

Appendix 1: South Marston Village Neighbourhood Plan Decision Statement

Introduction

Under the Town and Country Planning Act 1990 (as amended), Swindon Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders. The Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended) outline the Local Planning Authority's responsibilities under Neighbourhood Planning and the legal process to be followed.

The Independent Examiners Report has been received for the South Marston Village Neighbourhood Plan which recommends that the plan proceed to referendum subject to modifications. The Council is now required to make a decision on the plan proposals and the recommendations in the Examiner's Report; and publish in a Decision Statement their decision and reasons for it.

The Council's response to the Examiner's recommendations are listed in Table 1 below.

Background

The South Marston Village Neighbourhood Plan relates to the area that was designated by Swindon Borough Council as a neighbourhood area on 4 June 2015. This area was confined to South Marston village itself and did not incorporate the outer areas of the Parish Council boundary.

Following submission of the South Marston Village Neighbourhood Plan to Swindon Borough Council the plan was publicised and representations were invited. Consultation on the plan was undertaken by from 28th January to 10th March 2016.

The Council, with the agreement of South Marston Parish Council, appointed an independent examiner to review whether the plan met the "Basic Conditions" (as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990) and whether it should proceed to referendum. A hearing session was held on Friday, 8 September 2016 in South Marston Village Hall as part of the examination to discuss various aspects of the Plan. However, due to ill health, the examiner was unable to complete his Report and a second Examiner, Mr John Parmiter, was appointed on 3 February 2017. The Examiner's report was received on 31st March 2017 and concludes that, subject to making the modifications recommended by the Examiner, the neighbourhood plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

The Council is now bound by Paragraph 12(2) of Schedule 4B to the Town and Country Planning Act 1990 to consider each of the recommendations made by the Examiner in their report (and the reasons for them); and decide what action to take in response to each recommendation.

Decision and Reasons

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). Table 1 below lists all of the recommendations in the Examiner's Report and the Council's response to them.

Next Steps

Swindon Borough Council is satisfied that once the recommended modifications are made to the Neighbourhood Plan it would then meet the Basic Conditions and therefore a referendum must be held on the making of the Neighbourhood Plan.

As soon as possible after making a decision on the plan proposals and the Examiner's recommendations, the Council must (in accordance with Regulation 18 of the Neighbourhood Planning Regulations 2012) publish on their 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
- where recommendations have been made by an Independent Examiner, a copy of the report.

Once the Decision Statement has been published Swindon Borough Council planning officers and South Marston Parish Council will undertake the necessary modifications to the draft plan prior to referendum. 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 South Marston to help it decide planning applications in the neighbourhood area?*" will be held in the Parish of South Marston as soon as practically possible.

If over 50% of the votes cast are “Yes” in answer to referendum question set out above, the Council can then ‘make’ the plan and bring it into legal force. 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.

Table 1: Examiner’s Recommendations

No	Submission Plan Page No.	Modified Plan Page No.	Policy Number	Independent Examiner’s Recommendations	Swindon Borough Council Decision and Reasons
1	2, 5, 10, 15,17, 19, 22, 25-29, 38, 40-42,44	2		Delete annexes 5-11 (and consequential removal of reference to them in the Plan)	Accept modification to meet the basic conditions
2	18	17	2	Adopt the suggested amendments in DLA’s letter of 9 March (p23), subject to reinstatement (ie retention) of the original wording of the first sentence	Accept modification to meet the basic conditions
3	20/21/22	19/20/21	3	Adopt as modifications the policy and supporting text changes in the Amendments – see Appendix 1	Accept modification to meet the basic conditions
4	24	24	4	Modify the first sentence by adding at the end “in particular to support walking and cycling”	Accept modification to meet the basic conditions
5	26/27	26	6	Adopt as modifications the policy and supporting text changes in the Amendments including deleting Plan 5 – see Appendix 1	Accept modification to meet the basic conditions
6	27/28	27	7	Adopt as modifications the policy and supporting text changes in the Amendments – see Appendix 1	Accept modification to meet the basic conditions

No	Submission Plan Page No.	Modified Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
7	29	28	8	Adopt as modifications the amendments in para 170 of DLA's letter of 9 March – see Appendix 2	Accept modification to meet the basic conditions
8	33/34/35	33/34/25	9	Delete the Local Green Space designation, modifying Plan 7 and supporting text accordingly (insert new para after 20.2, remove para20.4, rewording of paras 20.6, 20.8, 20.11)	Accept modification to meet the basic conditions
9	34	33	9	Adopt as modifications the amendments in para 127 of DLA's letter of 9 March – see Appendix 2	Accept modification to meet the basic conditions
10	37	36	10	Adopt as modifications the amendments in para 181 of DLA's letter of 9 March	Accept modification to meet the basic conditions
11			Examiner's Report p 14	That the referendum area boundary should be the same as the civic parish boundary, which is the appropriate area being the area over which the plan will have a direct, demonstrable and substantial impact.	Agreed
12			Examiner's Report pp 14/15	That the making of the plan will meet the Basic Conditions, if modified as recommended. That the legal requirements are met (see Summary page 2 of Examiner's Report). That the South Marston Neighbourhood Development Plan should proceed to referendum.	Agreed

In addition to the above there are a number of factual changes which in the interest of clarity are intended to be incorporated with in the final plan but which do not affect the consideration of meeting the basic conditions.

Table 2: Additional factual updates and corrections

No	Submission Plan Page No.	Modified Plan Page No.	Policy Number	Change	Reason for change
1	5	5	Para 2.6	Insert 'draft' before South Marston Supplementary Planning Document (SPD)	Correction and clarification on status of the SPD
2	7	6	Plan 1	Insert new Plan 1: to amend South Marston Parish boundary	Factual update as a consequence of community governance review
3	10	9		Insert new paragraph referencing and list adopted and draft NEV Supplementary Planning Documents	Factual update in the interests of clarity
4	12	11	Para 7.5	Delete reference to hotel, gym and spa which have now closed	Factual update
5	13	12	Para 10.1	Update reference to sites of archaeological interest	Factual update
6	14	13	Para 11.5	Delete reference to hotel which has now closed	Factual update
7	19	18	Para 16.4	Insert reference to the adopted NEV Planning Obligations SPD	Factual update to cross reference SPD for reasons of clarity
8	24	24	Para 18.3	Insert up-to-date reference in respect of the SBC Residential Design Guide SPD (adopted July 2016)	Factual update

9	28	27	Para 19.2	Insert cross-reference to the draft NEV Green Infrastructure SPD	Factual update for reasons of clarity
10	40	39	Para 23.4	Re-word reference to broad band provision to reflect latest status of the project	Factual update
11	46	45	Para 27.11	Amend reference to hotel which is now closed	Factual update