

EMBERTON NEIGHBOURHOOD PLAN
PUBLICATION, 10th March 2023 – 21st April 2023

MILTON KEYNES CITY COUNCIL PUBLISHES THE EMBERTON NEIGHBOURHOOD PLAN

Milton Keynes City Council will be publishing the submitted Emberton Neighbourhood Plan for six weeks, from **Friday 10 March to Friday 21 April 2023.**

This note has been prepared to give you some more information about the publication and examination of the neighbourhood plan.

What is the Emberton Neighbourhood Plan?

Neighbourhood Plans are a way for communities to decide the future of the places where they live and work. They were introduced in the Localism Act 2011 as a way of letting the people who know about and care for an area, plan for it. Neighbourhood planning is about building neighbourhoods and planning positively for development – not stopping growth. The Act explains how communities can get more involved in planning for their areas – specifically how they can create plans and policies to guide new development and, in some cases, grant planning permission for certain types of development.

The Emberton Neighbourhood Plan sets out planning policies to guide how the local community wants the parish to look in terms of new development, design and the historic environment, protection and provision of community facilities, climate and flood risk, and the natural environment and open spaces.

The Plan has been prepared by Emberton Parish Council which has carried out its own consultation on earlier versions of the Neighbourhood Plan. Now that the Plan has been submitted to Milton Keynes City Council this publicity period is the final opportunity for you to have your say on this document before it is considered at an independent examination.

What is the next stage in the Plan's preparation?

The Emberton Neighbourhood Plan will be publicised for six weeks so that people interested in the Plan can make comments on it. During the publicity period Milton Keynes City Council, in consultation with Emberton Parish Council, will appoint an independent person to examine the plan.

The Localism Act 2011 sets out what the examiner can consider when he or she is examining the plan. The Act does not allow consideration of the soundness or quality of the plan, so the examiner cannot recommend changes solely to improve the plan. Instead, the examiner has to consider whether the plan:

- a) meets the basic conditions (for an explanation of these see the next section)
- b) satisfies the legal requirements for neighbourhood plans and
- c) identifies an appropriate area for the referendum.

What are the Basic Conditions?

The Basic Conditions are set out in the Localism Act 2011 and provide tests against which neighbourhood plans are examined:

Test 1: Is the Plan appropriate having 'regard to' national policies and advice contained in guidance issued by the Secretary of State?

So that it does not prevent or affect the delivery of nationally important planning policies, a neighbourhood plan must have an appropriate fit with national policy. The wording of the test means that there is some flexibility where:

- *it is not possible or appropriate for the plan to be consistent with every piece of national policy*
- *different parts of national policy need to be balanced against each other.*

Test 2: Does the Plan contribute to the achievement of sustainable development?

This test is consistent with the basic planning principle that all plan-making and decision-taking should contribute to delivering sustainable development.

The independent examiner will need to see evidence to prove that the neighbourhood plan meets this condition. The neighbourhood plan is not a development plan document. It does not legally require a sustainability appraisal of the type that has been prepared for Milton Keynes City Council's Plan:MK for example. However, communities can make use of evidence available from the Plan:MK sustainability appraisal in order to help to show that this test has been met.

Test 3: Is the Plan in general conformity with the strategic policies contained in the development plan for the Milton Keynes City Council area?

The neighbourhood plan must be in general conformity with the strategic policies of the development plan that is in force at the time of its examination. This is to be sure that the neighbourhood plan does not undermine those policies which are central to delivering the overall planning and development strategy for the wider area.

In order to be in 'general conformity', the neighbourhood plan should uphold the general principle of a strategic policy's idea or issue with which it is concerned. The test provides an important degree of flexibility. It enables communities to come to a different view on a strategic policy in their neighbourhood plan as long as they have good reasons and evidence and can show that they "generally conform" with the overall policy proposals.

