

Cabinet report



7 February 2023

MAKING THE NORTH CRAWLEY NEIGHBOURHOOD PLAN

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Exempt / confidential / not for publication	No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

Executive summary

The report seeks Cabinet's agreement to recommend to Council that it makes (brings into legal force) the North Crawley Neighbourhood Plan, following the successful referendum held on 26th January 2023.

1. Decision to be Made

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

2. Why is the decision needed?

2.1 The North Crawley Neighbourhood Plan was submitted to the Council for examination and was subsequently publicised for a six-week period, ending on 19th August 2022. All comments received were then passed to the Examiner, Ann Skippers, who submitted her report on the Plan in November 2022, stating that the plan met the relevant basic conditions and requirements, subject to modifications, and should proceed to referendum.

- 2.2 Following the examination, Milton Keynes City Council, in consultation with North Crawley Parish Council, accepted the examiner’s recommendations and proceeded to make arrangements for a referendum to be held on 26th January 2023.
- 2.3 The North Crawley Neighbourhood Plan was successful at the referendum. In total, 253 people voted ‘Yes’ and 35 ‘No’; turnout was 49%. 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. The plan must still be made by the local planning authority within 8 weeks of the referendum.
- 2.4 Under Sections 38A(4) and 38A(6) of the Planning and Compulsory Act 2004, before making the Neighbourhood Plan, Milton Keynes City Council is required to consider whether the making of the plan would breach, or would otherwise be incompatible with, any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. The Neighbourhood Plan would not be in breach of any retained EU obligations or any of the Convention Rights. This was also the view of the Neighbourhood Plan examiner.
- 2.5 National Planning Policy Framework 2021 (NPPF) footnote to 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 North Crawley Neighbourhood Plan 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.
- 2.6 Once a neighbourhood plan has successfully passed the referendum stage, 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.

3. 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	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, Department for Levelling Up, Housing and Communities (DLUHC) makes funding of £20,000 available to local authorities in the form of a Neighbourhood Planning Grant. A claim has been submitted for the Neighbourhood Planning Grant.

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

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 North Crawley Neighbourhood Plan has been consulted on in accordance with the 2012 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, the Council must, as soon as possible after deciding to make a neighbourhood development plan:

- 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;
- 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 Neighbourhood Planning (General) 2012 Regulations, the Council must, as soon as possible after making a neighbourhood development plan:

- 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
- 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.

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 being followed and that the Council's decision-making process is clear and transparent.

c) Other implications

The North Crawley Neighbourhood Plan has been tested against and found to meet the basic conditions (paragraph 37 of NPPF) required for neighbourhood plans.

The Examiner's report has confirmed that the North Crawley Neighbourhood Plan meets the basic conditions and officers are satisfied that there are no conflicts with these aspects.

The consultations on the draft plan carried out by North Crawley Parish Council and then the publicity on the submitted plan carried out by Milton Keynes City Council have helped to raise awareness of its preparation and have allowed community engagement and participation in the process.

4. Alternatives

- 4.1 In the event of a 'Yes' vote in the referendum, the Council is obliged to proceed to make the Plan as outlined above, unless there is a breach of a retained EU obligation or Convention rights. Cabinet is advised in this report that there is no breach of a retained EU obligation or Convention rights, and therefore it is recommended that Cabinet recommends to the Council to make the North Crawley Neighbourhood Plan, and for Council to implement that recommendation, so that the North Crawley Neighbourhood Plan becomes part of the Milton Keynes Development Plan. Alternative option for Cabinet is to recommend to the Council that the North Crawley Neighbourhood Plan is not made, if Cabinet considers that there is a breach of a retained EU obligation or Convention rights.

5. Timetable for implementation

- 5.1 The Neighbourhood Plan will be made by Council at its 22nd February 2023 meeting.

List of Annexes

Annex A – Decision document for making the North Crawley Neighbourhood Plan

Annex B – North Crawley Neighbourhood Plan [North Crawley Neighbourhood plan | Milton Keynes City Council \(milton-keynes.gov.uk\)](http://www.milton-keynes.gov.uk/planning/north-crawley-neighbourhood-plan)

Annex C – Examiner’s Report

List of Background Papers

The Localism Act, 2011

The Neighbourhood Planning (General) Regulations 2012

National Planning Policy Framework paras 29 & 37