some are points of clarification and amendments to graphics in order to make the plan easier to understand. The most significant proposed change is the deletion of Policy GP8 (Communication and Continued Community Engagement) as the Examiner is concerned that this policy as written is not actually a policy for the use and development of land. However much of the substance of this policy can be reflected in the Plan text. Officers suggested response to the Examiner's report is to accept all his recommendations and suggestions.
- 2.9 Subject to the Examiner's modifications and the agreement of the Council's response (as set out in the **Annex**), the Neighbourhood Plan can proceed to the Referendum stage. However, because of the General and Local elections and the CMK Business Plan referendums taking place on Thursday May 7 and the need to publish a notice and publicise the Lakes Estate referendum, the earliest any referendum on this plan can take place is in June or July.

3. Options

3.1 Receive and not act on the recommendations within the Examiner's report.

This option would only be necessary if the Examiner recommends that the Plan should not proceed to referendum or if the Council consider the modifications are not in accordance with the legal requirements. As the Examiner recommends the Plan as modified should proceed to Referendum and his modifications ensure the plan meets the legal requirements, this option cannot be justified.

3.2 Receive and act upon the recommendations within the Examiner's report (the preferred option).

This option would enable the Referendum to proceed. This is recommended given the content of the Examiner's report.

4. Implications

4.1 Policy

4.2 Neighbourhood planning is a process introduced by the Localism Act 2011, which provides local communities with an opportunity to allocate land for particular purposes and create planning policies, which will shape the places where they live and work. The National Planning Policy Framework (NPPF) 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 adopted Core Strategy.

4.3 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 in the determination of planning applications within the Lakes Estate area. In terms of the planning policy hierarchy, a Neighbourhood Plan, once adopted, carries more weight than a Supplementary Planning Document.

4.4 The Lakes Estate Neighbourhood Plan contributes to the achievement of aspects of the Council's vision as set out in the Core Strategy, notably:

- Regeneration and investment to redress problems of deprivation in one of the oldest housing estates within the City.
- Additionally, by identifying sites for new housing development the plan also assists in maintaining a five year housing land supply within the Borough.

4.5 Resources and Risk

Finance: The Localism Act and the 2012 Regulations place new duties on Local Planning Authorities in relation to Neighbourhood Planning. These new duties have considerable implications for staff resources and include taking

decisions at key stages in the process; being proactive in providing advice to communities about neighbourhood planning and providing advice and/or assistance to Parish/Town Councils that are undertaking neighbourhood plans.

In recognition of the additional burdens that these new duties place on local planning authorities, the Department for Communities and Local Government (DCLG) has made available grants to local planning authorities up to £30,000 for each neighbourhood plan. The payment of the Extra Burdens Grant is phased so that £5,000 is available when the neighbourhood area is designated; a further £5,000 when the plan is submitted and publicised; and the final £20,000 following successful examination. Over £70,000 has been invested in evidence, engagement and preparation of the document.

As a Neighbourhood Plan therefore, the Lakes Estate Neighbourhood Plan is in line to generate £30,000 in extra burdens funding for the Council. This funding is expected, by Government, to cover the costs of the examination and the referendum. However, the extra burdens funding for this particular plan does not cover all the costs or the resource of council officer time.

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

4.6 Carbon and Energy Management

Provided that development comes forward in accordance with this Plan, then it will help to alleviate fuel poverty in this part of the Borough. It will help to remove the less energy efficient buildings and homes and provide more energy efficient buildings.

4.7 Legal

- a) 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 the Localism Act, 2011. The Act and the subsequent 2012 Regulations confer specific functions on local planning authorities in relation to neighbourhood planning.
- b) The Neighbourhood Plan has been consulted on in accordance with the Neighbourhood Planning (General) Regulations 2012 – firstly the draft plan was the subject of consultation by Bletchley and Fenny Stratford Town Council. This formal regulation 14 pre-submission consultation took place between 25 November 2013 and 6 January 2014. Subsequently, following submission of the plan to Milton Keynes Council, the plan was the subject of public consultation for an eight week period until Tuesday 15 July 2014; in line with the requirements of Regulation 16.
- c) 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 regulations are followed and that the Council's decision making process is clear and transparent.

4.8 Other Implications

Among the Basic Conditions that the Neighbourhood Plan must meet are the requirements for the plan to:

- Contribute to the achievement of sustainable development
- 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.

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

Annexes

- A) Lakes Estate Neighbourhood Plan – modifications arising from Examiner's report
- B) A report to Milton Keynes Council on the Examination of the Lakes Estate Neighbourhood Development Plan, 20 February 2015

Background Papers

- 1) Lakes Estate Neighbourhood Plan, Submission draft, April 2014.