Test 4: The plan should not breach, and should otherwise be compatible with, EU obligations

The neighbourhood plan must be compatible with various European Union obligations in order to be legally compliant. There are three Directives that may be of particular relevance to neighbourhood planning

- *Strategic Environmental Assessment (SEA) Directive*
- *Environmental Impact Assessment Directive*
- *Habitats Directive.*

The plan must also be compatible with the European Convention on Human Rights (ECHR). A fair balance has to be struck between the rights of those affected by any development as a result of a draft neighbourhood plan and the rights of the wider community. Those affected by a development must have their interests considered in a meaningful way through consultation and the independent examination. The independent examiner's can hear evidence in public if this is necessary to make sure a person has a fair chance to put a case or to properly examine a particular issue.

What can I comment on at this stage?

At this stage you can comment on the plan and its policies. It is however important to remember that, as the Examiner will only be able to recommend changes to the plan necessary to ensure that it meets the basic conditions, you should consider in particular whether the plan meets those basic conditions. The Basic Conditions Statement submitted with the proposed Neighbourhood Plan sets out how Emberton Parish Council considers it has met the tests, but you may disagree.

When making comments you can request that you be notified of Milton Keynes City Council's decision under Regulation 19 (making a plan) to 'make' the submitted neighbourhood plan for Emberton.

I have previously made comments on the draft plan to Emberton Parish Council on their Neighbourhood Plan, do I need to repeat those comments?

All of the issues raised in response to the pre-submission consultation are included in the Consultation Statement that Emberton Parish Council has submitted with the Plan. As a result, the Examiner will be aware of those comments, so you do not need to repeat comments previously made. However, if any changes have been made to the draft Plan that you previously commented on that raise new issues or affect the points you made last time, or if no changes were made to the Neighbourhood Plan following your comments, then you might want to send in some further comments now. All comments made at this stage will be sent on to the Examiner by Milton Keynes City Council.

What happens next?

At the end of the publicity period any comments received will be passed on to the Examiner who will then carry out an Examination of the plan. It is down to the Examiner to decide how he/she wishes to undertake the Examination – it is possible that the Examiner will just use the written comments that have been received alongside all the submitted documents, but a public hearing could be held if the Examiner feels that it is beneficial to do so to discuss certain points in more detail.

The Examiner will consider whether the Plan meets the Basic Conditions and whether any changes need to be made to the plan in order to improve it. The Examiner will also decide if the plan should proceed to the Referendum stage and will make a recommendation as to the area that the referendum should cover.

Questions?

If you have any questions, you can

- Call the Planning Enquiries team, Mon-Fri 10am-5.15pm, on 01908 691691
- E-mail us at, neighbourhoodplanning@milton-keynes.gov.uk or
- Go to the Planning Policy pages of the website: <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/neighbourhood-planning>
- For general information about Neighbourhood Planning see: <https://www.gov.uk/neighbourhood-planning>

Making comments

Any comments on the submitted Emberton Neighbourhood Plan must be received at the following address before 5pm on Friday 21 April 2023.

**Planning and Placemaking
Milton Keynes City Council
Civic Offices
1 Saxon Gate East
Central Milton Keynes
MK9 3EJ**

E-mail address: neighbourhoodplanning@milton-keynes.gov.uk

Please be aware that all comments that we receive will be publicly available and may be included on our website.

The Neighbourhood Plan and accompanying documents are available to view on the Council's Neighbourhood Planning webpage at [Emberton Neighbourhood Plan | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/emberton-neighbourhood-plan) and under Consultations at: <http://www.milton-keynes.gov.uk/consultations>.

A paper copy of the submitted Neighbourhood Plan and its accompanying documents is also available to inspect at the following locations:

- Milton Keynes City Council Civic Offices, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ, during normal office hours 9am-5.15pm
- Central Library [View opening hours here.](#)
- Newport Pagnell Library [View opening hours here.](#)
- Olney Library [View opening hours here.](#)
- In Emberton village, by arrangement with the parish clerk (clerk@embertonparishcouncil.co.uk).