

# Adoption of the Highworth Neighbourhood Plan

**Council**

**Date: 13<sup>th</sup> July 2017**

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Author: Cabinet Member for Strategic Planning and Sustainability  
Wards: Blunsdon and Highworth  
Parishes Affected: Highworth

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## **1. Purpose and Reasons**

- 1.1 To inform Council of the result of the referendum of the Highworth Neighbourhood Plan.
- 1.2 To adopt the Highworth Neighbourhood Plan formally as part of the development plan for the Borough, in order to comply with the Localism Act 2011.
- 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**

Council is recommended to:

- 2.1 Formally adopt (make) the Highworth Neighbourhood Plan as part of the statutory Development Plan for the Borough.

## **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 application must be determined in accordance with both the Neighbourhood Plan and the Local Plan.
- 3.3 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.

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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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## Progress of the Highworth Neighbourhood Plan

- 3.4 In 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.
- 3.5 Following additional work and consultation to meet the requirements of the Strategic Environmental Assessment, the Parish Council submitted the Highworth Neighbourhood Plan to the 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 20<sup>th</sup> October and 1<sup>st</sup> December 2016 (the Local Authority publicity consultation).
- 3.6 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.
- 3.7 The Examiner issued his Report into the Highworth Neighbourhood Plan on the 22<sup>nd</sup> February 2017. He 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) and, subject to these modifications being made, may proceed to referendum.
- 3.8 The Full Council meeting of 6<sup>th</sup> April 2017, approved the Highworth Neighbourhood Plan Decision Statement, which was attached as an appendix to the main report (Full Council Minute 100 refers, 2016/17 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 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.
- 3.9 Council also authorised the Director of Law and Democratic Services to undertake a referendum on the Highworth Neighbourhood Plan in Highworth Parish (The Highworth Town Council area), in accord with regulations set out in The Neighbourhood Planning (Referendum) Regulations 2012 as soon as is practically possible.
- 3.10 A referendum was held on Thursday 25<sup>th</sup> May 2017 posing the following question to eligible voters: "Do you want Swindon Borough Council to use the Neighbourhood Plan for Highworth to help it decide planning applications in the neighbourhood area?"

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- 3.11 2,419 (36.5%) of registered electors, recorded votes, of which 1692 (70%) were in favour of 'yes'. It was declared that more than half of those voting had voted in favour of the Highworth Neighbourhood Plan.
- 3.12 In accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended), following a positive referendum outcome the Council must 'make' the neighbourhood plan so that it formally becomes part of the development plan for Swindon Borough Council.

## Benefits to Highworth Parish

- 3.13 As well as allowing the local community to have a greater say on development within their Parish, formally adopting the Highworth Neighbourhood Plan will allow the Town 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 SBC to Highworth Town 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 Council is legally required to bring the plan into force following the successful referendum; therefore, there is no reasonable 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.

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## 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.

## Diversity Impact Assessment

- 5.5 The Swindon Borough Local Plan was subject to detailed Diversity Impact Assessment (DIA) and the Highworth 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

- 5.6 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 Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Ward Members for Blunsdon and Highworth.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 A copy of the Highworth Neighbourhood plan can be found at:  
[https://www.swindon.gov.uk/info/20113/local\\_plan\\_and\\_planning\\_policy/650/neighbourhood\\_planning/3](https://www.swindon.gov.uk/info/20113/local_plan_and_planning_policy/650/neighbourhood_planning/3)