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Edward Cousins
Neighbourhood Plan Examiner,
Highworth Neighbourhood Plan 2
By email only

Please ask for: Planning Policy

Email: ForwardPlanning@swindon.gov.uk

Date: 15 April 2026

Dear Mr Cousins,

Swindon Borough Council welcomes the opportunity to respond to your second Clarification Note as part of the examination of the Highworth Neighbourhood Plan 2.

Swindon Borough Council Response to Part A of the Clarification Note 2

The Borough Council acknowledges that Sections 98 and 99 of the Levelling up and Regeneration Act 2023 (LURA) came into force on 25 March 2026 date and that the unfortunate lack of transitional arrangements for neighbourhood development plans at an advanced stage in their preparation means that the amendments apply to ongoing examinations. We have considered the changes below.

Section 98 – Contents of a neighbourhood development plan

Section 98 of the LURA amends Section 38B of the Planning and Compulsory Purchase Act 2004 (PCPA). This includes firstly the insertion of subsection (A1) which provides further details of what the contents of a neighbourhood development plan may contain, secondly the insertion of subsection (2B) which provides new requirements for neighbourhood development plans, and the insertion of subsection (2C) which provides restrictions to the contents of neighbourhood development plans.

The insertion of subsection (A1) is considered to have a limited impact on Highworth Neighbourhood Plan 2 (HNP2). The subsection does not establish new requirements or restrictions.

The insertion of subsection (2B) does introduce new requirements as below:

> *So far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must:*
>
> *(a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and*
>
> *(b) be designed to take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area.*

These are new requirements that the HNP2 must be assessed against. Although the Borough Council cannot comment on if these requirements have been fulfilled '*so far as the qualifying body considers appropriate*', each requirement has been considered in turn below.

Regarding (2B)(a), the Borough Council acknowledge that 'combatting climate change' forms part of the HNP2's 'Vision for 2036', and that paragraph 34 of the submission draft outlines that the neighbourhood plan plan seeks to address climate change through its nature recovery policies.

Regarding (2B)(b), the Borough Council acknowledges that the version of the HNP2 that is being examined was prepared in August 2025. This preceded the adoption of the Local Nature Recovery Strategy (LNRS) for Wiltshire and Swindon in October 2025. Chapter 12 of the HNP2 therefore refers to the emerging nature of the LNRS, though "Policy 12: Biodiversity and nature recovery" already seeks development proposals to align with the LNRS. The Borough Council acknowledges that these references would benefit from being updated to reflect the adopted LNRS.

Section 99 – Neighbourhood development plans and orders: basic conditions

Section 99 of the LURA amends Schedule 4B of the Town and Country Planning Act 1990 (TCPA), and Section 38C and Schedule A2 to the PCPA 2004 to revise the basic conditions for neighbourhood development plans. This includes compliance with the requirements of Part 6 of the LURA regarding environmental outcomes reports, and replacing the basic condition for general conformity with strategic policies in the development plan with the following:

> *the making of the Neighbourhood Plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.*

The Borough Council agrees that compliance with the basic condition relating to environmental outcomes reports cannot be assessed and has subsequently only considered the impact of the condition that the making of a neighbourhood development plan should not result in the development plan proposing for less housing.

The Borough Council considers that this replacement basic condition has a limited impact on the HNP2, which does not impede upon the development of the Crane Furlong site, which is proposed for housing development in the adopted development plan.

We note the Examiner has asked the Borough Council to specifically consider the impact on compliance with Regulation 15(1)(d) of the Neighbourhood Plan (General) Regulations 2012 which requires

> *a statement explaining how the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified**]** meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act or in the case of a modification proposal, how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act.*

The Borough Council is satisfied that the Conditions Statement submitted to fulfil Regulation 15(1)(d) refers appropriately to the Basic Conditions at the time of submission. While we acknowledge the Conditions Statement does not refer to the new Basic Conditions, we note the Examiner has provide

the Town Council with the opportunity to specifically address the amendments under Question 4(vi) of the Clarification Note 2. The Borough Council is content that this is a pragmatic approach to seeking compliance with Regulation 15(1)(d).

