

Independent Examiner's Report of the
Blunsdon East Neighbourhood Plan

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SECTION 2

Summary

As the Independent Examiner appointed by Swindon Borough Council to examine the Blunsdon East Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Blunsdon East Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Blunsdon East Neighbourhood Plan go to Referendum.*
- 3. I have read the Blunsdon East Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Blunsdon East Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The Blunsdon East Neighbourhood Plan Area is within the area covered by Swindon Borough Council. At the time of my examination, the development plan for the area is the Swindon Local Plan 2026 adopted on the 26th of March 2015.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Blunsdon East Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Blunsdon East Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Blunsdon East Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Blunsdon East Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) specify the period to which it has effect;*
 - ii) not include provision about excluded development; and*
 - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus

of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Blunsdon East Neighbourhood Plan go to Referendum.

3.2 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development;*
and
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of Neighbourhood 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 Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

Swindon Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

Swindon Borough Council appointed me as the Independent Examiner for the Blunsdon East Neighbourhood Plan with the agreement of the Blunsdon Parish Council.

2. Qualifying body

I am satisfied that Blunsdon Parish Council is the Qualifying Body.

3. Neighbourhood Plan Area

When the Neighbourhood Plan was commissioned the Parish was Blunsdon St Andrew and the area of that Parish for which the NP was designated was the East of that Parish. When the Community Governance Review happened in 2016/7 this split the Parish at the new A419 into St Andrews Parish and Blunsdon Parish the designated area lies within the 'new' Blunsdon Parish but does not cover the entire Parish.

This change to Parish boundaries and names explains the inconsistency of name applied to the Neighbourhood Plan in various supporting documents.

The Qualifying Body have confirmed that there are no other neighbourhood plans covering the designated area.

4. Plan Period

The Plan identifies the period to which it relates as 2019 to 2026 to align with the Swindon Local Plan 2026 adopted on the 26th of March 2015.

5. Swindon Borough Council Regulation 15 Assessment of the Plan.

Blunsdon Parish Council, the Qualifying Body, submitted the plan to Swindon Borough Council for consideration under Part 5 Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, as amended for

Blunston parish. The Council has made an initial assessment of the submitted Blunston East Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. The Consultation Process

The Blunston East Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed Neighbourhood Plan;

(b) It explains how they were consulted;

(c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed Neighbourhood Plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was robust, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

7.Regulation 16 consultation by Swindon Council and record of responses.

Swindon Borough Council placed the Blunsdon East Neighbourhood Plan out for consultation under Regulation 16 for the required 6-week period ending on Wednesday the 18th of December 2019.

A number of detailed representations were received during the consultation period and these were supplied by the Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

8.Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 29th January 2020.

9. Questions for Clarification

During the course of my examination I found it necessary to seek clarification on BENP policies 1 and 3. The details of these questions and the Qualifying Body's response is available to view on the Swindon BC website. I make reference to this in more detail in my comment on the relevant policies.

10. Compliance with the Basic Conditions

The Qualifying Body have produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Blunsdon East Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate*

Development Plan

4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. *There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

"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."

Documents brought to my attention by the Borough Council for my examination include:

- *Blunsdon East Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.*
- *Basic Conditions Statement - sets out how the plan meets the Basic Conditions*
- *Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.*

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Blunsdon East Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

11.Planning Policy

11.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) February 2019 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Blunsdon East Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

11.2 Local Planning Policy- The Development Plan

The Blunsdon East Neighbourhood Plan Area is within the area covered by Swindon Borough Council. At the time of my examination, the development plan for the area is the Swindon Core Strategy 2015-2026 (WCS) which was adopted on 20th January 2015.

To meet the Basic Conditions, the Blunsdon East Neighbourhood Plan Neighbourhood Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

Should there be a conflict between a policy in a neighbourhood plan and a

policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective*
- whether the policy seeks to shape the broad characteristics of development*
- the scale at which the policy is intended to operate*
- whether the policy sets a framework for decisions on how competing priorities should be balanced*
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- whether the Local Plan identifies the policy as being strategic”*

I have examined the Blunston East Neighbourhood Plan and consider that, subject to modification, the plan is in general conformity with the Strategic Policies of the Development Plan and does meet the Basic Conditions in this

respect.

