

EXAMINER'S REPORT

HIGHWORTH NEIGHBOURHOOD DEVELOPMENT PLAN

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ABBREVIATIONS

The following are the abbreviations used in the Plan:

CAAMP - Conservation Area Appraisal and Management Plan
CIL - Community Infrastructure Levy
HRA - Habitats Regulation Assessment
MUGA - Multi Use Games Area
NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
SBC - Swindon Borough Council
SBLP - 2026 Swindon Borough Local Plan 2026
SHLAA 2013 - Strategic Housing Land Availability Assessment 2013
SHMA - SBC "Strategic Housing Market Update, 2014"
TPO's - Tree Preservation Orders

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Highworth Town Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of the Parish, which had a population of 8,259 in the 2011 Census.

4. I have been appointed by Swindon Borough Council (SBC), in consultation with the Town Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.

6. For the avoidance of doubt during the course of this enquiry I sought an assurance from SBC on a specific issue regarding a potential perceived prejudicial interest that may exist in relation to my role as the examiner. This concerns my

tenuous past association with the planning consultant, Liz Beth who has advised the Town Council in the preparation of the Plan. Until approximately 15 years ago Ms. Beth and myself worked for Sheffield City Council, as planning officers. The time we overlapped at the Authority was approximately 6 years from memory. However, I did not work directly with her and have no particular association with her other than a coincidence of having worked for the same authority some years distant. I have only seen Ms. Beth twice since she left Sheffield Council at around 2001, and this was at training events connected with neighbourhood planning. SBC confirmed in a letter of 18/1/2017 sent to myself, by email, that they agree with my view that this is not a prejudicial interest and it was acceptable in terms of probity for me to continue as the examiner. I consider it important that this situation is brought to the public's attention.

7. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If SBC puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be "made" by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

8. I have considered the following documents as part of this examination:

Documents submitted by the Town Council:

The Neighbourhood Plan submitted to the SBC under regulation 15 of the Neighbourhood Planning (General) Regulations 2012
Basic Conditions Statement, September 2016
Statement of Community Involvement
Site Appraisal and Selection report, October 2016
Final Strategic Environmental Assessment and Habitats Regulations Assessment
Screening Opinion, prepared by SBC, April 2016

Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Responses from SBC as follows: Planning Policy 20/12/2016; Head of Property Assets 30/11/2016; Highways Officer 12/12/16; Liz Smith-Gibbons, Senior Conservation Officer 6/12/2016.

Historic England 5/12/16. Environment Agency 30/11/2016, Natural England 19/1/2016 & 26/10/2016, Oxfordshire County Council 20/12/2016, Thames Water 22/11/2016, The Ramblers 25/11/2016,

Gary Llewellyn BSc (Hons) Dip. UP M.R.T.P.I. 30/11/2016,
Norman Edwards's 25/11/2106, Southern and Regional Developments 27/11/210,
Peter Arnel 29/11/16

Persimmon Homes (Wessex) 1/12/2106,
Turley 1/12/2106,
McLoughlin Planning 29/11/2106,

The following undated submissions: Joan Craigie, David Clarke, Janice & Adrian Webb, John and Jane Baldwin, Norman and Patricia Jeffrey, Patrick Brennan, R Maulik, Tim Brett, Raymond & Rachael Cocks
Email of 30/11/16 from Andrew & Gill Pagan

Local and National Policies:

The Swindon Borough Local Plan 2026.
Swindon Residential Design Guide 2016

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG)
Ministerial statement on Neighbourhood Plans 12/12/2016

Other documents:

SBC Strategic Housing Land Availability Assessment (SHLAA) 2013
SBC "Strategic Housing Market Update, 2014"
Documents on SBC web site relating to current planning application ref: [S/16/1781](#)
for residential development at Shrivenham Road

Correspondence during examination:

Email from R Bryan of 11/1/17 and response letter of 18/1/2017 from Karen Phimister SBC Planning, regarding "interest declaration".
Email from R Bryan to Karen Phimister, SBC Planning of 19/11/2017 and response of 20/1/2017 containing attachments including:
Email from Alison Curtis, SBC Highways Officer of 3/11/2106 regarding Crane Furlong access
Email from Paul Bowden, 19/3/2016, concerning environmental health matters in Neighbourhood Plan
Email from R Bryan to Karen Phimister, SBC Planning of 22/1/2017 and response of 23/1/2016 re progress of current Shrivenham Rd planning application
Email from R Bryan of 6/2/2017 to Karen Phimister, SBC Planning, regarding access to Redlands site. Response of 10/2/17, from Sean Good, SBC Transport Development Manager
Email from P Smith, SBC Planning, regarding further Town Council comments and response from R Bryan of 10/2/17.

THE EXAMINATION

9. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

10. The examiner has to make a recommendation as to whether the Plan should be

submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

11. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me and my site visits that the examination can be carried out without a hearing. Despite the requests for a hearing, there are a number of detailed written submissions, which adequately explain the concerns and issues at stake.

12. I visited the Plan area on the 31st January and 1st February 2017 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

13. It is necessary to determine that the plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

14. The Town Council is authorized as the qualifying body² to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

15. Persimmon Homes (Wessex) have questioned whether the appropriate delegated authority has been granted to the Planning Committee of the Town Council. I note that the minutes of the Town Council meeting of 20/3/12 in relation to the Neighbourhood Plan states “99. Councillors confirmed ratification of Working Party”.

16. There were subsequent progress reports to the full Town Council meetings by the neighbourhood plan working party. I am satisfied that for the purposes of this examination the decisions involving the Plan have been made properly.

17. The whole Town Council area was formally designated as Neighbourhood Area by SBC on the 5th August 2013.

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

² as determined by Section 61G(2) of the Town and Country Planning Act 1990

18. The Plan clearly states that it relates to the period 2015-2026.

19. The Plan does not include any provision about development that is “excluded development”³, such as minerals, waste disposal and major infrastructure projects.

20. I am satisfied that the plan does not relate to more than one neighbourhood area.

CONSULTATION

21. The Town Council has submitted a Consultation Statement entitled a “Statement of Community involvement” which explains how they have carried out a programme of consultation as the Plan has progressed.

22. Initially the Town Council built upon work carried out in 2008 by the Highworth Community partnership Group which produced a document titled “the Vision” setting out how the community could revitalise the town. In 2012, the Town Council decided to embark on a neighbourhood plan as a means of translating “the Vision”.

23. Two public meetings were carried out in May 2012 to inform the public what the Plan involved and invite comment on how they would like the plan to progress and what the content should be.

24. It was then decided to hold a series of “Drop-In” events at the town council offices to allow the public to express views on potential development sites and what areas required protection. Developers were invited to attend these events in order to give residents an opportunity to question them as to their intentions. Four “Drop-In” events were held from September 2012 to September 2015 and these were publicised on the Town Council web site and in the parish magazine, “The Link”. The final “Drop-In” event elicited comments on all identified sites as to their suitability for development.

25. The Drop-In events were attended by an average of approximately 200 persons which is rather disappointing proportion of the population of the Plan area, but generally representative of public involvement in neighbourhood plans in my experience.

26. The data collected was used to inform the preparation of policies which were the subject of the statutory “regulation 14”⁴ consultation between 19th May and 1st July 2016. All residents were notified of this opportunity to comment on the draft Plan. A “Drop-In” event was held at the council offices on 14th May 2016, where the draft documents were available for inspection along with comments forms. The documents were also available on the web site and comments could be made online.

³ as defined in Section 61K, of the Town and Country Planning Act 1990

⁴ Neighbourhood Planning (General) regulations 2012

27. A range of organisations including public agencies and developers and their agents were consulted.

28. Sixty-nine responses were taken in and used to help formulate the version of the Plan which was submitted to SBC under regulation 15⁵. The “Statement of Community Involvement” illustrates adequately whether these comments have been incorporated into the Plan and the reasons for the decision.

29. The Plan was amended and submitted to SBC in December 2016.

30. The submitted “Site Appraisal and Selection Document”, October 2016 contains particularly detailed information about the public’s response to site selection. This is important given the degree of interest and controversy surrounding this central aspect of the Plan.

31. There is some criticism of the lack of involvement of the public in the determination of the criteria and their weighting in the choice of sites for residential development. I have analysed these criticisms below in my comments on “Policy 1 Housing Provision” in the context of a full assessment of the site selection process. I conclude that the site selection process is essentially a technical exercise which was acceptable in terms of public involvement in devising its methodology and the weighting and selection of sites for residential development.

32. In conclusion, I am satisfied that the consultation exercise has been appropriate and responses have properly been taken into account in the formulation of policies.

BASIC CONDITIONS

33. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act. ⁶ This element of the examination relates to the contents of the Plan.

34. This Plan meets the basic conditions if:

- a) it has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,

⁵ same as footnote 4

⁶ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

e) prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

35. The Town Council has submitted a "Basic Conditions Statement" to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above

SUSTAINABLE DEVELOPMENT

36. The Town Council highlight that the Plan has sustainability objectives at its heart as the vision is that Highworth will become a "sustainable community offering lifestyle and work opportunities in an attractive environment".

37. The plan seeks to accommodate growth in a manner which protects the landscape character and environment of the area whilst promoting the economy and employment opportunities in the town

38. The Basic Conditions Statement has a table which assesses each policy against the three main aspects of sustainability referred to in the NPPF i.e. economic, social and environmental factors.

39. The policies score favourably apart from policy 1 whereby housing allocations are located on green field sites. This is unavoidable due to the need to provide for housing and the lack of brownfield land. However, the allocated sites minimise the intrusion into the open countryside and relate well to the built form of the settlement and do not result in overriding environmental impacts.

40. The Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

41. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

42. The Borough Council made a Strategic Environmental Assessment (SEA) Screening Determination in April 2106 and concluded that an Environmental Assessment of the emerging Neighbourhood Plan is not required. This was on the basis that the Plan does not increase the level of development provided for in the SBLP 2026 which itself was the subject of a positive sustainability assessment.

Furthermore, the short list of allocated sites are not close to the few major, sensitive environmental receptors in the area and existing policies require appropriate mitigation of significant environmental impacts. The statutory consultees Natural England, Environment Agency and Historic England agree with this opinion.

43. I consider this screening judgment has been carried out properly. and is a valid conclusion

44. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife sites protected under European legislation.

45. The assessment looked at the potential impact of the Plan on sites within 15 kilometers of the Plan area. There is only one internationally designated site within the search area; The Meadow and Clattinger farm SAC, approximately 12 km. to the west.

46. An HRA was carried out for the SBLP 2026 and concluded in relation to the above SAC, that there would be no adverse effects provided water abstraction levels and atmospheric pollution did not impact on it. It was concluded there was no potential significant impact on water levels and current conditions assessment of the site conclude any significant air pollution impacts.

47. On this basis the development proposed in the Plan will not have a significant impact and an HRA is not required. Natural England concurred with this view in their letter of 19 January 2016.

48. It is not, therefore, considered that an “appropriate assessment” is required in terms of impact on habitats and the Plan complies with sections 102 of the Conservation of Habitats and Species Regulations 2010 and the associated European directive 92/43/EEC.

49. In relation to human rights issues, there is concern from the owner of a site not chosen for development, that the criteria and scoring assessment for choosing the sites was not the subject of public consultation. Furthermore, the site which was most popular for development was not chosen as a result of the criteria and their method of scoring, which did not take sufficient account of the strength of local opinion.

50. This raises the issue of whether European Convention rights for a “fair hearing” established by Article 6 of the Human Rights Act 1998 have been contravened. I have assessed this concern below in paragraphs 71-79 and 88, below, relating to site selection which contain a comprehensive analysis of the overall effectiveness of the site selection process.

51. I establish below that the lack of consultation with the wider public on the criteria and their weighting in the site selection process does not invalidate the process. The

criteria and their weighting are based on the vision of the Plan and objectives in national and local planning policy which have been the subject of public consultation. However, most importantly, there have been further opportunities for the public to make its views known on this matter at the regulation 14 and 16 stages⁷ of consultation and ultimately the referendum. In these respects therefore I consider the public has been allowed a fair hearing.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

52. The “Basic Conditions Statement” provides a detailed analysis of the conformity of the Plan with national guidance and local strategic planning policies in the NPPF and the Local Plan 2026, respectively. I am satisfied with this analysis and that the Plan is in conformity with this guidance and policies subject to modifications, which are expressed below.

53. In some cases, the Plan does not make explicit reference to National Planning Policy Guidance (NPPG), which has more detailed advice than the NPPF. In some cases this raises issues, which are dealt with below in the detailed analysis of the Plan policies and evidence.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

54. I have made recommendations below in order that the Plan may conform to “basic conditions”. Where I am suggesting modifications I have given reasons.

55. I have taken into account all the representations received during the Plan process. In most cases I have referred to these in general, but in a few instances due to the specific and detailed nature of a particular representation, for ease of reference, I have referred to the author of it by name.

56. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

General

57. A glossary explaining the main technical terms and acronyms would assist the public’s understanding of the document. The NPPF definitions of various terms are a useful reference.

58. The contents page 4 needs to refer to the Appendices, including the glossary.

⁷ Neighbourhood Planning (General) Regulations 2012

RECOMMENDATION 1

**Insert a glossary as a new appendix 5.
Include a reference to the appendices, including the glossary in the Contents on page 4.**

59. The following recommendations are based on the order in which subjects appear in the Plan.

Section1 Background to the Neighbourhood Plan

60. In paragraph 1.3 second sentence there is a need to confirm the plan needs to be in conformity with "local" planning policies

61. In paragraph 1.7 it is necessary to point out that there is a need for a positive vote in the referendum before the Plan becomes part of the formal Development Plan

RECOMMENDATION 2

**In paragraph 3, second sentence insert "local" after higher level.
In paragraph 1.7 at the beginning of the fourth sentence insert "If there is a vote of more than 50% in favour of the plan".**

Section 3 A Vision for Highworth

62. I am satisfied that the "Vision" and the community's objectives have been properly worked up with adequate consultation and are linked to the resulting policies.

63. There is criticism from Mr. Llewellyn that the "Vision" is based on an out-dated 2008 document "Highworth - The Vision' and does not relate to sustainability criteria outlined in the later NPPF.

64. I consider there has been adequate consultation on the "Vision" to allow it to be brought up to date and that "the Vision" includes relevant and current sustainability objectives.

Policy 1: Housing Provision

65. This policy is based on the requirement to meet the housing targets in the SBC Local Plan 2015. It is concluded that a minimum of 112 further homes can be provided on two sites which are proposed as allocations.

Evidence for Site Selection

66. Concerns have been raised in relation to the process and method of site assessment and the resulting choice of the two sites at Crane Furlong and Redlands. I need to assess these concerns and decide whether the Plan conforms to basic conditions and it is appropriate to make the Plan taking into account advice issued by the Secretary of State on site selection.

67. National Planning Policy Guidance states (ID: 41-040-20160211)

“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.”

68. The NPPG (ID: 41-042-20140306) states further that when allocating sites, qualifying bodies should carry out assessment of individual sites against clearly identified criteria including viability.

69. This guidance states further that qualifying bodies in allocating sites should consider impacts on infrastructure (ID: 41-045-20140306)

70. A number of concerns were expressed at the regulation 16 stages of consultation regarding the site selection process and its outcome.

71. There is criticism over the lack of consultation, relevance of the criteria for selection and the manner in which they have been scored to arrive at the preferred sites.

72. The neighbourhood-planning group of the Town Council carried out a site selection procedure which is explained in the “Site Appraisal and Selection” document. A range of sites within or close to the settlement were the subject of public consultation in 2013. There was cross-reference to the SBC’s Strategic Land Availability Assessment (SHLAA) which contained a list of potential residential development sites. These sites were then narrowed down to five which included the Shrivenham Road site as a later addition.

73. In 2015, the Neighbourhood Planning Group enlisted the services of a professional planner to help finalise site selection. A further round of public

consultation on the 5 sites revealed two sites at “The Triangle” and “The Cemetery” where there were substantial public objections and concerns about impact on the hilltop setting.

74. The final stage of site assessment was based on the need to satisfy the Local Plan housing target of 112 dwellings, necessitating the choice of two out of three remaining sites. Criteria were devised and weighted to assess the sites. There is concern, in particular, from the owner of the Shrivenham Road site, Persimmons (Wessex) and Mr. Edwards that these criteria and their weighting were not the subject of public consultation and the outcome is therefore, unrepresentative of local opinion.

75. I do not, however, accept that this is valid criticism which invalidates the value of the evidence and the outcome this process provided. One of the criteria is “local opinion”. There was extensive consultation at the main stages of the process. The chosen criteria are linked, to a significant degree, to the “Vision for Highworth” and the resulting objectives outlined in section 3 of the draft Plan, which were born out of consultation and underpin the Plan.

76. The criteria are credible and reflect sustainability objectives relating to economic, social and environmental matters central to NPPF guidance and which also relate to the constraints of SBLP 2026 policy RA1, to retain the hilltop character of the settlement.

77. The “Site Appraisal and Selection, October 2016” document explains the neighbourhood-planning group collectively weighted the criteria used in the process. The document goes into reasonable detail to explain how the criteria were weighted in the analysis and how the scoring system was applied. The scored outcomes relate reasonably to the merits of the sites I observed on my site visits.

78. There is criticism that the process did not replicate the criteria used in the SBC SHLAA process. It is not necessary for this Plan to do this as long as the criteria and their weighting provide robust evidence. The criteria used are appropriate to this locality. SBC which carried out the SHLAA 2013, has not objected to the site selection process

79. I am satisfied that the criteria and their weighting meet basic conditions and were properly founded on guidance from the Secretary of State and the context of development plan policies.

80. In the “Site Appraisal and Selection” document, table 3 explains that whilst the public favoured the site at Shrivenham Road, the scoring system favours Crane Furlong and Redlands. The essential scored advantages of Crane Furlong and Redlands, in table 3, are in community benefit opportunities; vehicular access is preferable; visual impact on the hilltop setting and character of the town which is a significant factor bearing in mind the need to conform to policy RA1; pedestrian access is more favourable as Shrivenham Road does not have an adequate

pavement although this would be a justified planning obligation.

81. The owner of the Shrivenham Road site, Mr. Arnel and potential developers, Persimmon (Wessex), have raised a number of detailed issues with site selection which they consider has militated against that site. They criticize completing the site assessment after the public had voted on the site choices. However I consider the site selection process was correct in that the public vote in the first instance has to be weighed against the technical criteria. There is a further opportunity for the public to influence the outcome at the final referendum.

82. Mr. Arnel has produced a detailed comparison of drive distances of the Crane Furlong and his site, to main centres of employment in the region, local facilities and schools. These indicate greater distances for Crane Furlong which, in particular, is further from the town centre and schools. Mr. Arnel is concerned that his site is eminently more sustainable in these respects and that this has not been represented in the site selection process.

83. I note the SHLAA 2013 contain quite detailed accessibility criteria, such as some of those referred to by Mr. Arnel, which are not replicated in this Plan's assessment. However, this Plan does use accessibility criteria⁸ such as "Access to town centre on foot", "Pedestrian access routes/ROW maintained or improved" and "Proximity of regular bus services". Whilst not as detailed as Mr. Arnel would wish, these criteria adequately measure the sustainability of the site in relation to access to facilities and transport. I note the sites chosen by this Plan's process also meet the "traffic light system" of "Access to Facilities" criteria in the SHLAA 2013. I do not consider Mr. Arnel's, Persimmon's and others concerns are sufficient to undermine the credibility of the site selection process as a whole.

84. I am aware that SBLP 2026 policy TR2 states that new development should be located and designed to reduce the need to travel and encourage the use of sustainable transport alternatives, particularly walking and cycling, and provide the potential to maximise bus travel. This policy has to be weighed, in particular, in relation to SBLP 2026 policy RA1 and one of its priorities to "maintain the separate identity of Highworth as a hill top market town and respect its landscape setting".

85. The criteria chosen by the Neighbourhood Planning Group adequately reflect both of these policies. I refer above in paragraph 83, that the Plan has three criteria⁹ related to accessibility relevant to policy TR2. It also has three criteria relating to the need to respect the hilltop character, relevant to policy RA1 which are: "Visual impact on hilltop town setting", "housing will suit the character of the town and extension of site boundary causes minimal visual intrusion into the countryside" and "site impact on views out".

⁸ See Table 3 in the SAS

⁹ Table 3, page 16 of "Site Appraisal and Selection, October 2016"

86. I am aware of the comments by the SBC policy officer¹⁰ that there is not an identified 5-year supply of housing land in the Borough and paragraph 49 of the NPPF therefore applies. This states that less weight should be attached to the policies such as RA1 in SBLP 2026 which are relevant for the supply of housing. This argument could be used to favour allocating the Shrivenham Road site as well as the other sites, as a means of solving and providing an acceptable surplus or “buffer”¹¹ of housing land supply at the expense of policy RA1 and retaining the hilltop setting.

87. However this Plan will, if made, make an immediate contribution to solving the housing land deficit and re-affirming development plan policy to protect the hilltop setting. There is no basis to override SBLP policy RA1 on the basis of lack of housing supply. Following my site visit, I consider the Shrivenham Road site is more intrusive into the open countryside beyond the settlement boundary than the proposed site allocations. It is particularly visible from views to the south whereas Redlands is at a lower level and better screened by mature trees. Crane Furlong is clearly less visible and more related to the built form of the town than the other sites.

88. Some representations are concerned that the nature of the consultation process favoured allocation of those sites, which are more distant from existing houses and which were perceived as less of a threat to existing living conditions. I do not consider this criticism is justified. In the first round of consultation whilst there was overwhelming objection to some sites, many of these are valued open space or special designations, protected by existing policies in the SBLP 2016 and not identified in the SHLAA 2013. The remaining 5 sites were the subjects of consultation throughout the Plan area and the site assessment process analyses not only the quantity of objection but also the nature of it. Planning reasons are cited in the “Site Appraisal and Selection” document as to why the sites at the Cemetery and Triangle are not suitable for development. I have commented above that the final assessment of the three sites is considered acceptable.

89. There have been a number of objections to the development of the Redlands site on account of the potential loss to the number of trees and wildlife habitats it supports. I note that no constraints as a result of the ecological and environmental impacts on the site were identified in the SHLAA 2013, apart from it is currently a greenfield site outside the settlement boundary. The screening opinion in relation to a strategic environmental assessment or habitat regulations assessment does not identify a need for either of these assessments. Furthermore, Natural England has not objected to the allocation of the site for development. I, therefore, consider that the allocation of this site meets basic conditions in terms of national guidance and SBLP policies on protecting the trees and wildlife. The brief for the site with my modifications (see below) makes adequate reference to the need to protect these aspects of the site.

¹⁰ Neil Holly’s comments of 2/11/2016, on Shrivenham Rd planning application ref : S/16/1781

¹¹ see paragraph 47 of the NPPF

90. I am satisfied that the site selection process meets basic conditions and was properly founded on guidance from the Secretary of State and the context of development plan policies.

91. It is necessary, however, to further consider issues of viability and delivery which have been raised by a number of objectors to the Crane Furlong site in particular.

Delivery and Viability

92. The NPPF requires that plans contain allocated sites which are deliverable and viable. The NPPG elaborates further (ref: ID: 10-004-20140306) that

“Evidence based judgment: assessing viability requires judgments which are informed by the relevant available facts. It requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market.”

93. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their viability is threatened.

94. I have some concerns that the site allocation process has not taken account of deliverability and viability of the Crane Furlong site. This site has technical constraints as a result of odour from the adjacent sewage works, noise from the adjacent industrial site and unresolved access issues.

95. The Environmental Health officer has raised concerns that

“By moving residential units onto land where noise is effectively attenuating from the estate, we could potentially be creating a problem. At this stage, without some form of assessment to consider the soundscape in the area it is difficult to know what might be possible in terms of development and mitigation but my advice would be cautious with this proposal.”

96. The officer elaborates further in relation to potential problems with odour that complaints have been received in the past but the records of these are incomplete and it is not possible to conclude on the odour issue without a full odour survey.

97. I also note that in the case of approved applications (ref: S/11/0280 & S/RES/12/0640) to develop the site opposite on Pentylands Lane neither odour or noise nuisance was an issue. However, it is realized that the Crane Furlong site is closer to these potential sources of complaint and is down wind of the prevailing southwesterly wind.

98. The Environmental Health Officer concludes that

“Overall, it might prove difficult to mitigate out both the noise and odour concerns but, without more information it is not possible to give a definitive view on this. From an EH perspective it would certainly be more difficult to develop this site than the other sites proposed and if I were to rank them, this site would certainly be the one I would least like to see developed.”

99. Policy 1 proposes 42 dwellings on the site and a design brief which acknowledges a number of constraints including a buffer zone to the industrial site and sewage works to mitigate noise and odour the extent of which is dependent on the results of surveys; a “privacy strip” to the rear of dwellings on Crane Furlong; three access options to be resolved; the need for an archaeological survey; planning obligations to contribute to the provision of the adjacent Multi Use Games Area (MUGA) and skate park, off-site highway works and affordable housing.

100. The extent of these requirements and the uncertainty of the outcome of a detailed planning application raises concern as to the deliverability and viability of this site and the number of dwellings which may be achieved in relation to the SDLP 2026 housing target.

101. I have commented above that the site selection process is satisfactory and the choice of Crane Furlong is acceptable. However, attention also has to be given to the deliverability and viability of this site for residential development. In this respect I agree with Mr. Arnel, the Plan does not take into account the Secretary of States guidance to a sufficient extent.

102. However, I consider this problem can be remedied. During my site visit I did not experience any odour nuisance. There was noise from construction on the site which is clearly temporary. I note that there are a relatively limited number of representations regarding odour and noise during the Plan process, however, it is important to consider the limited extent, over time, of complaints from existing residents about noise or odour. I note also that the SHLAA 2013 does not identify any overriding “constraints to delivery”. I consider there is scope for some odour and noise nuisance but there is a reasonable expectation, given the size of the site, this can be mitigated to acceptable levels.

103. The SBC “Strategic Housing Market Update, 2014”(SHMA) and figure 4 in the Plan illustrate that the Highworth ward is in top quartile of house prices in the Borough and the SHMA confirms overall sales in the area of housing, whilst not at the peak prior to the recession in 2007, are gradually increasing. This is an area where there is a favorable demand for housing.

104. I consider the evidence illustrates there is a strong likelihood that residential development can be achieved on this site but the amount of development is uncertain bearing in mind noise, odour and access constraints which have to be the subject of a detailed assessment and agreed mitigation via a planning application. It is the responsibility of the site owner who has put the site forward for consideration to prove that, given these technical constraints, it is capable of a certain level of development.

105. It is estimated that the site can provide 42 dwellings which is 37% of the housing total to be provided. It may transpire the site is not developable to that extent.

106. This situation can be managed over the plan period of 10 years by specific monitoring. The alternative allocated site at Redlands is viable in my view as there are no overriding impediments to development. There is a reasonable prospect on the basis of the SHLAA 2103 that the Redlands site, estimated to provide 70 dwellings which is over half the allocation, will commence in the early years of the Plan.

107. I am mindful that the NPPF states Plans must at least meet the housing targets specified in the Local Plan and that they can exceed these targets in appropriate cases. In view of the relative uncertainty of the level of dwellings which may be delivered on the Crane Furlong site, there has to be a contingency that this situation is reviewed in the early stages of the Plan. The Town Council state in paragraph 1.8 of the draft plan that it will “review progress against the plan at least once every three years”.

108. Guidance in the NPPG states (ref; ID: 41-084-20160519) that “where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust.” Qualifying bodies can update all or part of their Plans during the Plan period.

109. This needs to be made an absolute commitment in a policy to ensure that the sufficient housing land comes forward. If the Crane Furlong site cannot be proven to deliver at least 42 houses and there is inadequate compensatory development from windfall development, then other residential sites should be allocated in the first review of the Plan.

110. Secretary of State advice is that plans should be updated regularly, looking at the short-term changes in housing and economic market conditions. Local authorities’ monitoring information should be shared with qualifying bodies undertaking a neighbourhood plan via the local authorities monitoring so that they can understand how their neighbourhood plan is being implemented (ref: ID: 2a-036-20140306).

111. I am aware of the need for Plans to be clear and establish certainty. I consider in this case the relative uncertainty surrounding the extent of development on the Crane Furlong site is acceptable for a part of the plan period. This is in the overall public interest of seeking to achieve the ambitions of the Plan which considers this site to be preferable for development. I set out my recommendation in these respects in Recommendation 3 below.

Other aspects of Policy 1

112. The reference to the number of dwellings on each site is confusing as it does not indicate the status of these figures which could be read as absolute requirements or aspirations. The figures should be aspirations as site constraints have not been fully established. Reference to the dwelling totals is therefore more appropriate in the development briefs.

113. Policy 1 also requires in its second sentence that development shall comply with the development briefs set out in appendix 1. This is too prescriptive as full consultation has not yet been carried out on detailed development proposals and in some areas the briefs themselves are imprecise. Nevertheless, these briefs are an important guide as to the community's wishes and should be referred to as guidance to be taken into account.

114. It is, however, important that the required mix of development types is made a clear requirement in order to give detailed expression to and conform to the SBLP 2026 Policy H1.

115. The requirement for "any" residential development to provide an appropriate mix of dwelling types is too onerous for smaller scale development where viability is often not easily achieved and there is less scope for flexibility. Furthermore, the Local Plan Policy HA1 requires housing development to reflect the character of the surrounding area which may sometimes preclude a close adherence to the required housing mix. The scope to respond to housing mix policies is more feasible in larger scale development which are more flexible and the 15 dwelling or sites greater than 0.5 hectares threshold for affordable housing, specified in SBLP Policy HA2, would seem an appropriate and consistent threshold.

RECOMMENDATION 3

Insert a new paragraph after 4.1.2 as follows:

"There are particular issues which may constrain development on the allocated site at Crane Furlong, as explained in Appendix 1. This will necessitate close monitoring in the early stages of the Plan to ensure that a level of development can be achieved which meets the housing targets in the 2026(SBLP)."

Modify Policy 1, as follows.

Land at Crane Furlong and Redlands, as shown on Figure 5, is allocated for residential development. Development on these sites should take into account the guidance in the development briefs in Appendix 1 of this Plan.

Proposals on these sites shall provide a mix of dwelling types for both affordable and open market dwellings to conform to the current evidenced housing need in Highworth in the briefs in appendix 1 or the latest available survey.

Residential development will be allowed on other sites within the settlement boundary in accordance with policy 3, below, and other policies in this Plan and the SBLP 2026.

The Plan shall be monitored every three years by the Town Council in consultation with Swindon Borough Council with respect to the housing allocations and the ability to meet the Plan's housing targets, in a reasonable and consistent manner, through the Plan period.

In the event that within 3 years of the date this Plan is made, it is not proven, by the grant of planning permission that the site at Crane Furlong is able to deliver the requisite number of dwellings to meet objectively assessed housing supply targets for the Plan area, the Plan shall be updated to demonstrate how the housing targets for the Plan area can be met.

Site Development Briefs Appendix 1

116. I stated above that these briefs should be considered as guidance rather than absolute requirements. This requires some changes in emphasis and wording in some instances.

117. My full recommendations on the briefs are below in Recommendation 4.

Development Brief for Crane Furlong

118. The map is imprecise and potentially misleading in some cases.

119. Reference needs to be made that the buffer zone, as shown, is indicative only. Its extent can only be determined following full noise and odour surveys and access issues are resolved.

120. Nevertheless, it is pertinent to point out in the brief that there is a likely requirement for this. I don't accept the comments on behalf of Southern and Regional Developments that there is no substantiated evidence of potential problems and no need to allow for mitigation measures in the brief. I believe the proximity

alone of these potential sources of “nuisance” warrants the appropriate studies and awareness of potential mitigation measures.

121. The privacy area for existing houses is a legitimate planning concern but the map seems to show it as an area of public space containing a public footpath. It is not apparent why it does not extend to the rear of all properties on Crane Furlong, some of which are at a similar distance from the site boundary to those afforded protection. This is confusing and is better dealt with by deleting the privacy area from the map (retain footpath link) and highlighting in the text, the need to respect neighbours’ privacy and comply with the design principles in SBLP Policy DE1 and the Swindon Residential Design Guide, 2016.

122. The acronym MUGA needs to be clarified in the text.

123. The reference in paragraph 3.2 to odour and noise as “possible” issues is misleading as they are definite issues according to the Environmental Health officer.

124. In paragraph 3.3, it is stated that the Town Council have decided not to release the adjacent land which is to be retained as a Multi-Use Games Area (MUGA) skate park and seating area. However, in paragraph 4.3 the possibility of an access to Lechlade Road is referred to as a potential option. I note that Alison Curtis, SBC’s, Senior Transport Development Management Engineer, stated, in an email of the 3/11/2016 that an access through the MUGA to Lechlade Road was the least favoured and most expensive option. The wording in paragraph 4.3 needs to be altered to be consistent with this highways engineer view.

125. Mr. Edwards has expressed concern that the public has been misled by the removal of the option of the Lechlade Road access after the Regulation 14 stage of consultation in June 2016. I do not consider this has prejudiced public comment as the later options, without the Lechlade Road access, were evident at Regulation 16 stage of publicity and provoked a response on the access issue which has been considered. Furthermore, this matter will be the subject of further public involvement at the referendum.

126. The reference on the map to a MUGA is imprecise and to an extent confusing as the area is allocated as open space below in policy 14, site 6. It is presumptuous to state that it may form a MUGA without further detail as to what form this may take and whether it would conform to draft policy 14 and other statutory policies. I note the site is currently used as a football pitch and informal recreation ground and I support concern from Mr. Edwards that MUGAs can be controversial facilities which need specific consultation, possibly as part of a planning application. It is for these reasons the situation regarding the potential for the future use of the land as a MUGA is clarified.

127. I note there are some concerns from residents in this locality that there is inadequate highway capacity to cope with this development, which will be detrimental to living conditions and create traffic problems. However, SBC has not

raised a technical objection to this site from a highways perspective. I note there are two access options and from my site visit I do not consider there is evidence of overriding problems in terms of highways access and there appears to be adequate capacity to accept the development of the site.

128. The reference to archaeology in paragraph 4.2 needs to acknowledge that identification of any significant archaeological finds may constrain the extent of the developable area.

129. The mix of affordable housing suggested in paragraph 4.4 needs to be qualified by reference to any subsequent updated housing needs studies.

130. In paragraph 4.5, there needs to be a cross reference to the design policies in the SBLP 2026.

131. The advice needs to refer to the need to pay any Community Infrastructure Levy Charges (CIL).

Development brief for Redlands Site

132. Regarding paragraph 1.3 and 3.2, it may not be possible to retain all the trees and hedgerows so the advice needs to be more flexible.

133. In paragraph 2.1 it is necessary to confirm it is the 2013 SHLAA that is being referred to as there will be a number of iterations during the Plan period.

134. The map is indicative but needs to show more precisely the area of significant, mature trees at the southern end of the road frontage to the site, immediately to the north of the Redlands Court access. There is a need for the access to be positioned in a manner which balances the loss of trees, whilst achieving the required visibility, access geometry and pedestrian facilities. The potential position of the access shown on the plan may need to be altered upon detailed consideration. It is not apparent that any detailed investigation has been carried out in these respects. Flexibility needs to be built into the brief and the reference to the access position on the map.

135. The map needs to show where the “safe pedestrian crossing” will link the site to footpath FP16A and the recreation ground.

136. A map needs to show the length of the cycle route between the site and the junction of FP11.

137. The reference to archaeology in paragraph 3.3 needs to acknowledge that identification of any significant archaeological finds may constrain the extent of the developable area.

138. In paragraph 4.3, specify the location of the recreation ground.

139. In paragraph 4.5 an element of flexibility should be introduced. To provide 30% affordable housing in accordance with the SBLP Policy HA2 the figure should be 21 dwellings rather than 24. The reference to executive housing is not based on any evidence apart from the potential to provide lower density housing on parts of the site to protect existing trees. The term “executive housing” is too vague. The last sentence of paragraph 4.5 is also rather vague and should be linked to SBLP 2026 and Policy HA1 which refers to the need to conform to local needs in recognized documents.

140. Some representations refer to the presence of protected species, which needs to be highlighted in the brief.

RECOMMENDATION 4

Crane Furlong Site Development Brief

On the map delete “Privacy area for existing homes” but retain footpath link; In paragraph 3.2, first sentence, delete “possible”.

Insert a new paragraph 4.1, as follows, and renumber the remaining paragraphs as appropriate “The number of dwellings achieved on this site should be a minimum of 42 unless constraints, which may be evidenced as part of a detailed planning application, are identified and require a lesser number.”

In paragraph 4.1, alter the second sentence as follows: “Improvements may include provision of a “Multiple Use Games Area (MUGA), seating areas, planting and drainage works which will have to be considered further, in detail.”

On the map delete reference to “new MUGA provided”

In 4.2 after Thames Water insert “and Environmental Health”. In the second sentence after Environmental Health insert “have” and delete “and Sewage works”.

Insert a new 3rd sentence to paragraph 4.2 as follows: “The map shows an indicative landscape buffer to allow for appropriate mitigation. Its exact extent will depend on the results of the assessments referred to above.”

Insert a final sentence to paragraph 4.2 as follows: “In the event of any archaeological finds appropriate mitigation measures will need to be considered which may constrain the extent of development.”

Delete the first three sentences of paragraph 4.3 and insert the following replacement. “There are two access options via Pentylands Lane and Crane Furlong which are shown on the plan in this appendix.”

Amend paragraph 4.4 as follows: “The housing mix, types and densities of dwellings shall be in accordance with Policy HA1 of the SBLP 2026. It is estimated that 42 dwellings can be provided on the site but this is contingent on the result of the noise and odour assessments. The affordable housing component should be 30% in accordance with Policy HA2 in SBLP 2026. The mix, type and tenure of affordable housing shall be in accordance with the latest housing needs assessment. The current housing needs data produced by Swindon Housing Department indicates that 70% of affordable housing shall be for rent and the remainder should be for shared ownership.”

In paragraph 4.5 delete second sentence and insert “There is a need to protect the privacy of dwellings which currently abut the site and proposed dwellings need to be set back from the boundary to achieve this.”

In section 5, first paragraph town should have a capital “T”.

In section 5 insert as a new second sentence: “It can provide advice on any charges which may be required by the Community Infrastructure Levy (CIL).”

Redlands Site Development Brief

In paragraph 1.3 first sentence delete “all”, insert “most”.

In paragraph 2.1 after SHLAA insert “2013” in both cases in which the term appears.

The map needs to show where the “safe pedestrian crossing” will link the site to FP16A and the recreation ground.

A map (new or existing) needs to show the length of the cycle route between the site and the junction of FP11.

Add the following sentence to the end of paragraph 3.2; “There is a need to provide an ecological survey and mitigation report to determine the presence of any protected species and mitigation measures.”

Insert a final sentence to paragraph 3.3 as follows: “In the event of any archaeological finds appropriate mitigation measures will need to be considered which may constrain the extent of development.”

In paragraph 4.2, insert a new last sentence, “There is a need to position an access which minimizes the loss of trees whilst achieving a design which provides acceptable highway and pedestrian safety.”

The map needs to show the mature trees at the southern end of the road frontage to the site, immediately to the north of the Redlands Court access.

Delete the reference in the map which shows an indicative access position onto the A361.

In paragraph 4.3 specify the location of the recreation ground.

Delete paragraph 4.5 , insert new paragraphs as follows :

“The number of dwellings achieved on this site should be a minimum of 70 unless constraints which may be evidenced as part of a detailed planning application are identified and require a lesser number. In accordance with SBLP policy HA2 , 30% of homes should be affordable. A minimum of three plots for self or custom build should be offered for sale for a minimum of three months at a reasonable price, agreed independently. If there is no interest then these plots can revert to open market housing.”

In the last sentence of paragraph 4.5, delete all after “in line” and insert “with housing needs as expressed in SBLP Policy HA1.”

The overall housing mix on the site will be considered in relation to SBLP 2026, Policy HA1: Mix, Types and Density.”

In paragraph 5 insert as a new second sentence: “It can provide advice on any charges which may be required by the Community Infrastructure Levy (CIL).”

Policy 2: Shared Ownership Housing

141. In the interests of clarity it is necessary to set the broader policy context at the start of the preamble to the policy. Reference should be made at the start to the SBLP policy requirement to provide affordable housing, a part of which should be shared ownership.

142. I have taken into account the comments from the consultants, acting for the owners of the Crane Furlong site, that there is no need to have a policy requiring shared ownership housing. However, I consider the evidence provided justifies the local requirement for shared ownership housing on the basis proposed.

143. The policy needs some grammatical adjustment in the interests of clarity. It is advisable in the interests of future clarity that the current evidence for shared ownership housing is not expressed as part of the policy, but rather referred to in the supporting text.

144. The reference to the source of table 1 is rather vague as it refers to an email. This reference needs to be clarified as to which “Help to Buy South Report”.

145. It is not clear why, figure 4 Table 2 and the supporting text in paragraphs 4.1.4 and 4.1.5 have been included in the Plan. This information relates to the need for affordable housing and does not relate directly to a specific policy in this Plan. This information relates to broader housing needs requirements which are in the SBLP 2016 Policies HA1 and HA2. It is therefore confusing to have this information in this Plan as it is not clear what purpose it serves. This information should be deleted and the supporting text amended accordingly.

RECOMMENDATION 5

Delete the following paragraphs and tables 4.1.3, 4.1.4 (not Policy 2), table 2 and 4.1.5, renumber subsequent tables as appropriate.

Insert the following new paragraphs

“4.1.3 The SBLP 2026 policy HA2 states that on all developments of 15 homes or more, or on sites larger than 0.5 hectares, and subject to economic viability assessment, a target of 30% affordable homes should be provided on-site. Where it can be robustly demonstrated that on-site provision is not suitable, a proportionate contribution should be provided towards affordable homes off-site. Policy HA2 also requires that the affordable housing shall be of a mix and tenure that reflects local need.

4.1.4 Affordable housing, of which shared ownership is one type, is also generally in high demand in Highworth. It is expected that around 70% of affordable housing will be available to rent in line with the evidenced need (SBC Housing Department August 2016).

4.1.5 Evidence of housing need shows a demand in Highworth for shared ownership properties (table 1 below). This method of purchase, by allowing a part of the property to be bought and part rented, assists people into owner-occupation who can't afford the full market price of a dwelling. The cost of housing in Highworth is above average for Swindon Borough, as figure 4 shows, and has risen more since 2001. Fourteen shared ownership properties were built in Swindon in the last financial year under the government “Help to Buy” scheme (Help to Buy South Report 2016). In accordance with SBLP Policy HA2 shared ownership housing is required in the Plan area which meets the evidenced demand. The current figures indicate that 30% of affordable housing is suitable for shared ownership and that 2 and 3 bedroomed houses are the priority.”

Amend policy 2 as follows “When affordable housing is required under Swindon Borough Councils Local Plan 2026, Policy HA2, shared ownership housing shall be provided as part of the affordable housing provision in accordance with the evidenced demand at the time.”

Policy 3: Rural Settlement Boundary

146. The title “Rural Settlement Boundary” would be more relevant if it was altered to include reference to Development, in general. Readers of the plan will therefore be drawn to the wider relevance of the policy more readily if the title includes reference to “Development”, in general.

147. The extension of the boundary into the countryside is based on criteria, which amongst other objectives, are consistent with the intentions of the SBLP 2026 Policy RA1 to minimize the intrusion into the landscape setting of the town and maintain its hill top identity. The extensions to the boundary are required to accept the residential development allocated to Highworth in the SBLP 2026.

148. The representation from Turley, planning consultants, on behalf of the landowner of land to the north of the Blackworth Industrial Estate at Lechlade Road is to extend the settlement boundary as proposed to the north, in order to “facilitate the development of the site for approximately 2,000 sq. of commercial development, including retail”. It is submitted that a wider mix of commercial uses, including retail, beyond B Class uses, would add certainty to “delivery” on the site, facilitate further employment uses on the larger site and improve the economic prosperity and sustainability of Highworth.

149. This proposal is contrary to the SBLP 2026 Policy RA1, which allocates this site and a larger area for B Use Class employment use, with no more than 50% of it being used for B8 Use Class. This allocation is based on the need to provide an appropriate balance of employment opportunities to serve the town.

150. Blackworth is also listed as a key employment area by SBLP Policy EC2 where the intention is to protect the industrial site for B1, B2, B8 and appropriate “sui generis uses” and assist with the regeneration of Swindon central area.

151. The supporting text to the policy needs to refer more closely to the SDLP Policy SD2 which sets the overall policy context and advises the reader of the planning policy both within and outside the settlement boundary.

152. The sensitive hilltop setting notation on figure 5 and referred to in the policy seeks to highlight a particular aspect of the character of the hilltop setting. However apart from defining this on the map (figure5) it is unrelated to any specific policy requirements.

153. Some representees also raise concern on the basis that its definition is not directly supported by any visual, landscape or heritage appraisal. The Plan makes reference in paragraph 4.1.7 to evidence relating to the “important views” work which highlights that views from the north and east out of the settlement “best illustrate the town’s hilltop setting”. However there is no detailed analysis to support this assertion.

154. I agree with SBC that the precise boundary implies that areas not marked with the dashed black line have less sensitivity or character which could create problems

in applying Policy 17 in the Plan relating to design, to protect the hilltop setting.

155. I consider that on account of the limited evidence and lack of detailed policy implications as to the significance of the notation on the map that it be deleted.

RECOMMENDATION 6

Re-title Policy 3 as "Development and the Rural Settlement Boundary".

Insert as a new paragraph 4.1.7 "The settlement boundary defines the policy differentiation in the SBLP 2026 between the ability to carry out certain forms of infill within the settlement whilst complying with policies relating to the rural countryside outside of the settlement. Policy SBLP SD2 is the main reference in these respects, although there are other relevant policies relating to specific development types."

In Policy 3, delete the second paragraph and delete the sensitive hilltop setting notation from Figure 5.

Policy 4: Town Centre

156. This policy is consistent with SBLP Policy RA1 to maintain and enhance the economic function of the town centre.

157 There needs to be a qualification in the policy wording that recognizes the need for the improvements to be in the interest of the commercial vitality and viability of the town centre.

RECOMMENDATION 7

In the last sentence after "experience" insert "commercial vitality and viability".

Policy 5: Promoting Tourism and related facilities

158. The desire of the Town Council to seek to promote tourism and realise the particular local potential for this in the interests of the economic well-being of the town is in line with the SBLP 2026 Policy RA1. SBC support the variation to SBLP 2026 Policy EC3 which limits non-A1 uses and seeks to maintain A1 uses at 70% of shop frontages in the primary rural centres such as Highworth.

159. I agree with SBC that reducing the 70% requirement of A1 retail uses effectively to 51% to allow A3 daytime uses which are food and drink related and particularly complement tourism, is acceptable. In terms of "basic conditions" and the need for this Plan to be in general conformity with the development plan this is a relatively modest modification of development plan policy. This modification is responding to

local circumstances, evidenced proportionately and will not undermine the overall integrity of the SBLP 2026.

160. The role daytime A3 uses can play in fostering tourism needs to be explained in the supporting text a little more extensively to provide the required justification. The term “A3 uses” only refers to restaurants and cafes which needs to be made more explicit.

161. It is acceptable for the Plan to limit this exception to daytime A3 uses rather than extend it to night-time uses such as A4 (public houses) and A5 (hot food takeaways). To extend it to these more night-time orientated uses could prejudice footfall in the centre and be contrary to SBLP 2026 Policies RA1 and EC3.

162. However, SBC have pointed out that the nuance of SBLP policy EC3e allows the loss of A1 use even when the 70% level is not achieved, where it can be proven that the site has been marketed for A1 uses for at least a year and that the proposed use is appropriate for its location. It is necessary to clarify in the supporting text, that other proposals involving loss of A1 retail in the primary rural centre, may be allowed under criteria EC3e.

163. The policy needs to be made more precise. The reference in the second sentence to other tourist facilities is vague. It is more appropriate to refer to these other tourist-related proposals in the supporting text.

164. The policy needs to be more precisely titled to ensure its relationship to the SDLP 2026 is clear.

165. The term “A3 uses that will service and attract visitors” is imprecise and should be deleted. It is reasonable to assume that all daytime A3 uses which relate to restaurants and cafes will serve the tourist industry to a sufficient extent.

166. There are some minor discrepancies in the boundaries of the Primary Rural Centre as shown on figure 6 in the plan and on Map 4 in the SDLP 2026.

RECOMMENDATION 8

At the end of paragraph 4.2.7, last sentence after A3 daytime add “restaurant and café uses which are necessary to support tourism. Similar evening uses have less of a role in supporting tourists in the town which does not have a significant evening economy.”

Insert a new paragraph after 4.2.9 “Other proposals within the Primary Rural Centre and outside of it, which are tourist related, fall generally to be considered in relation to further policies in the SBLP 2026, in particular, Policies EC3: The role of the Centres and Main Town Centre Uses, RA1: Highworth, EC4: Conversions of Buildings to Employment Use in the

Countryside and EC5: Farm Diversification.”

Re-title the policy as “Policy 5: Proposals for Daytime Cafes and Restaurants Uses (A3) in the Primary Rural Centre”

Rewrite the policy as follows: “Within the defined Primary Rural Centre, daytime A3 uses (restaurants and cafes) will be encouraged, provided that A1 retail uses occupy at least 51% of the street frontage.”

Policy 6 Promoting Employment Opportunities in Highworth

167. A significant number of the bullet points in the policy are either covered by existing policies in the SBLP 2026 or are aspirational and do not qualify as policies.

168. I agree with SBC in their response to the “regulation 14 consultation”, as summarised in the submitted “Statement of Community Involvement” that there is no need to repeat as a policy the bullet points 1 and 3 relating to protection of Blackworth Industrial estate (ref: Policy EC2) and maintaining and enhancing community facilities (ref: Policy CM4).

169. The second bullet point is too vague in its general reference to “employment opportunities” and fails to acknowledge the role of the SBLP 2026. The desire to promote employment in this general sense is more appropriate as supporting text rather than a policy.

170. The encouragement of potential employers and the development of skills initiatives in bullet points 4 and 6, are not related sufficiently to land use and are unsuitable for inclusion as planning policies.

171. The bullet point 5 is not specific enough to provide a worthwhile policy and the need to develop the town as a sustainable entity with a range of services is recognized in SBLP 2026 Policies EC1, EC2, EC3 and RA1.

