

## Representation Form

 <p><b>SWINDON</b> BOROUGH COUNCIL</p>	<p><b>Swindon Borough Council Local Plan</b></p> <p>Publication Stage (Regulation 19) Revised Proposed Submission Version Representation Form</p>	<p><b>Ref:</b></p> <p><b>(For official use only)</b></p>
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**Please return to Swindon Borough Council by 5:00pm 16 September 2021:**

**By E-mail to:** [forward.planning@swindon.gov.uk](mailto:forward.planning@swindon.gov.uk) or

**By post to:** Planning Policy, Swindon Borough Council, Wat Tyler House,  
Euclid Street, Swindon, SN1 2JH

For your comments to be taken as a formal submission you are required to state your name and address. In line with the Data Protection Act 2018, Swindon Borough Council will treat and protect your data in accordance with the Act. If you wish to withdraw or amend your personal data, you will need to contact Swindon Borough Council's Planning Policy team either by email ([forwardplanning@swindon.gov.uk](mailto:forwardplanning@swindon.gov.uk)) or in writing: Planning Policy, Swindon Borough Council, SN1 2JH. For further information on how your data is handled please visit [https://www.swindon.gov.uk/directory\\_record/23261/planning\\_policy\\_privacy\\_notice](https://www.swindon.gov.uk/directory_record/23261/planning_policy_privacy_notice)

**Please note it is not possible for representations to be anonymous. Your comments and your name (and organisation/job title, if relevant), will be publicly available.**

This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate Part B sheet for each representation you wish to make.

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# Part A

## 1. Personal Details\*

## Agent's Details (if applicable)

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	MRS	
First Name	DEANNE	
Last Name	ROSE	
Job Title (where relevant)	TOWN CLERK	
Organisation (where relevant)	HIGHWORTH TOWN COUNCIL	
Address Line 1		
Line 2	3 GILBERTS LANE	
Line 3	HIGHWORTH	
Line 4		
Post Code	SN6 7FB	
Telephone Number	01793 762377	
E-mail Address	Clerk@highworthtown council.gov.uk	

## 2. Request for further notification

If you wish to receive notification of Local Plan progress, please specify and tick here:

1. Specified address (e.g. E-mail)	✓
2. Submission of the Local Plan for examination	✓
3. Publication of the recommendations of the Planning Inspector	✓
4. Adoption of the Swindon Borough Local Plan 2036	✓

How did you **first** find out about this consultation?

Council e-newsletter	<input type="checkbox"/>	Other social media	<input type="checkbox"/>	Local newspaper (printed)	<input type="checkbox"/>	Don't remember	<input type="checkbox"/>
Council social media	<input type="checkbox"/>	Local news website	<input type="checkbox"/>	Local Radio	<input type="checkbox"/>		



## Part B – Please use a separate sheet for each representation

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Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	1.01-1.13 ,3.2.2, 4.1.1- 4.1.7	Policy	SP1	Policies Map	
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4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
4.(3) Complies with the Duty to cooperate	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

### 5. COMMENTS

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

#### **NPPF requirements**

The NPPF requires Local Plans to “be shaped by early, proportionate and effective engagement” with local communities, as well as statutory consultees. (Paragraph 16). It further states that local planning authorities “should collaborate to identify the relevant strategic matters which they need to address in their plans”. This includes engaging with their local communities and relevant bodies. (Paragraph 25).

The NPPF requires Local Plan Reviews “to be underpinned by relevant and up to date evidence”. It stipulates that such evidence should be adequate, proportionate and focused to justify the policies being put forward” (Paragraph 31).

The NPPF requires Local Plans to “be informed throughout their preparation by a sustainability appraisal”. It states that the document must address relevant economic, social and environmental objectives with reference to avoiding “significant adverse impacts” and pursuing “alternative options”. (Paragraph 32).

**The NPPF states under the heading Examining Plans (paragraph 35): -**

“Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- c) Effective – deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground, and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”

**The NPPF relating to examining Plans (Paragraph 35)**

**Legally compliant**

Does the plan comply with national policy and legislation issued by the Secretary of State?

Has the Plan been accompanied by a Sustainability Appraisal assessing social, environmental, and economic factors and made available to the public?

**Test of Soundness – NPPF (Paragraph 35).**

“Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are

- e) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- f) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- g) Effective – deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground, and
- h) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”

### **Duty to cooperate – Localism Act 2011**

Has the plan been prepared in co-operation with the other local authorities and prescribed bodies? See below: -

Local Development Scheme?

