

# Adoption of the Wroughton Neighbourhood Plan

**Cabinet and Council**

**Date: 13 and 14 July 2016**

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Author:	Cabinet Member for Strategic Planning
Wards:	Wroughton & Wichelstowe
Locality Affected:	South
Parishes Affected:	Wroughton

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## **1. Purpose and Reasons**

- 1.1 To inform Cabinet of the process followed that resulted in the successful examination of the Wroughton Neighbourhood Plan and a majority of participants in a referendum voting in favour of it.
- 1.2 To seek Cabinet's approval to recommend to Council that the plan be adopted. To comply with the Localism Act 2011, Swindon Borough Council as the local planning authority is required to 'make' (or adopt), a neighbourhood development plan as soon as reasonably practicable following a successful referendum.
- 1.3 Neighbourhood Plans are a means by which communities can shape development in their areas and thus are a means of achieving the Council's Priority 4: Help People to help themselves.

## **2. Recommendations**

Cabinet is recommended to:

- 2.1 Commend to Council that the Wroughton Neighbourhood Plan is adopted formally as part of the statutory Development Plan for the Borough.
- 2.2 Authorise the Head of Planning, Regulatory Services and Heritage to undertake a Neighbourhood Planning review exercise in order that the Borough Council can assist other communities in progressing their Neighbourhood Plans.

## **3. Detail**

Background

- 3.1 The 2011 Localism Act allowed for local communities to shape their areas by enabling town and parish councils along with other designated bodies to prepare neighbourhood development plans. A detailed legislative framework for undertaking neighbourhood planning was set out in the Neighbourhood Planning Regulations 2012.
- 3.2 A Neighbourhood Plan, once adopted, forms part of the statutory development plan and sits alongside the Swindon Borough Local Plan. Should planning permission be sought in areas covered by an adopted Neighbourhood Plan, the

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application must be determined in accordance with both the Neighbourhood Plan and the Local Plan.

- 3.3 Neighbourhood planning has been enthusiastically taken up by the many of the towns and parishes in the Borough, with seven plans currently at various stages of preparation.
- 3.4 There are a number of legally prescribed stages that need to be undertaken in preparing a Neighbourhood Plan. The plan needs to be subject to examination by an independent examiner. Subject to a positive outcome from such an examination the plan then proceeds to a referendum. Where a neighbourhood plan is subject to a successful referendum, and the local planning authority is satisfied that EU and human rights obligations have been met, it is a legal requirement to bring the plan into force as soon as reasonably practicable.

## Progress of the Wroughton Neighbourhood Plan

- 3.5 In September 2014 Wroughton Parish Council published the draft Wroughton Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 3.6 Following additional work and consultation to meet the requirements of the Strategic Environmental Assessment, the Parish Council submitted the Wroughton Neighbourhood Plan to the Borough Council in October 2015 for assessment by an independent examiner. The Plan and associated documents were publicised for consultation by Swindon Borough Council for six weeks between 5<sup>th</sup> November and 17<sup>th</sup> December 2015 (the Local Authority publicity consultation).
- 3.7 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.
- 3.8 The Examiner issued his Report into the Wroughton Neighbourhood Plan on the 4<sup>th</sup> April 2016. He concluded that, subject to modifications, the Wroughton 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) and subject to these modifications being made may proceed to referendum.
- 3.9 Special Committee of 25<sup>th</sup> April 2016, approved the Wroughton Neighbourhood Plan Decision Statement, which was attached as an appendix to the main report (Special Committee Minute 24(1), 2015/16 refers). This stated that having considered each of the recommendations made in the examiner's report, and the reasons for them, Swindon Borough Council accept the Examiner's recommendations in order to ensure that the draft plan meets the 'basic conditions' as set out in Schedule 4B of The Town and Country Planning Act 1990 (as amended by the Localism Act 2011). The 'basic conditions' that a

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neighbourhood plan must meet are: appropriate regard to national policy; general conformity with strategic policies of the development plan for the local area; contribute to the achievement of sustainable development; and compatible with EU obligations.

