



Title of meeting:	Cabinet
Date of meeting:	21 June 2022
Subject:	Milton Neighbourhood Plan, progress to referendum
Report by:	Ian Maguire, Assistant Director of Planning & Economic Growth
Wards affected:	Milton, Baffins, (abuts Central Southsea / Eastney and Craneswater)
Key decision:	No
Full Council decision:	No

1. Purpose of report

To provide an update on the progression of the Milton Neighbourhood Plan following Examination in April / May 2022 and to seek approval for the Neighbourhood Plan as amended by the Examiner and Council's Officers and agreed by the Milton Neighbourhood Planning Forum to proceed to referendum (public vote).

2. Recommendations

- 2.1 To note the progression of the Milton Neighbourhood Plan to this point.
- 2.2 To accept all modifications to the Milton Neighbourhood Plan recommended by the Examiner together with the officer's amendments, which provide additional clarity on the modifications made by the Examiner
- 2.3 To approve all appropriate actions to progress the Milton Neighbourhood Plan to referendum. A date for the referendum is set for the 18th of August 2022.
- 2.4 To approve the proposed referendum area as indicated on the attached map
- 2.3 To approve carrying out the proposed referendum with associated costs and publicity (cost to be recouped from government grant).

3. Background

- 3.1 The Milton Neighbourhood Planning Forum has prepared and submitted a Neighbourhood Plan to Portsmouth City Council. This document known as the 'Milton Neighbourhood Plan' will set out a planning strategy to meet future development needs in the Milton Neighbourhood Plan Area of the city for the period to 2038. The Neighbourhood Plan Area covers part of Milton and Baffins



Wards, and its boundary adjoins Eastney and Craneswater and Central Southsea Wards, see attached plan. The Neighbourhood Plan contains planning policies to guide decision making on planning applications in this area of the city. The Neighbourhood Plan would form part of the Development Plan for Portsmouth in the relevant area and would be read alongside the Local Plan produce by the City Council.

- 3.2 The process for producing the Neighbourhood Plan is set out in *The Neighbourhood Planning (General) Regulations 2012 (as amended)*. Its content and scope has been tested on its consistency with the *National Planning Policy Framework (NPPF)* and *National Planning Practice Guidance (NPPGs)*, and Portsmouth's Local Development Plan and the justification provided by the Neighbourhood Plan's evidence base. An Examination carried out between January and May 2022 which considered the soundness of the Neighbourhood Plan. The Plan was found to sound by the Examiner, providing a number of suggested modifications are made to some of the Neighbourhood Plan policies (set out in the Examiner's report). The Plan must be found sound in order to be adopted by the Council following referendum.

The Milton Neighbourhood Plan - progress to date

- 3.3 The Milton Neighbourhood Planning Forum was formally ratified and the Milton Neighbourhood Plan Area designated in June 2015 (redesignated in August 2020).
- 3.4 The Neighbourhood Planning Forum prepared the Neighbourhood Plan with input from the residents of the area through a number of consultation events, before going out to a full consultation (regulation 14) on their draft plan in April 2019. The Neighbourhood Planning Forum submitted the Neighbourhood Plan to Portsmouth City Council in the summer of 2021 who ran further consultation (regulation 16) including with statutory bodies and landowners between the 6th of September and the 18th of October 2021.
- 3.5 Following this consultation an independent Examiner was appointed for the Neighbourhood Plan, with the Examination taking place commencing in January 2022. The Examiner dealt with the majority of the proposed policies in the plan through written representation, however a hearing was required on Local Green Space / Open Space policy in the plan (April 2022) where the Examiner felt they needed further detail. Following the Examination, the Examiner's report with recommended modifications to the Neighbourhood Plan to make the plan sound was received by the Council in May 2022.

Examiners Report

- 3.6 The Neighbourhood Plan Examiners Report was received in May 2022, setting out a number of modifications to policies in the Milton Neighbourhood Plan in order to ensure the plan was sound in line with regulations.
- 3.7 The Examiner considered the Plan and its policies in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not,

then modifications required to bring the plan into conformity were recommended by the Examiner. The Examiner recommended a number of changes to the Neighbourhood Plan the most notable areas of change were:

- Policy ENV 1 of the Neighbourhood Plan. This policy deals with green space in the Plan. The examiners modifications divided these spaces between those designated as Local Green Space in line with the NPPF definition, and those designated as open space in line with the Local Plan designation.
- Policy STJ 1 of the Neighbourhood Plan. The examiners modifications recommended the designation of land for open space and health uses to the east of the main hospital building, further detail to ensure nutrient neutrality was taken into account was also added.
- Policy LAN1 of the Neighbourhood Plan. The examiners modifications confirmed the principle of the land swap proposed by the Neighbourhood Planning Forum and set out in the supporting plan the areas impacted by this.