12. Other Relevant Policy Considerations

12.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

The Steering Group sought and obtained a SEA Screening Assessment for the Blunsdon East Neighbourhood Plan from Swindon Borough Council. A Strategic Environmental Assessment (SEA) screening exercise was carried out in consultation with relevant statutory bodies. The conclusion of the screening was that a SEA was not required under European Directive 2001/42/EC.

12.2 Habitats Regulations Assessment (HRA)

The Habitats Regulation Assessment (HRA) refers to the assessment required for any plan or project to assess the potential implications for European wildlife sites. The HRA looks at whether the implementation of the plan or project would harm the habitats or species for which European wildlife sites are designated.

The screening assessment looked at the potential impact of the Plan on sites within 15km of the Neighbourhood Plan area. There is only one internationally designated site within the search area: The Meadow and Clattinger Farm SAC – approximately 11 km to the north-west.

The Swindon Local Plan 2026 was subject to an HRA during its production. This assessment looked at internationally designated sites within 15km of the Borough boundary. The HRA addendum report concluded: 'The policies, [in The Swindon Local Plan] were not likely to have adverse effects on the integrity of European sites, provided that the avoidance and mitigation measures recommended within the HRA Report were incorporated into the Local Plan'.

The conclusion from the Swindon Local Plan's HRA Report was that the Blunston East Neighbourhood Plan does not require an additional HRA assessment.

During the course of my examination I sought confirmation that the Court of Justice of the European Union ('CJEU')'s Judgment in People Over Wind and Sweetman v Coillte Teoranta (April 2018) did not change this conclusion.

Swindon Borough Council provided the following confirmation:

"The Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report remains appropriate and no changes are considered necessary in light of the People Over Wind judgement. The review concludes that the SEA and HRA screening determination of October 2018 was properly reached, remains valid and there is no need to progress to Appropriate Assessment."

I am satisfied with this response.

12.3 Sustainable development

Paragraphs 7 to 14 of the NPPF (Feb 2019 as updated) identify the components of sustainable development, and how planning applications and local plans can meet these requirements.

The Basic Conditions Statement sets out how the neighbourhood plan addresses the requirement to achieve sustainable development.

My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Blunston East Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Blunsdon East Neighbourhood Plan has done so.

I am therefore satisfied that the Blunsdon East Neighbourhood Plan meets the basic conditions on EU obligations.

12.4 Excluded development

I am satisfied that the Blunsdon East Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

12.5 Development and use of land

I am satisfied that the Blunsdon East Neighbourhood Plan, subject to modification covers development and land use matters.

General Comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. 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.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Blunsdon East

Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.

Where I found reference to the current Swindon Local Plan in proposed policies, I have replaced this by reference to the Development Plan to accommodate any changes to Local Plan Policy which may occur before the date of 2026.

*As I have found it necessary to modify a number of policies it may also be necessary to modify the supporting text within the plan to align with the modified policies, where this is necessary. The details of these modifications are set out within my comments on the related policies. My comments on policies are in *blue* with the modified policies in *red*.*

13.The Neighbourhood Plan Vision, Strategic Aims and Policies

13.1 VISION Statement

'Blunston East will continue to be a safe and tranquil rural area with a strong community spirit and a diverse population. It will value its unique rural setting on the Mid Vale ridge and its historic heritage while improving communication links with Swindon and the wider area.'

COMMENT

I am satisfied that the Blunston East NDP vision, aims and objectives were developed from the consultation process and that the policies within the plan reflect the vision, aims and objectives.

