

<b>Title of Report</b>	<b>SWANNINGTON NEIGHBOURHOOD PLAN – PROPOSED RESPONSE TO PRE-SUBMISSION DRAFT (REGULATION 14)</b>	
<b>Presented by</b>	Joanne Althorpe <b>Principal Planning Officer</b>	
<b>Background Papers</b>	Swannington Neighbourhood Plan Pre-Submission Draft (2021)  National Planning Policy Framework (2021)	<b>Public Report:</b> Yes
<b>Financial Implications</b>	The Swannington Neighbourhood Plan will incur direct costs to the District Council to support an independent examination of the plan and, should the examination be successful, a local referendum. Grant funding from central government (£30,000 per Neighbourhood Plan) is payable to the authority to support this agenda but may not meet the costs in full. Any additional costs would need to be met from the contingency budget held by the Planning Service.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	If approved at referendum, the Neighbourhood Plan would come into force as part of the development plan. At this point, the Neighbourhood Plan would have the same legal status as a local plan and be used to determine planning applications in the neighbourhood plan area (i.e. Swannington Parish).	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	Officer time has, and will continue to be, provided to support the preparation of the Neighbourhood Plan. Depending upon the extent of such involvement, this may have implications for other work undertaken by the respective officers.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To agree the District Council's response of the pre-submission draft of the Swannington Neighbourhood Plan and set out the proposed delegation arrangements for the future stages in the preparation of the Neighbourhood Plan.	
<b>Recommendations</b>	<b>THAT THE LOCAL PLAN COMMITTEE:</b>  <b>I) ENDORSES THE SUGGESTED PRE-SUBMISSION (REGULATION 14) RESPONSE TO SWANNINGTON PARISH COUNCIL AS SET OUT AT APPENDIX B;</b>  <b>(II) AGREES TO DELEGATE ENDORSEMENT OF ANY FURTHER RESPONSE BY OFFICERS AT SUBMISSION (REGULATION 16) STAGE TO THE STRATEGIC DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDERS FOR PLANNING AND INFRASTRUCTURE;</b>  <b>(III) NOTES THAT ONCE THE NEIGHBOURHOOD PLAN HAS BEEN SUBMITTED THE STRATEGIC DIRECTOR OF PLACE,</b>	

	<p><b>IN CONSULTATION WITH THE PORTFOLIO HOLDERS FOR PLANNING AND INFRASTRUCTURE WILL:</b></p> <p><b>A) PUBLISH THE PLAN FOR A SIX WEEK PERIOD AND INVITE REPRESENTATIONS;</b>  <b>B) NOTIFY CONSULTATION BODIES; AND</b>  <b>C) APPOINT AN INDEPENDENT EXAMINER TO CONDUCT THE EXAMINATION OF THE NEIGHBOURHOOD PLAN;</b></p> <p><b>(IV) NOTES THAT FOLLOWING RECEIPT OF THE INDEPENDENT EXAMINER’S REPORT, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDERS FOR PLANNING AND INFRASTRUCTURE WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM;</b></p> <p><b>(V) IF THE MAJORITY OF THOSE WHO VOTED IN THE REFERENDUM ARE IN FAVOUR OF THE SWANNINGTON NEIGHBOURHOOD PLAN AND THE DISTRICT COUNCIL DOES NOT CONSIDER THE MAKNG OF THE NEIGHBOURHOOD PLAN TO BE INCOMPATIBLE WITH ANY EU OR HUMAN RIGHTS OBLIGATIONS, THEN THE DECISION WHETHER TO MAKE THE PLAN BE DELEGATED TO THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDERS FOR PLANNING AND INFRASTRUCTURE.</b></p>
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## **1. BACKGROUND**

- 1.1 Swannington Parish Council has published a pre-submission draft (in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012) of its Neighbourhood Plan for consultation between 25 October and 6 December 2021.
- 1.2 Because the consultation closed before a meeting of this committee, officers have submitted comments, following discussion with the Portfolio Holders for Infrastructure and Planning but on the understanding that they were subject to being agreed by this committee.
- 1.3 The purpose of this report is to agree the Council’s response to the pre-submission plan and to agree the approval process for the subsequent stages of the Neighbourhood Plan preparation.

## **2. NEIGHBOURHOOD PLANS**

- 2.1 Neighbourhood planning was introduced under the Localism Act 2011 to give local communities a more hands on role in the planning of their neighbourhoods. It introduced new rights and powers to allow local communities to shape new development in their local area.
- 2.2 Neighbourhood Plans can be prepared by a Parish or Town Council (or Neighbourhood Forums in areas not covered by a Parish or Town Council) once they have been designated as a neighbourhood area by the District Council.
- 2.3 Neighbourhood Plans should consider local and not strategic issues and must be in line with higher level planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want but they must be in line with European Union obligations as incorporated into UK law and human rights requirements; they must have

regard to national planning policy and must be in general conformity with strategic policies in the adopted development plan in force for the local area.

