

# Hannington Neighbourhood Plan

**Council**

**Date: 12<sup>th</sup> July 2018**

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Author: Cabinet Member for Strategic Planning and Corporate Director  
– Communities and Housing

Wards: Blunsdon & Highworth

Parishes Affected: Hannington

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## **1. Purpose and Reasons**

- 1.1 This Report invites Council to approve the Decisions Statement relating to the Hannington Neighbourhood Plan following the issuing of the independent Examiner's Report. It also seek Council's approval to proceed with a referendum on the adoption of the Hannington Neighbourhood Plan.
- 1.2 Schedule 4B (12) of the Town and Country Planning Act 1990 (as amended) and paragraph 18 of The Neighbourhood Planning (General) Regulations 2012, require that a local authority must consider each of the recommendations made in the Examiner's Report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.
- 1.3 The production of Hannington Neighbourhood Plan accords with policies in the Swindon Borough Local Plan. It links to the Council's Vision and Priorities 1 and 4.

## **2. Recommendations**

### Council is recommended:

- 2.1 To approve the Hannington Neighbourhood Plan 'Decision Statement' as set out in the **Appendix 1** to this Report.
- 2.2 That subject to the Director of Law and Democratic Services being satisfied as to the carrying out by Hannington Parish Council and Swindon Borough Council of the modifications recommended by the Examiner, the Director of Law and Democratic Services be authorised to undertake a referendum on the Hannington Neighbourhood Plan in Hannington Parish, in accord with regulations set out in The Neighbourhood Planning (Referendum) Regulations 2012 as soon as is practically possible.

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## 3. Detail

### Background

- 3.1 On 21<sup>st</sup> November 2014, Hannington Parish Council requested that the Hannington Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Swindon Borough Council designated the Hannington Neighbourhood Area on 16<sup>th</sup> March 2015.
- 3.2 On 24<sup>th</sup> October 2017 Hannington Parish Council published the draft Hannington Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 3.3 The Hannington Neighbourhood Plan was submitted by the Parish Council to Swindon Borough Council in December 2017 for assessment by an independent examiner. The Plan and associated documents were publicised for consultation by Swindon Borough Council for six weeks between 18<sup>th</sup> January and 1<sup>st</sup> March 2018 (the Local Authority publicity consultation).
- 3.4 Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 3.5 He issued his Report into the Hannington Neighbourhood Plan on the 24 May 2018, and this is attached at **Appendix 2** to this report. He has concluded that, subject to modifications, the Hannington Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990 (as amended) as attached at **Appendix 3**. Subject to these modifications being made, the Borough Council may then proceed to referendum.

### The Examiner's Report

- 3.6 In total, the Examiner made 41 recommendations incorporating a total of 87 modifications to the Hannington Neighbourhood Plan. These were concerned with:
  - Correcting errors within the wording of the policies and supporting information
  - Improving the clarity of policies
  - Meeting the Basic Conditions 1, 2 and 3

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Further information on the subject of this report can be obtained from Karen Phimister, Direct Dial 01793 466425, [kphimister@swindon.gov.uk](mailto:kphimister@swindon.gov.uk).

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In addition to the recommended modifications above the Examiner recommended that

- the plan proceeds to referendum
- the proposed Referendum Area should be confirmed

- 3.7 Officers consider that once the recommended changes are made the Neighbourhood Plan would then meet the legal requirements and basic conditions as set out in the regulations.

## The Decision Statement

- 3.8 In order to comply with the regulations as stated in paragraph 1.2 of this Report the Borough Council must produce a decision statement in which it should consider each of the Examiner's recommendations and if the plan can proceed to referendum.
- 3.9 A copy of the proposed Decision Statement is attached at **Appendix 1** to this Report.
- 3.10 In summary, it is recommended that all but one of the Examiner's recommendations are accepted, that the Plan is modified in accordance with them and the Plan is subject to a referendum in accordance with the relevant regulations. The exception relates to the format of the Hannington Character Assessment and Design Statement which forms an appendix to the Hannington Neighbourhood Plan and does not materially alter the content of the Plan.

## Next Steps

- 3.11 Should the Council approve the Decision Statement, Swindon Borough Council will publish on its website, and in such other manner as they consider is likely to bring the decision statement and the report to the attention of people who live, work or carry on business in the neighbourhood area:
- the decision and their reasons for it ("the Decision Statement");
  - details of where and when the decision statement may be inspected; and
  - a copy of the Independent Examiner's report.
- 3.12 Should the Council agree with the recommendations, and that the plan can proceed to referendum, then Swindon Borough Council planning officers and Hannington Parish Council will undertake the necessary modifications to the draft plan prior to the referendum, as required by legislation.

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- 3.13 To meet the requirements of the Localism Act 2011, a referendum which poses the question “Do you want Swindon Borough Council to use the Neighbourhood Plan for Hannington to help it decide planning applications in the neighbourhood area?” will be held in the Parish of Hannington.
- 3.14 Subject to approval by the Council, in accordance with the Regulations Hannington Parish Council have agreed that the referendum will be to be held on the 13<sup>th</sup> September 2018. If the plan obtains over 50% of the votes cast at referendum the Council can then ‘make’ the plan and bring it into legal force. The Neighbourhood Plan would become part of the Development Plan and would be taken into account in planning decision-making within the Hannington Neighbourhood Plan Area (i.e. Hannington Parish).

## Polling place scheme

- 3.15 Currently the Borough Council has, within its polling place scheme, one polling place that is used for all elections taking place within the Hannington Parish at Hannington Village Hall.

## **4. Alternative Options**

- 4.1 The Council could conclude that the modified Plan incorporating with the Examiners modifications did not meet the basic conditions as set out in the legislation. However, this would mean the Plan could not proceed to referendum and risk creating a vacuum in the overall land use development strategy of the Council.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 The cost of the referendum falls on the Borough Council, but this will be funded through grant payments from central government for Neighbourhood Planning.

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications have been taken into account in preparing this report. It is considered that the recommendations are consistent with Convention Rights. The context of this Report is guided by the relevant provisions of the Town and Country Planning Act 1990 (as amended) and relevant secondary legislation.

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## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 The Hannington Neighbourhood Plan has to be in accordance with the strategic policies of the Swindon Borough Local Plan and therefore is subject to the same assessment in terms of sustainability. In addition a separate Strategic Environmental Assessment Screening Opinion was undertaken on the Plan by SBC Planning Policy in September 2015 and reviewed in December 2017, which concluded that the Hannington Neighbourhood Plan was unlikely to have significant effects on the environment and that a SEA was therefore not required.

## Diversity Impact Assessment

- 5.4 The Swindon Borough Local Plan was subject to detailed Diversity Impact Assessment and the Hannington Neighbourhood Plan has to be in general conformity with the Local Plan for it to meet the basic conditions.

## Risk Management

- 5.5 Electoral services is aware of the need to proceed with the referendum at the earliest opportunity and are working to that aim.

## **6. Consultees**

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Discussions have taken place with the Lead Cabinet Member, Ward members and Hannington Parish Council

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1: The Hannington Neighbourhood Plan Decision Statement made by Swindon Borough Council (draft)
- 8.2 Appendix 2: Independent Examiner's Report on the Hannington Neighbourhood Plan – 13<sup>th</sup> February 2017.
- 8.3 Appendix 3: The Basic Condition Requirements for Neighbourhood Plans