

CLARIFICATION NOTE 2

Highworth Neighbourhood Plan

Thank you for the earlier responses to my initial questions. This Clarification Note is composed of two parts.

First, the Borough and Town Council will be aware of the provisions of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026 (UK Statutory Instruments 2026 No. 169 (C. 16)) (*'the 2023 Regulations'*) This comes into force on 25th March 2026. Part A of this Note sets out the new planning rules and provides an opportunity for interested stakeholders to comment on their impact on the neighbourhood plan.

Secondly, following my recent site visit, and having undertaken a further review of the Neighbourhood Plan, I have a number of questions. Part B of this note sets out the questions on which I would be grateful for a response from either the Borough Council or Town Council as indicated below.

The relevant parts of the 2023 Regulations that come into force relate to Section 98 of the Levelling up and Regeneration Act (*LURA*) (contents of a neighbourhood development plan) and section 99 (neighbourhood development plans and orders; basic conditions). These new rules amend parts of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990.

Amongst other features, the new legal compliance requirements set out in section 98 specify details of the policies a neighbourhood plan may include, as follows: -

So far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must:

- (a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and*
- (b) be designed to take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area.*

In addition, there is a new Basic Condition requirement as set out in Section 99 of LURA:

the making of the Neighbourhood Plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.

It is to be noted that this replaces the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.

Additionally, the provisions add an additional Basic Condition related to the provision of an environmental outcomes reports. However, the framework for this assessment is yet to be put in place, and therefore compliance with this Basic Condition cannot be assessed.

The 2023 Regulations makes provision for transitional arrangements in relation to plan-making. However, these provisions do not extend to Neighbourhood Plan Examinations and as such I am required to conduct the Examination against these updated regulations.

I am therefore providing the Borough Council and Town Council the opportunity to comment on these changes and its impact on the neighbourhood plan.

The Borough Council should specifically consider the impact on the Neighbourhood Plan's compliance with Regulation 15 (1) (d) of the Neighbourhood Plan (General) Regulations 2012 which requires

a statement explaining how the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified] meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act or in the case of a modification proposal, how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act.

For consistency with the approach in other current Examination processes, I also propose that any persons who may have an interest in the examination should be given the similar opportunity to comment, including those who submitted representations at Regulation 16.

Therefore, I request that the Borough Council place a notice on their website cross-referencing this letter, advising that the anyone with an interest in the examination may, should they wish, comment on the legal compliance and Basic Conditions changes outlined above.

It should be made clear that there is no need for responses to repeat representations that have already been made in relation to any other matters (since the Regulation 16 representations stand as submitted). Similarly, it is not an opportunity to raise new matters that do not relate to these legal points.

I suggest that the local authority's website should advise that two weeks will be provided to submit comments to the Borough Council. I would also request Swindon Borough Council contact those who made representations at Regulation 16 to this opportunity. Should any person(s) request additional time in order to respond, you should seek to accommodate this providing a revised and reasonable response time is proposed.

Any responses received at the end of the two-week (or, where requested, extended) period, along with those of the Town Council, should be forwarded to me.

PART B

Following a site visit and a review of the neighbourhood plan, the evidence base and representations, I have a number of issues on which I would request a response from the Town and Borough Council where indicated below.

1. Outstanding Representations

The Regulation 16 consultation document submitted for the second, targeted, round of consultation details the content of the responses. However, could the Borough Council provide the necessary attachments or confirm the location of the attachments referred to in the document for the following representations:

- Natural England
- Landhold Capital – Pentylands Lane site
- English Heritage
- Rob Richards - SBC Property Assets on behalf of former Highworth Golf Course

2. Habitats Regulations Assessment

There is no requirement for any formal decision to be made under the Habitats Regulations whether or not an ‘*appropriate assessment*’ has been required. However, the Town Council and Borough Council will be in breach of Regulation 102 of the Habitats Regulations if in fact a plan is likely to have a significant effect on a European site and has not been assessed.

