

# **Stratton St Margaret Neighbourhood Plan**

## **Independent Examiner's Report**

May 2020

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## **Summary**

I have been appointed by Swindon Borough Council to carry out an independent examination of the Stratton St Margaret Neighbourhood Plan.

The examination was carried out in January 2020 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 11 January 2020.

The plan is based on engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. Stratton St Margaret is a large urban parish which forms part of the wider Swindon Urban Area and an important residential and employment area for the town , and is home to a number of large national employers. The plan does not make any new allocations for housing or jobs, but seeks to conserve and enhance the services and facilities which already exist in the parish.

Subject to a number of modifications set out in this report, I conclude that the Stratton St Margaret Neighbourhood Plan meets the basic conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

Barbara Maksymiw

Independent Examiner

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## **1. Introduction**

1. Neighbourhood planning is a relatively new process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. Stratton St Margaret Parish is situated in Wiltshire and lies two miles to north east of Swindon Town Centre. The parish was once a separate village with a distinct Victorian history, but it now forms part of the greater Swindon urban area. By the 2011 census, its population had reached over 19,000 and it is an important employment location for the District as whole. Several strategic policy areas, designed to accommodate growth pressures in Swindon, lie outside the Parish boundary but will impact on the parish as they widen the extent of the urban area around it.

3. The purpose of this report is to assess whether the Stratton St Margaret Neighbourhood Plan (NP) complies with the relevant legislation and meets the Basic Conditions, which such plans are required to meet. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

4. The report also makes a recommendation about whether the NP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NP can be “made” by Swindon Borough Council and so become part of the wider development plan and then used by Swindon Borough Council to determine planning applications in the plan area.

## **2. Appointment of the independent examiner**

5. I have been appointed by Swindon Borough Council, with the agreement of Stratton St Margaret Parish Council to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no interest in the area that might be affected by the plan.

## **3. The role of the independent examiner**

6. The role of the independent examiner is to ensure that the submitted NP meets the Basic Conditions together with a number of legal requirements.

7. In examining the NP I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check<sup>1</sup> that :

- the policies in the plan relate to the development and use of land for a designated neighbourhood area: and
- the policies in the plan meet the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed by a qualifying body

8. I must also consider whether the NP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions<sup>2</sup> if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

9. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood plan is not likely to have significant effects on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as

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1 Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended)

2 As defined in the Conservation of Habitats and Species Regulations 2012

3 As defined in the Offshore Marine Conservation (Natural Habitats etc) Regulations 2007

it is not about a neighbourhood development order).

10. A further Basic Condition was added by legislation on 28 December 2018. The Neighbourhood Planning (General) Regulations 2012 para 1 states:

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

11. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

12. The independent examiner can only recommend modifications to ensure that the NP meets the Basic Conditions and other legislative requirements, or for the purpose of correcting errors.

13. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

14. Swindon Borough Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

#### **4. Compliance with matters other than the basic conditions**

15. Stratton St Margaret Parish Council applied for the Parish to be designated as a neighbourhood

planning area in 2013. On 25 November 2013 Swindon Borough Council designated Stratton St Margaret Parish as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. It was then re-designated on 4 August 2015 following the establishment of Nythe Parish Council. It was then re-designated for a second time in May 2018 in order to reflect changes to the parish boundary implemented by the 2016 parish governance review. The designated area reflects the revised parish boundary and does not cover any other Neighbourhood Area and the qualifying body is Stratton St Margaret Parish Council. I noted however, that the boundary of the Neighbourhood Plan area on the Swindon Borough Council website was out of date. This should be updated.

- **Recommendation : Update boundary of Neighbourhood Plan area on Swindon Borough Council to that approved in May 2018**

16. The Stratton St Margaret NP covers the period from 2019-2026, which accords with the plan period set by the adopted Swindon Local Plan ie up to 2026. This is a short time frame for a Neighbourhood Plan and I have commented on this further in paragraphs 64-69 below.

17. The preparation of the plan has been managed by a Steering Group made up of equal numbers of Parish Councillors and community volunteers , supplemented by planning consultant support from Andrea Pellegram.

18. I am satisfied that the NP includes policies that relate to the development and use of land and does not include provision for any excluded development. The Stratton St Margaret NP therefore meets the requirements set out in para 7 above.

## **5. The examination process**

19. The documents which I considered during the course of the examination are listed in Appendix 1.

20. The general rule<sup>5</sup> is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Stratton St Margaret NP could be examined without the need for a public hearing.

21. During the course of the examination it was necessary to clarify several matters with Swindon

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<sup>5</sup> PPG para 004 ref id 41-004-20140306

Council and the Parish Council. These are set out in Appendix 2 to this report. I was provided with helpful responses to my questions and I am satisfied that I had all the information I required to carry out the examination.

22. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 11 January 2020.

23. The plan has been assessed against the guidance in the National Planning Policy Framework (NPPF) dated February 2019 in accordance with paragraph 214 of Appendix 1, as the plan was submitted to Swindon Borough Council in autumn 2019.

## **6. Consultation**

### *Consultation process*

24. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the NP will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

25. In line with the Neighbourhood Planning (General) Regulations 2012<sup>6</sup>, the Steering Group has prepared a Consultation Statement for the NP which sets out how the group approached public consultation, who was consulted and the outcomes.

26. Throughout the plan preparation process, the Steering Group sought to consult and engage as wide a range of people as possible and feedback has been used to inform the content and scope of the plan. The first stage of plan preparation, during 2015, involved initial consultations with developers, economic development interests and the public and social media communications began. More detailed surveys to support the NP and public consultation events followed in 2016 and 2017. In 2018 the preparation of the plan itself got under way, following the final review of the NP boundary.

27. The first formal consultation on the Stratton St Margaret Regulation 14 Draft Neighbourhood

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<sup>6</sup> Regulation 15 of the Neighbourhood Planning (General) Regulations 2012



Development Plan took place in spring 2019.

28. It is clear from the Consultation Statement that the Steering Group has engaged widely with the local community and kept people informed as the plan progressed. This consultation process has helped to develop the vision for the plan and ensure that the community's vision for the Parish has been clearly shaped by the views and priorities of the community. This is:

*In 2026, Stratton St Margaret will be a place that can provide for its economic, social housing, transport, business and community needs within the wider Swindon Borough. The parish will be a vibrant community with a distinct character and sense of place that can develop sustainably into the future*

#### *Representations received*

29. Preparing the NP has involved two statutory six-week periods of public consultation. The first, on the Regulation 14 Draft Plan, took place between 18 March and 11 April 2019. Four written responses were received, one of which was from Swindon Borough Council. A further 51 individual responses were made through the on-line survey monkey system.

30. The second consultation on the Submission Draft NP was managed by Swindon Borough Council and took place between 13 November 2019 and 3 January 2020. This generated seven responses – four from statutory bodies and consultants and three from Swindon Borough Council.

31. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

32. From the evidence in front of me, it is apparent that the Stratton St Margaret NP has been subject to appropriate and extensive community engagement organised by the Steering Group. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

#### **7. Compliance with the basic conditions**

33. In my role as independent examiner I must assess whether the NP meets the Basic Conditions set out in the Regulations as described in paras 7-9 above.

34. I have considered the Stratton St Margaret Neighbourhood Plan Basic Conditions Statement produced by the Steering Group, and other supporting documentation, to assist my assessment which is set out below.

#### *National Policy*

35. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Planning Practice Guidance<sup>7</sup> states that all plans should be prepared positively, be shaped by effective engagement with the local community and contain policies which are clearly written and unambiguous. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

36. Table 1 of the Basic Conditions Statement sets out an assessment of how each of the policies in the NP relates to the relevant paragraphs in the National Planning Policy Framework (NPPF) 2019. I therefore conclude that this Basic Condition is met.

#### *Sustainable development*

37. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF<sup>8</sup>.

38. In response to my query, the Parish Council, has provided some additional text to add to the Basic Conditions Statement to explain how the NP contributes to achieving sustainable development. They suggest that the new text is located immediately after the section entitled "Other EU Obligations". However, as sustainable development sits at the heart of national guidance and is more closely related to and derives from the NPPF, the new text would be better located between the National Planning Policy Framework (2019) section (para 16) and the Conformity with the Development Plan section (para 17). With this amendment, the NP meets the basic conditions.

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<sup>7</sup> Planning Practice Guidance Paragraph: 041 Reference ID: 41-041-20140306

<sup>8</sup> NPPF 2019 Para 16

- **Recommendation : Add the following text to the Basic Conditions Statement as a new section between the National Planning Policy Framework (2019) section (para 16) and the Conformity with the Development Plan section (para 17):**
  - **The Stratton St Margaret NDP delivers sustainable development in all its policies:**
  - **Policy SSM2 seeks to encourage developers of large employment sites within the Parish to engage with the Stratton St Margaret community to ensure that development brings benefits to parishioners in the form of appropriate employment opportunities and the design of major schemes. This policy is read in conjunction with other policies in the NDP. It meets all three sustainability objectives.**
  - **Policy SSM3 seeks to introduce a locally-defined mix of new housing thus meeting the social objective of ensuring that a range of homes can meet the needs of present and future generations.**
  - **Policy SSM4 seeks to protect key community infrastructure to meet the needs of present and future generations, part of the social objective.**
  - **Policy SSM5 seeks to encourage greater walking and cycling in the Parish which meets the economic objective in that it identifies necessary infrastructure, but also encourages non-motorised transport which has a positive effect on how we manage climate change in a low carbon economy. It also meets a social objective in that it seeks to provide accessible services.**
  - **Policy SSM6 seeks to direct local services to neighbourhood clusters so that people can walk or cycle to them, rather than drive to more distant service centres. Like SSM5, this contributes to management of climate change in a low carbon economy.**
  - **Policy SSM7 identifies locally important buildings and assets which meets the social objective by fostering a well-designed environment and protects the Parish’s cultural well-being. It meets the environmental objective in that it seeks to protect the built and historic environment.**
  - **Policy SSM8 contributes to protecting and enhancing the natural environment and seeks to allow provision for allotments which meet the environmental objective of using natural resources prudently.**

*Development Plan*

39. The NP also has to demonstrate that it accords with the strategic policies of the Development Plan. In terms of the wider planning of Swindon Borough Council as a whole, the Neighbourhood

Development Plan has been prepared in the Swindon Borough Local Plan, which was adopted on March 2015. There is therefore an up to date development plan in place. I note also that a review of the Swindon Borough Local Plan is underway and that consultation on the Proposed Submission version of the Local Plan took place between 17 December 2019 and 31 January 2020.

40. Table 2 of the Basic Conditions Statement sets an assessment of how each of the policies in the NP relates to the relevant strategic policies in the Swindon Borough Local Plan. A number of the policies are designed to support and amplify the policies in the Local Plan so that they are relevant to the particular needs and priorities of the parish.

41. In view of the very recent consultation of the emerging Local Plan, I asked Swindon Borough Council to provide an assessment of how the policies in the Neighbourhood Plan comply with those in the emerging Local Plan. This confirmed that the Neighbourhood Plan was broadly aligned with the policies in the new Local Plan. In view of the relatively short life span of the Neighbourhood Plan, once it is adopted, I suggest that a clear statement about how it fits with the emerging Local Plan is added as a new Table 3 to the Basic Conditions Statement along with a short explanatory paragraph. This should be based on the information supplied to me by Swindon Borough Council on 4 March 2020.

- **Recommendation : Add a new Table 3 to the Basic Conditions Statement which sets out how the policies in the Neighbourhood Plan fit with those in the merging Local Plan, along with a short explanatory paragraph. This should be based on the information supplied to me by Swindon Borough Council on 4 March 2020.**

42. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted Swindon Borough Local Plan have generally been carried through to the NP and that it is also broadly in line with the policies in the emerging replacement Local Plan . Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NP is in general conformity with the strategic policies of the development plan and therefore this basic condition is met.

#### *Basic Conditions – conclusions*

43. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Stratton St Margaret NP and I am satisfied that the Plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its

distinctive character while accommodating development needs.

44. At a practical level, however, a few of the policies in the Submission NP need some minor adjustment to ensure that they comply with the NPPF and the strategic guidance in the Swindon Borough Local Plan. I have therefore suggested a number of modifications in Section 8 below to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

#### *European obligations and Human Rights Requirements*

#### *Strategic Environmental Assessment (SEA)*

45. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives.

46. Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination is made by the responsible authority that the plan is not likely to have “significant effects.”

47. A Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion of the Stratton St Margaret NP was carried out by Swindon Borough Council in April 2019 . This concluded that the Stratton St Margaret Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in schedule 1 of the SEA Regulations, and therefore does not require a SEA. It also identifies that there is one internationally designated site within 9km of the Neighbourhood Plan Area. However, as the plan does not allocate sites and is in general conformity with the Swindon Borough Local Plan 2026, the Stratton St Margaret Neighbourhood Plan will not require a HRA.

48. I have considered all the relevant background material and I am therefore satisfied that the submitted Stratton St Margaret NP meets the requirements set out in the SEA Directive so this basic condition is met.

### *Human rights requirements*

49. Page 6 of the Basic Conditions Statement provides a very short statement which confirms that it the Steering Group had sought to reach out to the whole community in preparing the NP and it considers that the NP is compatible with the requirements of EU obligations in relation to human rights.

50. I am satisfied therefore that the NP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

### *Other Directives*

51. I am not aware of any other European Directives that would apply to this NDP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

## **8. Neighbourhood Plan policies**

52. This section of my report considers the NP policies against the basic conditions.

53. The Plan is clearly written and is well presented, with a clear structure distinguished by separate sections. The plan policies are grouped by theme and for each policy there is a short introduction and supporting text followed by the policy itself which is set out in a coloured text box. This is an easy to follow approach and the Steering Group are to be commended on the presentation of the policies and the maps which support the plan.

54. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance<sup>9</sup> are met. However, some of the policies refer to development outside the NP area which may impact on the plan area and I have commented on these policies in paragraphs 71-74 below.

55. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions.

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<sup>9</sup> Planning Practice Guidance PPG para 004

Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the Plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

### *Background*

56. This section explains the background to the plan and summarises the various stages which the Plan has gone through. This is very useful background material and I have no comments to make.

### *Foreword and Introduction*

57. These sections introduce the Neighbourhood Plan, explains why a NP is being prepared and the approach taken to community involvement. I have no comments to make.

### *Our Vision*

58. This section sets out the vision for the NP, which is:

*In 2026, Stratton St Margaret will be a place that can provide for its economic, social housing, transport, business and community needs within the wider Swindon Borough. The parish will be a vibrant community with a distinct character and sense of place that can develop sustainably into the future*

59. This section also introduces the core aims for the plan. I have no comments to make.

### *Stratton St Margaret Parish*

60. This section provides some historical context to the Parish and is useful background for the NP policies which follow. I have no comments to make.

### *Strategic Context*

61. This section outlines the strategic context in which the Stratton St Margaret NP sits. This is important context as the parish's future is profoundly affected by the growth and development of Swindon. I saw from my site visit the extent to which major employment sites such as the B and Q distribution depot and the Honda car factory dominate the landscape. The development of further employment areas, identified in the Swindon Borough Local Plan 2026, both within and outside the

NP boundary confirm the Parish's importance as a key employment location for Swindon. Although there are no major residential allocations identified in the local Plan within the NP boundary, there are two large mixed-use allocations, which include new residential development, at Kingsdown and the Eastern Villages which directly abut the NP area.

62. Guidance in the NPPF is that neighbourhood plans should plan positively to support the policies in the Local Plan and should not promote less development than set out in the Local Plan or undermine its strategic policies<sup>10</sup>. The NP therefore has to strike an appropriate balance between accepting the strategic approach set out in the Local Plan and addressing the concerns of local people as expressed through the visioning work which was undertaken during the preparation of the NP.

63. A review of the Swindon Borough Local Plan is currently under way and formal consultation on the Submission version (Regulation 19) of the plan ran between 17 December 2019 and 31 January 2020.

64. A representation has raised concerns about the timeliness of the NP, given the progress that is being made on the Swindon LP review. In particular, they wish to promote residential development at Catsbrain Farm on Kingsdown Road. The site has been identified as Site Reference S0368 in the Swindon Borough Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) published in February 2019. The site is categorised as "developable" in the SHELAA and is the subject of a current planning application.

65. I saw from my site visit that the site is an open area of land on the fringe of the urban area, but outside the defined Urban Area of Swindon as identified in the adopted Local Plan. At the time of my site visit, the site was in agricultural use.

66. However, the SHELAA only identifies sites with potential for future development. It does not allocate sites to be developed. The allocation of sites for future development will take place in the Local Plan review or in any locally produced Neighbourhood Plans. Nor does the identification of potential development sites within the SHELAA imply that the council would necessarily grant planning permission for development.

67. Furthermore, guidance in the NPPF and PPG about preparing Neighbourhood Plans when Local Plans are emerging or under review says that:

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<sup>10</sup> NPPF para 28



*Neighbourhood plans, when brought into force, become part of the statutory development plan for the area that they cover.*

*They can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.*

*Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body. This could include sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.<sup>11</sup>*

68. It would therefore not be appropriate for the NP to anticipate conclusions or decisions which emerge during the course of the wider strategic review of the Local Plan, which will include reviewing and updating the strategic housing land allocations.

69. Nonetheless, a much clearer statement should be made about the scope and timescale of the Swindon Borough Local Plan Review and the limited time frame of the Stratton St Margaret Neighbourhood Plan should be also recognised more explicitly in the NP .

- **Recommendation: : Add a new paragraph 31 and 32 to read : “31. Swindon Borough Council has prepared an updated Local Plan which it proposes to submit to the Secretary of State for Housing, Communities and Local Government. The Local Plan relates to the whole Borough and provides a strategy for delivering growth for Swindon Borough up to 2036. The document provides the vision, objectives, strategic policies, development management policies and site-specific allocations for delivering new homes, jobs, services, facilities and infrastructure. The consultation period on the Submission Draft of the Local Plan ran from 17 December 2019 until 31 January 2020.**

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<sup>11</sup> Planning Practice Guidance Paragraph: 006 Reference ID: 61-006-20190723 :Revision date: 23 07 2019

**32. The emerging Local Plan could well have implications for the Stratton St Margaret Neighbourhood Plan area in the longer term and these will need to be assessed through an early review of the Neighbourhood Plan. In the meantime, it is therefore appropriate that the timeframe for the current NP remains short – ie up to 2026, in line with the policies in the adopted Swindon Borough Local Plan.” Renumber existing paragraphs 31 and 32 and paragraphs 33 and 34 respectively. Renumber all subsequent paragraphs accordingly.**

70. A representation has commented that there are a number of Key Employment Areas within the Neighbourhood Plan area and, although these are shown with orange horizontal hatching on Figure 7, they are not named. I agree that naming these sites would assist future users of the plan. In response to my query, Swindon Borough Council has provided an annotated map showing the names and Local Plan reference numbers of each employment site in or adjoining the Neighbourhood Plan area. I therefore suggest that Figure 7 is annotated using this information. I also suggest that the boundary of the Swindon Urban Area defined in the adopted Swindon Borough Local Plan is added to Figures 7, 8 and 9.

- **Recommendation : Add names of Key Employment Areas within the neighbourhood plan area to Figure 7. Add Swindon Urban Area Boundary to figures 7, 8 and 9**

*Policy SSM1(Informative) Strategic Development outside the parish boundary*

71. The Steering Group has taken positive approach to the employment and housing allocations made in the Local Plan and sets out a policy SSM1 which seeks to ensure that the impacts of these strategic sites on the NP area are dealt with as they are developed over time.

72. However, as drafted it is not a land use planning policy, it is a policy about the process of consultation which the Steering Group would like to see followed when proposals are being drawn up for the Strategic Development areas. It is therefore not appropriate for a Neighbourhood Plan and should be deleted.

- **Recommendation : Delete Policy SSM1 and renumber subsequent policies accordingly**

*Policy SSM2 Redevelopment of Large Sites*

73. The NP area is home to a number of established, large scale manufacturing and commercial premises – notably G-Park, Honda UK, BMW, the B and Q Distribution centre and the Greenbridge Retail Park. All are important sources of employment and key to the prosperity of Stratton St Margaret and the NP acknowledges that, should any of these companies decide that their Swindon

operations were no longer required, their sites could become surplus to requirements and ultimately become large brownfield sites with opportunities for redevelopment.

74. Policy SSM2 provides guidance in such circumstances and is aligned with the strategic guidance in policy EC2 of the Swindon Borough Local Plan. It therefore meets the basic conditions and I have no comments to make.

#### *Policy SSM3 Housing*

75. This section outlines the approach to new housing development in the NP area. By way of background, paragraph 41 states that the outstanding housing requirement for the parish is between 50 to 100 dwellings being required to 2026 . This conflicts with the statement in paragraph 47 that the requirement is 416 dwellings over the same period.

76. In response to my query, both Swindon Borough Council and the Parish Council has confirmed that the correct figure is between 50 and 100 dwellings and that paragraph 47 should be deleted.

77. The Brough Council also confirmed that 341 dwellings had been built in the NP area between 1 April 2015 and 31 March 2019 and that there were live planning permissions for 231 dwellings at 31 March 2019. This means that the housing requirement set out in the strategic policies in the Swindon Borough Local Plan 2026 can be met. A statement to this effect should be added to the NP.

- **Recommendation : Delete Paragraph 47 and insert new paragraph 42 to read “A total of 341 dwellings were built in the NP area between 1 April 2015 and 31 March 2019. In addition, there were live planning consents for 231 dwellings at 31 March 2019. This means that the housing requirement set out in the strategic policies in the Swindon Borough Local Plan 2026 can be met.” Renumber subsequent paragraphs accordingly.**

78. Some fine tuning of Policy SSM3 is required to ensure clarity for future users of the plan. In particular, criterion c. which relates to individual dwellings of 4-5 bedrooms overlaps with criterion a. which deals more generally with bungalows, detached and semi-detached homes, regardless of size. I therefore consider criteria c. is superfluous and should be deleted.

79. To fit with the format of the other criteria, criteria e. needs to be reworded. Criteria d. and f. are standalone statements and should be expressed as part of the main policy.