13.2 BLUNSDON EAST NEIGHBOURHOOD PLAN POLICIES

Policy 1: Allocation of Sites for Housing

Planning applications for minor developments on the three sites allocated within this plan will be supported where: -

✦ *They comply with all other policies in this plan especially, but not exclusively, Policy 4 which encourages early interaction with developers and Policy 5 regarding the Village Design Statement; and*

✦ *They comply with the provisions of the Development Brief outlined in Appendix J; and*

✦ *There are no adverse impacts on the natural and historic environment of the area or the built environment of the BENP area, or such impacts are appropriately mitigated; and*

✦ *Flood Risk Assessments and drainage strategies in accordance with Swindon Borough Local Plan 2026 Policy EN6: Flood Risk are provided*

COMMENT

The Blunsdon NE Neighbourhood Plan allocates three sites for residential development and a development brief has been prepared for each site and forms part of appendix J, this is currently located in the evidence base supporting the plan.

The number of dwellings supported on each site is not reflected in the size of the site and it is difficult to understand how the yield from each site has been arrived at.

During my examination I requested further clarification on this policy, and this was provided by the Qualifying Body and I have taken this into account in arriving at my conclusions. My request for my clarification and the QB response is available to see on the Swindon BC website.

Whilst I understand the points raised by the QB in their clarification, for the purpose of my examination I am required to consider the sites as presented, including the red line areas. The development of these sites for the number of dwellings anticipated by this policy could lead to unnecessarily low-density development not having regard for National

Policy.

The formatting of Appendix J should be reviewed as it currently refers to numerous Appendices and is confusing it is currently located in the evidence base supporting the plan but should be moved to become an appendix forming part of the Plan itself. The detail in each Brief is also restrictive, particularly having regard to the number of dwellings that can be accommodated on each site. In order to provide the flexibility required by the NPPF the word “maximum” in relation to housing numbers should be removed from the Briefs and replaced by “approximately”.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy 1: Allocation of Sites for Housing

The following sites are allocated for residential development:

Site 7 Dinton in Broadbush

Site 9 Land south of Holdcroft, B4019

Site 11 Land opposite Coldharbour (Corner of B4019 with Ermin Street)

Planning applications for developments on these three allocated sites will be supported where: -

- they comply with all other relevant policies in the BENP and*
- they have regard for the Development Briefs outlined in Appendix J; and*
- there are no adverse impacts on the natural and historic environment of the area or the built environment of the BENP area, or such impacts are appropriately mitigated; and*
- Flood Risk Assessments and drainage strategies in accordance with National Policy and the Development Plan are provided and*

- ***the privacy and residential amenity of neighbouring occupiers is protected and***
- ***sufficient parking to avoid the need for on-street parking is provided and***
- ***a comprehensive planting scheme is submitted, including details of trees and hedgerows to be retained and how the relevant net biodiversity gains are to be achieved and***
- ***an appropriate archaeological assessment provided, where necessary***

Policy 2: Housing Development on non-allocated sites

Proposals outside the sites identified by Policy 1 will be supported where they are of a small scale and are either within the settlement boundaries or are classed ‘rural exception sites’ providing affordable housing or starter homes, in edge of settlement locations.

Within the settlement boundary proposals for minor residential development will be supported where:

✦ They comply with SBCLP 2026 and the Swindon Residential Design Guide 2016

✦ They comply with all other policies within the BENP and the Village Design Statement

✦ They conserve and enhance the natural and historic built environment of the BENP. Where there is potential for development to result in harmful impacts appropriate mitigation measures will need to be proposed.

Outside the defined settlement boundary as defined by the SBCLP 2026 Proposals Map, land is defined as ‘open countryside’ and development proposals here will not normally be permitted unless they comply with rural development policies in SBCLP 2026. Rural exception sites which

meet identified local need and which comply with SBCLP Policy HA5 will be supported.

COMMENT

I have received numerous representations regarding the inadequacy of housing provision within the neighbourhood plan area and the failure to express a housing need figure. Having regard to the permissions already granted and the strategic allocation at Kingsdown NC5 I am satisfied that there is adequate flexibility for the delivery of housing to provide for local and strategic need and that the plan in this respect will contribute to the delivery of sustainable development.

For clarity and to meet the Basic Conditions should be modified as follows:

Policy 2: Housing Development on non-allocated sites

Proposals on non-allocated sites for minor development will be supported and are either within the settlement boundaries or are classed 'rural exception sites' providing affordable housing or starter homes, in edge of settlement locations.