- 2.4 The District Council as Local Planning Authority has an important role to play in the Neighbourhood Plan process even though the District Council is not responsible for its preparation. The key stages in producing a Neighbourhood Plan as governed by The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (General) (Amendment) Regulations 2015 together with the District Council's role are summarised in the Table at **Appendix A** of this report.
- 2.5 At present, there are three 'made' Neighbourhood Plans in the district (Ashby de la Zouch, Ellistown and Battleflat and Hugglescote and Donington-le-Heath). At the time of writing, the Blackfordby Neighbourhood Plan is at the examination stage.

### **3. SWANNINGTON NEIGHBOURHOOD PLAN**

- 3.1 The Swannington Neighbourhood Plan area covers the parish of Swannington and was designated on 7 January 2019.
- 3.2 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) in July/August 2021. It was determined that SEA/HRA of the Plan is not required.
- 3.3 The Draft Neighbourhood Plan sets out policies under three main headings:
  - Housing and the Built Environment
  - Environment
  - Community Sustainability
- 3.4 At this stage the role of the District Council is as a consultee (See **Appendix A** for details of each Neighbourhood Plan preparation stage). In making comments officers have assessed the proposed plan against the adopted Local Plan and any relevant national policies to ensure consistency. The comments are set out at **Appendix B** of this report.
- 3.5 A key point to note is that the Parish Council is proposing to allocate a site at St George's Hill for housing (in the region of 8 to 12 dwellings). Whilst there is no housing requirement figure for Swannington in the adopted Local Plan (2017), the Parish Council requested an indicative requirement figure from planning officers in line with guidance at paragraph 67 of the National Planning Policy Framework (NPPF). A range of indicative figures were provided by officers in September 2020 (further commentary on this matter is included at **Appendix B**, specifically in relation to Policy H1).
- 3.6 The comments made are with the intention of assisting with the preparation of the Neighbourhood Plan rather than seeking to be critical. The District Council as the Local Planning Authority will be required, if the plan is 'made', to use the plan in determining planning applications. It is important to ensure, therefore, that policies are as clear as possible to avoid any confusion at a later date. Where possible, suggestions have been made as to how the plan could be amended to address any potential concerns.
- 3.7 At this stage none of the issues raised are considered to be such that the plan is likely to be at risk.

### **4. NEXT STEPS**

- 4.1 Once the current consultation period ends, the Parish Council will have to consider all of the comments received, including those provided by the District Council. Following any changes to the Neighbourhood Plan that they believe are necessary, the Parish Council will then submit a revised version to the District Council.

- 4.2 As set out at **Appendix A**, the District Council's role at submission stage is firstly to be a consultee - but to also arrange for a further round of consultation, subject to the Neighbourhood Plan meeting the various legal requirements. The District Council is also required to appoint an independent examiner (with the agreement of the Parish Council) who will examine the Neighbourhood Plan. Given the technical / procedural nature of these various tasks, it is recommended that they be delegated to the Strategic Director of Place, in consultation with the Portfolio Holders for Infrastructure and Planning – in line with the procedure undertaken for the other Neighbourhood Plans in the District.
- 4.3 Following receipt of the independent examiner's report, the District Council must formally decide whether to send the Neighbourhood Plan to referendum (with or without modifications proposed by the examiner or NWLDC). Reg 17A(5) of the Neighbourhood Planning (General) Regulations 2012 as added by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 gives the District Council 5 weeks from receipt of the examiner's report to decide whether to proceed with the referendum or not. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holders for Infrastructure and Planning will exercise the executive power of making this decision as delegated to them in the Constitution (paragraph 5.2.1 of the Scheme of Delegation).
- 4.4 Should the Neighbourhood Plan be sent to referendum, and the referendum declares in favour of the Neighbourhood Plan, then the District Council is required to make (i.e. adopt) the Neighbourhood Plan within 8 weeks of the referendum (Reg 18A(1) of the Neighbourhood Planning (General) Regulations 2012 as added by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016). It is proposed that a decision as to whether to 'make' the Neighbourhood Plan be delegated to the Strategic Director of Place in consultation with the Portfolio Holders for Infrastructure and Planning. This is allowed for in recommendation (v).

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Support for businesses and helping people into local jobs</li> <li>- Developing a clean and green district</li> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected.</li> </ul>
Policy Considerations:	Policies in the adopted Local Plan as highlighted in the report and Appendix B.
Safeguarding:	No issues identified
Equalities/Diversity:	No issues identified
Customer Impact:	No issues identified
Economic and Social Impact:	No specific impacts identified
Environment and Climate Change:	No specific impacts identified
Consultation/Community Engagement:	Other Council services have been consulted in drawing together the proposed response. The draft Neighbourhood Plan is subject to public consultation undertaken by Swannington Parish Council.
Risks:	The ultimate decision on how to proceed in respect of the Neighbourhood Plan rests with Swannington Parish Council. If so requested, officers will work with the Parish Council to seek to minimise risks to the Neighbourhood Plan.
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