

## **Appendix 1: Blunsdon East Neighbourhood Plan Decision Statement**

### **Introduction**

Under the Town and Country Planning Act 1990 (as amended), Swindon Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders. The Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended) outline the Local Planning Authority's responsibilities under Neighbourhood Planning and the legal process to be followed.

The Independent Examiners Report has been received for the Blunsdon East Neighbourhood Plan which recommends that the plan proceed to referendum subject to modifications. The Council is now required to make a decision on the plan proposals and the recommendations in the Examiner's Report; and publish in a Decision Statement their decision and reasons for it.

The Council's response to the Examiner's recommendations are listed in Table 1 below.

### **Background**

The Blunsdon East Neighbourhood Plan relates to the area that was designated by Swindon Borough Council as a neighbourhood area on 5<sup>th</sup> August 2013. This area is not coterminous with the present Blunsdon Parish Council boundary, but is entirely contained within the parish boundary.

Following submission of the Blunsdon East Neighbourhood Plan to Swindon Borough Council the plan was publicised and representations were invited. Consultation on the plan was undertaken by the Council from 6<sup>th</sup> November and 18<sup>th</sup> December 2019.

The Council appointed Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD as Independent Examiner to review whether the plan met the "Basic Conditions" (as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990) and whether it should proceed to referendum.

The Examiner's report concludes that, subject to making the modifications recommended by the Examiner, the neighbourhood plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

The Council is now bound by Paragraph 12(2) of Schedule 4B to the Town and Country Planning Act 1990 to consider each of the recommendations made by the Examiner in their report (and the reasons for them); and decide what action to take in response to each recommendation.

### **Decision and Reasons**

Having considered each of the recommendations made in the examiner's report, and the reasons for them, Swindon Borough Council accepts all the Examiner's recommendations in order to ensure that the draft plan meets the basic conditions as set out in Schedule 4B of The Town and Country Planning Act 1990 (as amended by the Localism Act 2011). Table 1 below lists all of the recommendations in the Examiner's Report and the Council's response to them.

### **Next Steps**

As soon as possible after making a decision on the plan proposals and the Examiner's recommendations, the Council must (in accordance with Regulation 18 of the Neighbourhood Planning Regulations 2012) publish on their website and in such other manner as they consider is likely to bring the decision statement and the report to the attention of people who live, work or carry on business in the neighbourhood area:

- the decision and their reasons for it ("the Decision Statement");
- details of where and when the Decision Statement may be inspected; and
- where recommendations have been made by an Independent Examiner, a copy of the report.

If the plan obtains over 50% of the votes cast at referendum the Council can then 'make' the plan and bring it into legal force. The Neighbourhood Plan would become part of the Development Plan and would be taken into account in planning decision-making within the Blunsdon East Neighbourhood Plan Area.

Table 1:

| No | Policy Number    | Independent Examiner's Recommendations   | Swindon Borough Council Decision and Reasons                                 |
|----|------------------|--|--|
|    | Vision Statement | I am satisfied that the Blunsdon 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.  | Noted  |
| 1  | Policy 1         | <p>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:</p> <p><b><i>Policy 1: Allocation of Sites for Housing</i></b><br/> <i>The following sites are allocated for residential development:</i><br/> <i>Site 7 Dinton in Broadbush</i><br/> <i>Site 9 Land south of Holdcroft, B4019</i><br/> <i>Site 11 Land opposite Coldharbour (Corner of B4019 with Ermin Street)</i><br/> <i>Planning applications for developments on these three allocated sites will be supported where: -</i></p> <ul style="list-style-type: none"> <li><i>• they comply with all other relevant policies in the BENP and</i></li> <li><i>• they have regard for the Development Briefs outlined in Appendix J; and</i></li> <li><i>• 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</i></li> </ul> | Accept modification for reasons of clarity and to meet the Basic Conditions. |

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|----|---------------|---|--|
|    |               | <ul style="list-style-type: none"> <li>• <i>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</i></li> <li>• <i>sufficient parking to avoid the need for on-street parking is provided and</i></li> <li>• <i>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</i></li> <li>• <i>an appropriate archaeological assessment provided, where necessary</i></li> </ul>  |  |
| 2  | Policy 2      | <p>For clarity and to meet the Basic Conditions should be modified as follows:</p> <p><b><i>Policy 2: Housing Development on non-allocated sites</i></b><br/> <i>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.</i><br/> <i>Within the settlement boundary proposals for minor residential development will be supported where:</i></p> <ul style="list-style-type: none"> <li>• <i>They comply with the Development Plan and the Swindon Residential Design Guide 2016</i></li> <li>• <i>They comply with all relevant policies within the BENP and the Village Design Statement</i></li> <li>• <i>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.</i></li> </ul> <p><i>Outside the settlement boundary as defined in the Development Plan,</i></p> | Accept modification for reasons of clarity and to meet the Basic Conditions. |

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|----|---------------|---|--|
|    |               | <p><i>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.</i></p>   |  |
| 3  | Policy 3      | <p>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.</p> <p><b><i>Policy 3: Development in the countryside</i></b><br/> <i>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:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensuring that Blunsdon East remains a separate and distinct entity separated from the Swindon Urban area.</i></li> <li>• <i>Respecting the local landscape character including its setting and views into and out from the village.</i></li> <li>• <i>Respecting the setting of the Broad Blunsdon East and Lower Blunsdon East Conservation Areas by conserving their special character and appearance.</i></li> <li>• <i>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.</i></li> </ul> <p><b><i>Policy 3a Lower Blunsdon and Broad Blunsdon area of visual</i></b></p> | Accept modification for reasons of clarity and to meet the Basic Conditions. |

