Highworth Neighbourhood Plan 2 Plan 2021-2036

Introductory Notes

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS

John Slater Planning Ltd

9th April 2025

1. I am delighted to have been appointed as the examiner to the review of the Highworth Neighbourhood Plan 2015-2026 and I look forward to working with Swindon Borough Council's officers and the Highworth Town Council team on this examination.
2. My first task, having read the documentation, is to make a visit to Highworth, which will be unaccompanied. I plan to make my visit in the early part of next week and this will enable me to familiarise myself with the town and the surrounding countryside.
3. On my return, I will prepare what I describe as the Initial Comments document. In most cases, I can confirm at that stage whether I will need to call a public hearing. In relatively few cases, I do have to delay that decision until I have received the responses to my questions raised in this Initial Comments document. Most examinations proceed based on the written material only. I normally allow each party three weeks to respond to my questions. I am also required to give a view as to whether the changes are substantial and significant to change the nature of the plan and whether need to recommend that a referendum will be required.
4. My default position is always to ask that any documents issued, whether prepared by myself as examiner or as a response, should be placed on the relevant neighbourhood plan websites. This will allow interested parties and the public to be able to follow the progress of the examination. There may be some e-mail exchanges, which I initiate, where I am merely seeking to clarify matters or make logistical arrangements, which are not necessary to be placed in the public domain.
5. It is important that any examination proceeds in an open, transparent and even-handed way. My normal practise is to copy in both the borough council and the parish council into any correspondence. Similarly, I will ask that in responding to me, each party copies in the other, so that everyone knows what has been submitted. The only areas where I will not be copying in the town council, relates to the contractual matters regarding my appointment which will be directly between myself and the Borough Council.
6. I have been provided with copies of the Regulation 16 consultation responses, and I have read them all. I usually offer the parish/ town council the opportunity to comment on these Regulation 16 submissions, when I issue my Initial Comments document. However, I have already been sent by the Town Clerk, two statements prepared on behalf of the Town Council in respect of Turley's representations on behalf of Bewley Homes and the representations submitted on behalf of the Borough Council. I will be offering the Town Council another opportunity to comment on the remaining Regulation 16 representations at the Initial Comments stage, but only if it wishes to comment. I must ask that the two statements be placed on the Town Council's and the Borough Council's websites, so they are in the public domain.

7. In the event, that I do decide to call for a public hearing, I will contact Toby Voak at Swindon Borough Council by telephone and will ask him to liaise with the Town Clerk, to find a suitable date and venue, hopefully in the parish. If a hearing is required, I will set out the arrangements and the matters to be discussed in a Notice of Public Hearing document.
8. Once I will receive responses to the Initial Comments, I will proceed to prepare my report, but if I find that I need to seek further clarification or an elaboration on specific responses, I will set that out in an Additional Comments note.
9. Just before Christmas, the Government issued a new version of the National Planning Policy Framework. Paragraph 239 deals with its Implementation and it confirms that only those neighbourhood plans which are submitted after 12th March 2025, will the policies in the new version of the NPPF apply for the purpose of examination and I can confirm that I will be examining this modified plan in the context of the previous version of the Framework issued in December 2023.
10. Upon completion of my draft report, I will send it to both the town council and Swindon Borough Council for fact checking. A fact check is not an opportunity for either party to challenge my recommendations or conclusions but to point out any factual errors. It also helps to identify "typos". I normally allow a week for fact checking and I will then issue my final report which is sent to both parties although it is formally submitted to Swindon Borough Council as local planning authority.
11. Finally, I do need to flag up an important issue at this early stage based on my initial consideration of the documentation. The Neighbourhood Planning Act 2017 introduced the ability for policies, in a made neighbourhood plan, to be modified. Amendments to the 2012 Neighbourhood Planning Regulations, were introduced to cover such modifications, through the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017.
12. This examination relates to a completely new version of the neighbourhood plan, which will replace the existing made plan. I am treating this new plan as a "modification proposal" which comes within the definition of being a proposal for the modification of a neighbourhood plan as set out in Section 1(2) of Schedule A2 of the Planning and Compulsory Purchase Act 2004.
13. The regulation set out a statutory requirement on the Qualifying Body at both Regulation 14 and Regulation 15 stage as follows:

    "*in relation to a modification proposal, a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion;"*

14. I have not been able to identify whether the Town Council produced that statement as part of the Regulation 14 Pre-submission version of the plan or indeed in the submission version. I do not believe that the statement can be issued retrospectively. I would be pleased to receive confirmation from the Town Council whether that requirement was complied with and if it was, where can it be found. I also need to know the Borough Council's view as to the status of the Highworth modification proposal, whether they are so significant or substantial to change the nature of the plan.
15. I would like to be able to address the implications of this issue based on the Town Council's response to this question, in my Initial Comments document so an early indication would be helpful so that the momentum of the examination can be maintained.

John Slater BA (Hons), DMS, MRTPI, FRGS.

John Slater Planning Ltd

Independent Examiner to the Highworth Neighbourhood Plan 2