- 3.10 The Special Committee also authorised the Director of Law and Democratic Services to undertake a referendum on the Wroughton Neighbourhood Plan in Wroughton Parish, in accord with regulations set out in The Neighbourhood Planning (Referendum) Regulations 2012 as soon as is practically possible.
- 3.11 A referendum was held in Wroughton Parish on Thursday 9<sup>th</sup> June 2016 posing the following question to eligible voters: "Do you want Swindon Borough Council to use the Neighbourhood Plan for Wroughton to help it decide planning applications in the neighbourhood area?"
- 3.12 2,430 (40%) of registered electors, recorded votes, of which 2,122 (87%) were in favour of 'yes'. It was declared that more than half of those voting had voted in favour of the Wroughton Neighbourhood Plan. By way of comparison with other Neighbourhood Plan referendums, figures published by the Department of Communities and Local Government in February 2015 showed an average "yes" vote of 88 per cent, with an average turnout of 32 per cent. More recent referendums have shown a similar outcome. Accordingly, the Wroughton Referendum showed a relatively high turnout with an outcome similar to previous referendums.
- 3.13 In accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended), following the outcome of the referendum it is now recommended that Cabinet ask Council at its next meeting that the Borough Council be authorised to 'make' the neighbourhood plan so that it formally becomes part of the development plan for Swindon Borough Council.

## Neighbourhood Plans Process Review

- 3.14 Wroughton Neighbourhood Plan is the first Neighbourhood Plan in the Borough to reach the examination and referendum stages. The outcome has been successful, and it is suggested that it would be a useful exercise to review the process in order that the Borough Council can assist other communities in developing their neighbourhood plans. In particular the review would look at:
- SBC officer support for Parishes
  - Ward Member engagement
  - Referendum process
- 3.15 It is proposed a report is prepared and presented to the Streetsmart, Highways and Communities Overview and Scrutiny Committee at the earliest opportunity.
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Further information on the subject of this report can be obtained from Contact Phil Smith, on direct dial number 01793 466443, or by e-mail [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

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## Benefits to Wroughton Parish

- 3.16 As well as allowing the local community to have a greater say on development within their Parish, formally adopting the Wroughton Neighbourhood Plan will allow the Parish Council to benefit from a higher proportion of Community Infrastructure Levy (CIL) revenues arising from chargeable development that takes place in the parish. This will rise from a capped 15% of levy revenue to an uncapped 25% when the neighbourhood plan is made. Therefore, this will result in a transfer of future levy revenue from the Borough Council to Wroughton Parish Council to spend on priority infrastructure required to support the development of the area.

## **4. Alternative Options**

- 4.1 To be in accordance with legislation the Borough Council is legally required to bring the plan into force following the successful referendum, therefore there is no lawful alternative.

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

### Financial and Procurement Implications

- 5.1 The Borough Council is obliged to fund the costs of the Examiner and referendum. The costs have been covered through specific neighbourhood planning grant funding which have been drawn down from Central Government. .
- 5.2 Although there will be a financial implication from adopting the Neighbourhood Plan, in terms of the apportionment of CIL income, there will be no financial implications for the base budget.

### Legal and Human Rights Implications

- 5.3 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.

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

- 5.4 The Wroughton 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 was undertaken on the Plan.

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## Diversity Impact Assessment

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

## Risk Management

- 5.6 The following risks will arise if the recommendations are not implemented. The Council will be in breach of its statutory duty under the Town and County Planning Act 1990. As the legislation concerning the recommendation is quite explicit there is no way of mitigating this risk.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Ward Members for Wroughton and Wichelstowe

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 A copy of the Wroughton Neighbourhood plan can be found at:

<http://www.wroughton.gov.uk/wroughtonneighbourhoodplan>

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is / is not a Key Decision and is included in the Cabinet Work Programme and Forward Plan for Month Year.