3.7 Portsmouth City Council Officers made a number of additional modifications to provide further additional clarity on the changes made by the Examiner but have not materially changed the position of any of the policies in the plan or examiners recommendations.

3.8 All of the changes by both the Examiner and Council Officers have been agreed by the Milton Neighbourhood Planning Forum. The Forum have the opportunity to withdraw the plan if they do not agree with the modifications made, which they have not done.

3.9 The Examiner's report is also required to make a recommendation on the referendum area (the area of the city within which residents are eligible to vote on the plan) and is able to recommend a wider area than the Neighbourhood Plan Area, if there are specific circumstances that merit it. The Examiner's recommendation is that the referendum area is the same as the Milton Neighbourhood Plan Area (See Plan). The City Council's Officers agree with this position.

Referendum

3.10 If approved the referendum is currently scheduled to take place on the 18th of August 2022. The referendum will be undertaken in line with the *Neighbourhood Planning (Referendums) Regulations 2012*. The regulations govern the process of the referendum and publicity in the lead up to it.

3.11 If the decision is made to allow the Milton Neighbourhood Plan to proceed to referendum the following question will be asked in line with Schedule 1 of the *Neighbourhood Planning (Referendums) Regulations 2012*:

1. Do you want Portsmouth City Council to use the neighbourhood plan for Milton to help it decide planning applications in the neighbourhood area?

3.12 Residents within the referendum area will be able to vote on the question as outlined above. Should more than half of those voting, vote in favour of the neighbourhood

plan, the plan comes into force as part of the statutory Development Plan for the area (para 80, NPPG). In the instance of the vote in favour of the Milton Neighbourhood Plan, the Plan will be brought back to members for adoption as part of the Development Plan for the city within 8 weeks of the referendum result.

- 3.13 Central government Grant funding is available to the Council to help cover the cost of Neighbourhood Plan preparation, examination and the referendum. When the Neighbourhood Plan is approved to go to referendum the Council becomes eligible for a further £20,000 of this funding. This can be applied for within the next funding window in the autumn. The Elections team at the City Council have estimated a total cost of £11,000 to hold the referendum.

Reasons for recommendations

- 4.1 The City Council is able to move away from or add to the recommendations made by the independent Examiner if it feels there are particular circumstances which merit it doing so. To do so however would require further consultation on the plan and result in a delay of several months. Council Officers have worked with the Neighbourhood Planning Forum and landowners on the drafting of the plan and do not feel there are circumstances warranting substantive change.
- 4.2 Officers would note that the Examiner's recommended modifications to Policy ENV1 to include enlarging the area to be designated as Local Green Space at Bransbury Park (LGS5 in the Neighbourhood Plan). This modification would include all that land which Portsmouth City Council has previously undertaken consultation on as a proposed site for an indoor leisure facility. Under this modified designation such development would be considered 'inappropriate' and the Planning Authority, when considering a future planning application for such a proposal would need to consider whether there were very special circumstances to justify such development.
- 4.2 It is therefore recommended that Cabinet approve the Milton Neighbourhood Plan (as revised) to go to public referendum on the 18th of August 2022 including the proposed referendum area as indicated on the attached map

5. Integrated impact assessment

- 5.1 No IIA is considered to be necessary in respect of the decision to take the Plan to referendum as the processes for such referenda are subject to national and local guidance that has already been subject to appropriate assessments

6. Legal implications

- 6.1 The Milton Neighbourhood Plan must comply with the Basic Conditions, which state it must:
1. Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 2. Contribute to the achievement of sustainable development;

3. Be in general conformity with the strategic policies of the development plan for the area;
4. Be compatible with and not breach European Union (EU) obligations and comply with human rights law; and
5. Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (prescribed basic condition since December 2018).

6.2 The Chief Planner is satisfied that the Milton Neighbourhood Plan with the Examiner's modifications complies with the Basic Conditions.

7. Director of Finance's comments

7.1 As stated in paragraph 3.13 of the main body of the report the referendum is likely to cost around £11,000 to carry out, and this will be funded from Central Government Grant.

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Signed by:

Appendices:

- Referendum Area Map
- Examiner's Report May 2022
- Updated Milton Neighbourhood Plan including Examiner's Modifications June 2022
- Final Examination Proposals Map
- Final Examination Green Space Map

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Milton Neighbourhood Plan, Proposal Map and Evidence Base (Submission Version)	Milton Neighbourhood Plan website (www.miltonplan.org.uk)

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: