



**SWINDON BOROUGH COUNCIL**  
**Municipal Year 2016/17**

**Thursday, 6 April 2017**

**COUNCIL CHAMBER  
CIVIC OFFICES  
SWINDON**

28 March 2017

Dear Councillor,

**Summons to attend Council Meeting**

A MEETING of the **Council**, which you are requested to attend, is to be held at the CIVIC OFFICES, SWINDON, on **Thursday, 6 April 2017 at 7.00 p.m.**

The business to be transacted will be as follows:-

**AGENDA**

- 1. Apologies for Absence**
- 2. Communications**  
To receive any communications or letters which the Mayor or Chief Executive may have to bring before the Council.
- 3. Minutes** (Pages 5 - 12)  
To receive the minutes of the previous meeting.
- 4. Declarations of Interest**  
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

**5. Public Question Time**

See explanatory note below.

**6. Council Petition Scheme** (Pages 13 - 18)

To consider a petition received in accordance with the Council's Petition Scheme calling on the Council to reinstate the crossing patrol officer for Hazelwood Academy.

**7. Highworth Neighbourhood Plan** (Pages 19 - 88)

To consider the approval of a Highworth Neighbourhood Plan Decision Statement.

**8. Calendar of Meetings 2017/18** (Pages 89 - 92)

To consider and recommend to Annual Council the dates for meetings of the Council, the Cabinet, Committees and other Swindon Borough Council Bodies for the Municipal Year, 2016/17.

**9. Minutes of Cabinet and Decisions Delegated to Cabinet Members** (Pages 93 - 116)

Members have the opportunity to raise questions with the relevant Cabinet Member in respect of Cabinet minutes (which are not reserved for Council for decision) and in respect of individual Cabinet Member delegated decisions.

**10. Minutes of other Council Bodies**

Members have the opportunity to raise questions with the relevant Chair in respect of all other Committee minutes (not reserved to Council for decision), as set out in the Minute Book circulated separately.

**11. Councillors Question Time**

Questions (if any) of which notice has been given by Councillors in accordance with Standing Order 15.

Yours faithfully

Director of Law and Democratic Services

**Questions by Members of the Public in accordance with Standing Order 11**

Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Council (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

**Access Arrangements** - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you have any special requirements to enable you to attend the meeting or would like to receive any of the pages contained in this agenda in a larger print size, please contact the Committee Officer as soon as possible prior to the date of the meeting.

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**COUNCIL**

**THURSDAY, 23 FEBRUARY 2017**

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, Alan Bishop, Emma Bushell, Matthew Courtliff, Wayne Crabbe, Malcolm Davies, Mark Dempsey, Paul Dixon, Oliver Donachie, Toby Elliott, Claire Ellis, Steph Exell, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Dale Heenan, Russell Holland, Fay Howard, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, James Robbins, Eric Shaw, Carol Shelley, Kevin Small, Gary Sumner, Timothy Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams, David Wood, Robert Wright and Julie Wright.

**82. Apologies for Absence**

Apologies for absence were received from Councillors John Ballman, Ray Ballman and Teresa Page.

**83. Communications**

The Chief Executive reported that no communications had been received.

**84. Minutes**

Resolved – That the minutes of the meeting held on 26<sup>th</sup> January 2017, be confirmed and signed.

**85. Declarations of Interest**

The Mayor reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

Councillors Abdul Amin, Steve Allsopp, Matthew Courtliff, Mary Martin, James Robbins, Carol Shelley, Tim Swinyard, Carol Sydney-Smith and Julie Wright made personal declarations of interest in respect of Agenda Item No. 11 in their capacity as Council appointed School Governors.

**86. Public Question Time**

Mr Brian Cockbill submitted written questions regarding homelessness in the Borough. The meeting was advised that the Cabinet Member for Housing and Homelessness had provided written responses to Mr Cockbill's questions and that these had been circulated at the meeting.

Mr Cockbill asked a supplementary question regarding the responses provided in respect of questions 1 (b), (c) (d), (e), (f), (g) and 2. The Worshipful The Mayor responded at the meeting.

Mr Martin Costello submitted written questions regarding the proposed Council Tax rises and whether a referendum would be called to confirm the proposed increases. The meeting was advised that the Leader of the Council had provided a written response to Mr Costello's questions and that these had been circulated at the meeting.

Mr Gavin Perry submitted written questions regarding repairs to highways and arrangements for future repairs under perishing arrangements. The meeting was advised that the Cabinet Member for StreetSmart, Highways and Transport had provided a written response to Mr Costello's questions and that these had been circulated at the meeting.

Mr Perry asked a supplementary questions regarding Council plans to prevent fly tipping and to prosecute those responsible. The Cabinet Member for StreetSmart, Highways and Transport responded at the meeting.

Mr Brian Cockbill submitted written questions regarding the inspection of and repairs to Sywell Road, Stratton St. Margaret. The meeting was advised that the Cabinet Member for StreetSmart, Highways and Transport had provided a written response to Mr Cockbill's questions and that these had been circulated at the meeting.

Mr Terry Reynolds submitted written questions regarding media reports on charges attributed to newly created parish councils. The meeting was advised that the Cabinet Member for Communities had provided written responses to Mr Reynolds' questions and that these had been circulated at the meeting.

Ms Jane Francis asked questions regarding the level of Council Tax increases and public support for new local governance arrangements. The Cabinet Member for Finance and Corporate Services responded at the meeting.

Ms Francis asked a supplementary question regarding legal advice received by the Council in respect of creating parish councils. The Cabinet Member for Finance and Corporate Services responded at the meeting.

Mr David Ockenden asked a question regarding the legality of the proposed Council Tax increase. The Cabinet Member for Finance and Corporate Services responded at the meeting.

Mr Ockenden asked a supplementary question regarding the Council making representations to Central Government in respect of grant allocations to the Council. The Leader of the Council responded at the meeting.

The Council considered joint reports of the Cabinet Member for Finance and Corporate Services and the Interim Corporate Director of Resources, considered by the Cabinet on 8<sup>th</sup> February 2017 relating to (i) Budget 2017/18 and Beyond, (ii) Capital Programme 2017/18, (iii) Treasury Strategy Statement 2017/18, and (iv) Minute 86 of the Cabinet (Budget 2017/18 and Beyond), Minute 87 of the Cabinet (Capital Programme 2017/18) and Minute 88 of the Cabinet (Treasury Statement 2017/18).

(1) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 86(9) of the Cabinet (Budget 2017/18 and Beyond) be confirmed and adopted.

The Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the vote on Minute 86 of the Cabinet (Budget 2017/18 and Beyond) was recorded:

Councillors voting for the Motion were: Councillors Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Toby Elliot, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Gary Sumner, Tim Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Steve Weisinger and Keith Williams.

Councillors voting against the Motion were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, James Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, David Wood, Julie Wright and Robert Wright.

(2) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 87 of the Cabinet (Capital Programme 2017/18) be confirmed and adopted.

The Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the vote on Minute 87 of the Cabinet (Capital Programme 2017/18) was recorded:

Councillors voting for the Motion were: Councillors Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Toby Elliot, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Gary Sumner, Tim Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Steve Weisinger and Keith Williams.

Councillors voting against the Motion were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, James Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, David Wood, Julie Wright and Robert Wright.

(3) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 88 of the Cabinet (Treasury Statement 2017/18) be confirmed and adopted.

The Motion was put to the vote and declared carried.

## **88. Council Tax Setting 2017/18**

The Council considered a joint report of the Cabinet Member for Finance and Corporate Resources and the Interim Corporate Director of Resources, concerning the amount of Council Tax for each Valuation Band for dwellings in each part of the Borough for 2017/18, and related matters including legal advice.

Councillor Russell Holland moved and Councillor David Renard seconded and the Council agreed:

“(1) That it be recorded that the advice of the Director of Law and Democratic Services’ has been taken into account when setting the level of Council Tax for 2017/18.

(2) That it be noted that the Council’s revenue budget is £136,463,465 as recommended by the Cabinet to this Council on 8<sup>th</sup> February 2017.

(3) That it be noted that in accordance with Section 31B of the Local Government Finance Act 1992 (as amended) the Council’s Tax Base for 2017/18 is 71,551.4 in total with the breakdown by Parish set out in Appendix 3 to the report.

(4) That the following amounts be calculated by the Council in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended by the Localism Act 2011:-

- (a) Borough / Parish Gross Expenditure £496,035,800 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 Act taking into account all precepts issued to it by Parish Councils.
- (b) Borough Gross Income plus Collection Fund Balance £399,406,664 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) Borough/Parish Net Expenditure £96,629,136 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.
- (d) Basic Amount of Tax (including Average Parish Precepts) £1,409.62 being the amount at 4(c) above divided by the amount at 3 above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year. In accordance with Schedule 5 of the Localism Act 2011, this sum is not considered to be excessive.
- (e) Special Items £7,097,585 being the aggregate of Special Expenses and Parish Precepts and collectively known as special items and referred to in Section 34(1) of the Act.



- (f) Basic Amount of Tax £1,251.29 being the amount at 4(d) above less the result given by dividing the amount at 4(e) above by the amount at 3, calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates. (The Basic Amount of Tax of £1,251.29 comprises £1,192.16 for services generally plus £59.13 specifically relating to a 3% increase in the previous year's bill to contribute towards the increased cost of adult social care.)
- (g) Basic Amount of Tax (Special and Parished Areas) the amounts shown in Appendix 2 of the report, being the amounts given by adding to the amount at 4(f) above, the amounts of the special items relating to dwellings in the appropriate part of the Council's area - divided by the appropriate amount at 3 above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which a special item relates.
- (h) Borough/Parish Council Tax Rates the amounts shown in Appendix 1 of the report, being the amounts given by multiplying the amounts at 4(g) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in a particular valuation band, divided by valuation D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

(5) Police and Crime Commissioner for Wiltshire and Swindon That it be noted that for the year 2017/2018 the Police and Crime Commissioner for Wiltshire and Swindon has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£113.51	£132.43	£151.35	£170.27	£208.11	£245.95	£283.78	£340.54

(6) Dorset and Wiltshire Fire Authority That it be noted that for the year 2017/2018 the Dorset and Wiltshire Joint Fire Authority has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£47.06	£54.90	£62.75	£70.59	£86.28	£101.96	£117.65	£141.18

(7) That this Council notes that there will an average 4.99% increase in the Council Tax levels for the Borough element of the 2017/18 Council Tax bills in accordance with the budget proposed by Cabinet on 8<sup>th</sup> February 2017.

(8) That this Council determines that the Basic Amount of Council Tax for the Financial Year, 2017/18 is not excessive within the statutory definitions set out within Part 1 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011) and that therefore no referendum is required.

The Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the vote on this Motion was recorded:

Councillors voting for the Motion were: Councillors Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Toby Elliot, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell

Holland, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Gary Sumner, Tim Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Steve Weisinger and Keith Williams.

Councillors voting against the Motion were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, James Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, David Wood and Robert Wright.

## **89. Housing Revenue Account - Rents and Charges 2017/18**

The Council considered (a) a joint report of the Cabinet Member for Housing and Homlessness and the Corporate Board Director, Communities and Place concerning the proposed Housing Revenue Account – Rents and Charges 2017/18, and (b) Minute 89 of the Cabinet (Housing Revenue Account – Rents and Charges 2017/18).

Councillor Oliver Donachie moved and Councillor Russell Holland seconded:

- a) That the proposed average rent for Housing Revenue Account (HRA) dwellings for 2017/18 of £80.18 per week (52 week basis), which is a decrease of 1.0%, be approved. This will be an average decrease of £0.81 per week (52 week basis). The range of decreases is shown in paragraph 3.9.
- b) That the Head of Housing Management and Community Safety be authorised to seek authority from the Secretary of State to extend the permission for the use of the Housing Revenue Account for payments to the Council's tenants under the Discretionary Housing Payments scheme, and provide a budget of £300k in 2017/18 as detailed at paragraphs 3.27.
- c) That the housing related support charges for 2017/18 and service charges for 2017/18, as outlined in Appendix 2 to the report, be approved.
- d) That Leaseholder service charges be set for 2017/18, as shown in Appendix 3 to the report.
- e) That, based on the proposals set out within this report, the Housing Revenue Account (HRA) proposed budget 2017/18, shown in Appendix 4 to the report, be approved and that the HRA Capital Budget and Funding be approved as shown in Appendix 5 to the report.
- f) That a budget of £1m is approved to acquire properties as detailed at paragraph 3.17 below, and that the Corporate Board Director, Communities and Place, in consultation with the Interim Corporate Director, Resources, be authorised to commit this expenditure.
- g) That the draft 3 year capital projects and planned maintenance programme be approved at an indicative funding level of £16.5m (2016/17 prices) for 2017/18 Appendix 6 to the report.
- h) That the reduction of rents charged on General Fund properties in line with Government guidance on Housing Revenue Account rents by 1% for 2017/18. Service charges for General Fund properties, as shown in Appendix 7 to the report, be approved.
- i) That the increase of rents charged for plots at the Hay Lane Residential Gypsy Site by £1.00 per week (2.0%) to £51.26 per week (52 week basis) and the rents for workpens, shown in Appendix 7 to the report, be approved.

- j) That the charges for Private Sector Leased (PSL) accommodation for those accepted as homeless outlined in Appendix 7 to the report be approved.
- k) That any underspend on the 2016/17 Housing Revenue Account is added to revenue reserves.

The Motion was put to the vote and declared carried.

## **90. Swindon Pay Policy Statement 2017**

The Council considered (a) a joint report of the Cabinet Member for Finance and Corporate Services and Head of People, Performance and Engagement on the requirement, under Section 38 of the Localism Act 2011, for the Council to agree and publish a Pay Policy Statement by 1<sup>st</sup> April each year, and setting out the Council's proposed Pay Policy Statement for consideration, (b) Minute 93 of the Cabinet (Pay Policy Statement), and (c) the Council's draft Pay Policy Statement.

Councillor Russell Holland moved and Councillor David Renard seconded:

"That the Council's Pay Policy Statement for 2017/18, as set out in Appendix A of the joint report be approved and adopted."

The Motion was put to the vote and declared carried.

## **91. Minutes for Confirmation**

(1) Councillor Fionuala Foley moved and Councillor David Renard seconded that Minute 93 of the Cabinet (Updated Child Sexual Exploitation Prevention Strategy) be confirmed and adopted.

The Motion was put to the vote and declared carried.

(2) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 95 of the Cabinet (Commercial Investment Strategy – Governance Arrangements) be confirmed and adopted.

The Motion was put to the vote and declared carried.

## **92. Motion - Education Improvement**

Councillor Carol Shelley moved and Councillor Jim Robbins seconded:

"This Council notes Ofsted's recent letter to the Council and other local education stakeholders, on the state of Swindon's education provision and expresses concern that:

- Ofsted's believes the Borough's local education provision failed Swindon's children at every key stage in 2016;
- Less than half of secondary school age students in Swindon are being taught in "good" secondary schools;

- At key stage 2, Swindon's outcomes are considered by Ofsted to be amongst the lowest in the country.

This Council recognises that a common challenge faced by Swindon's schools is the recruitment and retention of good and outstanding teachers. This Council calls on the Cabinet Member for Children's Services to develop effective strategies to support schools in the recruitment and retention of good and outstanding teaching staff."

The Motion was put to the vote and declared lost.

(Councillors Abdul Amin, Steve Allsopp, Matthew Courtliff, Mary Martin, Jim Robbins, Carol Shelley, Tim Swinyard, Carol Sydney-Smith and Julie Wright made personal declarations of interest in respect of this item in their capacity as Council appointed School Governors.)

(Councillors Brian Ford, Jim Grant, Stan Pajak and Gary Sumner made personal declarations of interest in respect of this item as they had family members employed by education establishments in Swindon.)

### **93. Councillors Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 questions had been received from Councillors Steve Allsopp and Robert Wright.

Councillor Steve Allsopp asked a supplementary question seeking clarification for the timescales for the responses referred to in the Cabinet Members' answer. The Cabinet Member for Communities responded at the meeting.

Councillor Robert Wright asked supplementary questions regarding (i) outstanding answers set out with the Cabinet Members response, (ii) the development of the County Ground site, and (iii) the production of an open space audit in respect of any development of the County Ground site. The Cabinet Member for Finance and Corporate Services and the cabinet Member for Communities responded at the meeting.

## Council Petitions Scheme

**Council**

**Date: 6<sup>th</sup> April 2017**

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Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 At the Annual Council meeting held on 21<sup>st</sup> May 2010, the Council formally adopted a Petition Scheme in accordance with the requirements of Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) and subsequent statutory guidance.
- 1.2 To report the receipt of a petition calling upon Swindon Borough Council to reinstate the crossing patrol officer for Hazelwood Academy, to keep pupils safe on their journey to school.” The petition contains 429 signatures and satisfies the requirement of the Council’s Petition Scheme for the matter to be presented to Full Council as a petition for debate.
- 1.3 Operating the Petition Scheme helps deliver the strategic corporate priority of working with people and families to help them fulfil their potential by developing public participation in decision-making.

### **2. Recommendations**

Council is recommended to:

- 2.1 Hear from the Lead Petitioner (or representative) presenting the Petition calling on the Council to “reinstate the crossing patrol officer for Hazelwood Academy, to keep pupils safe on their journey to school”.
- 2.12 Consider the petition and the response to the petition from the Cabinet Member for Children’s Services and, following any debate, to determine any action to be taken in respect of that petition.

### **3. Detail**

#### **Petition – Crossing Patrol Officer for Hazelwood Academy**

- 3.2 The Council has received a petition containing 429 signatures. The petition satisfies the requirement of the Petitions Scheme for the matter to be presented to Full Council as a petition for debate:

““We, the undersigned, call upon Swindon Borough Council to reinstate the

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Further information on the subject of this report can be obtained from Stephen Taylor on Direct Dial No. 463013 or Email [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk) or Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email [sbanks@swindon.gov.uk](mailto:sbanks@swindon.gov.uk)

# Council Petitions Scheme

**Council**

**Date: 6<sup>th</sup> April 2017**

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crossing patrol officer for Hazelwood Academy, to keep pupils safe on their journey to school.”

## Procedure

- 3.3 At the Annual Council meeting held on 21<sup>st</sup> May 2010, the Council resolved to adopt a petition scheme to apply to all petitions received by the Council.
- 3.4 The Council's Petitions Officer has determined that the Petitions set out in paragraph 3.1 of the report meets the requirements to be considered by the Council.
- 3.5 In accordance with the Scheme:
  - 3.1.1 The petition organiser, or their appointed deputy, will be invited to address the meeting for up to 5 minutes on the subject of the petition.
  - 3.1.2 The petition organiser will be notified of the outcome of the debate in writing and of any follow-up actions that are agreed by the meeting.
- 3.6 A copy of the petition is available for inspection by contacting Committee and Member Services.
- 3.7 The Lead Petitioner has been advised that the petition will be presented to the meeting of Council to be held on 6<sup>th</sup> April 2017 and has been invited to attend.

## **4. Alternative Options**

- 4.1 No alternative options are proposed.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are none specific to this report. However, should the Council determine that action be taken in respect of this petition this will require a report to the Cabinet, Cabinet Member or relevant Committee and any Financial and Procurement Implications will need to be addressed in that report.

### Legal and Human Rights Implications

- 5.2 Legal and human rights implications have been taken into account in the body of the report. Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 and the Department for Communities and Local Government Statutory Guidance on Handling Petitions have been taken into account in the development of the Council's Petition Scheme.

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Further information on the subject of this report can be obtained from Stephen Taylor on Direct Dial No. 463013 or Email [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk) or Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email [sbanks@swindon.gov.uk](mailto:sbanks@swindon.gov.uk)

# Council Petitions Scheme

**Council**

**Date: 6<sup>th</sup> April 2017**

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All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

5.3 None

Diversity Impact Assessment

5.4 No diversity impact assessments were undertaken.

Risk Management

5.5 None

## **6. Consultees**

6.1 The Board Director, Resource (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

7.1 Petition.

7.2 Council Petition Scheme.

## **8. Appendices**

Appendix 1 – Wording of Petition

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“We, the undersigned, call on Swindon Borough Council to reinstate the crossing patrol officer for Hazelwood Academy, to keep pupils safe on their journey to school.”

Name	Address	Email	Signature

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## Highworth Neighbourhood Plan

**Council**

**Date: 6<sup>th</sup> April 2017**

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Author:	Corporate Director - Economy, Regeneration and Skills / Cabinet Member for Strategic Planning and Sustainability
Wards:	Blunsdon & Highworth
Locality Affected:	North East
Parishes Affected:	Highworth

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### **1. Purpose and Reasons**

- 1.1 This Report sets out the Council's role in respect of the Highworth Neighbourhood Plan following the issuing of the independent Examiner's Report.
- 1.2 Schedule 4B (12) of the Town and Country Planning Act 1990 (as amended) and paragraph 18 of The Neighbourhood Planning (General) Regulations 2012, require that a local authority must consider each of the recommendations made in the Examiner's Report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.
- 1.3 The production of Highworth Neighbourhood Plan accords with policies in the Swindon Borough Local Plan. It links to the Council's Vision and Priorities 1 and 4.

### **2. Recommendations**

#### Council is recommended:

- 2.1 To approve the Highworth Neighbourhood Plan 'Decision Statement' as set out in the **Appendix 1** to this Report.
- 2.2 That subject to the Director of Law and Democratic Services being satisfied as to the carrying out by Highworth Town Council and Swindon Borough Council of the modifications recommended by the Examiner, the Director of Law and Democratic Services be authorised to undertake a referendum on the Highworth Neighbourhood Plan in Highworth Parish, in accord with regulations set out in The Neighbourhood Planning (Referendum) Regulations 2012 as soon as is practically possible.

### **3. Detail**

#### Background

- 3.1 On 10 May 2013, Highworth Town Council requested that the Highworth Neighbourhood Area be designated for the purposes of producing a

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Further information on the subject of this report can be obtained from Phil Smith, Direct Dial 01793 466443, psmith@swindon.gov.uk.

# Highworth Neighbourhood Plan

Council

Date: 6<sup>th</sup> April 2017

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neighbourhood development plan for the area. Following a six week consultation Swindon Borough Council designated the Highworth Neighbourhood Area on 5th August 2013.

- 3.2 On 19<sup>th</sup> May 2016, Highworth Town Council published the draft Highworth Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 3.3 The Highworth Neighbourhood Plan was submitted by the Town Council to Swindon Borough Council in October 2016 for assessment by an independent examiner. The Plan and associated documents were publicised for consultation by Swindon Borough Council for six weeks between 20<sup>th</sup> October and 1<sup>st</sup> December 2016 (the Local Authority publicity consultation).
- 3.4 Mr Robert Bryan BA Hons MRTPI was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 3.5 He issued his Report into the Highworth Neighbourhood Plan on the 13<sup>th</sup> February 2017, and is attached at **Appendix 2** to this report. He has concluded that, subject to modifications, the Highworth Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990 (as amended) as attached at **Appendix 3**. Subject to these modifications being made, the Borough Council may then proceed to referendum.

## The Examiner's Report

- 3.6 In total the Examiner made 21 recommendations incorporating a total of 83 modifications to the Highworth Neighbourhood Plan. These were concerned with:
- improving the clarity and intent of meaning of the Plan
  - improving the presentation of the Plan
  - improving the viability and delivery of allocated sites and requiring monitoring of these sites
  - rewording policies due to lack of evidence
  - removal of policies which duplicate Local or National Policy
  - removing non-deliverable policies and rewording them as aspirations
- 3.7 In addition to the recommended modifications above, the Examiner recommended that

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Further information on the subject of this report can be obtained from Phil Smith, Direct Dial 01793 466443, psmith@swindon.gov.uk.

# Highworth Neighbourhood Plan

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- the proposed Referendum Area should be confirmed
- the plan proceeds to referendum

3.8 Officers consider that once the recommended changes are made the Neighbourhood Plan would then meet the legal requirements and basic conditions as set out in the regulations.

## The Decision Statement

- 3.9 In order to comply with the regulations as stated in paragraph 1.2 of this Report the Borough Council must produce a decision statement in which it should consider each of the Examiner's recommendations and if the plan can proceed to referendum.
- 3.10 A copy of the proposed Decision Statement is attached at **Appendix 1** to this Report.
- 3.11 In summary, it is recommended that all of the Examiner's recommendations are accepted, that the Plan is modified in accordance with them and the Plan is subject to a referendum in accordance with the relevant regulations.

## Next Steps

- 3.12 Should the Council approve the Decision Statement, Swindon Borough Council will publish on its 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
  - a copy of the Independent Examiner's report.
- 3.13 Should the Council agree with the recommendations, and that the plan can proceed to referendum, then Swindon Borough Council planning officers and Highworth Parish Council will undertake the necessary modifications to the draft plan prior to the referendum, as required by legislation.
- 3.14 To meet the requirements of the Localism Act 2011, a referendum that poses the question "Do you want Swindon Borough Council to use the Neighbourhood Plan for Highworth to help it decide planning applications in the neighbourhood area?" would be held in the Parish of Highworth.
- 3.15 It is intended to hold the referendum as soon as practicable. At this stage, it is hoped that the referendum will be able to be held on the 25<sup>th</sup> May 2017 subject to

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# Highworth Neighbourhood Plan

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practicalities. 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 Highworth Neighbourhood Plan Area (i.e. Highworth Parish).

## Polling place scheme

- 3.16 Currently the Borough Council has, within its polling place scheme, three polling places that are used for all elections taking place within the Highworth Ward:
- Highworth Community Room, Council Offices
  - Highworth Youth Centre, Newburgh Place
  - Highworth Community Centre, The Dormers

## **4. Alternative Options**

- 4.1 The Council could conclude that the modified Plan incorporating with the Examiners modifications did not meet the basic conditions as set out in the legislation. However, this would mean the Plan could not proceed to referendum and risk creating a vacuum in the overall land use development strategy of the Council.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 The cost of the referendum falls on the Borough Council. This will attract additional grant of £20,000 from central government for Neighbourhood Planning, which will be used to fund the referendum.
- 5.2 Legal and Human Rights Implications
- 5.3 Legal and Human Rights implications have been taken into account in preparing this report. It is considered that the recommendations are consistent with Convention Rights. The context of this Report is guided by the relevant provisions of the Town and Country Planning Act 1990 (as amended) and relevant secondary legislation.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 The Highworth Neighbourhood Plan has to be in accordance with the strategic policies of the Swindon Borough Local Plan and therefore is subject to the same assessment in terms of sustainability. In addition a separate Strategic

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Environmental Assessment Screening Opinion was undertaken on the Plan by SBC Planning Policy in April 2016, which concluded that the Highworth Neighbourhood Plan was unlikely to have significant effects on the environment and that a SEA was therefore not required.

## Diversity Impact Assessment

- 5.5 The Swindon Borough Local Plan was subject to detailed Diversity Impact Assessment and the Highworth Neighbourhood Plan has to be in general conformity with the Local Plan for it to meet the basic conditions.

## Risk Management

- 5.6 Electoral services are aware of the need to proceed with the referendum at the earliest opportunity and are working to that aim.

## **6. Consultees**

- 6.1 The Section 151 Officer and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Discussions have taken place with the Cabinet Member for Strategic Planning and Sustainability, Ward members and Highworth Parish Council

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1: The Highworth Neighbourhood Plan Decision Statement made by Swindon Borough Council (draft)
- 8.2 Appendix 2: Independent Examiner's Report on the Highworth Neighbourhood Plan – 13<sup>th</sup> February 2017.
- 8.3 Appendix 3: The Basic Condition Requirements for Neighbourhood Plans

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Further information on the subject of this report can be obtained from Phil Smith, Direct Dial 01793 466443, psmith@swindon.gov.uk.

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## **Appendix 1: Highworth 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 Highworth 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 Highworth 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 coterminous with the Highworth Parish Council boundary.

Following submission of the Highworth Neighbourhood Plan to Swindon Borough Council the plan was publicised and representations were invited. Consultation on the plan was undertaken by from 20<sup>th</sup> October to 1<sup>st</sup> December 2016.

The Council, with the agreement of Highworth Parish Council, appointed Mr Robert Bryan 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 was received on 13<sup>th</sup> February 2017 and 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 accept 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**

Swindon Borough Council is satisfied that once the recommended modifications are made to the Neighbourhood Plan it would then meet the Basic Conditions and therefore a referendum must be held on the making of the Neighbourhood Plan.

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.

Once the Decision Statement has been published Swindon Borough Council planning officers and Highworth Town Council will undertake the necessary modifications to the draft plan prior to referendum. To meet the requirements of the Localism Act 2011, a referendum which poses the question "*Do you want Swindon Borough Council to use the Neighbourhood Plan for Highworth to help it decide planning applications in the neighbourhood area?*" will be held in the Parish of Highworth as soon as practically possible.

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 Highworth Neighbourhood Plan Area (defined as the existing Highworth Parish area).

**Table 1:**

No	Plan Page No.	Policy Number	Independent Examiner’s Recommendations	Swindon Borough Council Decision and Reasons
1.	4		<b>Recommendation:</b> Insert a glossary as a new appendix 4, including the glossary in the Contents on page 4.	Accept modification to meet the basic conditions
2.	5		<b>Recommendation:</b> <ul style="list-style-type: none"> <li>• Para 1.1 insert ‘local’ after higher level.</li> <li>• Para 1.7 at the beginning of the 4<sup>th</sup> sentence insert ‘If there is a vote if more than 50% in favour of the plan’.</li> </ul>	Accept modification to meet the basic conditions
3.	13	1	<b>Recommendation:</b> Para 4.1.2 insert a new paragraph after 4.1.2 as follows: ‘There are particular issues which may constrain development on the allocated site at Crane Furlong, as explained in Appendix 1. This will necessitate close monitoring in the early stages of the Plan to ensure that a level of development can be achieved which meets the housing targets in the 2026 (SBLP).’	Accept modification to meet the basic conditions
3.	13	1	<b>Recommendation:</b> Modify Policy 1 as follows: ‘Land at Crane Furlong and Redlands, as shown on Figure 5, is allocated for residential development. Development on these sites should take into account the guidance in the development briefs in Appendix 1 of this Plan. Proposals on these sites shall provide a mix of dwelling types for both affordable and open market dwellings to conform to the current evidenced housing need in	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>Highworth in the briefs in Appendix 1 or the latest available survey. Residential development will be allowed on other sites within the settlement boundary in accordance with Policy 3, below, and other policies in this Plan and the SBLP 2026.</p> <p>The Plan shall be monitored every 3 years by the Town Council in consultation with Swindon Borough Council with respect to the housing allocations and the ability to meet the Plan's housing targets, in a reasonable and consistent manner, through the Plan period.</p> <p>In the event that within 3 years of the date this Plan is made, it is not proven, by the grant of planning permission that the site at Crane Furlong is able to deliver the requisite number of dwellings to meet objectively assessed housing supply targets for the Plan area, the Plan shall be updated to demonstrate how the housing targets for the Plan area can be met.'</p>	
4.	48-50	Crane Furlong Site development brief	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• On the map delete 'privacy area for existing homes' but retain footpath link;</li> <li>• Para 3.2, first sentence, delete 'possible'.</li> <li>• Insert a new paragraph 4.1 as follows, and renumber the remaining paragraphs as appropriate ' The number of dwellings achieved on this site should be a minimum of 42 unless constraints, which may be evidenced as part of a detailed planning application, are identified and require a lesser number.</li> <li>• In para 4.1, alter the second sentence as follows: 'Improvements may include provision of a Multiple Use Games Area (MUGA), seating areas, planting and drainage works which will have to be considered further, in detail.'</li> <li>• On the map delete reference to 'new MUGA provided.'</li> <li>• In para 4.2 after Thames Water, insert 'and Environmental Health'. In the second sentence after Environmental Health insert 'have' and delete 'and</li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>Sewage works’.</p> <ul style="list-style-type: none"> <li>• Insert a new 3<sup>rd</sup> sentence to para 4.2 as follows: ‘In the event of any archaeological finds appropriate mitigation measures will need to be considered which may constrain the extent of development.’</li> <li>• Delete the first 3 sentences of para 4.3 and insert the following: ‘There are two access options via Pentylands Lane and Crane Furlong which are shown on the plan in this appendix.’</li> <li>• Amend para 4.4 as follows: ‘The housing mix, types and densities of dwellings shall be in accordance with Policy HA1 of the SBLP 2026. It is estimated that 42 dwellings can be provided on the site but this is contingent on the result of the noise and odour assessments. The affordable housing component should be 30% in accordance with Policy HA2 in SBLP 2026. The mix, type and tenure of affordable housing shall be in accordance with the latest housing needs assessment. The current housing needs data produced by Swindon Housing Department indicates that 70% of affordable housing shall be for rent and the remainder should be for shared ownership.’</li> <li>• In para 4.5 delete second sentence and insert ‘There is a need to protect the privacy of dwellings which currently abut the site and propose dwellings need to be set back from the boundary to achieve this.’</li> <li>• In section 5, first para, town should have a capital ‘T’.</li> <li>• In section 5, insert as a new second sentence: ‘It can provide advice on any charges which may be required by the Community Infrastructure Levy (CIL).’</li> </ul>	
4.	51-53	Redlands Development Brief	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Para 1.3 first sentence, delete ‘all’, insert ‘most’.</li> <li>• Para 2.1 after SHLAA insert ‘2013’ in both cases in which the term appears.</li> <li>• The map needs to show where the ‘safe pedestrian crossing’ will link the site to FP16A and the recreation ground.</li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<ul style="list-style-type: none"> <li>• A map (new or existing) needs to show the length of the cycle route between the site and the junction of FP11.</li> <li>• Add the following sentence to the end of para 3.2: 'There is a need to provide an ecological survey and mitigation report to determine the presence of any protected species and mitigation measures.'</li> <li>• Insert a final sentence to para 3.3 as follows: 'In the event of any archaeological finds appropriate mitigation measures will need to be considered which may constrain the extent of development.'</li> <li>• Para 4.2 insert a new last sentence: 'There is a need to position an access which minimizes the loss of tress whilst achieving a design which provides acceptable highway and pedestrian safety.'</li> <li>• The map needs to show the mature trees at the southern end of the road frontage to the site, immediately to the north of the Redlands Court access.</li> <li>• Delete the reference in the map which show an indicative access position onto the A361.</li> <li>• Para 4.3 specify the location of the recreation ground.</li> <li>• Delete para 4.5, insert new paragraphs as follows: 'The number of dwellings achieved on this site should be a minimum of 70 unless constraints which may be evidenced as part of a detailed planning application are identified and require a lesser number. In accordance with SBLP 2026 Policy HA2, 30% of homes should b affordable. A minimum of 3 plots for self or custom build should be offered for sale for a minimum of 3 months at a reasonable price, agreed independently. If there is no interest then these plots can revert to open market housing.'</li> <li>• In the last sentence of para 4.5, delete all after 'in line' and insert 'with housing needs as expressed in SBLP 2026 Policy HA1.'</li> <li>• The overall housing mix on the site will be considered in relation to SBLP 2026 Policy HA1: Mix, types and density.'</li> </ul>	

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<ul style="list-style-type: none"> <li>Para 5, insert as a new second sentence: 'It can provide advice on any charges which may be required by the Community Infrastructure Levy (CIL).'</li> </ul>	
5.	13-15	2	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Delete the following paragraphs and tables 4.1.3, 4.1.4 (not Policy 2), table 2 and 4.1.5, renumber subsequent tables as appropriate.</li> <li>Insert the following new paragraphs:            '4.1.3 The SBLP 2026 Policy HA2 states that on all developments of 15 homes or more, or on sites larger than 0.5 hectares, an subject to economic viability assessment, a target of 30% affordable homes should be provided on-site. Where it can be robustly demonstrated that on-site provision is not suitable, a proportionate contribution should be provided towards affordable homes off-site. Policy HA2 also requires that the affordable housings shall be of a mix and tenure that reflects local need.            4.1.4 Affordable housing of which shard ownership; is one type, is also generally in high demand in Highworth. It is expected that around 70% of affordable housing will be available to rent in line with the evidenced need (SBC Housing Department August 2016).            4.1.4 Evidence of housing need show a demand in Highworth for shared ownership properties (Table 1 below). This method of purchase, by allowing a part of the property to be bought and part rented, assists people into owner-occupation who can't afford the full market priced of a dwelling. The cost of housing in Highworth is above average for Swindon Borough, as Figure 4 shows, and has risen more since 2001. Fourteen shared ownership properties were built in Swindon in the last financial year under the government 'Help to</li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			Buy' schemed (Help to Buy South Report 2016). In accordance with SBLP 2026 Policy HA2, shared ownership housing is required in the Plan area which meets the evidenced demand. The current figures indicate that 30% of affordable housing is suitable for shared ownership and that 2 and 3 bedroomed houses are the priority.'	
5.	14	2	<b>Recommendation:</b> Amend Policy 2 as follows: 'When affordable housing is required under Swindon Borough Council's Local Plan 2026 Policy HA", shared ownership housing shall be provided as part of the affordable housing provision in accordance with the evidenced demand at the time.'	Accept modification to meet the basic conditions
6.	16	3	<b>Recommendation:</b> <ul style="list-style-type: none"> <li>• Re-title Policy 3 as 'Development and the Rural Settlement Boundary'.</li> <li>• Insert as a new para 4.1.7: 'The settlement boundary defines the policy differentiation in the SBLP 2026 between the ability to carry out certain forms of infill within the settlement whilst complying with policies relating to the rural countryside outside of the settlement. SBLP 2026 Policy SD2 is the main reference in these respects, although there are other relevant policies relating to specific development types.'</li> <li>• In Policy 3, delete the second paragraph and delete the sensitive hilltop setting notation from Figure 5.</li> </ul>	Accept modification to meet the basic conditions
7.	19	4	<b>Recommendation:</b> In the last sentence after 'experience' insert 'commercial vitality and viability.'	Accept modification to meet the basic conditions
8.	20	5	<b>Recommendation:</b> <ul style="list-style-type: none"> <li>• At the end of para 4.2.7, last sentence after A3 daytime add 'restaurant and café uses which are necessary to support tourism. Similar evening uses</li> </ul>	Accept modification to meet the basic



No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>have less of a role in supporting tourists in the town which does not have a significant evening economy.'</p> <ul style="list-style-type: none"> <li>• Insert a new para after 4.2.9 'Other proposal within the Primary Rural Centre and outside of it, which are tourist related, fall generally to be considered in relation to further policies in the SBLP 2026m in particular Policies EC3: The role of the Centres and Main Town Centre uses, RA1: Highworth, EC4: Conversions of Buildings to Employment use in the Countryside and EC5: Farm Diversification.'</li> <li>• Re-title the policy as 'Policy 5: Proposals for Daytime Cafes and Restaurants Uses (A3) in the Primary Rural Centre.'</li> </ul>	conditions
9.	22	6	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Delete the final sentence in para 4.2.15 and Policy 6.</li> <li>• Insert new paragraphs after para 4.2.15 as follows:</li> </ul> <p>'This plan support the policies in the SBLP 2026 which are concerned to develop the town as a sustainable community offering economic opportunities and levels of community infrastructure and social capital to ensure it continues as an attractive place to live for new and existing residents.</p> <p>The Town Council will support proposals which conform to SBLP [policies concerned with delivering sustainable economic growth These are:</p> <p>EC1: Economic Growth through Existing Business and Inward Investment</p> <p>EC2: Employment Land a Premise (B Use Classes)</p> <p>EC3: The Role of the Centres and Main Town Centre uses</p> <p>EC4: Conversions of Buildings to Employment Use in the Countryside</p> <p>EC5: Farm Diversification</p> <p>The Town Council is particularly keen to promote employment opportunities on</p>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			mixed –use development sites, live-work units and homeworking. It also supports the extension and promotion of community and leisure facilities to provide employment and the setting up or improving of initiatives to develop skills and employment opportunities. Opportunities for employment which enhance the town and prevent the loss of key services will be encouraged.'	
10.	25	7	<b>Recommendation:</b> Take the words in the box titled Policy 7: Transport and Traffic Management and turn into a paragraph so they are not in the format of a policy.	Accept modification to meet the basic conditions
11.	27	8	<b>Recommendation:</b> Insert the missing link on Figure 10 which relates to the B4019 between the unclassified road leading to Common Farm and the footpath which runs in a south-easterly direction from Eastrop Farm, as identified by the Ramblers in their Regulation 16 consultation responses.	Accept modification to meet the basic conditions
12.	28	9	<b>Recommendation:</b> The reference in para 4.3.11 relating to 'Figure 3' should be 'Figure 9'.	Accept modification to meet the basic conditions
13.	30-31	10	<b>Recommendation:</b> <ul style="list-style-type: none"> <li>The final paragraph in 4.4.1 second sentence, insert 'are' before 'popular'.</li> <li>Insert new paragraphs after 4.4.1 (ie after the paragraph on schools) as follows: 'The SBLP 2026 Policy CM4 offers protection to community facilities which are viable and popular. Their loss is not allowed unless it can be proven they have been properly marketed for at least a year with no response and that an alternative facility exists nearby or the facility is no longer required. The Town</li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>Council is concerned to support this policy and has identified, in the Plan process, a list of local facilities to which the policy applies. This list is not exclusive but is referred to in the policy below.</p> <ul style="list-style-type: none"> <li>• Reword Policy 10 as follows:</li> </ul> <p>Policy 10: Maintaining and Enhancing Community Facilities</p> <p>Proposals for new or extended community facilities and involving the loss of such facilities will be considered in relation to SBLP 2026 Policy CM4 and other relevant policies, including those in this Plan.</p> <p>Local facilities to which this policy relates have been identified as follows. This list is not exclusive.</p> <p>Highworth Recreation Centre  Town Council Offices  St Michael's Church Hall, old coach house  St Michael's Hall, Paradise Path  Highworth Methodist Church  United Reform Church  The Library  Highworth Community Centre  Youth and Community Centre</p> <p>Development proposals to sustain or extend the viable use of existing community facilities and the development of new facilities will normally be supported if they comply with other policies in the development plan.</p> <p>Development proposals that will result in the loss, or significant reduction in the scale and value of a community facility will not be permitted, unless alternative facilities of equal or better accessibility, size and suitability are provided. If it</p>	

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			cannot be demonstrated that the operation of the asset is not in demand by the community or no longer economically viable, and it has been marketed at a reasonable price for at least a year for that, or any other suitable community facility use and no interest in acquisition has been expressed, then alternatives may be considered.	
14.	32	11	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Reproduce Figure 12 with more definition, in order that listed buildings and key buildings are more easily distinguishable.</li> <li>• Add a further sentence to para 4.4.2.1: 'The Swindon Residential Design Guide 2016 is also an important reference point.'</li> <li>• Delete the last sentence from para 4.4.2.2 and add the following in place of it: 'The Town Council is concerned to ensure that all buildings which are considered as heritage assets are afforded protection from unsympathetic development proposals by close consideration in relation to policies in the NPPF (Section 12 Conserving and enhancing the historic environment and local policies as referred to above in para 4.4.2.1).'</li> <li>• Delete Policy 11 as written.</li> </ul>	Accept modification to meet the basic conditions
15.	33	12	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Delete 'Policy 12' in the first sentence.</li> <li>• Delete the second sentence and replace as follows: 'The Town Council can benefit from 25% of the revenues from the Community Infrastructure Levy (CIL) arising from the development that takes place in the Plan area.'</li> <li>• Delete the last sentence from para 4.4.3.</li> <li>• Reformat the Policy 12 box as a list and not as a policy. Delete the words</li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>'Policy 12' form the text. Reword the sentence preceding the list, as follows:            'Financial contributions received by the Town Council from the community Infrastructure Levy (CIL) will be allocated to community priorities agreed at the time and may include, but not exclusively, the projects listed below.</p> <ul style="list-style-type: none"> <li>• Reword the first bullet point as:               <ul style="list-style-type: none"> <li>○ 'Works required in relation to town centre regeneration.'</li> </ul> </li> </ul>	
16.	35	13	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Delete 'Pentylands Country Park and Recreation Ground Upper and Lower Fields' and put them in the list to which Policy 14 applies.</li> <li>• In the policy wording replace the sentence after the list with a new sentence as follows: 'Development on Local Green Spaces will be considered in the same manner as development in the green belt as explained in the National Planning Policy Framework (NPPF), section 9. This establishes a resumption of resisting most forms of development which is detrimental to the openness and character of the green spaces.'</li> <li>• Amend Figure13 as appropriate.</li> </ul>	Accept modification to meet the basic conditions
17.	37	14	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Transfer the descriptions of Pentylands Country Park and Recreation Ground Upper and Lower Fields from the list under para 4.5.2 to the list under para 4.5.3</li> <li>• Alter the text of Policy 14 as follows:            'Public open space assets defined on the Figure 14 will be protected from development unless:               <ul style="list-style-type: none"> <li>○ it can be demonstrated that alternative provision can be made locally</li> </ul> </li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>of equivalent or better size, quality and accessibility; or</p> <ul style="list-style-type: none"> <li>○ the proposed development is ancillary to the main use of the site and protects its public open space function; or</li> <li>○ the proposed development is subject to an open space appraisal to ensure it does not adversely affect local needs and/or existing quality of open space within the are in accordance with the Council's Standards, as set out in Appendix 3 (of SBLP 2026) and in the most recent Open Space Audit an Assessment; or when assessed against the open space appraisal</li> <li>○ the proposed development provides community benefit which outweighs the loss of open space.</li> </ul> <ul style="list-style-type: none"> <li>• Add to the list 'Pentylands Country Park and Recreation Ground Upper and Lower Fields' and any site shown on the SBLP 2016 Proposals Map 4 Highworth.</li> <li>• Ensure all these sites are plotted on Figure 14.</li> </ul>	
18.	40	15	<p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>• Insert a new paragraph after 4.5.4.3 as follows: 'Trees which are covered by Tree Preservation Orders (TPO's) and those in Conservation Areas are subject to specific control. Many trees, however, are not subject to these controls and when affected by development proposals are covered by the following policy.'</li> <li>• Rewrite Policy 15 as follows: 'Development proposal must seek to retain tress and hedgerows of amenity value whenever possible.'</li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			Development proposals affecting trees and hedgerows must be accompanied by an arboricultural survey which justifies any felling in terms of the health of trees or danger presented by any tree as a result of its condition or position. Trees to be retained must be the subject of proposals for their protection during construction.'	
19.	43	16	<b>Recommendation:</b> Delete 'as are the regionally important geological sites.'	Accept modification to meet the basic conditions
20	44-46	17	<b>Recommendation:</b> <ul style="list-style-type: none"> <li>Change title in 4.5.6 to 'Locally Responsive Design'.</li> <li>Insert new paragraphs as follows:            '4.5.6 The hilltop location of Highworth is special and the town has a unique character. The surrounding open rural landscape require a careful design assessment of all developments.            4.5.6.1 The SBLP 2026 and the Swindon Residential Design Guide 2016 are important references in design assessments.            4.5.6.2 There are conservation areas in Hampton and Sevenhampton where development should preserve and enhance their traditional character. Each of these areas has an appraisal and management plan which highlights features and buildings of significance which have to be taken into account.'</li> <li>Renumber the remaining existing paragraphs.</li> <li>At the beginning of existing paragraph 4.5.6.1, insert before 'Conservation Appraisal' the word 'Highworth'.</li> <li>In existing paragraph 4.5.6.1 delete 'Conservation Appraisal' and insert</li> </ul>	Accept modification to meet the basic conditions

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
20.	46	17	<p>'Highworth Conservation Area Appraisal and Management Plan (CAAMP).'</p> <ul style="list-style-type: none"> <li>In existing paragraph 4.5.6.2 insert at the start of the second sentence 'The landscape character and the'.</li> </ul> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>Change the title of the policy to 'Policy 17: Locally-Responsive Design'.</li> <li>Delete the first sentence and insert 'Design of development proposals should take into account the following guidelines:</li> <li>Insert the new first bullet as follows: 'Policies in the SBLP 2026 in particular Policy DE1: High Quality Design; Policy DE2: Sustainable Construction; EN5: Landscape Character and Historical Landscape; Policy EN10: Historic Environment and Heritage Assets and the Swindon Residential Design Guide 2016.'</li> <li>Insert new second bullet point as follows: 'In Conservation Areas the respective Conservation Area Appraisal and Management Plans will be an important reference in design assessment'</li> <li>Alter the existing first bullet point as follows: 'The impact of development on landscape character and important views will be taken into account and resisted where it is unduly intrusive or unrelated to existing features;'</li> <li>Alter the existing third bullet point as follows: 'The local building materials of stone and red brick are the preferred main elevation materials particularly development which is prominent in the public realm;'</li> <li>Alter the 6<sup>th</sup> bullet point as follows: delete the first sentence</li> <li>Add an extra bullet point 'The need to protect Regionally Important Geological Sites'</li> </ul>	Accept modification to meet the basic conditions



No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
21.	47	References	<b>Recommendation:</b> Insert 'Swindon Residential Design Guide 2016' and 'Strategic Housing Land Availability Assessment 2013'.	Accept modification to meet the basic conditions
Summary	42		<b>Recommendation:</b> that the Neighbourhood Plan should proceed to referendum based on the neighbourhood area authorised by SBC <b>Recommendation:</b> that the Highworth Neighbourhood Plan as modified by the Examiner's recommendations should proceed to referendum.	Proceed to referendum

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EXAMINER'S REPORT

HIGHWORTH NEIGHBOURHOOD DEVELOPMENT PLAN

R J Bryan BA Hons., M.R.T.P.I.

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## ABBREVIATIONS

The following are the abbreviations used in the Plan:

CAAMP - Conservation Area Appraisal and Management Plan  
CIL - Community Infrastructure Levy  
HRA - Habitats Regulation Assessment  
MUGA - Multi Use Games Area  
NPPF - National Planning Policy Framework  
NPPG - National Planning Policy Guidance  
SBC - Swindon Borough Council  
SBLP - 2026 Swindon Borough Local Plan 2026  
SHLAA 2013 - Strategic Housing Land Availability Assessment 2013  
SHMA - SBC "Strategic Housing Market Update, 2014"  
TPO's - Tree Preservation Orders

## INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Highworth Town Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of the Parish, which had a population of 8,259 in the 2011 Census.

4. I have been appointed by Swindon Borough Council (SBC), in consultation with the Town Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.

6. For the avoidance of doubt during the course of this enquiry I sought an assurance from SBC on a specific issue regarding a potential perceived prejudicial interest that may exist in relation to my role as the examiner. This concerns my

tenuous past association with the planning consultant, Liz Beth who has advised the Town Council in the preparation of the Plan. Until approximately 15 years ago Ms. Beth and myself worked for Sheffield City Council, as planning officers. The time we overlapped at the Authority was approximately 6 years from memory. However, I did not work directly with her and have no particular association with her other than a coincidence of having worked for the same authority some years distant. I have only seen Ms. Beth twice since she left Sheffield Council at around 2001, and this was at training events connected with neighbourhood planning. SBC confirmed in a letter of 18/1/2017 sent to myself, by email, that they agree with my view that this is not a prejudicial interest and it was acceptable in terms of probity for me to continue as the examiner. I consider it important that this situation is brought to the public's attention.

7. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If SBC puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be "made" by the Council as the Local Planning Authority.

## BACKGROUND DOCUMENTS

8. I have considered the following documents as part of this examination:

### Documents submitted by the Town Council:

The Neighbourhood Plan submitted to the SBC under regulation 15 of the Neighbourhood Planning (General) Regulations 2012  
Basic Conditions Statement, September 2016  
Statement of Community Involvement  
Site Appraisal and Selection report, October 2016  
Final Strategic Environmental Assessment and Habitats Regulations Assessment  
Screening Opinion, prepared by SBC, April 2016

### Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Responses from SBC as follows: Planning Policy 20/12/2016; Head of Property Assets 30/11/2016; Highways Officer 12/12/16; Liz Smith-Gibbons, Senior Conservation Officer 6/12/2016.

Historic England 5/12/16. Environment Agency 30/11/2016, Natural England 19/1/2016 & 26/10/2016, Oxfordshire County Council 20/12/2016, Thames Water 22/11/2016, The Ramblers 25/11/2016,

Gary Llewellyn BSc (Hons) Dip. UP M.R.T.P.I. 30/11/2016,  
Norman Edwards's 25/11/2106, Southern and Regional Developments 27/11/210,  
Peter Arnel 29/11/16

Persimmon Homes (Wessex) 1/12/2106,  
Turley 1/12/2106,  
McLoughlin Planning 29/11/2106,

The following undated submissions: Joan Craigie, David Clarke, Janice & Adrian Webb, John and Jane Baldwin, Norman and Patricia Jeffrey, Patrick Brennan, R Maulik, Tim Brett, Raymond & Rachael Cocks  
Email of 30/11/16 from Andrew & Gill Pagan

Local and National Policies:

The Swindon Borough Local Plan 2026.  
Swindon Residential Design Guide 2016

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG)  
Ministerial statement on Neighbourhood Plans 12/12/2016

Other documents:

SBC Strategic Housing Land Availability Assessment (SHLAA) 2013  
SBC "Strategic Housing Market Update, 2014"  
Documents on SBC web site relating to current planning application ref: [S/16/1781](#)  
for residential development at Shrivenham Road

Correspondence during examination:

Email from R Bryan of 11/1/17 and response letter of 18/1/2017 from Karen Phimister SBC Planning, regarding "interest declaration".  
Email from R Bryan to Karen Phimister, SBC Planning of 19/11/2017 and response of 20/1/2017 containing attachments including:  
Email from Alison Curtis, SBC Highways Officer of 3/11/2106 regarding Crane Furlong access  
Email from Paul Bowden, 19/3/2016, concerning environmental health matters in Neighbourhood Plan  
Email from R Bryan to Karen Phimister, SBC Planning of 22/1/2017 and response of 23/1/2016 re progress of current Shrivenham Rd planning application  
Email from R Bryan of 6/2/2017 to Karen Phimister, SBC Planning, regarding access to Redlands site. Response of 10/2/17, from Sean Good, SBC Transport Development Manager  
Email from P Smith, SBC Planning, regarding further Town Council comments and response from R Bryan of 10/2/17.

## THE EXAMINATION

9. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

10. The examiner has to make a recommendation as to whether the Plan should be

submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

11. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me and my site visits that the examination can be carried out without a hearing. Despite the requests for a hearing, there are a number of detailed written submissions, which adequately explain the concerns and issues at stake.

12. I visited the Plan area on the 31<sup>st</sup> January and 1<sup>st</sup> February 2017 and assessed the implications of the proposed Plan as part of the examination.

## PROCEDURAL MATTERS

13. It is necessary to determine that the plan complies with the following procedural matters<sup>1</sup>:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

14. The Town Council is authorized as the qualifying body<sup>2</sup> to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

15. Persimmon Homes (Wessex) have questioned whether the appropriate delegated authority has been granted to the Planning Committee of the Town Council. I note that the minutes of the Town Council meeting of 20/3/12 in relation to the Neighbourhood Plan states “99. Councillors confirmed ratification of Working Party”.

16. There were subsequent progress reports to the full Town Council meetings by the neighbourhood plan working party. I am satisfied that for the purposes of this examination the decisions involving the Plan have been made properly.

17. The whole Town Council area was formally designated as Neighbourhood Area by SBC on the 5<sup>th</sup> August 2013.

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<sup>1</sup> Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

<sup>2</sup> as determined by Section 61G(2) of the Town and Country Planning Act 1990



18. The Plan clearly states that it relates to the period 2015-2026.

19. The Plan does not include any provision about development that is “excluded development”<sup>3</sup>, such as minerals, waste disposal and major infrastructure projects.

20. I am satisfied that the plan does not relate to more than one neighbourhood area.

## CONSULTATION

21. The Town Council has submitted a Consultation Statement entitled a “Statement of Community involvement” which explains how they have carried out a programme of consultation as the Plan has progressed.

22. Initially the Town Council built upon work carried out in 2008 by the Highworth Community partnership Group which produced a document titled “the Vision” setting out how the community could revitalise the town. In 2012, the Town Council decided to embark on a neighbourhood plan as a means of translating “the Vision”.

23. Two public meetings were carried out in May 2012 to inform the public what the Plan involved and invite comment on how they would like the plan to progress and what the content should be.

24. It was then decided to hold a series of “Drop-In” events at the town council offices to allow the public to express views on potential development sites and what areas required protection. Developers were invited to attend these events in order to give residents an opportunity to question them as to their intentions. Four “Drop-In” events were held from September 2012 to September 2015 and these were publicised on the Town Council web site and in the parish magazine, “The Link”. The final “Drop-In” event elicited comments on all identified sites as to their suitability for development.

25. The Drop-In events were attended by an average of approximately 200 persons which is rather disappointing proportion of the population of the Plan area, but generally representative of public involvement in neighbourhood plans in my experience.

26. The data collected was used to inform the preparation of policies which were the subject of the statutory “regulation 14”<sup>4</sup> consultation between 19<sup>th</sup> May and 1<sup>st</sup> July 2016. All residents were notified of this opportunity to comment on the draft Plan. A “Drop-In” event was held at the council offices on 14<sup>th</sup> May 2016, where the draft documents were available for inspection along with comments forms. The documents were also available on the web site and comments could be made online.

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<sup>3</sup> as defined in Section 61K, of the Town and Country Planning Act 1990

<sup>4</sup> Neighbourhood Planning (General) regulations 2012

27. A range of organisations including public agencies and developers and their agents were consulted.

28. Sixty-nine responses were taken in and used to help formulate the version of the Plan which was submitted to SBC under regulation 15<sup>5</sup>. The “Statement of Community Involvement” illustrates adequately whether these comments have been incorporated into the Plan and the reasons for the decision.