Opportunity to invite comments from interested parties

The Borough Council notes the Examiner's request to invite comments from interested parties and agrees to conduct a two-week focussed consultation on the changes to legislation, following the conclusion of the pre-election period.

Conclusion

Overall, the Borough Council is of the opinion that Section 98 and Section 99 coming into force should have minimal impact on the HNP2.

Swindon Borough Council Response to Part B of the Clarification Note 2

The following section relates to Part B of the Clarification Note 2.

Please note the Borough Council has only provided responses to questions that were directed to the Borough Council. Subsequently, the numbering throughout this part of our response is not always sequential.

1. Outstanding Representations

The Regulation 16 consultation document submitted for the second, targeted, round of consultation details the content of the responses. However, could the Borough Council provide the necessary attachments or confirm the location of the attachments referred to in the document for the following representations:

- *Natural England*
- *Landhold Capital – Pentylands Lane site*
- *English Heritage*
- *Rob Richards - SBC Property Assets on behalf of former Highworth Golf Course*

SBC Response: Please find attached copies of representations from Natural England, Landhold Capital, English Heritage and SBC Property Assets.

2. Habitats Regulations Assessment

There is no requirement for any formal decision to be made under the Habitats Regulations whether or not an 'appropriate assessment' has been required. However, the Town Council and Borough Council will be in breach of Regulation 102 of the Habitats Regulations if in fact a plan is likely to have a significant effect on a European site and has not been assessed.

I have a copy of the SEA Screening Assessment. Could the Town Council or Borough Council provide me with the HRA screening assessment if one has been published. I require an assessment that demonstrates the draft Neighbourhood Plan will not result in significant effect, either alone or in combination, upon any European sites.

SBC Response: Please find attached a copy of the SEA Screening Assessment which includes the HRA Screening Assessment which is concluded at 4.11 and 4.12 of the report.

3. Neighbourhood Plan Area

The Basic Conditions Statement states the Neighbourhood Area was designated by Swindon Borough Council on 13th July 2017. The Neighbourhood Plan designation is detailed at Figure 1 in the Neighbourhood Plan. This indicates a date of 2013. Would the Borough Council confirm the date of approval of the Neighbourhood Plan Area boundary and include the appropriate documentation in the response.

SBC Response: Please find attached copies of both the Highworth Neighbourhood Area Application and the Decision Letter. The Neighbourhood Area was designated on 13 July 2017.

4. Housing Provision and Mix

(i) Could the Borough Council provide a brief update on the current planning status of the land allocated for housing at Crane Furlong. I note that the site is allocated for housing in the emerging Local Plan. The Neighbourhood Plan provides a reference to a current planning application referenced under S/OUT/19/1195.

SBC Response: The application is currently being considered with ongoing negotiations regarding mitigation of potential odour issues arising from the adjoining Sewage Treatment Works. The application would require consideration by Planning Committee once a recommendation is made.

(ii) I note the response to my initial question relating to the indicative housing requirement position. Am I correct to assume that the Borough Council has not identified a housing requirement in the Local Plan Review for the Highworth Neighbourhood Area as required by NPPF paragraph 69?

SBC Response: The Regulation 18 draft version of the emerging Swindon Local Plan 2043 did not identify a housing requirement for Highworth designated Neighbourhood Area. The Regulation 19 Publication Version of the Local Plan is planned to be presented to Cabinet in July 2026. Officers are presently reviewing the overall Housing Trajectory for the Borough across the plan period to the Regulation 19 Publication Version is sound in this approach.

(vi) In view of the proposed changes to the Basic Conditions, would the Borough and Town Council comment on:

> *(a) whether the Neighbourhood Plan would have the effect of preventing development from taking place which is proposed in the development plan and*
>
> *(b) the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made.*

SBC Response: The Borough Council is of the view that the Neighbourhood Plan would not have the effect of preventing development from taking place which is proposed in the development plan. The Borough Council contend that the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made.

6. Highworth Town Centre

(i) Could the Town or Borough Council provide a copy or link to the 2017 study by Nathanial Litchfield and Partners.

SBC Response: Please find attached a copy of the 2017 study.

We hope these responses are helpful. Please let us know if we can provide any further clarification to aid in your examination.

Yours sincerely

Tim Thomas

Planning Policy Lead Officer