Within the settlement boundary proposals for minor residential development will be supported where:

- They comply with the Development Plan and the Swindon Residential Design Guide 2016***
- They comply with all relevant policies within the BENP and the Village Design Statement***
- They conserve and enhance the natural and historic built environment of the BENP.***

Where there is potential for development to result in harmful impacts appropriate mitigation measures will need to be proposed.

Outside the settlement boundary as defined in the Development Plan, land is 'open countryside' and development proposals here will not normally be permitted unless they comply with rural development policies in the Development Plan. Rural exception sites which meet identified local need and which comply with the Development Plan will be supported.

Policy 3: Rural Buffers

The character and identity of Blunsdon East Village will be preserved and enhanced by:

- ✦ The establishment of three rural buffers as shown on FIG 9 which should remain as open countryside.***
- ✦ Ensuring that Blunsdon East remains a separate and distinct entity separated from the Swindon Urban area.***
- ✦ Respecting the local landscape character including its setting and views into and out from the village.***
- ✦ Respecting the setting of the Broad Blunsdon East and Lower Blunsdon East Conservation Areas by conserving their special character and appearance.***

Development proposals in these Rural Buffers will only be supported where they are in accordance with SBCLP 2026 Policy EC5 (Farm Diversification) or are an essential requirement directly related to the economic or social needs of the rural community. Where there is potential for development as set out in this policy and which results in harmful impacts, appropriate mitigation measures will need to be proposed.

COMMENT

During the course of my examination I sought clarification on this policy

and the Qualifying Body provided a response which I have taken into consideration in reaching my conclusions. My request for my clarification and the QB response is available to see on the Swindon BC website.

The QB have explained in detail the reasons behind the formulation of this policy and I understand the concerns the community have raised. However, my role is to ensure that the policy proposed meets the Basic Conditions.

The policy as currently worded is overly restrictive and in areas conflicts/ overlaps with existing Development Plan policy.

Areas 1 and 2 identified on Fig 9 as rural buffers are already identified as open countryside in the Swindon Local Plan and development is strictly controlled by existing local plan policies:

EC5: Farm Diversification

HA5: Rural Exception Sites

HA6: Agricultural Workers Dwellings and

HA7: Conversion of Buildings to Residential Use in the Countryside

Rural Buffer 3 seeks to preserve the visual gap between the Upper and Lower villages. The Lower Blunsdon Conservation Area Appraisal states “Open space between the built form of Lower Blunsdon and Broad Blunsdon separates the two settlements and maintains the individual identity of each.” I therefore consider it is reasonable to seek the retention of the visual gap between Lower Blunsdon and Broad Blunsdon.

For clarity and in order to meet the Basic Conditions Fig 9 should be modified to remove buffers 1 and 2 and buffer 3 retitled as an area of visual separation.

To ensure the supporting text in the Neighbourhood Plan conforms to the modified policy Fig 10 should be removed in its entirety and replaced by a justification for policy 3a. The Justification for the policy should be modified to reflect the following policy modification.

Policy 3: Development in the countryside

Outside the defined settlement boundaries development will be strictly controlled in accordance with policies in the Development Plan.

The character and identity of Blunsdon East Village will be conserved and enhanced by:

- Ensuring that Blunsdon East remains a separate and distinct entity separated from the Swindon Urban area.***
- Respecting the local landscape character including its setting and views into and out from the village.***
- Respecting the setting of the Broad Blunsdon East and Lower Blunsdon East Conservation Areas by conserving their special character and appearance.***
- Where there is potential for development as set out in this policy and which results in harmful impacts, appropriate mitigation measures will need to be proposed.***

Policy 3a Lower Blunsdon and Broad Blunsdon area of visual separation.

Development will not be supported in the area identified in Fig 9 if it will or is likely to erode the visual separation between Lower Blunsdon and Broad Blunsdon.

