

South Marston Village Neighbourhood Plan

Council

Date: 13th July 2017

Author: Cabinet Member for Strategic Planning and Sustainability /
Corporate Director - Economy, Regeneration and Skills

Wards: St Margaret and South Marston

Parishes Affected: South Marston

1. Purpose and Reasons

- 1.1 This Report sets out the Council's role in respect of the South Marston Village 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 South Marston Village 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 South Marston Village Neighbourhood Plan 'Decision Statement' as set out in the **Appendix 1** to this Report, and
- 2.2 That subject to the Director of Law and Democratic Services being satisfied as to the carrying out by South Marston 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 South Marston Village Neighbourhood Plan in South Marston 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 18th February 2015, South Marston Parish Council requested that the South Marston Village Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week

Further information on the subject of this report can be obtained from Phil Smith, Direct Dial 01793 466443, psmith@swindon.gov.uk.

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consultation Swindon Borough Council designated the South Marston Neighbourhood Village Area on 4th June 2015.

- 3.2 On 20th June 2015, South Marston Parish Council published the draft South Marston Village Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 3.3 The South Marston Village Neighbourhood Plan was submitted by the Parish Council to Swindon Borough Council in January 2016 for assessment by an independent examiner. The Plan and associated documents were publicised for consultation by Swindon Borough Council for six weeks between 28th January and 10th March 2016 (the Local Authority publicity consultation).
- 3.4 An independent examiner was appointed on 3th March 2016 and all comments received at the Local Authority publicity consultation were passed on for his consideration. A hearing session to discuss certain aspects of the Plan which was held on Thursday, 8th September 2016 in South Marston Village Hall. However, due to ill health, the Examiner was unable to complete his Report and subsequently a second Examiner, Mr John Parmiter, FRICS FRSA MRTPI, was appointed on 3rd February 2017. All consultation responses and correspondence following the hearing session was forwarded to Mr Parmiter for his consideration.
- 3.5 Mr Parmiter issued his Report into the South Marston Neighbourhood Plan on the 31st March 2017, and is attached at **Appendix 2** to this report. He has concluded that, subject to modifications, the South Marston Village 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 recommended 10 modifications be made to the South Marston Village Neighbourhood Plan. These were concerned with:
 - 3.6.1 the removal of annexes required during consultation on the draft plan and are not required once the plan is made,
 - 3.6.2 increased flexibility within Policy 2 in respect of Design Codes,
 - 3.6.3 increased flexibility within Policy 3 in respect of the provision of primary school places,
 - 3.6.4 clarification within Policy 4 in respect of support for walking and cycling,

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- 3.6.5 clarification within Policy 6 in respect of the connectivity of the new housing allocations and the new village centre,
 - 3.6.6 clarification with Policy 7 in respect of the connectivity with the new village allocation at Rowborough,
 - 3.6.7 clarification within Policy 8 in respect of footpaths and cycleways,
 - 3.6.8 deletion of reference to designated Local Green Spaces due to a lack of evidence and subsequent re-wording in relation to 'green-wedges, and
 - 3.6.9 rewording Policy 10 in respect of hedges to be consistent with the Local Plan.
- 3.7 In addition to the recommended modifications above, the Examiner recommended that the plan proceeds to referendum, and that the referendum area to be the same as the civil parish boundary of South Marston.
- 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 it 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. This will include 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

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South Marston 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 South Marston to help it decide planning applications in the neighbourhood area?” would be held in the Parish of South Marston.
- 3.15 It is intended to hold the referendum as soon as practicable. This is likely to be in September 2017. If over 50% of the votes cast are “Yes” in answer to referendum question set out above, the Borough Council can then ‘make’ the plan and bring it into legal force. This would be considered at a subsequent Council meeting. Once made, the Neighbourhood Plan would become part of the Development Plan for the Borough and would have ‘full weight’ in planning decision-making within the South Marston Neighbourhood Plan Area.

Polling place scheme

- 3.16 Currently the Borough Council has, within its polling place scheme, one polling place that is used for all elections taking place within South Marston Parish, this being South Marston 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. This will attract additional grant of £20,000 from central government for Neighbourhood Planning, which will be sufficient to fund the referendum.

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 South Marston Village 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 (SEA) Screening Opinion was undertaken on the Plan by SBC Planning Policy in April 2015, which concluded that the South Marston Village 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 (DIA) and the South Marston Village Neighbourhood Plan has to be in general conformity with the Local Plan for it to meet the basic conditions. A copy of the Swindon Borough Local Plan DIA can be obtained from the report author

Risk Management

- 5.5 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 Director of Finance (The Section 151 Officer) and the 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 South Marston Parish Council

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1: The South Marston Village Neighbourhood Plan Decision Statement made by Swindon Borough Council (draft)
- 8.2 Appendix 2: Independent Examiner's Report on the South Marston Village Neighbourhood Plan – 31st March 2017.
- 8.3 Appendix 3: The Basic Condition Requirements for Neighbourhood Plans