29. The Plan was amended and submitted to SBC in December 2016.

30. The submitted “Site Appraisal and Selection Document”, October 2016 contains particularly detailed information about the public’s response to site selection. This is important given the degree of interest and controversy surrounding this central aspect of the Plan.

31. There is some criticism of the lack of involvement of the public in the determination of the criteria and their weighting in the choice of sites for residential development. I have analysed these criticisms below in my comments on “Policy 1 Housing Provision” in the context of a full assessment of the site selection process. I conclude that the site selection process is essentially a technical exercise which was acceptable in terms of public involvement in devising its methodology and the weighting and selection of sites for residential development.

32. In conclusion, I am satisfied that the consultation exercise has been appropriate and responses have properly been taken into account in the formulation of policies.

## BASIC CONDITIONS

33. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act. <sup>6</sup> This element of the examination relates to the contents of the Plan.

34. This Plan meets the basic conditions if:

- a) it has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,

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<sup>5</sup> same as footnote 4

<sup>6</sup> Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

e) prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

35. The Town Council has submitted a "Basic Conditions Statement" to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above

## SUSTAINABLE DEVELOPMENT

36. The Town Council highlight that the Plan has sustainability objectives at its heart as the vision is that Highworth will become a "sustainable community offering lifestyle and work opportunities in an attractive environment".

37. The plan seeks to accommodate growth in a manner which protects the landscape character and environment of the area whilst promoting the economy and employment opportunities in the town

38. The Basic Conditions Statement has a table which assesses each policy against the three main aspects of sustainability referred to in the NPPF i.e. economic, social and environmental factors.

39. The policies score favourably apart from policy 1 whereby housing allocations are located on green field sites. This is unavoidable due to the need to provide for housing and the lack of brownfield land. However, the allocated sites minimise the intrusion into the open countryside and relate well to the built form of the settlement and do not result in overriding environmental impacts.

40. The Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development.

## EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

41. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

42. The Borough Council made a Strategic Environmental Assessment (SEA) Screening Determination in April 2106 and concluded that an Environmental Assessment of the emerging Neighbourhood Plan is not required. This was on the basis that the Plan does not increase the level of development provided for in the SBLP 2026 which itself was the subject of a positive sustainability assessment.

Furthermore, the short list of allocated sites are not close to the few major, sensitive environmental receptors in the area and existing policies require appropriate mitigation of significant environmental impacts. The statutory consultees Natural England, Environment Agency and Historic England agree with this opinion.

43. I consider this screening judgment has been carried out properly. and is a valid conclusion

44. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife sites protected under European legislation.

45. The assessment looked at the potential impact of the Plan on sites within 15 kilometers of the Plan area. There is only one internationally designated site within the search area; The Meadow and Clattinger farm SAC, approximately 12 km. to the west.

46. An HRA was carried out for the SBLP 2026 and concluded in relation to the above SAC, that there would be no adverse effects provided water abstraction levels and atmospheric pollution did not impact on it. It was concluded there was no potential significant impact on water levels and current conditions assessment of the site conclude any significant air pollution impacts.

47. On this basis the development proposed in the Plan will not have a significant impact and an HRA is not required. Natural England concurred with this view in their letter of 19 January 2016.

48. It is not, therefore, considered that an “appropriate assessment” is required in terms of impact on habitats and the Plan complies with sections 102 of the Conservation of Habitats and Species Regulations 2010 and the associated European directive 92/43/EEC.

49. In relation to human rights issues, there is concern from the owner of a site not chosen for development, that the criteria and scoring assessment for choosing the sites was not the subject of public consultation. Furthermore, the site which was most popular for development was not chosen as a result of the criteria and their method of scoring, which did not take sufficient account of the strength of local opinion.

50. This raises the issue of whether European Convention rights for a “fair hearing” established by Article 6 of the Human Rights Act 1998 have been contravened. I have assessed this concern below in paragraphs 71-79 and 88, below, relating to site selection which contain a comprehensive analysis of the overall effectiveness of the site selection process.

51. I establish below that the lack of consultation with the wider public on the criteria and their weighting in the site selection process does not invalidate the process. The

criteria and their weighting are based on the vision of the Plan and objectives in national and local planning policy which have been the subject of public consultation. However, most importantly, there have been further opportunities for the public to make its views known on this matter at the regulation 14 and 16 stages<sup>7</sup> of consultation and ultimately the referendum. In these respects therefore I consider the public has been allowed a fair hearing.

## CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

52. The “Basic Conditions Statement” provides a detailed analysis of the conformity of the Plan with national guidance and local strategic planning policies in the NPPF and the Local Plan 2026, respectively. I am satisfied with this analysis and that the Plan is in conformity with this guidance and policies subject to modifications, which are expressed below.

53. In some cases, the Plan does not make explicit reference to National Planning Policy Guidance (NPPG), which has more detailed advice than the NPPF. In some cases this raises issues, which are dealt with below in the detailed analysis of the Plan policies and evidence.

## RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

54. I have made recommendations below in order that the Plan may conform to “basic conditions”. Where I am suggesting modifications I have given reasons.

55. I have taken into account all the representations received during the Plan process. In most cases I have referred to these in general, but in a few instances due to the specific and detailed nature of a particular representation, for ease of reference, I have referred to the author of it by name.

56. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

### General

57. A glossary explaining the main technical terms and acronyms would assist the public’s understanding of the document. The NPPF definitions of various terms are a useful reference.

58. The contents page 4 needs to refer to the Appendices, including the glossary.

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<sup>7</sup> Neighbourhood Planning(General) Regulations 2012

## **RECOMMENDATION 1**

**Insert a glossary as a new appendix 5.**

**Include a reference to the appendices, including the glossary in the Contents on page 4.**

59. The following recommendations are based on the order in which subjects appear in the Plan.

### **Section1 Background to the Neighbourhood Plan**

60. In paragraph 1.3 second sentence there is a need to confirm the plan needs to be in conformity with "local" planning policies

61. In paragraph 1.7 it is necessary to point out that there is a need for a positive vote in the referendum before the Plan becomes part of the formal Development Plan

## **RECOMMENDATION 2**

**In paragraph 3, second sentence insert "local" after higher level.**

**In paragraph 1.7 at the beginning of the fourth sentence insert "If there is a vote of more than 50% in favour of the plan".**

### **Section 3 A Vision for Highworth**

62. I am satisfied that the "Vision" and the community's objectives have been properly worked up with adequate consultation and are linked to the resulting policies.

63. There is criticism from Mr. Llewellyn that the "Vision" is based on an out-dated 2008 document "Highworth - The Vision' and does not relate to sustainability criteria outlined in the later NPPF.

64. I consider there has been adequate consultation on the "Vision" to allow it to be brought up to date and that "the Vision" includes relevant and current sustainability objectives.

## Policy 1: Housing Provision

65. This policy is based on the requirement to meet the housing targets in the SBC Local Plan 2015. It is concluded that a minimum of 112 further homes can be provided on two sites which are proposed as allocations.

### Evidence for Site Selection

66. Concerns have been raised in relation to the process and method of site assessment and the resulting choice of the two sites at Crane Furlong and Redlands. I need to assess these concerns and decide whether the Plan conforms to basic conditions and it is appropriate to make the Plan taking into account advice issued by the Secretary of State on site selection.

67. National Planning Policy Guidance states (ID: 41-040-20160211)

*“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.”*

68. The NPPG (ID: 41-042-20140306) states further that when allocating sites, qualifying bodies should carry out assessment of individual sites against clearly identified criteria including viability.

69. This guidance states further that qualifying bodies in allocating sites should consider impacts on infrastructure (ID: 41-045-20140306)

70. A number of concerns were expressed at the regulation 16 stages of consultation regarding the site selection process and its outcome.

71. There is criticism over the lack of consultation, relevance of the criteria for selection and the manner in which they have been scored to arrive at the preferred sites.

72. The neighbourhood-planning group of the Town Council carried out a site selection procedure which is explained in the “Site Appraisal and Selection” document. A range of sites within or close to the settlement were the subject of public consultation in 2013. There was cross-reference to the SBC’s Strategic Land Availability Assessment (SHLAA) which contained a list of potential residential development sites. These sites were then narrowed down to five which included the Shrivenham Road site as a later addition.

73. In 2015, the Neighbourhood Planning Group enlisted the services of a professional planner to help finalise site selection. A further round of public

consultation on the 5 sites revealed two sites at “The Triangle” and “The Cemetery” where there were substantial public objections and concerns about impact on the hilltop setting.

74. The final stage of site assessment was based on the need to satisfy the Local Plan housing target of 112 dwellings, necessitating the choice of two out of three remaining sites. Criteria were devised and weighted to assess the sites. There is concern, in particular, from the owner of the Shrivenham Road site, Persimmons (Wessex) and Mr. Edwards that these criteria and their weighting were not the subject of public consultation and the outcome is therefore, unrepresentative of local opinion.

75. I do not, however, accept that this is valid criticism which invalidates the value of the evidence and the outcome this process provided. One of the criteria is “local opinion”. There was extensive consultation at the main stages of the process. The chosen criteria are linked, to a significant degree, to the “Vision for Highworth” and the resulting objectives outlined in section 3 of the draft Plan, which were born out of consultation and underpin the Plan.

76. The criteria are credible and reflect sustainability objectives relating to economic, social and environmental matters central to NPPF guidance and which also relate to the constraints of SBLP 2026 policy RA1, to retain the hilltop character of the settlement.

77. The “Site Appraisal and Selection, October 2016” document explains the neighbourhood-planning group collectively weighted the criteria used in the process. The document goes into reasonable detail to explain how the criteria were weighted in the analysis and how the scoring system was applied. The scored outcomes relate reasonably to the merits of the sites I observed on my site visits.

78. There is criticism that the process did not replicate the criteria used in the SBC SHLAA process. It is not necessary for this Plan to do this as long as the criteria and their weighting provide robust evidence. The criteria used are appropriate to this locality. SBC which carried out the SHLAA 2013, has not objected to the site selection process

79. I am satisfied that the criteria and their weighting meet basic conditions and were properly founded on guidance from the Secretary of State and the context of development plan policies.

80. In the “Site Appraisal and Selection” document, table 3 explains that whilst the public favoured the site at Shrivenham Road, the scoring system favours Crane Furlong and Redlands. The essential scored advantages of Crane Furlong and Redlands, in table 3, are in community benefit opportunities; vehicular access is preferable; visual impact on the hilltop setting and character of the town which is a significant factor bearing in mind the need to conform to policy RA1; pedestrian access is more favourable as Shrivenham Road does not have an adequate



pavement although this would be a justified planning obligation.

81. The owner of the Shrivenham Road site, Mr. Arnel and potential developers, Persimmon (Wessex), have raised a number of detailed issues with site selection which they consider has militated against that site. They criticize completing the site assessment after the public had voted on the site choices. However I consider the site selection process was correct in that the public vote in the first instance has to be weighed against the technical criteria. There is a further opportunity for the public to influence the outcome at the final referendum.

82. Mr. Arnel has produced a detailed comparison of drive distances of the Crane Furlong and his site, to main centres of employment in the region, local facilities and schools. These indicate greater distances for Crane Furlong which, in particular, is further from the town centre and schools. Mr. Arnel is concerned that his site is eminently more sustainable in these respects and that this has not been represented in the site selection process.

83. I note the SHLAA 2013 contain quite detailed accessibility criteria, such as some of those referred to by Mr. Arnel, which are not replicated in this Plan's assessment. However, this Plan does use accessibility criteria<sup>8</sup> such as "Access to town centre on foot", "Pedestrian access routes/ROW maintained or improved" and "Proximity of regular bus services". Whilst not as detailed as Mr. Arnel would wish, these criteria adequately measure the sustainability of the site in relation to access to facilities and transport. I note the sites chosen by this Plan's process also meet the "traffic light system" of "Access to Facilities" criteria in the SHLAA 2013. I do not consider Mr. Arnel's, Persimmon's and others concerns are sufficient to undermine the credibility of the site selection process as a whole.

84. I am aware that SBLP 2026 policy TR2 states that new development should be located and designed to reduce the need to travel and encourage the use of sustainable transport alternatives, particularly walking and cycling, and provide the potential to maximise bus travel. This policy has to be weighed, in particular, in relation to SBLP 2026 policy RA1 and one of its priorities to "maintain the separate identity of Highworth as a hill top market town and respect its landscape setting".

85. The criteria chosen by the Neighbourhood Planning Group adequately reflect both of these policies. I refer above in paragraph 83, that the Plan has three criteria<sup>9</sup> related to accessibility relevant to policy TR2. It also has three criteria relating to the need to respect the hilltop character, relevant to policy RA1 which are: "Visual impact on hilltop town setting", "housing will suit the character of the town and extension of site boundary causes minimal visual intrusion into the countryside" and "site impact on views out".

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<sup>8</sup> See Table 3 in the SAS

<sup>9</sup> Table 3, page 16 of "Site Appraisal and Selection, October 2016"

86. I am aware of the comments by the SBC policy officer<sup>10</sup> that there is not an identified 5-year supply of housing land in the Borough and paragraph 49 of the NPPF therefore applies. This states that less weight should be attached to the policies such as RA1 in SBLP 2026 which are relevant for the supply of housing. This argument could be used to favour allocating the Shrivenham Road site as well as the other sites, as a means of solving and providing an acceptable surplus or “buffer”<sup>11</sup> of housing land supply at the expense of policy RA1 and retaining the hilltop setting.

87. However this Plan will, if made, make an immediate contribution to solving the housing land deficit and re-affirming development plan policy to protect the hilltop setting. There is no basis to override SBLP policy RA1 on the basis of lack of housing supply. Following my site visit, I consider the Shrivenham Road site is more intrusive into the open countryside beyond the settlement boundary than the proposed site allocations. It is particularly visible from views to the south whereas Redlands is at a lower level and better screened by mature trees. Crane Furlong is clearly less visible and more related to the built form of the town than the other sites.

88. Some representations are concerned that the nature of the consultation process favoured allocation of those sites, which are more distant from existing houses and which were perceived as less of a threat to existing living conditions. I do not consider this criticism is justified. In the first round of consultation whilst there was overwhelming objection to some sites, many of these are valued open space or special designations, protected by existing policies in the SBLP 2016 and not identified in the SHLAA 2013. The remaining 5 sites were the subjects of consultation throughout the Plan area and the site assessment process analyses not only the quantity of objection but also the nature of it. Planning reasons are cited in the “Site Appraisal and Selection” document as to why the sites at the Cemetery and Triangle are not suitable for development. I have commented above that the final assessment of the three sites is considered acceptable.

89. There have been a number of objections to the development of the Redlands site on account of the potential loss to the number of trees and wildlife habitats it supports. I note that no constraints as a result of the ecological and environmental impacts on the site were identified in the SHLAA 2013, apart from it is currently a greenfield site outside the settlement boundary. The screening opinion in relation to a strategic environmental assessment or habitat regulations assessment does not identify a need for either of these assessments. Furthermore, Natural England has not objected to the allocation of the site for development. I, therefore, consider that the allocation of this site meets basic conditions in terms of national guidance and SBLP policies on protecting the trees and wildlife. The brief for the site with my modifications (see below) makes adequate reference to the need to protect these aspects of the site.

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<sup>10</sup> Neil Holly’s comments of 2/11/2016, on Shrivenham Rd planning application ref : S/16/1781

<sup>11</sup> see paragraph 47 of the NPPF

90. I am satisfied that the site selection process meets basic conditions and was properly founded on guidance from the Secretary of State and the context of development plan policies.

91. It is necessary, however, to further consider issues of viability and delivery which have been raised by a number of objectors to the Crane Furlong site in particular.

### Delivery and Viability

92. The NPPF requires that plans contain allocated sites which are deliverable and viable. The NPPG elaborates further (ref: ID: 10-004-20140306) that

*“Evidence based judgment: assessing viability requires judgments which are informed by the relevant available facts. It requires a realistic understanding of the costs and the value of development in the local area and an understanding of the operation of the market.”*

93. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their viability is threatened.

94. I have some concerns that the site allocation process has not taken account of deliverability and viability of the Crane Furlong site. This site has technical constraints as a result of odour from the adjacent sewage works, noise from the adjacent industrial site and unresolved access issues.

95. The Environmental Health officer has raised concerns that

*“By moving residential units onto land where noise is effectively attenuating from the estate, we could potentially be creating a problem. At this stage, without some form of assessment to consider the soundscape in the area it is difficult to know what might be possible in terms of development and mitigation but my advice would be cautious with this proposal.”*

96. The officer elaborates further in relation to potential problems with odour that complaints have been received in the past but the records of these are incomplete and it is not possible to conclude on the odour issue without a full odour survey.

97. I also note that in the case of approved applications (ref: S/11/0280 & S/RES/12/0640) to develop the site opposite on Pentylands Lane neither odour or noise nuisance was an issue. However, it is realized that the Crane Furlong site is closer to these potential sources of complaint and is down wind of the prevailing southwesterly wind.

98. The Environmental Health Officer concludes that

*“Overall, it might prove difficult to mitigate out both the noise and odour concerns but, without more information it is not possible to give a definitive view on this. From an EH perspective it would certainly be more difficult to develop this site than the other sites proposed and if I were to rank them, this site would certainly be the one I would least like to see developed.”*

99. Policy 1 proposes 42 dwellings on the site and a design brief which acknowledges a number of constraints including a buffer zone to the industrial site and sewage works to mitigate noise and odour the extent of which is dependent on the results of surveys; a “privacy strip” to the rear of dwellings on Crane Furlong; three access options to be resolved; the need for an archaeological survey; planning obligations to contribute to the provision of the adjacent Multi Use Games Area (MUGA) and skate park, off-site highway works and affordable housing.

100. The extent of these requirements and the uncertainty of the outcome of a detailed planning application raises concern as to the deliverability and viability of this site and the number of dwellings which may be achieved in relation to the SDLP 2026 housing target.

101. I have commented above that the site selection process is satisfactory and the choice of Crane Furlong is acceptable. However, attention also has to be given to the deliverability and viability of this site for residential development. In this respect I agree with Mr. Arnel, the Plan does not take into account the Secretary of States guidance to a sufficient extent.

102. However, I consider this problem can be remedied. During my site visit I did not experience any odour nuisance. There was noise from construction on the site which is clearly temporary. I note that there are a relatively limited number of representations regarding odour and noise during the Plan process, however, it is important to consider the limited extent, over time, of complaints from existing residents about noise or odour. I note also that the SHLAA 2013 does not identify any overriding “constraints to delivery”. I consider there is scope for some odour and noise nuisance but there is a reasonable expectation, given the size of the site, this can be mitigated to acceptable levels.

103. The SBC “Strategic Housing Market Update, 2014”(SHMA) and figure 4 in the Plan illustrate that the Highworth ward is in top quartile of house prices in the Borough and the SHMA confirms overall sales in the area of housing, whilst not at the peak prior to the recession in 2007, are gradually increasing. This is an area where there is a favorable demand for housing.

104. I consider the evidence illustrates there is a strong likelihood that residential development can be achieved on this site but the amount of development is uncertain bearing in mind noise, odour and access constraints which have to be the subject of a detailed assessment and agreed mitigation via a planning application. It is the responsibility of the site owner who has put the site forward for consideration to prove that, given these technical constraints, it is capable of a certain level of development.

105. It is estimated that the site can provide 42 dwellings which is 37% of the housing total to be provided. It may transpire the site is not developable to that extent.

106. This situation can be managed over the plan period of 10 years by specific monitoring. The alternative allocated site at Redlands is viable in my view as there are no overriding impediments to development. There is a reasonable prospect on the basis of the SHLAA 2103 that the Redlands site, estimated to provide 70 dwellings which is over half the allocation, will commence in the early years of the Plan.

107. I am mindful that the NPPF states Plans must at least meet the housing targets specified in the Local Plan and that they can exceed these targets in appropriate cases. In view of the relative uncertainty of the level of dwellings which may be delivered on the Crane Furlong site, there has to be a contingency that this situation is reviewed in the early stages of the Plan. The Town Council state in paragraph 1.8 of the draft plan that it will “review progress against the plan at least once every three years”.

108. Guidance in the NPPG states (ref; ID: 41-084-20160519) that “where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust.” Qualifying bodies can update all or part of their Plans during the Plan period.

109. This needs to be made an absolute commitment in a policy to ensure that the sufficient housing land comes forward. If the Crane Furlong site cannot be proven to deliver at least 42 houses and there is inadequate compensatory development from windfall development, then other residential sites should be allocated in the first review of the Plan.

110. Secretary of State advice is that plans should be updated regularly, looking at the short-term changes in housing and economic market conditions. Local authorities’ monitoring information should be shared with qualifying bodies undertaking a neighbourhood plan via the local authorities monitoring so that they can understand how their neighbourhood plan is being implemented (ref: ID: 2a-036-20140306).

111. I am aware of the need for Plans to be clear and establish certainty. I consider in this case the relative uncertainty surrounding the extent of development on the Crane Furlong site is acceptable for a part of the plan period. This is in the overall public interest of seeking to achieve the ambitions of the Plan which considers this site to be preferable for development. I set out my recommendation in these respects in Recommendation 3 below.

#### Other aspects of Policy 1

112. The reference to the number of dwellings on each site is confusing as it does not indicate the status of these figures which could be read as absolute requirements or aspirations. The figures should be aspirations as site constraints have not been fully established. Reference to the dwelling totals is therefore more appropriate in the development briefs.

113. Policy 1 also requires in its second sentence that development shall comply with the development briefs set out in appendix 1. This is too prescriptive as full consultation has not yet been carried out on detailed development proposals and in some areas the briefs themselves are imprecise. Nevertheless, these briefs are an important guide as to the community's wishes and should be referred to as guidance to be taken into account.

114. It is, however, important that the required mix of development types is made a clear requirement in order to give detailed expression to and conform to the SBLP 2026 Policy H1.

115. The requirement for "any" residential development to provide an appropriate mix of dwelling types is too onerous for smaller scale development where viability is often not easily achieved and there is less scope for flexibility. Furthermore, the Local Plan Policy HA1 requires housing development to reflect the character of the surrounding area which may sometimes preclude a close adherence to the required housing mix. The scope to respond to housing mix policies is more feasible in larger scale development which are more flexible and the 15 dwelling or sites greater than 0.5 hectares threshold for affordable housing, specified in SBLP Policy HA2, would seem an appropriate and consistent threshold.

### **RECOMMENDATION 3**

**Insert a new paragraph after 4.1.2 as follows:**

**"There are particular issues which may constrain development on the allocated site at Crane Furlong, as explained in Appendix 1. This will necessitate close monitoring in the early stages of the Plan to ensure that a level of development can be achieved which meets the housing targets in the 2026(SBLP)."**

**Modify Policy 1, as follows.**

**Land at Crane Furlong and Redlands, as shown on Figure 5, is allocated for residential development. Development on these sites should take into account the guidance in the development briefs in Appendix 1 of this Plan.**

**Proposals on these sites shall provide a mix of dwelling types for both affordable and open market dwellings to conform to the current evidenced housing need in Highworth in the briefs in appendix 1 or the latest available survey.**

**Residential development will be allowed on other sites within the settlement boundary in accordance with policy 3, below, and other policies in this Plan and the SBLP 2026.**

**The Plan shall be monitored every three years by the Town Council in consultation with Swindon Borough Council with respect to the housing allocations and the ability to meet the Plan's housing targets, in a reasonable and consistent manner, through the Plan period.**

**In the event that within 3 years of the date this Plan is made, it is not proven, by the grant of planning permission that the site at Crane Furlong is able to deliver the requisite number of dwellings to meet objectively assessed housing supply targets for the Plan area, the Plan shall be updated to demonstrate how the housing targets for the Plan area can be met.**

#### Site Development Briefs Appendix 1

116. I stated above that these briefs should be considered as guidance rather than absolute requirements. This requires some changes in emphasis and wording in some instances.

117. My full recommendations on the briefs are below in Recommendation 4.

#### Development Brief for Crane Furlong

118. The map is imprecise and potentially misleading in some cases.

119. Reference needs to be made that the buffer zone, as shown, is indicative only. Its extent can only be determined following full noise and odour surveys and access issues are resolved.

120. Nevertheless, it is pertinent to point out in the brief that there is a likely requirement for this. I don't accept the comments on behalf of Southern and Regional Developments that there is no substantiated evidence of potential problems and no need to allow for mitigation measures in the brief. I believe the proximity

alone of these potential sources of “nuisance” warrants the appropriate studies and awareness of potential mitigation measures.

121. The privacy area for existing houses is a legitimate planning concern but the map seems to show it as an area of public space containing a public footpath. It is not apparent why it does not extend to the rear of all properties on Crane Furlong, some of which are at a similar distance from the site boundary to those afforded protection. This is confusing and is better dealt with by deleting the privacy area from the map (retain footpath link) and highlighting in the text, the need to respect neighbours’ privacy and comply with the design principles in SBLP Policy DE1 and the Swindon Residential Design Guide, 2016.

122. The acronym MUGA needs to be clarified in the text.

123. The reference in paragraph 3.2 to odour and noise as “possible” issues is misleading as they are definite issues according to the Environmental Health officer.

124. In paragraph 3.3, it is stated that the Town Council have decided not to release the adjacent land which is to be retained as a Multi-Use Games Area (MUGA) skate park and seating area. However, in paragraph 4.3 the possibility of an access to Lechlade Road is referred to as a potential option. I note that Alison Curtis, SBC’s, Senior Transport Development Management Engineer, stated, in an email of the 3/11/2016 that an access through the MUGA to Lechlade Road was the least favoured and most expensive option. The wording in paragraph 4.3 needs to be altered to be consistent with this highways engineer view.

125. Mr. Edwards has expressed concern that the public has been misled by the removal of the option of the Lechlade Road access after the Regulation 14 stage of consultation in June 2016. I do not consider this has prejudiced public comment as the later options, without the Lechlade Road access, were evident at Regulation 16 stage of publicity and provoked a response on the access issue which has been considered. Furthermore, this matter will be the subject of further public involvement at the referendum.

126. The reference on the map to a MUGA is imprecise and to an extent confusing as the area is allocated as open space below in policy 14, site 6. It is presumptuous to state that it may form a MUGA without further detail as to what form this may take and whether it would conform to draft policy 14 and other statutory policies. I note the site is currently used as a football pitch and informal recreation ground and I support concern from Mr. Edwards that MUGAs can be controversial facilities which need specific consultation, possibly as part of a planning application. It is for these reasons the situation regarding the potential for the future use of the land as a MUGA is clarified.

127. I note there are some concerns from residents in this locality that there is inadequate highway capacity to cope with this development, which will be detrimental to living conditions and create traffic problems. However, SBC has not



raised a technical objection to this site from a highways perspective. I note there are two access options and from my site visit I do not consider there is evidence of overriding problems in terms of highways access and there appears to be adequate capacity to accept the development of the site.

128. The reference to archaeology in paragraph 4.2 needs to acknowledge that identification of any significant archaeological finds may constrain the extent of the developable area.

129. The mix of affordable housing suggested in paragraph 4.4 needs to be qualified by reference to any subsequent updated housing needs studies.

130. In paragraph 4.5, there needs to be a cross reference to the design policies in the SBLP 2026.

131. The advice needs to refer to the need to pay any Community Infrastructure Levy Charges (CIL).

#### Development brief for Redlands Site

132. Regarding paragraph 1.3 and 3.2, it may not be possible to retain all the trees and hedgerows so the advice needs to be more flexible.

133. In paragraph 2.1 it is necessary to confirm it is the 2013 SHLAA that is being referred to as there will be a number of iterations during the Plan period.

134. The map is indicative but needs to show more precisely the area of significant, mature trees at the southern end of the road frontage to the site, immediately to the north of the Redlands Court access. There is a need for the access to be positioned in a manner which balances the loss of trees, whilst achieving the required visibility, access geometry and pedestrian facilities. The potential position of the access shown on the plan may need to be altered upon detailed consideration. It is not apparent that any detailed investigation has been carried out in these respects. Flexibility needs to be built into the brief and the reference to the access position on the map.

135. The map needs to show where the “safe pedestrian crossing” will link the site to footpath FP16A and the recreation ground.

136. A map needs to show the length of the cycle route between the site and the junction of FP11.

137. The reference to archaeology in paragraph 3.3 needs to acknowledge that identification of any significant archaeological finds may constrain the extent of the developable area.

138. In paragraph 4.3, specify the location of the recreation ground.

139. In paragraph 4.5 an element of flexibility should be introduced. To provide 30% affordable housing in accordance with the SBLP Policy HA2 the figure should be 21 dwellings rather than 24. The reference to executive housing is not based on any evidence apart from the potential to provide lower density housing on parts of the site to protect existing trees. The term “executive housing” is too vague. The last sentence of paragraph 4.5 is also rather vague and should be linked to SBLP 2026 and Policy HA1 which refers to the need to conform to local needs in recognized documents.

140. Some representations refer to the presence of protected species, which needs to be highlighted in the brief.

#### **RECOMMENDATION 4**

##### **Crane Furlong Site Development Brief**

**On the map delete “Privacy area for existing homes” but retain footpath link; In paragraph 3.2, first sentence, delete “possible”.**

**Insert a new paragraph 4.1, as follows, and renumber the remaining paragraphs as appropriate “The number of dwellings achieved on this site should be a minimum of 42 unless constraints, which may be evidenced as part of a detailed planning application, are identified and require a lesser number.”**

**In paragraph 4.1, alter the second sentence as follows: “Improvements may include provision of a “Multiple Use Games Area (MUGA), seating areas, planting and drainage works which will have to be considered further, in detail.”**

**On the map delete reference to “new MUGA provided”**

**In 4.2 after Thames Water insert “and Environmental Health”. In the second sentence after Environmental Health insert “have” and delete “and Sewage works”.**

**Insert a new 3<sup>rd</sup> sentence to paragraph 4.2 as follows: “The map shows an indicative landscape buffer to allow for appropriate mitigation. Its exact extent will depend on the results of the assessments referred to above.”**

**Insert a final sentence to paragraph 4.2 as follows: “In the event of any archaeological finds appropriate mitigation measures will need to be considered which may constrain the extent of development.”**

**Delete the first three sentences of paragraph 4.3 and insert the following replacement. “There are two access options via Pentylands Lane and Crane Furlong which are shown on the plan in this appendix.”**

**Amend paragraph 4.4 as follows: “The housing mix, types and densities of dwellings shall be in accordance with Policy HA1 of the SBLP 2026. It is estimated that 42 dwellings can be provided on the site but this is contingent on the result of the noise and odour assessments. The affordable housing component should be 30% in accordance with Policy HA2 in SBLP 2026. The mix, type and tenure of affordable housing shall be in accordance with the latest housing needs assessment. The current housing needs data produced by Swindon Housing Department indicates that 70% of affordable housing shall be for rent and the remainder should be for shared ownership.”**

**In paragraph 4.5 delete second sentence and insert “There is a need to protect the privacy of dwellings which currently about the site and proposed dwellings need to be set back from the boundary to achieve this.”**

**In section 5, first paragraph town should have a capital “T”.**

**In section 5 insert as a new second sentence: “It can provide advice on any charges which may be required by the Community Infrastructure Levy (CIL).”**

#### **Redlands Site Development Brief**

**In paragraph 1.3 first sentence delete “all”, insert “most”.**

**In paragraph 2.1 after SHLAA insert “2013” in both cases in which the term appears.**

**The map needs to show where the “safe pedestrian crossing” will link the site to FP16A and the recreation ground.**

**A map (new or existing) needs to show the length of the cycle route between the site and the junction of FP11.**

**Add the following sentence to the end of paragraph 3.2; “There is a need to provide an ecological survey and mitigation report to determine the presence of any protected species and mitigation measures.”**

**Insert a final sentence to paragraph 3.3 as follows: “In the event of any archaeological finds appropriate mitigation measures will need to be considered which may constrain the extent of development.”**

**In paragraph 4.2, insert a new last sentence, “There is a need to position an access which minimizes the loss of trees whilst achieving a design which provides acceptable highway and pedestrian safety.”**

**The map needs to show the mature trees at the southern end of the road frontage to the site, immediately to the north of the Redlands Court access.**

**Delete the reference in the map which shows an indicative access position onto the A361.**

**In paragraph 4.3 specify the location of the recreation ground.**

**Delete paragraph 4.5 , insert new paragraphs as follows :**

**“The number of dwellings achieved on this site should be a minimum of 70 unless constraints which may be evidenced as part of a detailed planning application are identified and require a lesser number. In accordance with SBLP policy HA2 , 30% of homes should be affordable. A minimum of three plots for self or custom build should be offered for sale for a minimum of three months at a reasonable price, agreed independently. If there is no interest then these plots can revert to open market housing.”**

**In the last sentence of paragraph 4.5, delete all after “in line” and insert “with housing needs as expressed in SBLP Policy HA1.”**

**The overall housing mix on the site will be considered in relation to SBLP 2026, Policy HA1: Mix, Types and Density.”**

**In paragraph 5 insert as a new second sentence: “It can provide advice on any charges which may be required by the Community Infrastructure Levy (CIL).”**

## **Policy 2: Shared Ownership Housing**

141. In the interests of clarity it is necessary to set the broader policy context at the start of the preamble to the policy. Reference should be made at the start to the SBLP policy requirement to provide affordable housing, a part of which should be shared ownership.

142. I have taken into account the comments from the consultants, acting for the owners of the Crane Furlong site, that there is no need to have a policy requiring shared ownership housing. However, I consider the evidence provided justifies the local requirement for shared ownership housing on the basis proposed.

143. The policy needs some grammatical adjustment in the interests of clarity. It is advisable in the interests of future clarity that the current evidence for shared ownership housing is not expressed as part of the policy, but rather referred to in the supporting text.

144. The reference to the source of table 1 is rather vague as it refers to an email. This reference needs to be clarified as to which “Help to Buy South Report”.

145. It is not clear why, figure 4 Table 2 and the supporting text in paragraphs 4.1.4 and 4.1.5 have been included in the Plan. This information relates to the need for affordable housing and does not relate directly to a specific policy in this Plan. This information relates to broader housing needs requirements which are in the SBLP 2016 Policies HA1 and HA2. It is therefore confusing to have this information in this Plan as it is not clear what purpose it serves. This information should be deleted and the supporting text amended accordingly.

## **RECOMMENDATION 5**

**Delete the following paragraphs and tables 4.1.3, 4.1.4 (not Policy 2), table 2 and 4.1.5, renumber subsequent tables as appropriate.**

**Insert the following new paragraphs**

**“4.1.3 The SBLP 2026 policy HA2 states that on all developments of 15 homes or more, or on sites larger than 0.5 hectares, and subject to economic viability assessment, a target of 30% affordable homes should be provided on-site. Where it can be robustly demonstrated that on-site provision is not suitable, a proportionate contribution should be provided towards affordable homes off-site. Policy HA2 also requires that the affordable housing shall be of a mix and tenure that reflects local need.**

**4.1.4 Affordable housing, of which shared ownership is one type, is also generally in high demand in Highworth. It is expected that around 70% of affordable housing will be available to rent in line with the evidenced need (SBC Housing Department August 2016).**

**4.1.5 Evidence of housing need shows a demand in Highworth for shared ownership properties (table 1 below). This method of purchase, by allowing a part of the property to be bought and part rented, assists people into owner-occupation who can't afford the full market price of a dwelling. The cost of housing in Highworth is above average for Swindon Borough, as figure 4 shows, and has risen more since 2001. Fourteen shared ownership properties were built in Swindon in the last financial year under the government “Help to Buy” scheme (Help to Buy South Report 2016). In accordance with SBLP Policy HA2 shared ownership housing is required in the Plan area which meets the evidenced demand. The current figures indicate that 30% of affordable housing is suitable for shared ownership and that 2 and 3 bedroomed houses are the priority.”**

**Amend policy 2 as follows “When affordable housing is required under Swindon Borough Councils Local Plan 2026, Policy HA2, shared ownership housing shall be provided as part of the affordable housing provision in accordance with the evidenced demand at the time.”**

### **Policy 3: Rural Settlement Boundary**

146. The title “Rural Settlement Boundary” would be more relevant if it was altered to include reference to Development, in general. Readers of the plan will therefore be drawn to the wider relevance of the policy more readily if the title includes reference to “Development”, in general.

147. The extension of the boundary into the countryside is based on criteria, which amongst other objectives, are consistent with the intentions of the SBLP 2026 Policy RA1 to minimize the intrusion into the landscape setting of the town and maintain its hill top identity. The extensions to the boundary are required to accept the residential development allocated to Highworth in the SBLP 2026.

148. The representation from Turley, planning consultants, on behalf of the landowner of land to the north of the Blackworth Industrial Estate at Lechlade Road is to extend the settlement boundary as proposed to the north, in order to “facilitate the development of the site for approximately 2,000 sq. of commercial development, including retail”. It is submitted that a wider mix of commercial uses, including retail, beyond B Class uses, would add certainty to “delivery” on the site, facilitate further employment uses on the larger site and improve the economic prosperity and sustainability of Highworth.

149. This proposal is contrary to the SBLP 2026 Policy RA1, which allocates this site and a larger area for B Use Class employment use, with no more than 50% of it being used for B8 Use Class. This allocation is based on the need to provide an appropriate balance of employment opportunities to serve the town.

150. Blackworth is also listed as a key employment area by SBLP Policy EC2 where the intention is to protect the industrial site for B1, B2, B8 and appropriate “sui generis uses” and assist with the regeneration of Swindon central area.

151. The supporting text to the policy needs to refer more closely to the SDLP Policy SD2 which sets the overall policy context and advises the reader of the planning policy both within and outside the settlement boundary.

152. The sensitive hilltop setting notation on figure 5 and referred to in the policy seeks to highlight a particular aspect of the character of the hilltop setting. However apart from defining this on the map (figure5) it is unrelated to any specific policy requirements.

153. Some representees also raise concern on the basis that its definition is not directly supported by any visual, landscape or heritage appraisal. The Plan makes reference in paragraph 4.1.7 to evidence relating to the “important views” work which highlights that views from the north and east out of the settlement “best illustrate the town’s hilltop setting”. However there is no detailed analysis to support this assertion.

154. I agree with SBC that the precise boundary implies that areas not marked with the dashed black line have less sensitivity or character which could create problems

in applying Policy 17 in the Plan relating to design, to protect the hilltop setting.

155. I consider that on account of the limited evidence and lack of detailed policy implications as to the significance of the notation on the map that it be deleted.

## **RECOMMENDATION 6**

**Re-title Policy 3 as "Development and the Rural Settlement Boundary".**

**Insert as a new paragraph 4.1.7 "The settlement boundary defines the policy differentiation in the SBLP 2026 between the ability to carry out certain forms of infill within the settlement whilst complying with policies relating to the rural countryside outside of the settlement. Policy SBLP SD2 is the main reference in these respects, although there are other relevant policies relating to specific development types."**

**In Policy 3, delete the second paragraph and delete the sensitive hilltop setting notation from Figure 5.**

### Policy 4: Town Centre

156. This policy is consistent with SBLP Policy RA1 to maintain and enhance the economic function of the town centre.

157 There needs to be a qualification in the policy wording that recognizes the need for the improvements to be in the interest of the commercial vitality and viability of the town centre.

## **RECOMMENDATION 7**

**In the last sentence after "experience" insert "commercial vitality and viability".**

### Policy 5: Promoting Tourism and related facilities

158. The desire of the Town Council to seek to promote tourism and realise the particular local potential for this in the interests of the economic well-being of the town is in line with the SBLP 2026 Policy RA1. SBC support the variation to SBLP 2026 Policy EC3 which limits non-A1 uses and seeks to maintain A1 uses at 70% of shop frontages in the primary rural centres such as Highworth.

159. I agree with SBC that reducing the 70% requirement of A1 retail uses effectively to 51% to allow A3 daytime uses which are food and drink related and particularly complement tourism, is acceptable. In terms of "basic conditions" and the need for this Plan to be in general conformity with the development plan this is a relatively modest modification of development plan policy. This modification is responding to

local circumstances, evidenced proportionately and will not undermine the overall integrity of the SBLP 2026.

160. The role daytime A3 uses can play in fostering tourism needs to be explained in the supporting text a little more extensively to provide the required justification. The term “A3 uses” only refers to restaurants and cafes which needs to be made more explicit.

161. It is acceptable for the Plan to limit this exception to daytime A3 uses rather than extend it to night-time uses such as A4 (public houses) and A5 (hot food takeaways). To extend it to these more night-time orientated uses could prejudice footfall in the centre and be contrary to SBLP 2026 Policies RA1 and EC3.

162. However, SBC have pointed out that the nuance of SBLP policy EC3e allows the loss of A1 use even when the 70% level is not achieved, where it can be proven that the site has been marketed for A1 uses for at least a year and that the proposed use is appropriate for its location. It is necessary to clarify in the supporting text, that other proposals involving loss of A1 retail in the primary rural centre, may be allowed under criteria EC3e.

163. The policy needs to be made more precise. The reference in the second sentence to other tourist facilities is vague. It is more appropriate to refer to these other tourist-related proposals in the supporting text.

164. The policy needs to be more precisely titled to ensure its relationship to the SDLP 2026 is clear.

165. The term “A3 uses that will service and attract visitors” is imprecise and should be deleted. It is reasonable to assume that all daytime A3 uses which relate to restaurants and cafes will serve the tourist industry to a sufficient extent.

166. There are some minor discrepancies in the boundaries of the Primary Rural Centre as shown on figure 6 in the plan and on Map 4 in the SDLP 2026.

## **RECOMMENDATION 8**

**At the end of paragraph 4.2.7, last sentence after A3 daytime add “restaurant and café uses which are necessary to support tourism. Similar evening uses have less of a role in supporting tourists in the town which does not have a significant evening economy.”**

**Insert a new paragraph after 4.2.9 “Other proposals within the Primary Rural Centre and outside of it, which are tourist related, fall generally to be considered in relation to further policies in the SBLP 2026, in particular, Policies EC3: The role of the Centres and Main Town Centre Uses, RA1: Highworth, EC4: Conversions of Buildings to Employment Use in the**



## **Countryside and EC5: Farm Diversification.”**

**Re-title the policy as “Policy 5: Proposals for Daytime Cafes and Restaurants Uses (A3) in the Primary Rural Centre”**

**Rewrite the policy as follows: “Within the defined Primary Rural Centre, daytime A3 uses (restaurants and cafes) will be encouraged, provided that A1 retail uses occupy at least 51% of the street frontage.”**

## **Policy 6 Promoting Employment Opportunities in Highworth**

167. A significant number of the bullet points in the policy are either covered by existing policies in the SBLP 2026 or are aspirational and do not qualify as policies.

168. I agree with SBC in their response to the “regulation 14 consultation”, as summarised in the submitted “Statement of Community Involvement” that there is no need to repeat as a policy the bullet points 1 and 3 relating to protection of Blackworth Industrial estate (ref: Policy EC2) and maintaining and enhancing community facilities (ref: Policy CM4).

169. The second bullet point is too vague in its general reference to “employment opportunities” and fails to acknowledge the role of the SBLP 2026. The desire to promote employment in this general sense is more appropriate as supporting text rather than a policy.

170. The encouragement of potential employers and the development of skills initiatives in bullet points 4 and 6, are not related sufficiently to land use and are unsuitable for inclusion as planning policies.

171. The bullet point 5 is not specific enough to provide a worthwhile policy and the need to develop the town as a sustainable entity with a range of services is recognized in SBLP 2026 Policies EC1, EC2, EC3 and RA1.

172. I do not accept the Town Council’s view in the regulation 14 consultation response that the policy needs to repeat SBLP policies in order to be informative and comprehensive. Partial duplication of policies in a neighbourhood plan policy format out of context with the development plan may lead people to think other policies in that plan are not relevant. However, I do agree it is important to sign post these policies in certain cases in supporting text and I have recommended this below. The aspirations to promote employment can be included in the Plan but must be distinguished from the formal policies to conform to basic conditions.

## **RECOMMENDATION 9**

**Delete the final sentence in paragraph 4.2.15 and policy 6, Insert new paragraphs after para 4.2.15 as follows :**

**“This plan supports the policies in the SBLP 2026 which are concerned to develop the town as a sustainable community offering economic opportunities and levels of community infrastructure and social capital to ensure it continues as an attractive place to live for new and existing residents.**

**The Town Council will support proposals which conform to SBLP policies concerned with delivering sustainable economic growth. These are:  
EC1: Economic Growth through Existing Business and Inward Investment  
EC2: Employment Land and Premises (B Use Classes)  
EC3: The Role of the Centres and Main Town Centre Uses  
EC4: Conversions of Buildings to Employment Use in the Countryside  
EC5: Farm Diversification**

**The Town Council is particularly keen to promote employment opportunities on mixed-use development sites, live–work units and homeworking. It also supports the extension and promotion of community and leisure facilities to provide employment and the setting up or improving of initiatives to develop skills and employment opportunities.**

**Opportunities for employment which enhance the town and prevent the loss of key services will be encouraged.”**

### **Policy 7: Transport and Traffic Management**

173. This is an aspiration rather than a policy and should be distinguished as such.

## **RECOMMENDATION 10**

**Take the words in the box titled Policy 7: Transport and Traffic Management and turn into a paragraph so they are not in the format of a policy.**

### **Policy 8: Rights of Way Network**

174. This relates to development proposals and is appropriate for inclusion in the Plan. The promotion of different modes of sustainable transport is a thread running through national and local planning policy (ref: Policy TR1 in SBLP 2026).

175. The Ramblers have identified a further “missing link” in the footpath network, which should be identified in figure 10 on page 27.

## **RECOMMENDATION 11**

**Insert the missing link on Figure 10 which relates to the B4019 between the unclassified road leading to Common farm and the footpath which runs in a south–easterly direction from Eastrop Farm, as identified by the Ramblers in their regulation 16 consultation response.**

### **Policy 9: Potential Cycle and Recreational Routes**

176.The ambition to protect and fund cycle routes as part of the consideration of development proposals is, again, in line with national and local transport policy (ref: Policy TR1 in SBLP 2026).

177.There is a minor mis-reference in paragraph 4.3.11. Figure 3 should be Figure 9.

## **RECOMMENDATION 12**

**The reference in paragraph 4.3.11 relating to “Figure 3” should be “Figure 9”.**

### **Policy 10: Protecting Community Assets**

178. This policy is providing a local dimension to SBLP Policy CM4 “Maintaining and Enhancing Community Facilities”. The proposed policy duplicates much of Policy CM4 but provides, in addition, a local list of community assets.

179. I agree with SBC in their comments at regulation 14 consultation stage that in this case because the policies are directly related it is necessary to cross-refer to that policy and then list the local assets which have been identified . I consider there should be a qualification that this list is not exclusive to take account of new community assets identified in the Plan period.

180. The listing and description of the facilities identified by the Town Council is adequate evidence bearing in mind the policy allows for removal of facilities which are not viable or valued. The policy needs to be amended to clarify viability is not just economic but the extent of community use as well.

## **RECOMMENDATION 13**

**The final paragraph in 4.4.1 second sentence insert “are” before popular.**

**Insert new paragraphs after 4.4.1 (i.e. after the paragraph on schools) as follows:**

**“The SBLP 2026 Policy CM4 offers protection to community facilities which are viable and popular. Their loss is not allowed unless it can be proven they have**

been properly marketed for at least a year with no response and that an alternative facility exists nearby or the facility is no longer required.

The Town Council is concerned to support this policy and has identified, in the Plan process, a list of local facilities to which the policy applies. This list is not exclusive but is referred to in the policy below.”

Reword Policy 10, as follows:

**“Policy 10: Maintaining and Enhancing Community Facilities Proposals for new or extended community facilities and involving the loss of such facilities will be considered in relation to SBLP policy CM4 and other relevant policies, including those in this Plan.**

Local facilities to which this policy relates have been identified as follows. This list is not exclusive.

Highworth Recreation Centre  
Town Council Offices  
St. Michael’s Church Hall, old coach house  
St. Michael’s Hall, paradise PATH  
Highworth Methodist Church  
United Reform Church  
The Library  
Highworth Community Centre  
Youth and Community Centre

Development proposals to sustain or extend the viable use of existing community facilities and the development of new facilities will normally be supported if they comply with other policies in the development plan.

Development proposals that will result in the loss, or significant reduction in the scale and value of a community facility will not be permitted, unless alternative facilities of equal or better accessibility, size and suitability are provided. If it cannot be demonstrated that the operation of the asset is not in demand by the community or no longer economically viable, and it has been marketed at a reasonable price for at least a year for that, or any other suitable community facility use and no interest in acquisition has been expressed, then alternatives may be considered.

### Policy 11: Local Historic Heritage

181. The map included as Figure 12 is reproduced at poor definition. For example, it is difficult to distinguish the listed buildings and key buildings of interest.

182. The policy is very general and does not identify any new non-designated heritage assets. It repeats policies in the NPPF and SBLP 2026 Policy EN10 which

is concerned to protect both designated and non-designated heritage assets subject to a number of provisions. The Plan policy does not explain or add to the nuances of these policies and is, therefore, contrary to basic conditions, as it does not properly represent the higher level policies. Furthermore, it does not add anything new and is potentially confusing. The policy should therefore be deleted.

183. The Plan can usefully cross refer to NPPF and SBLP policies to emphasise their importance. There should be added reference to the Swindon Residential Design Guide 2016.

#### **RECOMMENDATION 14**

**Reproduce Figure 12 with more definition, in order that listed buildings and key buildings of interest are more easily distinguishable.**

**Add a further sentence to paragraph 4.4.2.1: “The Swindon Residential Design Guide 2016 is also an important reference point.”**

**Delete the last sentence from paragraph 4.4.2.2 Add the following in place of it: “The Town Council is concerned to ensure that all buildings which are considered as heritage assets are afforded protection from unsympathetic development proposals by close consideration in relation to policies in the NPPF (Section 12 Conserving and enhancing the historic environment ) and local policies as referred to above in paragraph 4.4.2.1.”**

**Delete Policy 11 as written.**

#### **Policy 12: Community Infrastructure priorities to be funded from Developer Contributions**

184. This is a useful identification of local priorities but it is not precise enough to constitute a policy as the list of projects is not exclusive and they are not defined in sufficient detail. The policy can form an aspiration and a guide to the local community.

185. The supporting text needs to explain the Community Infrastructure Levy (CIL) process in relation to neighbourhood planning as referred to in the NPPG (ref: ID: 41-003-20140306). Section 106 contributions have to be “directly related” to the particular circumstances of a development (ref :NPPF paragraph 204) and are, therefore, inappropriate for inclusion in a general list.

186. The reference to consideration of heritage assets is unclear and should be deleted. Policy EN10 relates to consideration of development proposals and does not have implications for developer contributions.

187. In the priority list the reference to a Town Centre Regeneration Feasibility Study does not constitute as infrastructure and cannot be funded via CIL.

## **RECOMMENDATION 15**

**Delete “Policy 12” in the first sentence.**

**Delete the second sentence and replace as follows:**

**“The Town Council can benefit from 25% of the revenues from the Community Infrastructure Levy(CIL) arising from the development that takes place in the Plan area.”**

**Delete the last sentence from paragraph 4.4.3.**

**Reformat the Policy 12 box as a list and not a policy. Delete the words “Policy 12” from the text. Reword the sentence preceding the list, as follows:**

**“ Financial contributions received by the Town Council from the Community Infrastructure levy (CIL) will be allocated to community priorities agreed at the time and may include, but not exclusively, the projects listed below.**

**Reword the first bullet as:**

- **“ Works required in relation to town centre regeneration”**

## **Policy 13: Local Green Spaces**

188. The identification of local green spaces for protection in neighbourhood plans is recommended in the NPPF (paragraph 77) in accordance with the following principles:

“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land “

189. The NPPF in paragraph 78 states that policies that apply to them should be “consistent with policy for Green Belts” which are essentially outlined in paragraph 89. This application of green belt policy is a stricter regime of control than that applied to open space areas in the SBLP 2026, Policy EN3b. The SBLP policy allows development on open spaces in a wider set of circumstances where it is

ancillary or it can be swapped for compensatory open space provision elsewhere. The role of green spaces is concerned to offer full protection to small areas of land, protect their permanence and “openness”.

190. In order to take into account government guidance it is important to carefully differentiate these two types of designation.

191. I share SBC’s concerns expressed at regulation 16 stage that the wording in Policy 13 is not in accord with the Green Belt policy approach as it doesn’t refer to the need to protect “openness” and other nuances of policy as expressed in paragraph 89.

192. SBC also have concerns about including the “Recreation Grounds - Upper and Lower Fields” as green space. They state it is designated as open space in the SBLP 2026 Proposals map and is already afforded protection by Policy EN3. The extra green belt level of protection would be contrary to the terms of Policy EN3b which in some circumstances allows development which would not be allowed by NPPF green belt policy as it applies to green spaces. I agree with SBC and it is, therefore, necessary for this site to be deleted from the green space list and added to the open space list in Policy 14. SBC state that there are ambitions to enhance facilities on this site but this has not influenced my view that the proposal as a green space conflicts with Policy EN3b.

193. The same principle applies to Pentylands Country Park which although not mentioned by SBC is shown as open space on the SBLP 2026 proposals map and is therefore subject to Policy EN3b.

## **RECOMMENDATION 16**

**Delete “Pentylands Country Park and Recreation Ground Upper and Lower Fields” and put them in the list to which Policy 14 applies.**

**In the policy wording replace the sentence after the list with a new sentence, as follows:**

**“Development on Local Green Spaces will be considered in the same manner as development in the green belt as explained in the National Planning Policy Framework (NPPF) , section 9. This establishes a presumption of resisting most forms of development which is detrimental to the openness and character of the green spaces.”**

**Amend Figure 13 as appropriate.**

### **Policy 14: Open Space**

192. This policy refers to many of the open spaces shown on the SBLP 2026 proposals map and covered by Policy EN3. However, this Plan and the SBLP 2026

are not entirely consistent which is confusing. I suggest there is cross reference in the Plan policy and Figure 14 is amended to include all the open space designations in both plans.

193. The text of the policy should replicate that in SBLP 2026 Policy EN3b in order that, in this case, as the policies overlap closely, there is absolute consistency.

194. SBC, Head of Property Assets has requested that the Highworth Recreation Ground local green space allocation be either converted to open space or the boundary of the green space be redrawn to allow for development of an area, either side of the access and to allow potential for redevelopment of the changing rooms.

195. It is recommended that the green space is re-allocated as open space for the reasons specified above. However, the idea of redrawing the boundary is not supported. The area at the access, whilst not in active recreational use, is not adjacent to the proposed settlement boundary and may be needed at some stage in the future to allow for development of facilities at the recreation ground. The inclusion of the clubhouse and car park in the open space designation does not preclude development, which would benefit the open space, and its use.

## **RECOMMENDATION 17**

**Transfer the descriptions of Pentylands Country Park and Recreation Ground Upper and Lower Fields from the list under paragraph 4.5.2 to the list under paragraph 4.5.3**

**Alter the text of policy 14 , as follows:**

**Public open space assets defined on the Figure 14 will be protected from development unless:**  
**it can be demonstrated that alternative provision can be made locally of equivalent or better size, quality and accessibility; or**  
**the proposed development is ancillary to the main use of the site and protects its public open space function; or**  
**the proposed development is subject to an open space appraisal to ensure it does not adversely affect local needs and/or existing quality of open space within the area in accordance with the Council's Standards, as set out in Appendix 3 (of SBLP 2026) and in the most recent Open Space Audit and Assessment; or**  
**when assessed against the open space appraisal, the proposed development provides community benefit which outweighs the loss of open space.**

**Add to the list "Pentylands Country Park and Recreation Ground Upper and Lower Fields" and any site shown on the SBLP 2026 Proposals Map 4 Highworth.**



**Ensure all these sites are plotted on Figure 14.**

### Policy 15: Protection of Trees and Hedgerows

196. The controls over works to trees need to be referenced in order to present a comprehensive succinct overview of national and local policy.

197. The proposed policy is too imprecise and inflexible. The reference to “ancient” trees is too general. The policy indicates felling of any trees of amenity value will not be permitted which is not always the case. Development of the allocated sites will require some limited felling of trees of value.

### **RECOMMENDATION 18**

**Insert a new paragraph after 4.5.4.3 as follows “Trees which are covered by Tree Preservation Orders (TPO’s) and those in Conservation Areas are subject to specific control.**

**Many trees, however, are not subject to these controls and when affected by development proposals are covered by the following policy.”**

**Rewrite Policy 15 as follows:**

**“Development proposals must seek to retain trees and hedgerows of amenity value whenever possible.**

**Development proposals affecting trees and hedgerows must be accompanied by an arboricultural survey which justifies any felling in terms of the health of trees or danger presented by any tree as a result of its condition or position. Trees to be retained must be the subject of proposals for their protection during construction.”**

### Policy 16: Local Wildlife and Biodiversity

198. This policy is based on county wildlife designations and is acceptable in terms of basic conditions.

199. Regionally Important Geological Sites are more appropriate for inclusion in Policy 17 which relates to built design.

### **RECOMMENDATION 19**

**Delete “as are the regionally important geological sites”**

## Policy 17: Good Locally-Responsive Design

200. The word “good” in the title is inappropriate as it is a subjective term. The title should simply refer to ‘local design policy’.

201. It is important to set these local design policies in the context of the development plan design policies.

202. The supporting text needs to make reference to the conservation areas in Sevenhampton and Hampton.

203. The policy should be worded more flexibly. There is an element of judgment in appraising design and the use of the term “comply” is too prescriptive.

204. Only significant iconic views in the public realm can be afforded specific protection as a material planning consideration. Planning control as it relates to views is based on protecting the landscape and built character of a locality. The evidence submitted and photographs of various views are of limited quality and unrelated to a landscape visual assessment. It is difficult to appreciate how this evidence may be used to justify consideration of proposals which had an impact on specific views. The design guidelines would be more appropriate if they referred generally to protection of the hilltop setting and landscape character of the town.

205. The national space standards can only be applied after they have been incorporated in a Local Plan in accordance with advice in Ministerial Statement of March 2015. This has not yet been done so these requirements are only advisory.

206. There should be cross reference to the Swindon Residential Design Guide 2016, Highworth Conservation Area Appraisal and Management Plan (CAAMP), Hampton CAAMP and Sevenhampton CAAMP.

## **RECOMMENDATION 20**

**Change title in 4.5.6 to “Locally- Responsive Design”.**

**Insert new paragraphs as follows:**

**“4.5.6 The hilltop location of Highworth is special and the town has a unique character. The surrounding open rural landscape requires a careful design assessment of all developments.**

**4.5.6.1 The SBLP 2026 and the Swindon Residential Design Guide 2016 are important references in design assessments.**

**4.5.6.2 There are conservation areas in Hampton and Sevenhampton where development should preserve and enhance their traditional character. Each of**

these areas has an appraisal and management plan which highlights features and buildings of significance which have to be taken into account.”

Renumber the remaining existing paragraphs.

At the beginning of existing paragraph 4.5.6.1 insert before Conservation Appraisal the word “Highworth”.

In existing paragraph 4.5.6.1 delete “Conservation Appraisal” and insert “Highworth Conservation Area Appraisal and Management Plan (CAAMP)”.

In existing paragraph 4.5.6.2 insert at the start of the second sentence “The landscape character and the”

Change the title of the policy to “Policy 17: Locally - Responsive Design”.

Delete the first sentence and insert “Design of development proposals should take into account the following guidelines:”

Insert new first bullet as follows:

Policies in the SBLP 2026 in particular Policy DE1: High Quality Design; Policy DE2: Sustainable Construction; EN5: Landscape Character and Historical Landscape; Policy EN10: Historic Environment and Heritage Assets and the Swindon Residential Design Guide 2016.

Insert new second bullet as follows: “In Conservation Areas the respective Conservation Area Appraisal and Management Plans will be an important reference in design assessments” and

Alter the existing first bullet point as follows: “The impact of development on landscape character and important views will be taken into account and resisted where it is unduly intrusive or unrelated to existing features;” and

Alter the existing third bullet point as follows: “The local building materials of stone and red brick are the preferred main elevation materials particularly development which is prominent in the public realm;” and

Alter the sixth bullet point as follows: delete the first sentence

Add an extra bullet “The need to protect Regionally Important Geological Sites”

## References

### **RECOMMENDATION 21**

**Insert “Swindon Residential Design Guide 2016” and “Strategic Housing Land Availability Assessment 2013”.**

**SUMMARY**

207. I have completed an independent examination of the Neighbourhood Development Plan.

208. The Town Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

209. I have recommended modifications to the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision making in accordance with the National Planning Policy Framework and local development plans policies.

210. Subject to these modifications, I am satisfied that the plan meets the basic conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

211. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

212. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

213. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

214. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by Swindon Borough Council.

215. I am therefore pleased to recommend that the Highworth Neighbourhood

Development Plan, as modified by my recommendations, should proceed to a referendum. I see no reason why the area for the referendum should be altered or extended.

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### **Appendix 3: Definition of the Basic Conditions**

As defined by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended by the Localism Act 2011):

*“A draft order meets the basic conditions if—*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*

*(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*

*(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*

*(d) the making of the order contributes to the achievement of sustainable development,*

*(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

*(f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and*

*(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.”*

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## Calendar of Meetings 2017-18

**Council**

**Date: 6<sup>th</sup> April 2017**

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Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 To consider and agree dates for meetings of the Council, the Cabinet, Committees and Other Swindon Borough Council bodies for the Municipal Year 2017/18.
- 1.2 The Council Constitution requires the formal confirmation of the dates of Council meetings by Full Council at its Annual Meeting. To enable appropriate planning of meetings and nominations to Committees of the Council to take place, the Council is asked to provisionally approve the full calendar of meetings for 2017/18 in advance of the Annual Council meeting.

### **2. Recommendations**

The Council is recommended to:

- 2.1 Agree that the Timetable of Meetings for 2017/18 as set out in Appendix 1 be approved for formal adoption by Annual Council.
- 2.2 Agree that the Director of Law and Democratic Services, in consultation with the Leader of the Council, be authorised to vary the dates for meetings of the Council, the Cabinet, Committees and Other Swindon Borough Council bodies should this prove necessary for the efficient discharge of Council business.

### **3. Detail**

- 3.1 Proposed dates for meetings of Cabinet, Committees and other bodies are attached at Appendix 1.
- 3.2 Dates are included in this Appendix for the One Swindon Board, Wiltshire Police and Crime Panel, Dorset and Wiltshire Fire Authority and Safeguarding Boards for information only, as these meeting dates are arranged separately.
- 3.3 It is also proposed that the Director of Law and Democratic Services, in consultation with the Leader of the Council, should be authorised to vary the meeting dates for meetings of the Council, the Cabinet, Committees and other Swindon Borough Council bodies as set out in the Appendix should this prove necessary for the efficient discharge of Council business.

### **4. Alternative Options**

- 4.1 No alternative options are proposed.

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Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk)

**5. Implications, Diversity Impact Assessment and Risk Management**

Financial and Procurement Implications

- 5.1 There are no financial or procurement implications.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no specific implications that relate to staff, sustainability, health, rural, crime and disorder within this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report.

Risk Management

- 5.5 There are no risk management implications.

**6. Consultees**

- 6.1 The Section 151 Officer and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

**7. Background Papers**

- 7.1 None.

**8. Appendices**

- 8.1 Appendix 1 - Proposed Council timetable 2017/2018.

Please note these are not all the meetings attended by Members - see the Committee and Member Services Information Site Meetings Timetable for a fuller set of dates																
Swindon Borough Council Calendar of Meetings 2017 - 2018																
Meeting	Ctte Officer	Day	Time	2017								2018				
				May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Executive & Regulatory	<b>Council</b> (normally preceded by Group meetings)	SB	Th	19:00	19 (A) (2.30pm)		13		28		9		25	22 (B) 26 (R)	19	18 (A) (2.30pm)
	<b>Cabinet</b> (Open Forum at 18:00, Cabinet will start at the end of open forum)	SJ	W	18:00		14	12		6	18	6		7	14	18	
	<i>Cabinet agenda meetings</i>	SJ	Tu	16:00	23	20		15	26		15 (W)		16	20	27	
	<i>Cabinet briefing meetings (as required)</i>	SJ	M	17:00		12	10		4	16		4		5	12	16
	<b>Cabinet Panel on School Organisation</b>	SJ	-	-	Meetings arranged as required											
	<b>Standards Committee</b>	SJ	M	17:00			3				6		15		26	
	<b>Audit Committee</b>	IT	Tu	18:00		27			13 (W)		28			6	20	
	<b>Planning Committee</b>	IT	Tu	18:00	9	13	11	8	12	10	14	12	9	13	13	10
	<b>Licensing Committee</b>	SB	Var	17:30	19	15			21			18			15	18
	<b>Licensing Panel</b>	SB	-	-	Meetings arranged as required											
	<b>Appeals Committee</b>	SB	-	-	Meetings arranged as required											
	<b>Appointments Committee</b>	SB	-	-	Meetings arranged as required											
Overview & Scrutiny	<b>Scrutiny Committee</b>	SF	M	18:00	2 (Tu)	19	17	7	11	9, 23	20	11	8	12	19	23
	<b>Adults' Health, Adults' Care and Housing</b>	RGG	Tu	18:00		22 (Th)			19		7		30		28 (W)	
	<b>Children's Health, Social Care and Education</b>	RGG	W	18:00			5		20		29		24		21	
	<b>Growing the Economy</b>	SF	W	18:00		21			27		8		31		6 (Tu)	
	<b>Resources and Corporate</b>	IT	M	18:00		12			18		27		18 (Th)		12	
	<b>Streetsmart, Highways and Communities</b>	SB	W	18:00		28			5 (Tu)		22		10	28		
Other Formal Bodies	<b>Health and Wellbeing Board</b> (*Chair's Advisory Group meeting)	VY	W	14:00	24	14 *	12		13 *	11	15 *	13		14 *	14	18 *
	<b>One Swindon Board</b>	VY	Tu	18:00		6				17			23		20	
	<b>Council Joint Consultative Committee</b>	IT	Th	14:00			6			12			11		8	
	<b>Joint Safety Committee</b>	IT	Tu	13:00		27	11			17			23			
	<b>Standing Advisory Council on Religious Education (SACRE)</b>	SF	Tu	18:00		27						5			26 (M)	
	<b>Schools Forum</b>	RGG	Tu	16:00			4			3			17 (W)		20	
	<b>Wiltshire &amp; Swindon Police &amp; Crime Panel</b>	-	Var	10:00		29			7			7				
	<b>Dorset &amp; Wiltshire Fire &amp; Rescue Authority</b>	-	Var	10:00		8			8			5		22		
	<b>Local Safeguarding Childrens Board</b>	Lead	Tu	13:30		13			19			12				
	<b>Local Safeguarding Adults Board</b>	Lead	Var	14:00	25			18			17			22		

Meeting		Ctte Officer	Day	Time	2017								2018				
					May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Advisory	Archaeological Advisory Body	RGG	Th	15:00			20				2			8			
	Benefits Strategy & Welfare Reform Group	Lead	-	-	Meetings arranged as required												
	Corporate Parenting Advisory Board	SB	M	17:00		26			18		13				12		
	Equalities Advisory Forum	SF	W	12:45		21			6		1			7		18	
	Housing Advisory Forum	SB	W	18:00			19			11			17		7		
	Member Development Advisory Group	VY	Tu	17:00						3					6		
	Town Twinning Network	SF	W	18:00		7				4		13				25	
Groups	Conservative Group Meetings	DC	M	18:00	8 (AGM), 15, 19 (F)	5	4 (Tu), 10	1 (Tu)	4, 25	2	6, 21	4	2 (Tu), 22	5, 19	5	9, 16	18
	Labour Group Meetings	MB	M	18:00	8 (AGM), 15, 19 (F)	5	4 (Tu), 10	1 (Tu)	4, 25	2	6	4	2 (Tu), 22	5, 19	5	9, 16	18
	Liberal Democrat Group Meetings	Cllr SP	-	-	Meetings arranged as required												
	Member Training	VY	Var	Var	22, 24, 25	26				16, 30, 31	1		3, 29	21, 27			
Dates	Bank Holidays	-	-	-	1, 29			28				25, 26	1		30	2	7, 28
	Swindon School Holidays	-	-	-	30 - 31	1 - 2	24 - 31	1 - 31		19 - 27		18 - 29		12 - 16		3 - 13	29 - 31
	Elections	-	-	-													3

**Key:** (M)=Monday, (Tu)=Tuesday, (W)=Wednesday, (Th)=Thursday, (F)=Friday, (B)= budget meeting, (R)=reserve date, (A)=Annual Council

**Committee Officer Column:** SJ = Steve Jones, SB = Shaun Banks, VY = Vicki Yull, IT = Iain Tucker, SF = Stuart Figini, RGG = Rita Glen-Gallo, DC = Douglas Chanda-Campbell, MB = Matthew Bradley, Cllr SP = Cllr Stan Pajak.

**CABINET**

**WEDNESDAY, 1 FEBRUARY 2017**

**PRESENT:-** Councillors David Renard (Chair), Russell Holland, Oliver Donachie, Toby Elliott and Fionuala Foley.

Apologies for absence were received from Councillors Brian Ford, Mary Martin, Garry Perkins and Keith Williams.

Mr Mike Bawden, the Chair of the Board of Thamesdown Transport Limited, Mr Paul Jenkins, the Managing Director of Thamesdown Transport Limited, and Councillor Steve Allsopp, a Council Representative on the Board of Thamesdown Transport Limited, were in attendance and were invited to remain in the meeting during Cabinet's consideration of Agenda Item No. 5 "Thamesdown Transport Limited – Update".

**78. Declarations of Interest.**

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

**79. Public Question Time.**

There were no public questions.

**80. Exempt Items - Exclusion of Press and Public.**

Resolved – (1) That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the item listed below, on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item No.	Paragraph No.	Minute No.
5	3	81

(2) That Mr Mike Bawden, the Chair of the Board of Thamesdown Transport Limited, and Mr Paul Jenkins, the Managing Director of Thamesdown Transport Limited, be invited to remain in the meeting for consideration of Agenda Item No. 5 "Thamesdown Transport Limited – Update".

**81. Thamesdown Transport Limited - Update**

The Leader of the Council, the Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, the Interim Director, Resources, the Head of Property Services and the Director of Law and Democratic Services submitted a

joint report providing an update on the options for the future operation of Thamesdown Transport Ltd, which company is a private limited company formed in 1986 under the Transport Act 1985 to take over the bus operations of the former Thamesdown Borough Council (now Swindon Borough Council) and is wholly owned by the Council.

The Leader of the Council advised the meeting that there would be an embargo on Cabinet's decision in respect of the matter under consideration until at least 8.30 a.m. on Friday 3<sup>rd</sup> February, or later if such requirement proved necessary.

Resolved – That the recommendations set out in paragraphs 2.1 to 2.15 of the report, including the amendment to paragraph 2.2 proposed at the meeting, be accepted.

## **CABINET**

**WEDNESDAY, 8 FEBRUARY 2017**

**PRESENT:-** Councillors David Renard (Chair), Russell Holland, Oliver Donachie, Toby Elliott, Fionuala Foley, Mary Martin, Garry Perkins and Keith Williams

An apology for absence was received from Councillor Brian Ford.

Councillor Jim Grant attended the meeting in respect of Minute 86.

### **82. Declarations of Interest.**

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

### **83. Minutes**

Resolved – That the minutes of the meeting held on 7<sup>th</sup> December, 2016, be confirmed and signed as a correct record, subject to the inclusion of the following amendment to the wording of the decision at Minute 65 (“2016-17 Budget Management and 2017-18 Draft Budget):

(5) That Cabinet notes:

g) The further detail about the transfer of assets between the General Fund and the Housing Revenue Account as set out in Appendix 7 to the report.

(6) That the following be agreed: *a) to f) as set out in the minutes.*

### **84. Public Question Time.**

There were no public questions.

### **85. Exempt Items - Exclusion of Press and Public.**

Resolved – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item Nos.	Paragraph No.	Minute Nos.
17, 18 and 19	3	97, 98 and 99

### **86. Budget 2017/18 and Beyond (Minute For Confirmation)**

Councillor Russell Holland, the Cabinet Member for Finance and Corporate Services, and the Interim Corporate Director of Resources, submitted a joint report

proposing a Budget for 2017/18 and setting out the financial context for 2018/19 and beyond. It was noted that, under the Council's Constitution, the Cabinet is required to recommend a budget to Council as part of its formal Council Tax Setting responsibilities.

Councillor Holland introduced the joint report, placing its recommendations in the context of continuing pressures on the Council's finances due to increased demand for services as a result of demographic factors and also Central Government's continuing policy to reduce the public expenditure, including the level of grants to local authorities. He made particular reference to the growing demand for Adult Social Care services and the importance of the Council continuing to support representations being made to Ministers concerning increased funding for Adult Social Care.

Councillor Holland commented that, in order to balance the budget, the Council was required to make some extremely challenging decisions in relation to its services provision and he specifically referred to the proposal within the report requiring staff costs to be reduced by £1.5m. He assured the meeting that that this was not a proposal that had been put forward lightly but one that was necessary in order to ensure the long-term sustainability of services that prioritised those most in need.

Following Councillor Holland's introduction of the report, members were given the opportunity to put questions on the issues raised. Councillor Holland, with the Leader of the Council, responded to questions put by Councillor Jim Grant (Leader of the Opposition Group) on the following issues:

- The level of the Council Tax increase proposed and the statutory threshold requiring a referendum to be held.
- The Labour Group's opposition to the Cabinet budget proposals and its intention to present a detailed response to these at the Full Council meeting on 23<sup>rd</sup> February.
- The regulatory guidance governing how the former Special Expenses were incorporated into the general expenses.

Resolved – (1) That the following be noted:

- a) The medium term financial context and impact on Swindon of the draft Local Government Finance settlement;
- b) The projected out-turn for 2016/17;
- c) That the Council does not foresee any need to replenish general reserves as part of the 2017/18 Budget Setting process;
- d) The consultation feedback in relation to the Budget proposals presented to Cabinet in December 2016, summarised in Appendix 3 to the report;
- e) The feedback received from a consultation meeting with business representatives from Swindon, on behalf of non-domestic rate payers, which took place on 23<sup>rd</sup> January 2017, as set out in Appendix 4 to the report;
- f) That the detailed Dedicated Schools budget for 2017/18 has been set within the provisional funding envelope of £171.115m;
- g) That, in line with the requirements of the Local Government Act 2003, the Interim Corporate Director Resources, in her Section 151 capacity, confirms the robustness of the estimates underlying the recommended Budget and, having reviewed the financial risks being faced by the Council, concludes that the proposed minimum level of general reserves (£6m) is adequate in the



context of the earmarked reserves held, specific contingencies and the proposed budget risk contingency of £4.1m.

- (2) That the 2016/17 virements, set out in Appendix 2 to the report, be agreed.
- (3) That the medium term financial strategy, set out in Appendix 8 to the report, be endorsed.
- (4) That the specific reserves held in support of the 2017/18 Revenue Budget set out in Appendix 7 to the report, be agreed.
- (5) That it be agreed that the Transformation Fund be topped up to £2.5m from General Reserves at the year end to support delivery of the 2017/18 budget.
- (6) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Adult Services, Director of Adult Social Services and the Interim Corporate Director Resources, be authorised to complete documentation required to enter into a contract under the North East Purchasing Organisation (NEPO) framework for the provision of additional staffing capacity to deliver adult social care services, on such terms he considers appropriate to protect the Council's interests.
- (7) That the Interim Corporate Director Resources be authorised to balance any changes between the provisional local government finance settlement and the final numbers expected to be released in mid-February by adjusting the Budget Risk Contingency.
- (8) That the change to the proposed fees and charges for allotment fees, as set out in paragraph 3.32 of the report, be agreed.
- (9) That Council be recommended that, subject to any changes resulting from the Government's announcement of the final local government finance settlement for 2017/18:
  - a) The 2017/18 Budget be set at £136.464m;
  - b) The council tax be increased by 4.99%, comprising 1.99% for the basic amount of council tax and a specific adult social care precept of 3%; and
  - c) It be determined that the proposed increase in the basic amount of Council Tax for 2017/18 is not excessive, in accordance with Schedule 5 of the Localism Act 2011, and therefore does not trigger the requirement for a referendum.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **87. Capital Programme 2017/18 (Minute For Confirmation)**

Councillor Russell Holland, the Cabinet Member for Finance and Corporate Services, and the Interim Corporate Director Resources, submitted a joint report on new Capital Programme requirements for the period 2017/18 to 2018/19.

Councillor Holland introduced the joint report and, in particular, invited members to note the level of investment in Children's Services, highways, landscaping and transport.

**Resolved** – That the Council be recommended:

- a) That the position and budget requirement for the additional Children's Services schemes, referred to at paragraph 3.5 of the report, be noted.
- b) That a budget of £3.615m for the schemes, referred to at paragraph 3.10 of the report and detailed in Appendix 1 to the report, be approved.
- c) That a total budget of £5.191m for the 2017/18 local priority Highways and

Transport schemes, referred to in paragraphs 3.11 to 3.14 of the report and detailed at Appendix 2 to the report, be approved.