Have the appropriate bodies been consulted?

Does it comply with the Town and County Planning (Local Planning) (England) Regulations 2012.

### **Shortcomings in Community engagement**

The Borough Council has not fully engaged with the local community and the measures they have adopted fall significantly short of getting the general public to participate in the Local Plan process. At the recent consultation events in Highworth, the Borough Council displayed a draft "masterplan" for the Highworth Golf Course relating to 350 houses and a primary school. (Policy LA34). This drawing is not on the Borough Council's consultation page and was effectively the first time the community were aware of the detailed intention to redevelop the land for non-recreational purposes. This land is owned by the Borough Council themselves.

The allocation of the Highworth Golf Course (Policy LA34) for residential purposes was not included in the December 2019 version of the Local Plan Review (Regulation 19 – Part 1). The evidence base to regulation 19 was the emerging strategies consultation known as Regulation 18 July – Sept 2019. The sustainability appraisal that justifies the Plan mentions at point 3.74 "The following additional sites were submitted in response to the Emerging Strategic consultation and have been assessed against the same methodology in Appendix 5". The Highworth Golf Course is listed as one of the 10 additional sites; however, it was not included in the regulation 18 emerging strategies stage. Consequently, it was therefore not subject to scrutiny at Regulation 19, part 1 phase and added at this second regulation 19 stage with no evidence to back it up.

Highworth Town Council have been advised that the reason for the submission at this stage was because the site has only recently become available for development as it was leased by The Borough to an operator (Twig Market) as a public/community facility. This statement came as a surprise to Highworth Town Council on the basis that the site being promoted for housing on Lechlade Road (Policy LA21) is not available as Highworth Town Council are a leaseholder with circ. 85 years remaining and have not agreed to relinquish the lease. Highworth Town Council wish to advise that the Lechlade Road site has been subject to the full regulation process. I.e. regulation 18 emerging strategies, regulation 19 part 1 and regulation part 2 consultation and therefore the Highworth Golf Course (LA34) should have been promoted in regulation 18 the same. The Borough Council were fully aware at the time of the regulation 18 process that Twig Market were struggling as this was only a year after they agreed to let them walk away.

The Consultation process for this Plan has been run during the summer holidays which is completely unacceptable when such an important document needs to be scrutinised by as many people as possible. This Plan will have a massive impact if it is flawed.

### **Lack of sustainability justification**

The sustainability assessment at (page 81 Site appraisal criteria) sets out 10 criteria to be assessed. Of the 10 the following is noted regarding their assessment.

**Land and Soil** – There is limited data

**Water Resources** – Not assessed. There is no data available to allow a robust assessment of this objective at site level.

**Air Quality and Environmental Pollution** - Not assessed. There is good data within the Swindon Air Quality Annual Status Report 2018 on locations which exceed or at risk of exceeding target values for Nitrogen Dioxide. However, there is no data on trip generation and route distribution from individual sites. It cannot be assumed that sites in close proximity to an area of air quality concern would necessarily adversely impact air quality or conversely that impact will necessarily decay with distance.

**Climate Factors** – Not assessed. There is no data available to allow the robust assessment of this objective at a site level.

**Landscapes** – Limited published data exists and therefore bespoke analysis has been undertaken by the Council's landscape architects for the purposes of this report. This provides an indicator of the potential for site development to cause landscape and/or visual harm.

**Population and Housing** – Not assessed. There is no clear basis on which to distinguish between sites in relation to this topic.

**Transport** – The purpose to reduce the need to travel and promote more sustainable transport choices. Note only buses were assessed. No assessment of cycling infrastructure both to Swindon or within the Town of Highworth itself. This is relevant on the basis that Highworth was considered an ideal location for a large number of houses due to its sustainable transport links.

**Economy & Enterprise** – Not assessed. No data exists to enable an assessment of the impacts of residential development sites on economic growth. Additionally, it is assumed that all employment sites will contribute to meeting this objective.

The sustainability appraisal (Table 3). Highworth Town Council note that Swindon Borough Council accepts that it has not done a proper assessment of these objectives due to the lack of suitable and appropriate evidence base I.e., data. Under the topic heading of Population and Housing, for instance, the Local Plan Review refers to this not being assessed because "there is no data available to allow the robust assessment of this objective at a site level."

Highworth Town Council considers that this situation completely puts doubt in the need for the identification and allocation of all the sites in Highworth for housing purposes.