- **Recommendation : Delete criterion c. from Policy SSM3 and renumber subsequent criteria accordingly. Reword criterion e. to read “ the affordable housing provision is for smaller dwellings ( 1-2 bedrooms)”. Delete criteria d. and f. and add new paragraph at the end of the policy to read “Development that will result in the loss of bungalows will be resisted. Housing developments designed to meet the needs of older people, including but not limited to sheltered housing, assisted living, retirement villages and nursing homes, should be located within walking distance of services.”**

#### *Policy SSM4 Community facilities and publicly accessible sites*

80. Stratton St Margaret Parish has a wide range of social and community facilities and Policy SSM4 seeks to support these. The policy accords with and amplifies the strategic guidance in policy CM4 in the Adopted Swindon Borough Local Plan so meets the basic conditions. A representation from Thames Water suggests that the NP should include polices regarding the provision of sewerage/wastewater treatment and water supply infrastructure. These matters are relevant across the Borough as a whole and to all forms of development and are therefore best dealt with by strategic policies set out in in the Local Plan rather than in each individual Neighbourhood Plan. No change to the NP is therefore required.

81. On a point of detail, in paragraph 64 it is not clear what actions are being given priority so I suggest that the first sentence it is reworded to make this clear.

- **Recommendation : Add after “priority” in paragraph 64 “ for maintenance and improvement works ”**

#### *Policy SSM5 Transport and Movement*

82. Traffic and congestion is a significant issue for the parish of Stratton St Margaret and policy SSM5 is designed to ensure improvements are made to access and facilities, particularly for pedestrians and cyclists. The policy accords with and amplifies the strategic guidance in policies TR1 and TR2 in the Adopted Swindon Borough Local Plan so meets the basic conditions. It is particularly helpful to have the local priorities for local transport improvements set out so clearly in the Neighbourhood Plan. However, it is not necessary to include the detail of the work required in the policy itself as this is already covered in the supporting text in paragraph 65. Some minor rewording of clause C is therefore required. Swindon Borough Council has also suggested some fine tuning of Policy SSM5 and I agree this would help to improve clarity

- **Recommendation :** In clause A delete “on site” and replace “across the site” with “to key destinations.” Reword clause B to read “Development should make a contribution towards improving and extending the pedestrian and cycle network where they add pressure to it.” In SSM5C, delete “tree root damage” from criterion a. ; delete “remedial work required” from criterion b.; delete “small concrete plinth slightly raised” from criterion c.; delete “very poor condition” from criterion d.; delete “tree root damage” from criterion e.; delete “cycle risk, splits in tarmac “ from criterion f.; delete “tree root damage” from criterion g. and delete “tree root damage and low hanging branches” from criterion h.

#### *Policy SSM6 Local Centres*

83. The lack of a distinctive local centre in the Neighbourhood Plan area was an issue raised through public consultation and policy SSM6 seeks to support and encourage improved provision, as and when opportunities arise. The approach amplifies the strategic guidance in the Swindon Borough Local Plan and so meets the basic conditions.

84. My only comment is that the policy would benefit from some minor rewording to strengthen it and improve clarity.

- **Recommendation :** Add “At” before Hobley Drive in SSM6Ab.; add “In” before “The area” in SSM6Ac. And delete “seek to” after “policy SSM2 should”

#### *Policy SSM7 Locally Important Buildings and Assets*

85. Stratton St Margaret has a distinctive heritage which contributes to its “sense of place”. The growth of the village from a small settlement outside Swindon to it effectively becoming an integral part of the wider urban area is well illustrated by Figures 2 and 3. A representation has suggested that these figures are superfluous, but I consider that they provide very useful context for the plan as a whole and particularly for Policy SSM7. They therefore should remain in the NP.

86. Policy SSM7 seeks to protect a number of Locally Important Buildings and Assets which are listed in the table on page 31 under paragraph 74 and mapped in Figure 11. The policy itself amplifies the strategic guidance in the Swindon Borough Local Plan under policy EN10 so meets the basic conditions in general terms. It would, however, benefit from some minor rewording to strengthen it and improve clarity.

- **Recommendation : Delete “A.” from the first line of policy SSM7. Delete “should be considered as” in second line of policy SSM7 and replace with “are” .**

*Policy SSM8 Open Space, Allotments , Burial Space*

87. Areas of open space are highly valued in the Neighbourhood Plan area and the maintenance and overall tidiness of these assets is of great importance to local people. Policy SSM8 seeks to protect existing assets and add to the provision wherever and whenever opportunities arise. It amplifies the guidance in the adopted Swindon Borough Local Plan and therefore meets the basic conditions.

88. On a point of detail, the last clause of the policy would benefit from some rewording to improve clarity.

- **Recommendation : Reword clause SSM8Eb to read “make additional provision to meet the Parish’s needs”**

## **9. Conclusions and Recommendations**

89. I have examined the Stratton St Margaret NP and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

90. I am therefore pleased to recommend to Swindon Borough Council that, subject to the modifications set out in my report, the Stratton St Margaret NP should proceed to referendum.

91. I am also required to consider whether the referendum area should be extended beyond the Stratton St Margaret NP area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Swindon Borough Council in May 2018.

## **APPENDIX 1: Background Documents**

In undertaking this examination, I have considered the following documents:

- Stratton St Margaret Neighbourhood Plan 2019-2026 Submission Draft: July 2019
- Consultation Statement: Stratton St Margaret Neighbourhood Plan January
- Basic Conditions Statement: Stratton St Margaret Parish Council
- Stratton St Margaret Neighbourhood Plan - Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion : Prepared by Swindon Borough Council on behalf of Stratton St Margaret Parish Council : April 2019
- National Planning Policy Framework (NPPF) February 2019
- Planning Practice Guidance March 2014 and subsequent updates
- Swindon Borough Local Plan 2026 : Adopted March 2015
- Swindon Borough Local Plan review - Proposed submission draft stage : December 2019

## **APPENDIX 2:**

### **Stratton St Margaret Neighbourhood Plan Examination**

#### **Request for further information and questions from the Examiner to Swindon Borough Council and Stratton St Margaret Parish Council**

I have carried out a preliminary review of the Neighbourhood Plan and the evidence submitted in support of it and there are a few points where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

##### 1. Basic Conditions Statement

In order to meet the basic conditions, the NP should demonstrate how it contributes to the achievement of sustainable development. However, I see no reference to this in the Basic Conditions Statement. Please can you assist?

Table 2 sets out an assessment of how the Neighbourhood Plan conforms with the Adopted Swindon Borough Local Plan 2026 and the Minerals and Waste Core Strategies. However, the review of the Swindon Borough Local Plan is now well under way and is currently at the Submission Draft consultation stage. Has there been any assessment of the Neighbourhood Plan against the emerging policies of the new Local Plan?

##### 2. Reg 14 and Reg 16 Consultation Dates

Please can the exact dates for the Regulation 14 and Regulation 16 consultations ie start and end dates be provided?

##### 3. Policy SSM1 and Figure 7

Policy SSM1 refers to development of strategic employment sites which are allocated in the adopted Swindon Borough Local Plan and shown in Figure 7 with orange hatching. Most of these sites are located outside the NP boundary, but some lie within it. Please can names for each of these sites be provided – ideally this could be done by annotating Figure 7 and naming the sites in the key?



#### 4. Policy SSM3 Housing

I have a query regarding the justification for Policy SSM3 Housing which is set out in paragraphs 40 to 47 of the Neighbourhood Plan. The background to this section of the NP is, I think, derived from the Neighbourhood Plan Housing Needs Advice produced by AECOM in 2015. Broadly, that study concludes that there is a housing need in the NP area of around 700 to 750 additional dwellings, the majority of which have already been built or otherwise committed. This is reiterated in paragraph 41 of the Neighbourhood Plan. I think, therefore, that the statement in paragraph 47 of the Neighbourhood Plan which states that the NP's share of the Swindon total requirement as 416 dwellings is incorrect and should be deleted. Please can the local authority and the Steering Group give their views?

On a related point, it would be very helpful to have an indication of the number of homes that have been completed in the Parish since 2015 and the number of outstanding commitments.

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Barbara Maksymiw

16 January 2020