Policy 4: Early Community Engagement with Developers

For developments generally

In the initial development and design stage prior to submitting a

planning application to SBC, developers are encouraged to engage with the local community to understand particular local views about the proposal (SBCLP 2026 Policy LN1)

Developers are particularly encouraged to engage with the community prior to submitting any planning application to discuss issues including, but not limited to:

✦ Modelling of traffic flows and mitigation to avoid possible congestion and ‘rat-running’ through the village;

✦ Public transport options including a review of bus services, new footpaths (including the changes to the Heritage Trail) and cycle ways;

✦ Provision or enhancement to core services;

✦ The upgrading of the Recreation Ground, pavilion and parking areas to further support increased demand and accessibility issues.

✦ How developer contributions can be utilised to improve and/or mitigate deficiencies in local infrastructure or where local infrastructure is at capacity (see BENP P10 & SBCLP 2026 Policy IN1).

COMMENT

Whilst it is important for developers to undertake early engagement with the community and the government encourages this, it cannot form part of a requirement in a neighbourhood plan policy. In addition, the other elements in this policy cannot form part of a land use policy but are either community aspirations or should be included in the main body of the plan. For clarity and to meet the Basic Conditions the policy should be deleted.

Policy 4: Early Community Engagement with Developers

For development on the Kingsdown NC5 site

This plan encourages the formulation of a separate Design Code for the Kingsdown Development, NC5, informed by Policy 5 – Village Design Statement and asks that this forms part of the early community engagement with developers.

The BENP community will engage with the developers of the Kingsdown strategic allocation in order to ensure that:

- ✦ any area of non-coalescence or rural buffer is treated as a minimum standard (Policy 3 & Policy 5)***
- ✦ as many of the existing hedgerows and trees as possible are retained and to allow enhancement and replacement where retention is not possible. This is to ensure net biodiversity gain, landscape character and provision of a network of green infrastructure corridors (Policy 12);***
- ✦ the development provides key infrastructure, such as primary school, open space, pitches and a local centre;***
- ✦ local facilities are linked to existing or new rights of way to enable and encourage sustainable movement around the village by foot and bicycle;***
- ✦ traffic mitigation measures required e.g. traffic calming and measures to minimise rat running through Broad Blunsdon East are carried out as per SBCLP 2026 Policy NC5.***

COMMENT

There are two Policy 4s in the plan however as my modification of the plan requires deletion of one of them there is no requirement for renumbering.

Policy 4: Development on the Kingsdown NC5 site

Proposals for the development of the Kingsdown NC5 site should:

- *include a Design Code informed by the Village Design Statement. The development of the Design Code in consultation with the community is encouraged.*
- *demonstrate how policies 3 and 5 of the BENP have been taken into account in bringing forward proposals.*
- *retain as many of the existing hedgerows and trees as possible, with replacement and enhancement where retention is not possible to ensure net biodiversity gain, to protect landscape character and make provision for a network of green infrastructure corridors (Policy 12);*
- *include the provision of key infrastructure, such as primary school, open space, pitches and a local centre as required by the size and scale of the development;*
- *ensure that local facilities are linked to existing or new rights of way to enable and encourage sustainable movement around the village by foot and bicycle;*
- *include traffic mitigation measures including traffic calming and design measures to minimise the creation of “rat runs” through Broad Blunsdon East in accordance with the Development Plan.*

Policy 5: Preserving the design and character of Blunsdon East Village

All development within the BENP area, other than that within the Strategic Site NC5, is required to comply with the VDS.

Development proposals should demonstrate how they comply with the design principles contained within the VDS.

COMMENT

This policy is overly prescriptive. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy 5: Preserving the character of Blunsdon East Village

To preserve the character of Blunsdon East Village development proposals should demonstrate how they comply with the design principles contained within the Village Design Statement.

Policy 6: Road Safety, traffic congestion and pollution

To maintain Blunsdon East as a ‘tranquil rural area’ developers should actively consider steps which will offset any adverse impacts on road safety or pollution caused by increased traffic flows through the village during the construction and thereafter as set out in the SBCLP 2026 Policies TR1 and TR2 and NPPF 2019 paras 108 and 109.