I have a copy of the SEA Screening Assessment. Could the Town Council or Borough Council provide me with the HRA screening assessment if one has been published. I require an assessment that demonstrates the draft Neighbourhood Plan will not result in significant effect, either alone or in combination, upon any European sites.

3. Neighbourhood Plan Area

The Basic Conditions Statement states the Neighbourhood Area was designated by Swindon Borough Council on 13th July 2017. The Neighbourhood Plan designation is detailed at Figure 1 in the Neighbourhood Plan. This indicates a date of 2013. Would the Borough Council confirm the date of approval of the Neighbourhood Plan Area boundary and include the appropriate documentation in the response.

4. Housing Provision and Mix

- (i) Could the Borough Council provide a brief update on the current planning status of the land allocated for housing at Crane Furlong. I note that the site is allocated for housing in the emerging Local Plan. The Neighbourhood Plan provides a reference to a current planning application referenced under S/OUT/19/1195.
- (ii) I note the response to my initial question relating to the indicative housing requirement position. Am I correct to assume that the Borough Council has not identified a housing

requirement in the Local Plan Review for the Highworth Neighbourhood Area as required by NPPF paragraph 69?

- (iii) I recognise the intention to secure housing in the parish that meets local needs. I note that the final Part C of Policy 1 requires dwellings to meet accessible and adaptable standards and some explanatory commentary is provided in paragraph 55.

Could the Town Council clarify what is meant by ‘*adaptable and accessible standards.*’ The Town Council may wish to refer to either the M4(2) or M4(3) standards and provide any detailed justification for these requirements as required by footnote 51 of NPPF.

- (iv) Planning Guidance supports lower water per capita consumption of 110 litres per head per day where there is a clear local need. Can the Town Council provide any detailed justification they have published to support the approach promoted in Policy 1, Part E.
- (v) In respect of Part G, I understand the mathematical breakdown in this part of the policy. Representations have suggested that the policy should require a range of housing rather than an arbitrary percentage. Nevertheless, in the Town Council’s view, will such an approach be practicable for all housing developments?
- (vi) In view of the proposed changes to the Basic Conditions, would the Borough and Town Council comment on:
 - (a) whether the Neighbourhood Plan would have the effect of preventing development from taking place which is proposed in the development plan and
 - (b) the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made.

5. Settlement Boundary

- (i) For the avoidance of doubt could the Town Council confirm whether there is any difference between Settlement Boundary, and Development and Rural Settlement Boundaries. For consistency, would the Town Council consider a consistent description of Settlement Boundary be appropriate in all cases? There is room for some confusion if there are different definitions appertaining Settlement Boundaries
- (ii) Paragraph 57 states that the Settlement Boundary is carried forward from the adopted Neighbourhood Plan with two changes including the previously allocated site at Redlands. However, I note from representations that other housing and commercial developments have been granted consent and in part implemented. Of particular note is a site for 250 dwellings to the east of Shrivenham Road (S/OUT/20/0422) and a further site for 60 dwellings on the west of Shrivenham Road (S/OUT/20/1046). Additionally, a new Aldi Supermarket has been constructed north of Blackworth Industrial Estate. Can the Town Council comment on why the Settlement Boundary has been amended in respect of the Redlands site, but other development sites at the edge of the Highworth are outside the Settlement Boundary. By definition, these other development sites lie in the countryside. The Town Council may wish to refer to their assessment criteria.

- (iii) Could the Town Council also confirm why the established employment area is outside the Settlement Boundary and considered to be within the open countryside. I note the proposals in the Swindon Local Plan Review to include this area within the Settlement Boundary.
- (v) The blue line on Figure 6 shows the Crane Furlong housing allocation but confusingly it has the same colour tint as the Settlement Boundary as represented on the plan. I assume that the Neighbourhood Plan proposes to include the full allocation within the Settlement Boundary. Could the Town Council confirm this is the case.

6. Highworth Town Centre

It is clear that a focus of the Neighbourhood Plan is to ensure the vitality and vibrancy of the town centre and its secondary shopping areas. Policy 3 addresses 3 distinct area typologies: namely, Highworth Town Centre; a series of Secondary Shopping Areas; and Highworth Conservation Area.