172. I do not accept the Town Council’s view in the regulation 14 consultation response that the policy needs to repeat SBLP policies in order to be informative and comprehensive. Partial duplication of policies in a neighbourhood plan policy format out of context with the development plan may lead people to think other policies in that plan are not relevant. However, I do agree it is important to sign post these policies in certain cases in supporting text and I have recommended this below. The aspirations to promote employment can be included in the Plan but must be distinguished from the formal policies to conform to basic conditions.

RECOMMENDATION 9

Delete the final sentence in paragraph 4.2.15 and policy 6, Insert new paragraphs after para 4.2.15 as follows :

“This plan supports the policies in the SBLP 2026 which are concerned to develop the town as a sustainable community offering economic opportunities and levels of community infrastructure and social capital to ensure it continues as an attractive place to live for new and existing residents.

**The Town Council will support proposals which conform to SBLP policies concerned with delivering sustainable economic growth. These are:
EC1: Economic Growth through Existing Business and Inward Investment
EC2: Employment Land and Premises (B Use Classes)
EC3: The Role of the Centres and Main Town Centre Uses
EC4: Conversions of Buildings to Employment Use in the Countryside
EC5: Farm Diversification**

The Town Council is particularly keen to promote employment opportunities on mixed-use development sites, live–work units and homeworking. It also supports the extension and promotion of community and leisure facilities to provide employment and the setting up or improving of initiatives to develop skills and employment opportunities.

Opportunities for employment which enhance the town and prevent the loss of key services will be encouraged.”

Policy 7: Transport and Traffic Management

173. This is an aspiration rather than a policy and should be distinguished as such.

RECOMMENDATION 10

Take the words in the box titled Policy 7: Transport and Traffic Management and turn into a paragraph so they are not in the format of a policy.

Policy 8: Rights of Way Network

174. This relates to development proposals and is appropriate for inclusion in the Plan. The promotion of different modes of sustainable transport is a thread running through national and local planning policy (ref: Policy TR1 in SBLP 2026).

175. The Ramblers have identified a further “missing link” in the footpath network, which should be identified in figure 10 on page 27.

RECOMMENDATION 11

Insert the missing link on Figure 10 which relates to the B4019 between the unclassified road leading to Common farm and the footpath which runs in a south–easterly direction from Eastrop Farm, as identified by the Ramblers in their regulation 16 consultation response.

Policy 9: Potential Cycle and Recreational Routes

176. The ambition to protect and fund cycle routes as part of the consideration of development proposals is, again, in line with national and local transport policy (ref: Policy TR1 in SBLP 2026).

177. There is a minor mis-reference in paragraph 4.3.11. Figure 3 should be Figure 9.

RECOMMENDATION 12

The reference in paragraph 4.3.11 relating to “Figure 3” should be “Figure 9”.

Policy 10: Protecting Community Assets

178. This policy is providing a local dimension to SBLP Policy CM4 “Maintaining and Enhancing Community Facilities”. The proposed policy duplicates much of Policy CM4 but provides, in addition, a local list of community assets.

179. I agree with SBC in their comments at regulation 14 consultation stage that in this case because the policies are directly related it is necessary to cross-refer to that policy and then list the local assets which have been identified. I consider there should be a qualification that this list is not exclusive to take account of new community assets identified in the Plan period.

180. The listing and description of the facilities identified by the Town Council is adequate evidence bearing in mind the policy allows for removal of facilities which are not viable or valued. The policy needs to be amended to clarify viability is not just economic but the extent of community use as well.

RECOMMENDATION 13

The final paragraph in 4.4.1 second sentence insert “are” before popular.

Insert new paragraphs after 4.4.1 (i.e. after the paragraph on schools) as follows:

“The SBLP 2026 Policy CM4 offers protection to community facilities which are viable and popular. Their loss is not allowed unless it can be proven they have

been properly marketed for at least a year with no response and that an alternative facility exists nearby or the facility is no longer required.

The Town Council is concerned to support this policy and has identified, in the Plan process, a list of local facilities to which the policy applies. This list is not exclusive but is referred to in the policy below.”

Reword Policy 10, as follows:

“Policy 10: Maintaining and Enhancing Community Facilities Proposals for new or extended community facilities and involving the loss of such facilities will be considered in relation to SBLP policy CM4 and other relevant policies, including those in this Plan.

Local facilities to which this policy relates have been identified as follows. This list is not exclusive.

Highworth Recreation Centre
Town Council Offices
St. Michael’s Church Hall, old coach house
St. Michael’s Hall, paradise PATH
Highworth Methodist Church
United Reform Church
The Library
Highworth Community Centre
Youth and Community Centre

Development proposals to sustain or extend the viable use of existing community facilities and the development of new facilities will normally be supported if they comply with other policies in the development plan.

Development proposals that will result in the loss, or significant reduction in the scale and value of a community facility will not be permitted, unless alternative facilities of equal or better accessibility, size and suitability are provided. If it cannot be demonstrated that the operation of the asset is not in demand by the community or no longer economically viable, and it has been marketed at a reasonable price for at least a year for that, or any other suitable community facility use and no interest in acquisition has been expressed, then alternatives may be considered.

Policy 11: Local Historic Heritage

181. The map included as Figure 12 is reproduced at poor definition. For example, it is difficult to distinguish the listed buildings and key buildings of interest.

182. The policy is very general and does not identify any new non-designated heritage assets. It repeats policies in the NPPF and SBLP 2026 Policy EN10 which

is concerned to protect both designated and non-designated heritage assets subject to a number of provisions. The Plan policy does not explain or add to the nuances of these policies and is, therefore, contrary to basic conditions, as it does not properly represent the higher level policies. Furthermore, it does not add anything new and is potentially confusing. The policy should therefore be deleted.

183. The Plan can usefully cross refer to NPPF and SBLP policies to emphasise their importance. There should be added reference to the Swindon Residential Design Guide 2016.

RECOMMENDATION 14

Reproduce Figure 12 with more definition, in order that listed buildings and key buildings of interest are more easily distinguishable.

Add a further sentence to paragraph 4.4.2.1: “The Swindon Residential Design Guide 2016 is also an important reference point.”

Delete the last sentence from paragraph 4.4.2.2 Add the following in place of it: “The Town Council is concerned to ensure that all buildings which are considered as heritage assets are afforded protection from unsympathetic development proposals by close consideration in relation to policies in the NPPF (Section 12 Conserving and enhancing the historic environment) and local policies as referred to above in paragraph 4.4.2.1.”

Delete Policy 11 as written.

Policy 12: Community Infrastructure priorities to be funded from Developer Contributions

184. This is a useful identification of local priorities but it is not precise enough to constitute a policy as the list of projects is not exclusive and they are not defined in sufficient detail. The policy can form an aspiration and a guide to the local community.

185. The supporting text needs to explain the Community Infrastructure Levy (CIL) process in relation to neighbourhood planning as referred to in the NPPG (ref: ID: 41-003-20140306). Section 106 contributions have to be “directly related” to the particular circumstances of a development (ref :NPPF paragraph 204) and are, therefore, inappropriate for inclusion in a general list.

186. The reference to consideration of heritage assets is unclear and should be deleted. Policy EN10 relates to consideration of development proposals and does not have implications for developer contributions.

187. In the priority list the reference to a Town Centre Regeneration Feasibility Study does not constitute as infrastructure and cannot be funded via CIL.

RECOMMENDATION 15

Delete “Policy 12” in the first sentence.

Delete the second sentence and replace as follows:

“The Town Council can benefit from 25% of the revenues from the Community Infrastructure Levy(CIL) arising from the development that takes place in the Plan area.”

Delete the last sentence from paragraph 4.4.3.

Reformat the Policy 12 box as a list and not a policy. Delete the words “Policy 12” from the text. Reword the sentence preceding the list, as follows:

“ Financial contributions received by the Town Council from the Community Infrastructure levy (CIL) will be allocated to community priorities agreed at the time and may include, but not exclusively, the projects listed below.

Reword the first bullet as:

- **“ Works required in relation to town centre regeneration”**

Policy 13: Local Green Spaces

188. The identification of local green spaces for protection in neighbourhood plans is recommended in the NPPF (paragraph 77) in accordance with the following principles:

“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land “

189. The NPPF in paragraph 78 states that policies that apply to them should be “consistent with policy for Green Belts” which are essentially outlined in paragraph 89. This application of green belt policy is a stricter regime of control than that applied to open space areas in the SBLP 2026, Policy EN3b. The SBLP policy allows development on open spaces in a wider set of circumstances where it is

ancillary or it can be swapped for compensatory open space provision elsewhere. The role of green spaces is concerned to offer full protection to small areas of land, protect their permanence and “openness”.

190. In order to take into account government guidance it is important to carefully differentiate these two types of designation.