Developers, during pre-application consultation and within planning applications including any Statement of Community Involvement, should provide suggestions on how their contributions can be used to enhance or mitigate the effects of traffic flow, promote road safety and minimise air, light and noise pollution.

Traffic Congestion Proposals that accord with the policies in the BENP and result in improvements to the free flow of traffic in the village, promote road safety and minimise air, light and noise pollution will be supported.

Road safety, traffic congestion and pollution are a priority for Blunsdon East and developers are strongly encouraged to discuss the above traffic mitigation measures with the Parish Council at the earliest possible stage in the planning process.

COMMENT

Developer contributions cannot form part of planning policy. The second paragraph of this policy should be deleted. The contents could be included in the main body of the plan. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy 6: Road Safety, traffic congestion and pollution

Road safety, traffic congestion and pollution are a priority for Blunston East and developers are strongly encouraged to discuss traffic mitigation measures with the Parish Council at the earliest possible stage in the planning process.

To maintain Blunston East as a ‘tranquil rural area’ proposals should include mitigation measures which will offset the adverse impacts on road safety and/or air quality caused by increased traffic flows through the village as set out in the NPPF 2019 paras 108 and 109 and the traffic and transport policies of the Development Plan .

Proposals which minimise traffic congestion, are in conformity with the other policies in the BENP and result in improvements to the free flow of traffic in the village, promoting road safety and minimising air, light and noise pollution will be supported.

Policy 7: Protection of Community facilities and locally important assets

Development proposals that will enhance the viability and value of community facilities will be supported. (ref SBCLP 2026 Policy CM4)

A non-exhaustive list of community facilities is set out below and any development is expected to conserve and enhance them and any other sites which may be considered as such assets:

St Leonards Church

The Cold Harbour Pub

The Village Hall

The Village shop

The Stubb’s Hill Anti-Aircraft Battery

The Heart in Hand Public House and Hall

The Rec ground pavilion

The Doctor's surgery

The Methodist Church

The Baptist Church

Proposals for new or extended community facilities for the BENP area, including within Kingsdown NC5, will be supported particularly where they will be accessible for all residents of the BENP area

COMMENT

This policy appears to include both community facilities and non-designated heritage assets. For Clarity the policy should be modified as follows:

Policy 7: Protection of Community facilities

Development proposals that will enhance the viability and value of community facilities will be supported in accordance with policies in the Development Plan.

A non-exhaustive list of community facilities is set out below and proposals that would result in the loss of these or other established community facilities will only be permitted where it can be demonstrated that:

- commercial facilities have been genuinely marketed for the established use for at least one year; and***
- the facility is no longer economically viable for the established use, or there is a suitable and sustainable alternative to that facility nearby, or the facility is no longer required.***

1. St Leonards Church

- 2. The Cold Harbour Pub**
- 3. The Village Hall**
- 4. The Village Shop**
- 5. The Heart in Hand Public House and Hall**
- 6. The Rec ground pavilion**
- 7. The Doctor's surgery**
- 8. The Methodist Church**
- 9. The Baptist Church**

Proposals for new or extended community facilities for the BENP area, including within Kingsdown NC5, will be supported particularly where they will be accessible for all residents of the BENP area

Policy 7a Locally important non-designated heritage assets.

Locally important non-designated heritage assets, including the Stubb's Hill Anti-Aircraft Battery are identified in the Village Design Statement and appendices D and E to this plan. Any proposals affecting non-designated heritage assets must be in compliance with the National Policy and Guidance, and policies in the Development plan.

