

Title of meeting: Cabinet

Date of meeting: 27th September 2022

Subject: 'Making' the Milton Neighbourhood Plan.

Report by: Ian Maguire, Assistant Director of Planning & Economic Growth

Wards affected: Milton, Baffins, (abuts Central Southsea / Eastney and Craneswater)

Key decision: Yes

Full Council decision: Yes

1. Purpose of report

1.1 To approve the Milton Neighbourhood Plan to proceed to full Council on the 11th October 2022 with a recommendation for the Plan to be adopted as part of the Development Plan for Portsmouth.

2. Recommendations

2.1 To note the result of the public referendum on the Milton Neighbourhood Plan held on the 18th of August (88.7% in favour).

2.2 To recommend that a report goes to full Council seeking that the Milton Neighbourhood plan is made and adopted as part of the Development Plan for Portsmouth enabling it to be used in the determination of planning decisions for the part of the city that the Milton Neighbourhood Plan covers.

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' sets 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 background papers). 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 produced by the City Council.

- 3.2 The process for producing Neighbourhood Plans is set out in *The Neighbourhood Planning (General) Regulations 2012 (as amended)* ('*The Regulations*'). The content and scope of the Milton Neighbourhood Plan has been tested on its consistency with the *National Planning Policy Framework* (NPPF) and *National Planning Practice Guidance* (PPGs), and Portsmouth's Local Plan and the justification provided by the Neighbourhood Plan's evidence base. The Plan needed to be found sound in order to be 'made' (adopted) by the Council. An Examination carried out between January and May 2022 considered the soundness of the Neighbourhood Plan and it was found to be sound by the appointed Examiner, providing a number of suggested modifications were made to some of the Neighbourhood Plan policies. These modifications were duly made and a Referendum held in accordance with the Regulations.

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 (re-designated 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 (under regulation 14 of the Regulations) 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 (under regulation 16 of the Regulations) 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 starting 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 in May 2022 the Examiner's report, with recommended modifications to the Neighbourhood Plan to make the plan sound, was received by the Council. Following these changes being made by the Council the plan progressed to referendum.

Referendum

- 3.6 The Milton Neighbourhood Plan went to referendum on the 18th of August 2022. The referendum was undertaken in line with the Neighbourhood Planning (Referendums) Regulations 2012, which governed the process of the referendum and publicity in the lead up to it.
- 3.7 At the referendum the following question was asked in line with Schedule 1 of the Neighbourhood Planning (Referendums) Regulations 2012: Do you want Portsmouth City Council to use the neighbourhood plan for Milton to help it decide planning applications in the neighbourhood area?

- 3.8 The turnout for the referendum was 20.7% with 1,379 (88.7%) of those who voted, voting in favour of the Neighbourhood Plan, compared to 174 against, 3 votes were void. In a Neighbourhood Plan referendum should more than half of those voting, vote in favour of the neighbourhood plan (as was the case in this instance), the plan is capable of being brought into force as part of the statutory Development Plan for the area.

4 Reasons for recommendations

- 4.1 The Milton Neighbourhood Plan has been developed in line with the regulatory requirements as set out the Planning and Compulsory Purchase Act (2004) and Neighbourhood Plan Regulations (2012). The Neighbourhood Plan has secured a majority public vote in favour at referendum in August 2022. The Council should therefore look to 'make' (adopt) the plan in line with Regulation 38A (4) of the Planning and Compulsory Purchase Act (2004)

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 decision to make the Milton Neighbourhood Plan is a legal requirement under the Planning and Compulsory Purchase Act 2004, where more than half of those voting in the referendum have voted in favour of the plan .
- 6.2 The only circumstance where the council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 6.3 It is not considered that the Milton Neighbourhood Development Plan would breach, or would otherwise be incompatible with, any such obligation or rights. Therefore, the council should now proceed to make the plan.
- 6.4 There is a requirement that the council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012 which will be undertaken following the decision of Full Council.

7. Director of Finance's comments

- 7.1 There are no direct financial implications as a result of approving the recommendations within this report.

Signed by:

Appendices:

Milton Neighbourhood Plan Referendum Version

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 (Submission Version)	Milton Neighbourhood Plan website (www.miltonplan.org.uk)
Declaration of Results	Portsmouth City Council website Declaration of results (portsmouth.gov.uk)

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

Signed by: