



**Wroughton Neighbourhood Plan 2015-2026:
Submission Documents Consultation**

On behalf of Hannick Homes and Developments Ltd.

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Hannick Homes and Developments Ltd**

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1.0 Introduction

- 1.1 The consultation period for the Wroughton Neighbourhood Development Plan (WNP) submission documents runs until 5.00pm on Thursday 17th December 2015.
- 1.2 This consultation is being conducted under Part 5 Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended)¹.
- 1.3 The following submission is prepared on behalf of Hannick Homes and Developments Ltd. in respect of the WNP consultation, as mentioned above. It focuses on the following consultation documents:
- Wroughton Public Notice²;
 - Wroughton Neighbourhood Plan 2015-2026³;
 - Wroughton Statement of Community Involvement⁴; and
 - Wroughton Strategic Environmental Assessment⁵.
- 1.4 Reference will also be made to a site known as Land East of Marlborough Road, Wroughton, which has been promoted by Hannick Homes and Developments Ltd. throughout the neighbourhood plan process. Copies of past submissions made by Hannick Homes and Developments Ltd. are provided in **Appendix 1**.

¹ The Neighbourhood Planning (General) Regulations 2012

² Notice of Consultation on the Wroughton Neighbourhood Development Plan; published November 2015

³ Wroughton Neighbourhood Plan 2015 – 2026; published October 2015

⁴ Wroughton Neighbourhood Plan 2015 – 2026: Statement of Community Involvement; published October 2015

⁵ Wroughton Neighbourhood Plan: Strategic Environmental Assessment; published October 2015

2.0 Compliance with Basic Conditions

- 2.1 Provision for Neighbourhood Planning is made through the Town and Country Planning Act (1990) (as amended)⁶, the Planning and Compulsory Purchase Act 2004 (as amended)⁷, the Localism Act 2011⁸ and the Neighbourhood Planning (General) Regulations 2012⁹.
- 2.2 In addition to the above, the Framework¹⁰ outlines that *'Neighbourhood Planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community.'* However, the ambition of the neighbourhood must be aligned with the strategic needs and priorities of the wider local area.
- 2.3 The Practice Guidance¹¹ and the Town and Country Planning Act 1990 (as amended)¹² set out four 'basic conditions' against which Neighbourhood Plans must comply. In order to meet the 'basic conditions', the submitted Wroughton Neighbourhood Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the Development Plan for the area of the authority (or any part of that area); and
 - Not breach, and be otherwise compatible with EU obligations and the European Convention on Human Rights.

Having Regard to National Policy

National Planning Policy Framework (The Framework)

- 2.4 Paragraph 2.2 of the submitted Neighbourhood Plan clearly sets out that *'the Wroughton Neighbourhood Plan must conform with the National Planning Policy Framework'*.

⁶ Sections 61E, 61F, 61G, 61H, 61I, 61J, 61K, 61L, 61M, 61N, 61O, 61P and 61Q of the Town and Country Planning Act 1990 (as amended)

⁷ Sections 38, 38A, 38B and 38C of the Planning and Compulsory Purchase Act 2004 (as amended)

⁸ Part 3, Chapter 3 of Localism Act 2011

⁹ The Neighbourhood Planning (General) Regulations 2012

¹⁰ Paragraphs 183-18 of NPPF

¹¹ National Planning Policy Guidance – Paragraph: 065 Reference ID: 41-065-20140306; published 2014

¹² Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- 2.5 Paragraphs 16 and 184 of the Framework prescribe neighbourhood plans to *'support the strategic development needs set out in Local Plans', 'plan positively to support local development'* and *'not promote less development than set out in the Local Plan or undermine its strategic policies'*.
- 2.6 However, for reasons set out below, Hannick Homes' main concern is that the WNP is contrary to the Framework's growth principles in that the submitted Neighbourhood Plan fails to meet the housing requirement that is defined in the recently adopted Swindon Borough Local Plan 2026 (SBLP).
- 2.7 The key theme throughout the Framework is a *'presumption in favour of sustainable development, which should be seen as the golden thread running through both plan making and decision taking'* (paragraph 14). However, taken as a whole and for reasons set out below, the WNP is overly 'restrictive' and 'defensive' and consequently, does not promote the presumption in favour of sustainable development.
- 2.8 Hannick Homes also notes the Framework's Core Planning Principles¹³, which states that planning should *'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.'*
- 2.9 The purpose of the planning system, as set out in paragraph 6 of the NPPF, is to: *'...contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.'*

Planning practice guidance (PPG)

- 2.10 The PPG is clear that the Framework represents the most up-to-date Government planning policy¹⁴. Importantly, the PPG states that if decision takers choose not to follow the NPPF, clear and convincing reasons for doing so are needed¹⁵.

¹³ Paragraph 17 of NPPF; published March 2012

¹⁴ Paragraph: 010 Reference ID: 21b-010-20140306 of PPG; published March 2014

¹⁵ Reference ID: 21b-010-20140306 of PPG; published March 2014

2.11 The PPG also confirms that a neighbourhood plan must be deliverable (Ref ID:41-005-20140306). This is an important factor which should have been taken into account during the site assessment process. Given the scale of development proposed within these sites (circa. 180 dwellings), any uncertainty regarding their deliverability, as previously expressed by Hannick and others, raises fundamental concerns as to the sustainability of the Neighbourhood Plan (i.e. its ability to meet the prescribed housing needs).

2.12 Whilst Hannick notes and welcomes the intention to allocate sites for some 200 units across seven development sites, there are concerns in respect of the deliverability of those sites as follows:

- As set out below, site DP2, which is allocated for 120 dwellings, falls within an area which is protected from development as set out in the strategic policy in the SBLP, in order to prevent coalescence between Wroughton and Swindon and is therefore not in compliance with the strategic policies of the development plan. Notwithstanding this, a planning application has been submitted which indicates the site can only support up to 102 dwellings.
- Site DP3, allocated for 25 dwellings, is in use as an infant school with no future prospect of its release for housing uses.
- Site DP7, allocated for 34 dwellings, is protected as open space under policy NC3 of the SBLP. Part of this land is also proposed to be designated as a green space under proposal AS3 in the submitted neighbourhood plan and can only be accessed through the school. Indeed, DP7 is preferred for an extension to the Ridgeway School and therefore, it cannot be considered deliverable for housing.

2.13 Even ignoring the fact that site DP2 is contrary to the strategic policies of the development plan, the paragraph above clearly demonstrates that 77 of the proposed dwellings in the WNP cannot be delivered and therefore the local plan requirement cannot be met.

2.14 As set out in evidence to the recent Berkeley Farm appeal Swindon Borough Council cannot deliver a five year supply of housing land and expects neighbourhood plans to make up the shortfall in the five year land supply. Additionally, the PPG sets out guidance in relation to housing land availability assessments and the impact of these on five year housing land

supply matters and sets out that a LPA must *'establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the Plan period'*¹⁶.

- 2.15 It is accepted that the LPA, and not Wroughton Parish Council, is responsible for assessing and identifying the full housing needs for the area. However, as is argued above and will be set out below, Wroughton Parish Council is responsible for incorporating the Local Plan's housing requirements in the WNP. The WNP has not taken on board the realistic assumptions about providing the quantity of housing needed within Wroughton up to 2026.
- 2.16 For the clear reasons set out above, the submitted WNP does not have regard to national policies and advice contained in guidance issued by the Secretary of State.

Contributing to the Achievement of Sustainable Development

- 2.17 Whilst it is not a legal requirement to produce a Sustainability Appraisal for a neighbourhood plan, the WNP sets out, in the Executive Summary and in the Results of Assessment (Chapter 4) of the Strategic Environmental Assessment, that *'the Neighbourhood Plan ... will help to deliver sustainable development in the Parish.'*
- 2.18 The submitted neighbourhood plan also recognises the importance of achieving sustainable development by highlighting that the housing and development policies *'contribute to sustainable development by:*
- *Providing a sufficient quantity of good quality housing that meets the community's needs;*
 - *Protecting greenfield sites and maximising the reuse of brownfield land;'*
- 2.19 The above statement is reinforced on page 5, which highlights that the housing and development *'policies are considered to comply with'* Swindon Borough Local Plan Policies SD1- Sustainable Development Principles and SD2-Sustainable Development Strategy.
- 2.20 However, the points above are not entirely accurate as, for the reasons set out above, the WNP falls grossly short of a sufficient quantity of housing that meets the community's needs by not incorporating the 'at least 150 dwellings' set out by the Swindon Borough Local Plan. This figure itself will increase in 2016 as part of Swindon Borough's Local Plan review.

¹⁶ Paragraph: 045 Reference ID: 3-045-20141006 of PPG; published March 2014

- 2.21 The issue of protecting greenfield sites and maximising the reuse of brownfield land in attaining sustainable development is one of contention. Whilst it encourages the reuse of previously developed land¹⁷ The Framework does not apply a 'brownfield first' approach to development which the WNP implies. That sequential approach was contained in PPS3: Housing which has now been revoked.
- 2.22 As set out in cross examination at the recent Berkeley Farm appeal inquiry, the councils witness accepted that the site identified in policy DP2 is a Greenfield site. Therefore the WNP also applies the definition of 'previously developed' inappropriately to that site and thereby contravenes its own definition of sustainable development.
- 2.23 It is clear therefore that the WNP fails to contribute to the achievement of sustainable development.

In general conformity with the strategic policies of the Development Plan for the area of the authority

- 2.24 The Neighbourhood Plan must be in general conformity with the strategic policies of the current Development Plan for the Borough. In this case the development plan is the Swindon Borough Local Plan (SBLP) adopted in March 2015 and which covers the period to 2026.
- 2.25 Policies SD2 and RA2 of the SBLP (See **Appendix 2**) set the strategic policy context for development at Wroughton. SD2 allocates 'at least 150 dwellings' between 2011 and 2016.
- 2.26 The first identified priority within RA2 is to retain Wroughton's identity from Swindon by maintaining separation between Wichelstowe and the village.
- 2.27 The Council's Examination Hearing Statement¹⁸ dealing with 'Issue 12B: Rural Settlements – Wroughton'. This states, at paragraph 12.B.1.6, that:

'Concerns regarding potential coalescence with Swindon have been raised. These are longstanding and was highlighted in the Rural Issues Paper [CD12.8]. Additionally, The Urban Fringe Action Plan for Southern Swindon [CD 9.5] provides guidance on land around Wroughton, stating that the southern area of the Borough should be a well-managed, attractive and evolving multipurpose landscape supporting productive agriculture. The rural character of individual settlements should be maintained and

¹⁷ The Framework; paragraph 17 bullet 8

¹⁸ Swindon Borough Council Local Plan Examination; Issue 12B: Rural Settlements - Wroughton

distinctive and services that would support community vitality should be supported (Vision Themes from [CD 9.5]). It is intended to convert the non-statutory objective into Policy RA2 as a local priority for Wroughton "Retain(ing) Wroughton's independent identity from Swindon by maintaining separation between Wichelstowe and the village".'

- 2.28 Paragraph 5.127 of the SBLP states '*Wroughton is almost adjacent to Swindon and **any extension** to the north would bring about coalescence.*' (Our emphasis)
- 2.29 In addition, Policy NC1: Wichelstowe Criterion g. states: *The character and identity of Wroughton will be protected by a principle of non-coalescence between the settlements. The land between Wichelstowe and the village shall remain part of the countryside. However, small scale development within this area, as defined on the Policies Map, will be permitted where it retains or enhances the existing character of the countryside and:*
- involves the re-use, conversion or extension of existing buildings at a scale appropriate to their location, in accordance with the criteria specified in Policy DE1; or*
 - is an essential requirement directly related to the economic or social needs of the rural community.*
- 2.30 The 'Non-Coalescence Zone' is clearly set out on the SBLP Policies Map between the existing built up area of Wroughton and the M4 to the north.
- 2.31 In the Swindon Borough Local Plan Inspector's Report (paragraph 196) it is clear that Wroughton Parish Council expressed concerns over pressures to coalesce with both Wichelstowe '*...and the urban area of the town of Swindon to the north.*' The Inspector noted that Policy RA2 supports maintaining Wroughton's separate identity by keeping the separation between the village and Wichelstowe. The Inspector also noted that Wroughton Parish Council supports the policy.
- 2.32 As set out above, site DP7 also falls within an area defined as open space and policy NC3 of the adopted local plan.
- 2.33 It is clear from the paragraphs above that the WNP is not in general conformity with the strategic policies of the Development Plan for the area and therefore fails that test of conformity.