In the case of the allocated site at Roundhills Mead (Policy LA18), the land is subject to significant flooding due to its proximity to a watercourse. The situation is such that both the land and the adjacent road on a regular basis experiences extreme surface water flooding. Swindon Borough Council will be aware, as are

the Highway Authority, the water lifts the surface material on the public highway resulting in it needing constant repair.

Highworth Town Council note that the submitted Infrastructure Delivery Plan, updated July 2021 is far from comprehensive based on the scale of development proposed. The impact of the road network will be seriously affected and no analysis prior to the submission of this final draft has been carried out to support the Plan. Highworth Town Council have no faith in Swindon Borough Council that the necessary infrastructure will be provided by the developer on the basis of the previously approved Shrivenham Road allocation (Policy LA19), where even though the road safety report identified the proposal was unsafe and the junction of the Fox Roundabout which is a fundamental junction in the Town was functioning above capacity without the additional houses, no highway improvements to the junction were required in order for the site to be approved.

The Infrastructure Delivery Plan refers to the provision of a Primary School within Policy LA34 and the provision of 350 dwellings at Highworth Golf Course. The document confirms that Swindon Borough Council has no evidence confirming that there are insufficient primary school places in the Town. Highworth Town Council is of the view that if the Primary School is not required it will be re-designated for housing purposes.

At 4.2.5 the Plan states "The development strategy for residential development in respect of those sites not committed is a graduated dispersal with housebuilding focussed on Highworth and Wroughton. The outline reasons for selecting this approach are as follows:",

"The graduated dispersal strategy makes best use of existing infrastructure reducing the need for significant new infrastructure, an important factor given the scale and expense of infrastructure required to deliver the new communities planned under the Local Plan 2036. This is particularly the case in Highworth and Wroughton, which both benefit from secondary schools with capacity, a range of Town Centre facilities, and established frequent bus services, which in the case of Wroughton can be upgraded".

This is a very casual assumption considering the impact of development on this scale if the necessary infrastructure is not in place to support it. As there is no in-depth analysis of the infrastructure needed how does Swindon Borough Council know this?

Highworth Town Council note that in the submitted site allocations report reference is made to the proposed site at Roundhills Mead being close to a former Primary School which could be re-opened. This is the former North View Primary School which closed 10+ years ago and is now used as a Community Centre. This implies the necessity of this School being reopened to support the Roundhills Mead Site (Policy LA18) and this contradicts the requirement of Highworth Golf Course (Policy LA34) where it shows in its indicative layout of the new Primary School on site.

Highworth Town Council note that Swindon Borough Council accepts that the provision of additional housing in Highworth will impact on water supply. The Local Plan Review (Table A3) states that there will be "significant effects" confirming that local water resources which are already "seriously water stressed".

### **Deliverability of Housing**

With reference to the Housing completions trajectory, it is noted that the deliverability of the houses on the allocated sites, for example the Highworth Golf Course and Roundhills Mead show the full quantum of housing not to be delivered within the next 5 years. It is also noted that the table shows the Shrivenham Road site (which has been approved subject to a S106) to be delivering 50 houses a year for 4 years. This is in fact inaccurate as the total quantum is 250 houses and the application referred to 41 houses being built per year thus taking 6.25 years.

Highworth Town Council on the basis of the points raised above (which are by no means exhaustive), are of the opinion that the Local Plan Review Draft Plan is not legal, sound and has not met the Duty to cooperate.

### **Conflict with National Planning Policy**

There are many examples throughout this Plan where a site allocation is in conflict with the NPPF. These are identified against each Policy separately in Highworth Town Council's response to this Consultation.

### **Highworth Neighbourhood Plan**

Highworth's Neighbourhood Plan is part of the Development Plan, and no weight has been given to its existence. For example, the document highlights the Highworth Golf Course as open space. This document is supported by the Conservation Area Appraisal and Management Plan (CAAMP) in respect of protecting this open space.

The Neighbourhood Plan is currently being updated and Swindon Borough Council is fully aware of this.

(Continue on a separate sheet /expand box if necessary)

## **6. MODIFICATIONS**

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Highworth Town Council consider that the Local Plan Review is fundamentally flawed, therefore it should be withdrawn on the basis it is not legal, Sound and has failed in its duty to cooperate.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Highworth Town Council consider that the Local Plan Review must be subject to scrutiny and presenting their concerns in front of the Inspector is the best way to achieve this objective given their role in representing the whole community.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.