

Title of Report	SWANNINGTON NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION	
Presented by	Ian Nelson Planning Policy and Land Charges Team Manager	
Background Papers	National Planning Policy Framework (NPPF, 2021) Planning Practice Guidance (PPG) Swannington Neighbourhood Plan Submission Version (2022) Local Plan Committee 9 December 2021- Swannington Neighbourhood Plan – Proposed Response to Pre-Submission Draft	Public Report: Yes
Financial Implications	<p>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 is unlikely to meet the costs in full.</p> <p>Once the neighbourhood plan is made it will form part of the Development Plan for North West Leicestershire. Should the document be subject to legal challenge, the District Council will be responsible for meeting such costs. Any such costs would need to be met from the contingency budget held by the Planning Service.</p>	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	None from the specific content of this report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	<p>The report highlights the staff resources required to support neighbourhood planning in the district. Much of this work is done within the Planning Policy team which is also responsible for the delivery of the Local Plan Review.</p> <p>Links with the Council's Priorities are set out at the end of the report.</p>	
Purpose of Report	To determine the District Council's response to the submission draft of the Swannington Neighbourhood Plan.	
Recommendations	1. THAT THE LOCAL PLAN COMMITTEE AGREES THE PROPOSED RESPONSE TO THE SUBMISSION DRAFT	

	<p>OF THE SWANNINGTON NEIGHBOURHOOD PLAN IN APPENDIX A.</p> <p>2. THAT THE COMMITTEE NOTES THE CONSULTATION PERIOD FOR THE SWANNINGTON NEIGHBOURHOOD PLAN.</p> <p>3. THAT THE COMMITTEE NOTES THAT FOLLOWING RECEIPT OF THE INDEPENDENT EXAMINER'S REPORT, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING WILL DETERMINE WHETHER THE CONDITIONS HAVE BEEN MET FOR THE NEIGHBOURHOOD PLAN TO PROCEED TO REFERENDUM.</p> <p>4. THAT THE COMMITTEE NOTES THAT FOLLOWING THE REFERENDUM AND IF TIME DOES NOT ALLOW FOR A REPORT TO THIS COMMITTEE, THE STRATEGIC DIRECTOR OF PLACE IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR PLANNING WILL DETERMINE WHETHER THE NEIGHBOURHOOD PLAN SHOULD BE 'MADE'.</p>
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1. BACKGROUND

- 1.1 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. 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.
- 1.2 Neighbourhood Plans should consider local and not strategic issues and must have regard to national and local planning policy. A Neighbourhood Plan can be detailed or general, depending on what local people want. The Plan's policies must meet a set of ['basic conditions'](#) which include:
- having regard to national planning policies and guidance;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies of the development plan; and
 - being in line with EU obligations and human rights requirements.
- 1.3 As the Local Planning Authority (LPA), NWLDC has an important role to play in the neighbourhood plan process even though the 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, are:

Regulation	Stage
Reg 6A	Designate a neighbourhood area
	Prepare a draft neighbourhood plan
Reg 14	Pre-submission publicity and consultation
Reg 15	Submit the neighbourhood plan to the LPA
Reg 16	Publicise the draft neighbourhood plan (6 week consultation)
Reg 17	Submit the draft plan for independent examination
Reg 18	Publish the examiner's report and decide if the plan can

	proceed to referendum
Para 12, Sch 4B TCPA 1990	Referendum
Reg 19	Decision to 'make' the neighbourhood plan
Reg 20	Publicise the made neighbourhood plan

1.4 The Swannington Neighbourhood Plan has reached the Regulation 16 stage. This report sets out a proposed consultation response for members to consider (see **Appendix A**).

2. SWANNINGTON NEIGHBOURHOOD PLAN

2.1 The Swannington Neighbourhood Plan Area covers the whole of the parish and was designated on 7 January 2019 (Regulation 6A). Swannington Parish Council consulted on a pre-submission version of the plan between 25 October and 6 December 2021 (Regulation 14). The District Council's [consultation response](#) was agreed by Local Plan Committee on 9 December 2021, subject to some additional comments described in the [minutes](#) of the meeting.

2.2 The Parish Council considered all the comments it received, amended the plan and it has now requested that the District Council organise formal consultation on the submission draft version to the plan and then submit it for Examination (Regulations 15, 16 and 17). This consultation has been arranged for a 6-week period from **Monday 5 September to Monday 17 October 2022**. The submission version of the plan and the supporting documentation can be viewed on the District Council's [website](#).