191. I share SBC’s concerns expressed at regulation 16 stage that the wording in Policy 13 is not in accord with the Green Belt policy approach as it doesn’t refer to the need to protect “openness” and other nuances of policy as expressed in paragraph 89.

192. SBC also have concerns about including the “Recreation Grounds - Upper and Lower Fields” as green space. They state it is designated as open space in the SBLP 2026 Proposals map and is already afforded protection by Policy EN3. The extra green belt level of protection would be contrary to the terms of Policy EN3b which in some circumstances allows development which would not be allowed by NPPF green belt policy as it applies to green spaces. I agree with SBC and it is, therefore, necessary for this site to be deleted from the green space list and added to the open space list in Policy 14. SBC state that there are ambitions to enhance facilities on this site but this has not influenced my view that the proposal as a green space conflicts with Policy EN3b.

193. The same principle applies to Pentylands Country Park which although not mentioned by SBC is shown as open space on the SBLP 2026 proposals map and is therefore subject to Policy EN3b.

RECOMMENDATION 16

Delete “Pentylands Country Park and Recreation Ground Upper and Lower Fields” and put them in the list to which Policy 14 applies.

In the policy wording replace the sentence after the list with a new sentence, as follows:

“Development on Local Green Spaces will be considered in the same manner as development in the green belt as explained in the National Planning Policy Framework (NPPF) , section 9. This establishes a presumption of resisting most forms of development which is detrimental to the openness and character of the green spaces.”

Amend Figure 13 as appropriate.

Policy 14: Open Space

192. This policy refers to many of the open spaces shown on the SBLP 2026 proposals map and covered by Policy EN3. However, this Plan and the SBLP 2026

are not entirely consistent which is confusing. I suggest there is cross reference in the Plan policy and Figure 14 is amended to include all the open space designations in both plans.

193. The text of the policy should replicate that in SBLP 2026 Policy EN3b in order that, in this case, as the policies overlap closely, there is absolute consistency.

194. SBC, Head of Property Assets has requested that the Highworth Recreation Ground local green space allocation be either converted to open space or the boundary of the green space be redrawn to allow for development of an area, either side of the access and to allow potential for redevelopment of the changing rooms.

195. It is recommended that the green space is re-allocated as open space for the reasons specified above. However, the idea of redrawing the boundary is not supported. The area at the access, whilst not in active recreational use, is not adjacent to the proposed settlement boundary and may be needed at some stage in the future to allow for development of facilities at the recreation ground. The inclusion of the clubhouse and car park in the open space designation does not preclude development, which would benefit the open space, and its use.

RECOMMENDATION 17

Transfer the descriptions of Pentylands Country Park and Recreation Ground Upper and Lower Fields from the list under paragraph 4.5.2 to the list under paragraph 4.5.3

Alter the text of policy 14 , as follows:

Public open space assets defined on the Figure 14 will be protected from development unless:
it can be demonstrated that alternative provision can be made locally of equivalent or better size, quality and accessibility; or
the proposed development is ancillary to the main use of the site and protects its public open space function; or
the proposed development is subject to an open space appraisal to ensure it does not adversely affect local needs and/or existing quality of open space within the area in accordance with the Council's Standards, as set out in Appendix 3 (of SBLP 2026) and in the most recent Open Space Audit and Assessment; or
when assessed against the open space appraisal, the proposed development provides community benefit which outweighs the loss of open space.

Add to the list "Pentylands Country Park and Recreation Ground Upper and Lower Fields" and any site shown on the SBLP 2026 Proposals Map 4 Highworth.

Ensure all these sites are plotted on Figure 14.

Policy 15: Protection of Trees and Hedgerows

196. The controls over works to trees need to be referenced in order to present a comprehensive succinct overview of national and local policy.

197. The proposed policy is too imprecise and inflexible. The reference to “ancient” trees is too general. The policy indicates felling of any trees of amenity value will not be permitted which is not always the case. Development of the allocated sites will require some limited felling of trees of value.

RECOMMENDATION 18

Insert a new paragraph after 4.5.4.3 as follows “Trees which are covered by Tree Preservation Orders (TPO’s) and those in Conservation Areas are subject to specific control.

Many trees, however, are not subject to these controls and when affected by development proposals are covered by the following policy.”

Rewrite Policy 15 as follows:

“Development proposals must seek to retain trees and hedgerows of amenity value whenever possible.

Development proposals affecting trees and hedgerows must be accompanied by an arboricultural survey which justifies any felling in terms of the health of trees or danger presented by any tree as a result of its condition or position. Trees to be retained must be the subject of proposals for their protection during construction.”

Policy 16: Local Wildlife and Biodiversity

198. This policy is based on county wildlife designations and is acceptable in terms of basic conditions.

199. Regionally Important Geological Sites are more appropriate for inclusion in Policy 17 which relates to built design.

RECOMMENDATION 19

Delete “as are the regionally important geological sites”

Policy 17: Good Locally-Responsive Design

200. The word “good’ in the title is inappropriate as it is a subjective term. The title should simply refer to ‘local design policy’.

201. It is important to set these local design policies in the context of the development plan design policies.

202. The supporting text needs to make reference to the conservation areas in Sevenhampton and Hampton.

203. The policy should be worded more flexibly. There is an element of judgment in appraising design and the use of the term “comply’ is too prescriptive.

204. Only significant iconic views in the public realm can be afforded specific protection as a material planning consideration. Planning control as it relates to views is based on protecting the landscape and built character of a locality. The evidence submitted and photographs of various views are of limited quality and unrelated to a landscape visual assessment. It is difficult to appreciate how this evidence may be used to justify consideration of proposals which had an impact on specific views. The design guidelines would be more appropriate if they referred generally to protection of the hilltop setting and landscape character of the town.

205. The national space standards can only be applied after they have been incorporated in a Local Plan in accordance with advice in Ministerial Statement of March 2015. This has not yet been done so these requirements are only advisory.

206. There should be cross reference to the Swindon Residential Design Guide 2016, Highworth Conservation Area Appraisal and Management Plan (CAAMP), Hampton CAAMP and Sevenhampton CAAMP.

RECOMMENDATION 20

Change title in 4.5.6 to “Locally- Responsive Design”.

Insert new paragraphs as follows:

“4.5.6 The hilltop location of Highworth is special and the town has a unique character. The surrounding open rural landscape requires a careful design assessment of all developments.

4.5.6.1 The SBLP 2026 and the Swindon Residential Design Guide 2016 are important references in design assessments.

4.5.6.2 There are conservation areas in Hampton and Sevenhampton where development should preserve and enhance their traditional character. Each of

these areas has an appraisal and management plan which highlights features and buildings of significance which have to be taken into account.”

Renumber the remaining existing paragraphs.

At the beginning of existing paragraph 4.5.6.1 insert before Conservation Appraisal the word “Highworth”.

In existing paragraph 4.5.6.1 delete “Conservation Appraisal” and insert “Highworth Conservation Area Appraisal and Management Plan (CAAMP)”.

In existing paragraph 4.5.6.2 insert at the start of the second sentence “The landscape character and the”

Change the title of the policy to “Policy 17: Locally - Responsive Design”.

Delete the first sentence and insert “Design of development proposals should take into account the following guidelines:”

Insert new first bullet as follows:

Policies in the SBLP 2026 in particular Policy DE1: High Quality Design; Policy DE2: Sustainable Construction; EN5: Landscape Character and Historical Landscape; Policy EN10: Historic Environment and Heritage Assets and the Swindon Residential Design Guide 2016.

Insert new second bullet as follows: “In Conservation Areas the respective Conservation Area Appraisal and Management Plans will be an important reference in design assessments” and

Alter the existing first bullet point as follows: “The impact of development on landscape character and important views will be taken into account and resisted where it is unduly intrusive or unrelated to existing features;” and

Alter the existing third bullet point as follows: “The local building materials of stone and red brick are the preferred main elevation materials particularly development which is prominent in the public realm;” and

Alter the sixth bullet point as follows: delete the first sentence

Add an extra bullet “The need to protect Regionally Important Geological Sites”

References

RECOMMENDATION 21

Insert “Swindon Residential Design Guide 2016” and “Strategic Housing Land Availability Assessment 2013”.

SUMMARY

207. I have completed an independent examination of the Neighbourhood Development Plan.

208. The Town Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

209. I have recommended modifications to the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision making in accordance with the National Planning Policy Framework and local development plans policies.

210. Subject to these modifications, I am satisfied that the plan meets the basic conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

211. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

212. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

213. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

214. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by Swindon Borough Council.

215. I am therefore pleased to recommend that the Highworth Neighbourhood

Development Plan, as modified by my recommendations, should proceed to a referendum. I see no reason why the area for the referendum should be altered or extended.