Policy 8: Employment

The BENP encourages proposals that will enable homeworking, co-working or provide new local employment opportunities, subject to the policies contained within the BENP and SBCLP 2026 provided that:

✦ There are no harmful impacts on residential amenity through smell, dust, noise, pollution, increased traffic movements, transit of heavy good or other interference with the quiet enjoyment of residents; and

✦ There are no harmful impacts on the natural and historic environment of the area or the built environment of the BENP area and proposals comply with other BENP policies; and

✦ *There is no unacceptable traffic impact within the BENP area. Where any proposal could generate heavy goods traffic, they must demonstrate with the assistance of a Transport Statement that the proposal will not have an unacceptable traffic impact.*

Proposals that comply with this policy will be supported

COMMENT

For consistency the reference to the SBCLP 2026 should be replaced with “policies within the Development Plan”

Policy 9: Infrastructure Requirements and Funding for Community Projects

Any financial contributions received through the Community Infrastructure Levy for direct local benefit agreed under Section 106 or otherwise generated by development within the boundary of the Parish and paid over to the Parish Council should be used to support projects listed below, but not exclusively.

Any developer contributions received by the Parish Council from the LPA on developments within the BENP area or from areas which affect it will be allocated to Community projects agreed at the time and may include Traffic mitigation projects.

A list of projects will be developed by the Parish Council. This list will be reviewed annually through discussion with members of the local community, users of Parish facilities and through the Annual Parish Meeting.

Projects listed to date which may merit use of external funding include:

✦ *Highways improvements and road safety measures;*

✦ *Enhancement to the conservation areas;*

- ✦ ***Enhancements to the Blunsdon East Heritage Trail;***
 - ✦ ***Rights of way and cycle network;***
 - ✦ ***Provision for connection to efficient broadband services;***
 - ✦ ***Provision of allotments;***
 - ✦ ***Development and enhancement of Multi-Use Games Area;***
 - ✦ ***Improvement to the existing sporting facilities associated with the Recreation Ground to encourage or extend the use of available facilities;***
 - ✦ ***Enlargement of existing cemetery provisions for the local community.***
- Other projects that comply with policies and aspirations within this plan may also be supported.***

COMMENT

Policy 9 is a list of CIL priorities and not a land use planning policy used for the determination of planning applications. This policy should be deleted from the policy section of the plan but can be used in a community project/aspiration section or within the main text of the plan.

Policy 10: Green Infrastructure, Open Space and Sports Facilities

The Parish Council has a statutory duty to ensure net biodiversity gain and order to reflect the demands and aspirations of residents and preserve its' crucial role in the village, the Recreation Ground shown on FIG 9 is designated as a Local Green Space. Development on the Recreation Ground will only be permitted where it promotes and enhances the recreational use and visual attributes of open space.

Proposals to expand opportunities for sport and recreation within the BENP area will be supported where they are in compliance with other

policies in this plan.

Existing sports, recreational and allotment sites (as shown on the map below) are protected from development unless alternative provision can be made locally of equivalent or better size, quality and accessibility in accordance with SBCLP 2026 EN3;

In order to maximise opportunities for contributions towards green infrastructure and the Great Western Community Forest, where appropriate, development proposals should comply with SBCLP Policies EN1, EN2.

COMMENT

This policy mixes the designation of Local Green Space and Open Spaces and sports facilities and Green Infrastructure. The reference to Green Infrastructure relates to developer contributions and cannot form part of policy but could be included in the community section of the plan.

The NPPF states:

“99. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) 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

c) local in character and is not an extensive tract of land.

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

I am satisfied that the area identified as the Recreation Ground does meet this requirement however it is not illustrated on Fig 9 but on Fig 11 which also illustrates 3 other sites:

1 Millennium Garden

2 Burytown Copse

4 Children’s playground & tennis courts

But there is no indication of why these areas are indicated on Fig 11 and no mention in the policy of wishing to designate these areas as Local Green Spaces and to avoid confusion they should be removed from Fig 11.

For clarity the policy should be split and modified as follows.

Policy 10: The Designation of Local Green Space

Due to its importance the village, the Recreation Ground shown on FIG 11 is designated as a Local Green Space. Development on the Recreation Ground will only be permitted in very special circumstances.

Policy 10a Open Space and Sports Facilities

Proposals to expand opportunities for sport and recreation within the BENP area will be supported where they are in compliance with other

policies in this plan.