2.3 In overview, the neighbourhood plan policies cover the following broad areas;

- the location of new development including an allocation for around 12 homes at St George's Hill (which would be incorporated into an amended Limits to Development)
- the design of new development
- housing mix, affordable housing and windfall development
- policies to protect the heritage and ecology of the parish, including the designation of Local Green Spaces
- transport, including parking
- the protection of, and support for, community facilities
- the protection of employment premises and support for new small-scale employment development

2.4 Officers have reviewed the submission version of the plan, taking account of the comments that were made by this Council at the previous stage. The schedule in **Appendix A** sets out those previous comments and identifies where changes have been made in response. The final column in the schedule identifies the outstanding matters which officers recommend form this council's response to the submission draft plan and which, in due course, will be considered by the Examiner. These matters are categorised as either an 'objection' or as a 'comment':

- an **objection** is made where an aspect of the plan is considered to be in conflict with one of the requirements listed in paragraph 1.2 above.
- a **comment** relates to a less fundamental aspect but which, if it were addressed, could improve the application of the plan's policies. It will be at the Examiner's discretion whether they choose to take account of these points.

2.5 The Committee is invited to consider these objections and comments and, with amendments as appropriate, to agree them as the Council's response to the submission plan.

Next Steps

- 2.6 Subject to the Committee's decision, the response will be submitted before the consultation closing date. In the meantime, officers will be appointing an independent examiner to conduct the neighbourhood plan examination. The appointment process will be done in consultation with the Swannington Parish Council.
- 2.7 At the close of the consultation, the neighbourhood plan documentation and any representations received will be sent to the examiner. Neighbourhood Plan examinations are usually undertaken by means of written representations, but the examiner could decide to hold hearings if the matters at issue are more complex. The examiner will set out conclusions on the plan in an Examiner's Report.
- 2.8 Following receipt of the independent Examiner's Report, the District Council must formally decide whether to send the plan to referendum (with or without modifications proposed by the examiner or NWLDC). Regulation 17A(5) of the 2016 Regulations gives the District Council 5 weeks from receipt of the Examiner's Report to decide whether or not to proceed with the referendum. Given the short timescale, the Strategic Director of Place, in consultation with the Portfolio Holder for 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). This is allowed for in the recommendations.
- 2.9 Should the plan be sent to referendum, and residents vote in favour of the Neighbourhood Plan, then the District Council is required to 'make' (i.e. adopt) the plan within 8 weeks of the referendum (Reg 18A(1) of the 2016 Regs). The decision to adopt is an executive decision. If time permits, then a report would be brought to a future meeting of this Committee first. However, in view of the timescales required to make such a decision, it is likely that this would be done by the Strategic Director of Place, in consultation with the Portfolio Holder for Planning under the Scheme of Delegation.

Policies and other considerations, as appropriate	
Council Priorities:	The preparation of neighbourhood plans can impact on any and all of the council priorities: <ul style="list-style-type: none"> • Our communities are safe, healthy and connected • Local people live in high quality, affordable homes • Supporting businesses and helping people into local jobs • Developing a clean and green district
Policy Considerations:	Adopted North West Leicestershire Local Plan National Planning Policy Framework
Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	Neighbourhood plans in general can deliver positive economic and social impacts for local communities as part of their wider objective to achieve sustainable development. The Swannington Neighbourhood Plan specifically contains policies that will help support the local economy, local community facilities and the provision of affordable housing amongst other things.
Environment and Climate Change:	Neighbourhood plans can also deliver positive

	environmental and climate change benefits as part of their wider objective to achieve sustainable development. The Swannington Neighbourhood Plan specifically contains policies that seek to conserve biodiversity and heritage assets in the parish and will potentially enable additional EV charging points.
Consultation/Community Engagement:	Neighbourhood plans are subject to at least 2 stages of public consultation.
Risks:	The proposed response at Appendix A concludes that in a limited number of instances, the neighbourhood plan is considered to be in conflict with policies in the adopted Local Plan. Bringing this to the attention of the independent examiner enables them to assess these matters and to reach a reasoned conclusion. This will bring clarity for all users of the plan in the future.
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