

Highworth Neighbourhood Plan

Council

Date: 6th April 2017

Author:	Corporate Director - Economy, Regeneration and Skills / Cabinet Member for Strategic Planning and Sustainability
Wards:	Blunsdon & Highworth
Locality Affected:	North East
Parishes Affected:	Highworth

1. Purpose and Reasons

- 1.1 This Report sets out the Council's role in respect of the Highworth Neighbourhood Plan following the issuing of the independent Examiner's Report.
- 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 Highworth 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 Highworth 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 Highworth Town 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 Highworth Neighbourhood Plan in Highworth Parish, in accord with regulations set out in The Neighbourhood Planning (Referendum) Regulations 2012 as soon as is practically possible.

3. Detail

Background

- 3.1 On 10 May 2013, Highworth Town Council requested that the Highworth Neighbourhood Area be designated for the purposes of producing a

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Highworth Neighbourhood Plan

Council

Date: 6th April 2017

neighbourhood development plan for the area. Following a six week consultation Swindon Borough Council designated the Highworth Neighbourhood Area on 5th August 2013.

- 3.2 On 19th May 2016, Highworth Town Council published the draft Highworth Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 3.3 The Highworth Neighbourhood Plan was submitted by the Town Council to Swindon Borough Council in October 2016 for assessment by an independent examiner. The Plan and associated documents were publicised for consultation by Swindon Borough Council for six weeks between 20th October and 1st December 2016 (the Local Authority publicity consultation).
- 3.4 Mr Robert Bryan BA Hons MRTPI 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 Highworth Neighbourhood Plan on the 13th February 2017, and is attached at **Appendix 2** to this report. He has concluded that, subject to modifications, the Highworth 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 21 recommendations incorporating a total of 83 modifications to the Highworth Neighbourhood Plan. These were concerned with:
 - improving the clarity and intent of meaning of the Plan
 - improving the presentation of the Plan
 - improving the viability and delivery of allocated sites and requiring monitoring of these sites
 - rewording policies due to lack of evidence
 - removal of policies which duplicate Local or National Policy
 - removing non-deliverable policies and rewording them as aspirations
- 3.7 In addition to the recommended modifications above, the Examiner recommended that

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Highworth Neighbourhood Plan

Council

Date: 6th April 2017

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

3.8 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

- 3.9 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.
- 3.10 A copy of the proposed Decision Statement is attached at **Appendix 1** to this Report.
- 3.11 In summary, it is recommended that all 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.

Next Steps

- 3.12 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.
- 3.13 Should the Council agree with the recommendations, and that the plan can proceed to referendum, then Swindon Borough Council planning officers and Highworth Parish Council will undertake the necessary modifications to the draft plan prior to the referendum, as required by legislation.
- 3.14 To meet the requirements of the Localism Act 2011, a referendum that poses the question "Do you want Swindon Borough Council to use the Neighbourhood Plan for Highworth to help it decide planning applications in the neighbourhood area?" would be held in the Parish of Highworth.
- 3.15 It is intended to hold the referendum as soon as practicable. At this stage, it is hoped that the referendum will be able to be held on the 25th May 2017 subject to

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Highworth Neighbourhood Plan

Council

Date: 6th April 2017

practicalities. 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 Highworth Neighbourhood Plan Area (i.e. Highworth Parish).

Polling place scheme

- 3.16 Currently the Borough Council has, within its polling place scheme, three polling places that are used for all elections taking place within the Highworth Ward:
- Highworth Community Room, Council Offices
 - Highworth Youth Centre, Newburgh Place
 - Highworth Community Centre, The Dormers

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. This will attract additional grant of £20,000 from central government for Neighbourhood Planning, which will be used to fund the referendum.
- 5.2 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 Highworth 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

Highworth Neighbourhood Plan

Council

Date: 6th April 2017

Environmental Assessment Screening Opinion was undertaken on the Plan by SBC Planning Policy in April 2016, which concluded that the Highworth Neighbourhood Plan was unlikely to have significant effects on the environment and that a SEA was therefore not required.

Diversity Impact Assessment

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

Risk Management

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

6. Consultees

- 6.1 The 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 Cabinet Member for Strategic Planning and Sustainability, Ward members and Highworth Parish Council

7. Background Papers

- 7.1 None

8. Appendices

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