29/04/2025

SBC response to the examiner's preliminary questions

Question 1

Is the Borough Council satisfied that the Town Council, at Pre- Submission consultation stage has complied with the requirements of Regulation 14 (a)(v) of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) and Development Management Procedures (Amendment) Regulations 2017. This is, in respect of a modification proposal at its pre submission consultation and publicity stage, a requirement for "a statement setting out whether or not the qualifying body considers the modifications contained in the modifications are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for such for why the qualifying body is of the opinion

Answer

SBC are not satisfied that HWTC's Modifications Statement dated September 2024 was provided or published in compliance with the requirements of Regulation 14 (a)(v) of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) and Development Management Procedures (Amendment) Regulations 2017.

Question 2

Does Swindon Borough Council consider that the Modification Statement prepared by the Town Council, dated September 2024, achieves that purpose, including the requirements set out in paragraph 1(3) b) of Schedule A 2 of the Planning and Compulsory Purchase Act 2004?

Answer

The modifications statement dated September 2024 provided by the Town Council does not fulfil the requirement of paragraph 1(3) b) of Schedule A 2 of the Planning and Compulsory Purchase Act 2004, 'a statement which contains a summary of the proposals and sets out the reasons why the plan should be modified as proposed'. This is based on the observation that the statement lacks any comments on the content of the plan's policies. Without addressing the specific policies and their implications, the statement fails to provide an assessment of whether the modifications alter the nature of the neighbourhood development plan.

Question 3

Has the Town Council produced the required statement in respect of its submission to Swindon Borough Council as required by Regulation 15 (1) (f) which requires the submission of the same statement to accompany its modification proposal's submission to the local planning authority?

Answer

In respect of a modifications statement in compliance with Regulation 15 (1) (f), SBC are not satisfied that a modification statement was submitted to the LPA at this stage.

Question 4

Has Swindon Borough Council prepared its submission pursuant to Regulation 17(e) of the Neighbourhood Planning Regulations 2012 as amended which is almost identical to the above?

Answer

No modifications statement has yet been prepared by SBC.