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|----|---------------|---|---|
|    |               | <p><b>separation.</b><br/> <i>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.</i></p>   |   |
| 4  | Policy 4      | <p>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</p>  | <p>Accept modification for reasons of clarity and to meet the Basic Conditions.</p> |
| 5  | Policy 4      | <p>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.</p> <p><b>Policy 4: Development on the Kingsdown NC5 site</b><br/> <i>Proposals for the development of the Kingsdown NC5 site should:</i></p> <ul style="list-style-type: none"> <li>• <i>include a Design Code informed by the Village Design Statement. The development of the Design Code in consultation with the community is encouraged.</i></li> <li>• <i>demonstrate how policies 3 and 5 of the BENP have been taken into account in bringing forward proposals.</i></li> <li>• <i>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);</i></li> <li>• <i>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;</i></li> </ul> | <p>Accept modification for reasons of clarity.</p>                                  |

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|----|---------------|--|---|
|    |               | <ul style="list-style-type: none"> <li>• <i>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;</i></li> <li>• <i>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.</i></li> </ul>   |   |
| 6  | Policy 5      | <p>This policy is overly prescriptive. For clarity and to meet the Basic Conditions the policy should be modified as follows:</p> <p><b><i>Policy 5: Preserving the character of Blunsdon East Village</i></b><br/> <i>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.</i></p>   | Accept modification for reasons of clarity and to meet the Basic Conditions.  |
| 7  | Policy 6      | <p>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:</p> <p><b><i>Policy 6: Road Safety, traffic congestion and pollution</i></b><br/> <i>Road safety, traffic congestion and pollution are a priority for Blunsdon East and developers are strongly encouraged to discuss traffic mitigation measures with the Parish Council at the earliest possible stage in the planning process.</i><br/> <i>To maintain Blunsdon 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</i></p> | Accept modification for reasons of clarity, and to meet the Basic Conditions. |

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|    |               | <p><i>and transport policies of the Development Plan .</i></p> <p><i>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.</i></p>  |  |
| 8  | Policy 7      | <p>This policy appears to include both community facilities and non-designated heritage assets. For Clarity the policy should be modified as follows:</p> <p><b><i>Policy 7: Protection of Community facilities</i></b></p> <p><i>Development proposals that will enhance the viability and value of community facilities will be supported in accordance with policies in the Development Plan.</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"> <li><i>• commercial facilities have been genuinely marketed for the established use for at least one year; and</i></li> <li><i>• 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.</i></li> </ul> <ol style="list-style-type: none"> <li><i>1. St Leonards Church</i></li> <li><i>2. The Cold Harbour Pub</i></li> <li><i>3. The Village Hall</i></li> <li><i>4. The Village Shop</i></li> <li><i>5. The Heart in Hand Public House and Hall</i></li> <li><i>6. The Rec ground pavilion</i></li> <li><i>7. The Doctor's surgery</i></li> </ol> | Accept modification for reasons of clarity.  |



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|----|---------------|--|---|
|    |               | <p>8. <i>The Methodist Church</i><br/> 9. <i>The Baptist Church</i><br/> 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</p> <p><b>Policy 7a Locally important non-designated heritage assets.</b><br/> 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.</p> |   |
| 9  | Policy 8      | For consistency the reference to the SBCLP 2026 should be replaced with "policies within the Development Plan"   | Accept modification for reasons of clarity.               |
| 10 | Policy 9      | 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 txt of the plan.   | Accept modification to meet Basic Conditions              |
| 11 | Policy 10     | <p>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.</p> <p>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:<br/> 1 Millennium Garden</p>   | Accept modification for reasons of clarity and correction |

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|----|---------------|---|--|
|    |               | <p>2 Burytown Copse<br/>4 Children's playground &amp; tennis courts</p> <p>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.</p> <p>For clarity the policy should be split and modified as follows.</p> <p><b>Policy 10: The Designation of Local Green Space</b><br/><i>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.</i></p> <p><b>Policy 10a Open Space and Sports Facilities</b><br/><i>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.</i></p> <p><i>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.</i></p> |  |
| 12 | Policy 11     | <p>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:</p> <p><b>Policy 11: Preservation of views of local importance</b><br/><i>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</i></p>   | Accept modification for reasons of clarity.  |

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|----|---------------|--|--|
|    |               | <p><i>features.</i></p> <p><i>Where appropriate and where proposals for development impact the important views they should be accompanied by a detailed Landscape Visual Impact Assessment.</i></p> <p><i>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.</i></p>   |  |
| 13 | Policy 12     | <p>This policy is confusing including some repetition. For clarity the policy should be modified as follows:</p> <p><b>Policy 12: Protection of Trees and Hedgerows</b></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Proposals should include information as to how trees and hedgerows that are to be retained, will be protected during construction.</i></p> | Accept modification for reasons of clarity.  |
| 14 | Policy 13     | <p>Lighting schemes will not be relevant for all development proposals, for clarity the first sentence of the policy should be modified as follows:</p> <p><i>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.</i></p>  | Accept modification for reasons of clarity.  |