

Adoption of the South Marston Neighbourhood Plan

Council

Date: 9th November 2017

Author:	Cabinet Member for Strategic Planning and Sustainability
Wards:	St Margaret and South Marston
Parishes Affected:	South Marston

1. Purpose and Reasons

- 1.1 To inform Council of the result of the referendum of the South Marston Neighbourhood Plan.
- 1.2 To 'make' (adopt) the South Marston Neighbourhood Plan formally as part of the development plan for the Borough.
- 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 South Marston 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.
- 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.

Progress of the South Marston Neighbourhood Plan

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.

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- 3.4 South Marston Parish Council submitted the South Marston Neighbourhood Plan to the 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 10 March 2016 (the Local Authority publicity consultation) in accordance with Regulation 16 of the Neighbourhood Planning Regulations 2012.
- 3.5 An independent examiner was appointed to examine the Plan and all comments received at the Local Authority public consultation were passed on for his consideration. A Public Hearing to discuss certain aspects of the Plan was held in South Marston Village Hall on 8 September 2016. However, due to ill health the examiner was unable to complete the examination and publish his report. A second Independent Examiner, Mr John Parmiter FRICS RSA MRTPI was therefore appointed on 3 February 2017.
- 3.6 The Examiner issued his Report into the South Marston Neighbourhood Plan on the 31st March 2017. He concluded that, subject to modifications, the South Marston 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.
- 3.7 The Full Council meeting of 13th July 2017, approved the South Marston Neighbourhood Plan Decision Statement, which was attached as an appendix to the main report (Council Minute 22, 2016/2017 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.
- 3.8 Council also authorised the Director of Law and Democratic Services to undertake a referendum on the South Marston 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.
- 3.9 A referendum was held on Thursday 5th October 2017 posing the following question to eligible voters: "Do you want Swindon Borough Council to use the Neighbourhood Plan for South Marston to help it decide planning applications in the neighbourhood area?"
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- 3.10 321 (46%) of registered electors recorded votes, of which 307 (95%) were in favour of 'yes'. It was declared that more than half of those voting had voted in favour of the South Marston Neighbourhood Plan.
- 3.11 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 South Marston Parish

- 3.12 As well as allowing the local community to have a greater say on development within their Parish, formally adopting the South Marston 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 SBC to South Marston Parish Council to spend on priority infrastructure required to support the development of the area.

4. Alternative Options

- 4.1 Where a referendum results in a majority 'Yes' vote the Local Planning Authority must make (adopt) the neighbourhood plan as soon as reasonably practical. There are limited exceptions to this. The Local Planning Authority can decline to make the Plan if they consider that making the order would breach any EU obligations or any Convention on Human Rights.
- 4.2 Previously the Borough Council has made decisions on the South Marston Neighbourhood Plan to the extent that no breach of EU obligations or Convention rights had been identified. No new circumstances or evidence have materialised to date which would alter those decisions. Therefore, there is no reasonable alternative to the Council but to 'make' the South Marston Neighbourhood Plan as part of the Development Plan.

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 will be 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.

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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 South Marston 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 South Marston 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 St Margaret and South Marston.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 A copy of the South Marston Neighbourhood plan can be found at:
https://www.swindon.gov.uk/info/20113/local_plan_and_planning_policy/650/neighbourhood_planning/3