Existing sports, recreational and allotment sites (as shown on the map below) are protected from development unless alternative provision can be made locally of equivalent or better size, quality and accessibility in accordance with policies within the Development Plan;

Policy 11: Preservation of views of local importance

Development proposals should conserve and enhance the key views and vistas identified by the LVSA and in the Conservation area appraisals.

Opportunities to avoid the use of overhead cables in the future and to remove or reroute cables to ground level should be taken where possible.

Where appropriate any proposals for developments should be accompanied by a detailed Landscape Statement to include impact on the specific views details listed in this plan.

COMMENT

This policy lacks clarity and could be difficult to apply in the determination of a planning application. For clarity the policy should be modified as follows:

Policy 11: Preservation of views of local importance

All new development should be of a height, mass and appearance that does not adversely affect key distinctive views (identified in Fig 14) into and out of the BENP area. Particular attention should be given to views surrounding listed buildings, the conservation areas and key landscape features.

Where appropriate and where proposals for development impact the

important views they should be accompanied by a detailed Landscape Visual Impact Assessment.

Opportunities to avoid the use of overhead cables in the future and to remove or reroute cables to ground level should be taken wherever possible.

Policy 12: Protection of Trees and Hedgerows

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

Development proposals affecting trees and hedgerows must be accompanied by an arboriculture 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.

Existing hedgerows and trees should be retained for visual and ecological importance such as biodiversity gain, landscape character and to secure networks of green infrastructure. If the removal of a hedgerow or tree is proposed, adequate justification must be provided and where appropriate, compensatory planting provided in the near vicinity. Replacement planting should be of sufficient value to compensate for the loss of amenity of mature trees hedgerows and the biodiversity they support.

Proposals should include information as to how trees and hedgerows that are to be retained, will be protected during construction.

COMMENT

This policy is confusing including some repetition. For clarity the policy should be modified as follows:

Policy 12: Protection of Trees and Hedgerows

Existing hedgerows and trees should be retained for visual and ecological importance including biodiversity gain, maintaining landscape character and to secure networks of green infrastructure whenever possible.

If the removal of a hedgerow or tree is proposed, adequate justification must be provided and where appropriate, compensatory planting provided in the near vicinity. Replacement planting should be of sufficient value to compensate for the loss of amenity of mature trees hedgerows and the biodiversity they support.

Proposals should include information as to how trees and hedgerows that are to be retained, will be protected during construction.

Policy 13: Dark Skies

Developments should be designed to reduce the occurrence of light pollution and are required to demonstrate how they will contribute towards minimising light pollution. Information on these measures must be submitted with applications.

Any lighting scheme that would normally require planning permission (e.g. floodlighting, lighting on poles etc.) or development that includes such a scheme would not be supported unless accompanied by a Lighting Assessment.

The Lighting Assessment should:

✦ Demonstrate that all available and feasible mitigation solutions would be implemented to reduce light pollution to a minimum so as to avoid loss of visual amenity to those residing within or visiting the BENP plan area and to reduce impact on nocturnal wildlife.

✦ Demonstrate that the proposed lighting scheme is unavoidable to ensure road and personal safety of the development and that the benefits significantly outweigh the negative impact including any impact

on nocturnal wildlife: and

✦ Set out the operating hours of the light impact and demonstrate that these have been reduced to a minimum.

COMMENT

Lighting schemes will not be relevant for all development proposals, for clarity the first sentence of the policy should be modified as follows:

Development proposals, where external lighting is required should be designed to reduce the occurrence of light pollution and are required to demonstrate how they will contribute towards minimising light pollution. Information on these measures should be submitted with applications.

SECTION 5

Conclusion and Recommendations

1. *I find that the Blunsdon East Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The Blunsdon East Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.*
4. *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening meet the EU Obligation.*
5. *The policies and plans in the Blunsdon East Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan. The Blunsdon East Neighbourhood Plan Area is within the area covered by Swindon Borough Council. At the time of my examination, the development plan for the area was the Swindon Local Plan 2026 adopted on the 26th of March 2015.*
6. *I therefore conclude that the Blunsdon East Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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5th May 2020