Compatible with EU obligations

- 2.34 EU Directive 2001/42/EC sets out a legal requirement to consider the need to carry out a Strategic Environmental Assessment (SEA) on plans which are determined likely to have significant environmental effects. The SEA Directive was transposed in England through The Environmental Assessment of Plans and Programmes Regulations 2004. Given the content of the Wroughton Neighbourhood Plan, the consideration of development sites, and the geographical area that the plan covers there is the likelihood of significant environmental effects and therefore an SEA is required. The SEA must be carried out in accordance with regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 2.35 Whilst the SEA has been prepared, this has been done retrospectively i.e. after the WNP was originally submitted to Swindon Borough Council in March 2015.
- 2.36 It is clear therefore, that the SEA was not an integral part of the WNP process. In addition, individual policies and their potential environmental effects are not tested against the SEA objectives.
- 2.37 As set out in the PPG¹⁹ the SEA is required to test reasonable alternatives against the preferred approach setting out the significant positive and negative effects of each alternative together with reasons for rejection. At paragraph 3.3 the SEA confirms that this has not taken place.
- 2.38 The SEA states in considering allocation DP2 that it has a minimal impact and is considered to be the most sustainable option considered. However it is the one proposal in the WNP which falls outside the current development boundary and has the greatest impact on coalescence. It is unclear how the SEA comes to its conclusion in this respect other than considering the site, errantly, as previously developed land.
- 2.39 Given the above, it is considered that the WNP SEA is not compliant with the SEA Directive 2001/3/EC and therefore the WNP is not compatible with EU obligations.

¹⁹ Paragraph 038

3.0 Conclusion

- 3.1 Hannick Homes and Developments Ltd. acknowledge the work undertaken by the WNP Steering Group in preparing the WNP and, under Part 5 Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended), welcome the opportunity to comment on it.
- 3.2 In particular Hannick welcomes the aim to provide more housing than the 'at least 150 dwellings' prescribed in the Swindon Borough Local Plan 2026. However, it is considered that the WNP has not met any of the four basic conditions, against which Neighbourhood Plans must comply.
- 3.3 The submitted neighbourhood plan does not have regard to national planning policies, as it has:
- promoted less deliverable development than set out in the adopted Local Plan and therefore not supported the strategic development needs set out in the Local Plan (based on objectively assessed needs);
 - not planned positively to support local development; and
 - undermines the Local Plan's strategic policies.
- 3.4 For similar reasons, the WNP has not achieved sustainable development, as it is required to do.
- 3.5 The submitted Wroughton Neighbourhood Plan is not in general conformity with the strategic policies of the Development Plan for the area; Swindon Borough Local Plan (adopted March 2015). In particular, the WNP contravenes strategic policies SD2, RA2 and NC3.
- 3.6 The accompanying SEA is not considered to comply with the necessary EU regulations.
- 3.7 It should be stressed that the requirement for a review and roll forward of the housing requirement to be completed by 2016 will undoubtedly increase the amount of housing to be found in Wroughton via the WNP.

- 3.8 Furthermore, Hannick Homes has identified shortcomings in relation to a number of proposed housing allocations, both in terms of deliverability and conformity with the Local Plan. With this in mind, there will be a need to identify additional sites within the Neighbourhood Plan to ensure the Parish's housing needs are met over the plan period.
- 3.9 Hannick Homes is of the view that additional residential development sites will need to be identified within the draft Neighbourhood Plan, with their site on Land East of Marlborough Road, Wroughton being the most appropriate and sustainable site available.
- 3.10 In conclusion, it is not considered that the WNP has regard to national policy; nor is it considered to be promoting sustainable development; neither is it in general conformity with the strategic policies in the Development Plan for the local area; or compliant with the EU regulations.
- 3.11 The plan in its current form is virtually certain to fail an independent examination, and any decision to make the plan as it currently stands is very likely to be quashed by the High Court on an application for judicial review.