- (i) Could the Town or Borough Council provide a copy or link to the 2017 study by Nathaniel Litchfield and Partners.
- (ii) The policy identifies Secondary Shopping Areas. Could the Town Council confirm which parts of Policy 3, or other policies, it intends to apply to these Secondary Shopping Areas.
- (iii) What is the status of the Town Centre Improvement Plan?

7. Blackworth Employment Area

It is clear from my site visit that the employment area is well established. The policy is broadly compatible with national policy which supports the expansion of economy in rural areas ensuring that development is sensitive to its surroundings and exploits opportunities to make the location more sustainable.

- (i) Policy 5 Blackworth Employment Site states that Swindon Borough Local Plan Policy RA1(b), as shown on Figure 7, allocates land to the north of the Blackworth Industrial Estate for Class E(g), B2, B8 and *sur (sui) generis* uses. Is the intention to allocate the employment land in the Neighbourhood Plan or to simply state that it is allocated in the Local Plan?
- (ii) Could the Town Council confirm whether the criteria in this policy apply to the existing or proposed employment allocation. The Town Council may also wish to expand on the reasoned justification for the policies.

8. Community Facilities and Infrastructure

Part A of the Policy seeks to identify those facilities that should be considered against Local Plan policy CM4 and others. It refers to Table 9 which lists community infrastructure priorities.

I assume the reference in the policy should refer to Table 8. Could the Town Council confirm this is correct.

9. Landscape and Views

The Highworth Design Guidance and Codes highlights the importance of views within Highworth and also long-distance views from historic assets towards the open countryside.

- i) A consultation response says that the plan should recognise views from the west ridge at the top of A261 or the footpath from Stanton. Did the Town Council consider this viewpoint?
- ii) The Neighbourhood Plan review appears to increase the number and location of views both into and out of Highworth whilst removing valued viewpoints identified in the adopted Neighbourhood Plan. Could the Town Council provide evidence for the justification and value of the chosen key views and the methodology for their identification.

10. Local Green Space

The proposed Local Green Space on the northern part of the Old Golf Course is clearly an important green space for the local community and on my site visit, I saw that it is well used and valued.

As part of my examination, I am required to assess whether the site meets the requirements of national policy. NPPF states that a Local Green Space designation should only be used where the green space is local in character and not an '*extensive tract of land.*' Cllr Julie Murphy's submission states that the Local Green Space totals 24 hectares forming part of the larger golf course totalling 41 hectares.

Could the Town Council confirm the site area of the proposed Local Green Space and comment on their assessment that the site is local in character and not an extensive tract of land.

11. Biodiversity and Nature Recovery

I note that the Wiltshire and Swindon Nature Recovery Strategy ('*the LNRS*') was adopted in late 2025 after the submission of the Neighbourhood Plan. The LNRS identifies areas of particular biodiversity importance, areas that become areas of biodiversity importance and map proposed measures. Based upon their interactive map, it is clear that the Nature Recovery Areas identified in Figure 20 of the Neighbourhood Plan are somewhat different to the areas identified in the LNRS.

The provisions of Section 98 of LURA require a qualifying body to take account of any local nature recovery strategy that relates to the Neighbourhood Plan area including:

- (i) the areas identified in the strategy as areas which -
 - (A) are, or could become, of particular importance for biodiversity, or
 - (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

- (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and
- (iii) the proposals set out in the strategy as to potential measures relating to those priorities.

The new regulations are clear. Could the Town Council comment on the impact of the adoption of the LNRS and how the Nature Recovery Areas identified in the Neighbourhood Plan should relate to the LNRS mapping. Have the Town Council undertaken more detailed surveys and analysis which suggest that the Nature Recovery Areas are more appropriate than those shown in the LNRS?

12. Conclusions

In summary I am aware that there are a considerable number of questions and there are areas that require further information and analysis. However, it would be helpful in programming the Examination timetable if the Town Council and Borough Council could give an indication of the likely timescale needed to respond to these questions.

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