- d) That a total budget of £0.674m for 2016/17 for Repairs and Maintenance on Corporate Property, as referred to in paragraphs 3.15 of the report and detailed at Appendix 3 to the report, be approved.
- e) That a total budget requirement of £0.957m for Older Peoples and other capital schemes, referred to in paragraph 3.17 of the report and detailed at Appendix 4 to the report, be approved.
- f) That a budget of £0.750m to cover necessary replacements to vehicles used across all general fund service areas and managed by the fleet department be approved and that permission to proceed on acquiring new vehicles be delegated to the Cabinet Member for Street-Smart, Highways and Transport and the Board Director Communities & Place on approval of business cases, as detailed in paragraph 3.20 of the report.
- g) That the use of CIL receipts as detailed in paragraph 3.24 of the report, to support the existing capital programme, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **88. Treasury Strategy Statement 2017/18 (Minute For Confirmation)**

Councillor Russell Holland, the Cabinet Member for Finance and Corporate Services, and the Interim Corporate Director Resources, submitted a joint report on the Treasury Management Strategy for 2017/18, including Prudential Indicators up to 2019/20, the Annual Investment Strategy, and the Minimum Revenue Provision Policy Statement.

Resolved – That Council be recommended that the Treasury Management Strategy, Minimum Revenue Provision Policy and Prudential Indicators, as set out in Appendix 1 to the report, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **89. Housing Revenue Account (HRA) - Rents and Charges 2017/18 (Minute For Confirmation)**

Councillor Oliver Donachie, the Cabinet Member for Housing and Homelessness, and the Corporate Director, Communities and Place, submitted a joint report setting out the proposed rents, service charges, support charges for 2017/18 and the proposed Housing Revenue Account (HRA) budget for 2017/18.

Resolved – That Council be recommended:

- a) That the proposed average rent for Housing Revenue Account (HRA) dwellings for 2017/18, of £80.18 per week (52 week basis), which is a decrease of 1.0%, be approved. This will be an average decrease of £0.81 per week (52 week basis). The range of decreases is shown in paragraph 3.9 of the report.
- b) That the Head of Housing Management and Community Safety be authorised to seek authority from the Secretary of State to extend the permission for the use of the Housing Revenue Account for payments to the Council's tenants,

under the Discretionary Housing Payments scheme, and provide a budget of £300k in 2017/18, as detailed at paragraph 3.27 of the report.

- c) That the housing related support charges for 2017/18 and service charges for 2017/18, as outlined in Appendix 2 to the report, be approved.
- d) That Leaseholder service charges be set for 2017/18, as shown in Appendix 3 to the report.
- e) That, based on the proposals set out within this report, the Housing Revenue Account (HRA) proposed budget 2017/18, shown in Appendix 4 to the report, be approved and that the HRA Capital Budget and Funding be also approved, as shown in Appendix 5 to the report.
- f) That a budget of £1m be approved to acquire properties as detailed at paragraph 3.17 of the report, and that the Corporate Director, Communities and Place, in consultation with the Interim Corporate Director Resources, be authorised to commit this expenditure.
- g) That the draft 3 year capital projects and planned maintenance programme, as set out in Appendix 6 to the report, be approved, at an indicative funding level of £16.5m (2016/17 prices) for 2017/18.
- h) That rents charged on General Fund properties be reduced by 1% for 2017/18, in line with Government guidance on Housing Revenue Account rents. That service charges for General Fund properties, as shown in Appendix 7 to the report, be approved.
- i) That the increase of rents charged for plots at the Hay Lane Residential Gypsy Site by £1.00 per week (2.0%) to £51.26 per week (52 week basis) and the rents for workpens, shown in Appendix 7 to the report, be approved.
- j) That the charges for Private Sector Leased (PSL) accommodation for those accepted as homeless, outlined in Appendix 7 to the report, be approved.
- k) That any underspend on the 2016/17 Housing Revenue Account be added to revenue reserves.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **90. School Admission Arrangements 2018-19**

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services, submitted a joint report inviting Cabinet to agree, and put in place co-ordinated admission arrangements for the normal point of entry (Reception, Year 3, Year 7 and Year 10 (UTC) and In-year admission arrangements for all Swindon Schools and Published Admission Numbers (PAN) for Community and Voluntary Controlled Schools in Swindon for September 2018.

Resolved – (1) That the responses received to the consultation carried out in respect of admission arrangements, as referred to in paragraphs 3.9 to 3.16 of the report, be noted.

(2) That the co-ordinated scheme of admission arrangements for the normal point of entry (Reception Year, Year 3 and Year 7 and Year 10 (University Technical College)) and In Year admissions for all primary schools and secondary schools in Swindon from September 2018 be approved.

(3) That the admission numbers and arrangements for Community and Voluntary Controlled schools from September 2018 be approved.

(4) That it be noted that these proposals will have been determined by 28th February 2017, in line with the School Admissions Code of Practice 2014, and will

be implemented by the Head of Education for Admissions from September 2018 for all applicants.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **91. Youth Engagement Worker Provision Review**

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Children, Families and Community Health, submitted joint report seeking Cabinet's support to reduce the number of staff and services provided as part of the Youth Engagement Workers' (YEW) service to achieve £136.4k savings, as set out in Option One in the report. The report highlighted the context of the Youth Engagement service, the response to the consultation, and findings of the review, and outlined four options that could make savings.

Councillor Foley introduced the joint report, advising the meeting that buildings identified in the report as being no longer required for this service would be returned to the Council's Property Services Department to investigate possible alternative uses.

Resolved – (1) That the consultation responses referred to in paragraph 3.28 of the report, and as summarised at Appendix 1 to the report, be noted.

(2) That the Head of Children Family and Community Health be authorised to reduce the Youth Engagement Workers' service budget by £136k, as outlined in Option One and as set out in paragraph 3.19 of the report.

(3) That it be noted that this proposal would have the least impact on the service's ability to provide YEW services to the most vulnerable children by making the most of savings through facilities closure and existing vacancies.

(4) That Cabinet records it's thanks to the YEW service staff for their professional approach in supporting young people to make representations during the consultation and for their own comments made in a way that has demonstrated the value of the service and its impact.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **92. Updated Child Sexual Exploitation Prevention Strategy (Minute For Confirmation)**

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Director of Children's Services, submitted joint report seeking Cabinet's endorsement of the refreshed Strategy to Prevent Child Sexual Exploitation. It was noted that Child Sexual Exploitation (CSE) is among the most serious and challenging issues that any Council might face and that, since the launch of the Council's first CSE Prevention strategy in 2015, there had been a great deal of activity undertaken within Swindon Children's Services and the wider Council and that significant improvements had been made in understanding and recognising CSE. It was also recognised that there was no room for complacency and the strategy refresh reflected new national and local learning.

Councillor Foley introduced the joint report, emphasising the importance of this

issue and also the destructive and far reaching consequences for victims, their families and society. Councillor Foley and the Leader of the Council encouraged all members who had not already done so, to complete the Council's CSE training.

Councillor Oliver Donachie, Cabinet Member for Housing and Homelessness, invited the meeting to note paragraph 3.4 of the report, which identified the creation of the multi-agency OPAL Team who work directly with children who are at high risk of CSE or who have been sexually exploited, in order to combat the problem of CSE.

Resolved – That Council be recommended to (i) agree the updated Child Sexual Exploitation Prevention Strategy, as set out in Appendix 1 to the report; and (ii) note that an associated delivery plan will be developed by the Council's CSE Working Group, progress on which will be reported periodically to the Children's Health, Social Care and Education Overview and Scrutiny Committee, and the plan updated at regular intervals.

The reasons for the decision and alternative options are as set out in the report to the meeting.

### **93. Swindon Pay Policy Statement 2017 (Minute For Confirmation)**

Councillor Russell Holland, the Cabinet Member for Finance and Corporate Services, and the Head of People, Performance and Engagement, submitted a joint report setting out the Council's proposed Swindon Borough Council Pay Policy Statement for 2017/18. It was noted that the Localism Act 2011 required local authorities to agree and publish a Pay Policy Statement by 1st April each year.

Resolved – That the Council be recommended that the Council's proposed Pay Policy Statement for 2017 / 2018, as set out in Appendix 1 to the report, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

### **94. Libraries Strategy - Alternative Delivery Models**

Further to Cabinet Minute 67(7), and Cabinet's decision to approve the adoption of Swindon's Libraries Strategy, Councillor Mary Martin, the Cabinet Member for Communities, and the Head of Localities, Community Involvement and Volunteering, submitted a joint report seeking approval to undertake an options appraisal to consider alternative delivery models for the Library Service. It was noted that approval of the recommendations would initiate a formal options appraisal to be undertaken, with recommendations to be brought back to Cabinet for its meeting of 26 April 2017.

Councillor Martin introduced the joint report, informing the meeting that, since publication of the agenda, the Council had submitted a bid to Central Government which, if successful, would be used to help meet the costs of professional advisers (*Resolution (3) below refers*). Councillor Martin added that more "Expressions of Interest" to run community libraries had been received than the number of such libraries already operating.

Resolved – (1) That the update on the Libraries strategy implementation, and the preliminary work to assess the feasibility of taking forward alternative delivery models for the service, be noted.

(2) That the Head of Localities, Community Involvement and Volunteering, in consultation with the Interim Corporate Director Resources and the Director of Law and Democratic Services, be authorised to undertake an options appraisal to consider alternative delivery models for the Library Service, and to bring recommendations back to the Cabinet meeting on 26 April 2017.

(3) That the sum of £10k be allocated from Libraries transitional funding to help meet the costs of professional advisers, to be determined in consultation with the Department of Culture, Media and Sport.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **95. Commercial Investment Strategy - Governance Arrangements (Minute For Confirmation)**

Councillor Russell Holland, the Cabinet Member for Finance and Corporate Services, and the Interim Corporate Director Resources, submitted a joint report seeking Cabinet's support for governance arrangements for the decision making around the Commercial Investment Fund different to those approved by Cabinet at its meeting in December 2016 (Cabinet Minute 70, 2016/17 refers).

The report also sought to provide wider member involvement in the Council's emerging commercialisation strategy. It was noted that the Cabinet Member for Finance and Corporate Services had requested that the arrangements be reviewed in light of comments made at the Scrutiny Committee on 12th December 2016 (Scrutiny Committee Minute 45, 2016/17 refers).

Resolved – That Council be recommended that:

- 1) the governance arrangements for the Commercial Investment Fund consist of:
  - a) A Commercial Investment Strategy Board,
  - b) An all-party Cabinet Member Advisory Group, whose initial terms of reference are set out in the body of this report, which would meet to consider formal proposals, submitted as Cabinet Member Decision Notes, and give advice to the Cabinet Member;
  - c) An authorisation to the Cabinet Member for Finance and Corporate Services, in consultation with the Interim Corporate Director, Resources, to make investments subject to the report and review set out in recommendations a) and b) above.
- 2) The role of the Cabinet Member Advisory Group cited above be expanded to cover the Council's emerging commercialisation strategy.

The reasons for the decision and alternative options are as set out in the report to the meeting.

**96. References from Other Council Bodies: Health and Wellbeing Board  
Swindon Community Safety Partnership**

Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, and the Director of Law and Democratic Services, submitted a joint report inviting Cabinet to consider references from the meeting of the Health and Wellbeing Board held on 14th December 2016 that the following strategies be adopted:

- 1) Swindon Oral Health Strategy
- 2) Steady Steps to Staying Active for Life: A Falls and Bone Health Strategy for Swindon.

Resolved – That Minutes 48 and 49 of the Health and Wellbeing Board meeting held on 14th December 2016 (Appendix 1 to the report), be accepted and that the “Swindon Oral Health Strategy” and the “Steady Steps to Staying Active for Life: A Falls and Bone Health Strategy for Swindon” be adopted.

The reasons for the decision and alternative options are as set out in the report to the meeting.

**97. Swindon Housing Development**

This item was withdrawn.

**98. Wichelstowe District Centre**

Councillor Toby Elliott, the Cabinet Member for Strategic Planning and Sustainability and the Corporate Director, Economy, Regeneration and Skills, submitted a joint report, setting out the business case for the development of the Wichelstowe District Centre, being progressed by the Council in advance of the establishment of the Joint Venture for the remainder of the site. It was noted that authority was provided by Cabinet in September 2016 to progress the delivery of the Wichelstowe District Centre, including schools, pub/restaurant, housing for older people and residential development, and that a budget for this element of delivery was agreed and the disposal of land parcels authorised (Cabinet Minute 51(3) 2016/17 refers).

The report sought Cabinet approval to move development of the District Centre forward by releasing funding for key enabling infrastructure works and commissioning Forward Swindon Ltd (FSL) to progress the delivery of the first housing parcels on the site, including determination of an appropriate delivery mechanism and development of a full business case.

Resolved – (1) That the progress made since the September 2016 Cabinet report be noted.

(2) That the outline business case for development of the District Centre, as summarised in Appendix C to the report and detailed in the body of the report, be noted.

(3) That the capital budget set out in paragraph 3.26 of the report, to support the delivery of the infrastructure and master development activities in relation to the Wichelstowe District Centre, be approved.

(4) That the Corporate Director Economy, Regeneration, and Skills, in consultation with the Cabinet Member for the Strategic Planning and Sustainability, be authorised to instruct Forward Swindon Ltd (FSL) to progress the design and

produce a full business case for direct development of housing on Wichelstowe parcels 2 & 3.

(5) That the capital budget set out in paragraph 3.35 of the report, to progress the design and business case for direct development of housing on Wichelstowe parcels 2&3, be approved.

(6) That it be noted that a further report will be presented to Cabinet in due course setting out the full business case for direct development of Wichelstowe parcels 2&3 and options for the appropriate delivery mechanism and associated governance.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **99. Town Centre and Housing Delivery - Business Case**

Councillor Garry Perkins, the Cabinet Member for the Economy, Regeneration and Skills, and the Corporate Director Economy, Regeneration and Skills, submitted a joint report seeking Cabinet's support for proposals to develop the town centre master plan by commissioning Forward Swindon Limited to provide detailed advice on how to proceed with delivery on the Aspen House site including determination of an appropriate delivery mechanism.

Resolved – (1) That the Corporate Director Economy, Regeneration, and Skills, in consultation with the Cabinet Member for the Economy, Regeneration and Skills, be authorised to instruct Forward Swindon Ltd to:

- a) Undertake market testing regarding the current Aspen House scheme with developers/contractors and further refine detailed designs and cost/value assumptions in order to refine the viability model;
- b) Produce a full business case for the funding needed to develop the Aspen House site, with the actual means of development subject to recommendation of 2.1.3; and
- c) Bring a further report to Cabinet for determination of the appropriate delivery mechanism for development, including full cost and value options plus risk assessments of each option.

(2) That the budget set out in paragraph 3.11 of the report, to progress the recommendations as set out in paragraphs 2.1.1 to 2.1.3 of the report, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.



## **CABINET**

**WEDNESDAY, 15 MARCH 2017**

**PRESENT:-** Councillors David Renard (Chair), Russell Holland, Oliver Donachie, Toby Elliott, Fionuala Foley, Brian Ford, Mary Martin, Garry Perkins and Keith Williams

Councillor Jim Grant attended the meeting in respect of Minute Nos. 107 and 111.  
Councillor Jim Robbins attended the meeting in respect of Minute No. 111.

### **100. Jan Willis - Interim Corporate Director, Resources and Susie Kemp, Corporate Director Resources and Transformation.**

Councillor David Renard, the Leader of the Council, advised the meeting that Jan Willis, the Council's Interim Corporate Director, Resources, would be leaving the employ of the Council tomorrow (16<sup>th</sup> March 2017) and that this would be her final Cabinet meeting. On behalf of the Cabinet, Councillor Renard thanked Jan for her hard work in support of Cabinet and the Council's resource functions and wished her every success for the future.

Councillor Russell Holland, the Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, added his own best wishes to those expressed by the Leader on behalf of Cabinet. He recognised that Jan had taken up the post of Interim Director following the departure of two senior financial officers and at a time of very challenging financial circumstances and expressed his gratitude for her hard work and diligence in responding to those challenges extremely successfully.

Councillor Renard also took this opportunity to welcome to the meeting Susie Kemp, the Council's newly appointed Corporate Director Resources and Transformation.

Councillor Jim Grant, the Leader of the Labour Group, endorsed Councillor Renard's comments, wishing Jan every success and welcoming Susie to the Council.

### **101. Declarations of Interest.**

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

### **102. Minutes.**

Resolved – That the minutes of the meetings held on 1<sup>st</sup> and 8<sup>th</sup> February 2017 be confirmed and signed as a correct record.

### **103. Public Question Time.**

Mr Brian Cockbill, a local resident, had submitted a number of written questions on a variety of issues. The Chair thanked Mr Cockbill for his questions and advised that written answers had been provided and also circulated at the meeting.

Mr Tim French, a local resident, asked several questions relating to the future operation of Thamesdown Transport Ltd and the development of a new Swindon museum and art gallery. The Leader of the Council and Councillor Garry Perkins, the Cabinet Member for the Economy, Regeneration and Skills, responded Mr French's questions at the meeting.

Mr Tony Hillier, a local resident, asked questions regarding the Council's practice in relation to the recording of public questions in Committee minutes. The Leader of the Council, with the Director of Law and Democratic Services, responded to the question at the meeting.

**104. Exempt Items - Exclusion of Press and Public.**

The Leader of the Council advised that, following the publication of the agenda, it had been determined that the issues addressed in the report at Agenda Item No. 13 (deferred from the meeting on 8th February 2017) were not considered to be private and confidential within the terms of Section 100A(4) of the Local Government Act 1972, and that, consequently, the report ("Commercial Investment Strategy: Establishment of a Housing Development Company") would be considered in open session.

**105. Budget Management 2016/17**

Councillor Russell Holland, the Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, and the Interim Corporate Director Resources, submitted a joint report presenting the 2016/17 Revenue Budget forecast out-turn at the end of January 2017.

Resolved – (1) That the projected Revenue Budget out-turn position for 2016/17, set out in Table 1 and Appendix 1 to the report, be noted.

(2) That the virements set out in Appendix 2 to the report be approved.

**106. Capital Monitoring Quarter 3 2016-17**

Councillor Russell Holland, the Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, and the Interim Corporate Director Resources, submitted a joint report presenting the third quarter's monitoring position for the capital programme and some proposed changes to the Council's capital programme.

Resolved – (1) That the forecast capital expenditure, set out in Table 1 & 2 and Appendix 1 to the report, be noted.

(2) That the changes to the programme, set out in section 3.3 of the report, be approved.

**107. A Sustainable future for Lydiard House and Park**

Councillor Garry Perkins, the Cabinet Member for the Economy, Regeneration and Skills, and the Corporate Director for Communities and Place, submitted a joint report on the outcome of the consultation with residents and users to understand any specific concerns, or how they might be affected by future changes at Lydiard House and Park, and also on the detailed arrangements for introducing car park charges at both Lydiard and Coate Water Country Park.

The report also invited Cabinet to consider a recommendation on a preferred bidder to operate Lydiard House and Park, to secure a sustainable future for this popular local facility, and sought authority for officers to undertake the necessary due diligence and additional negotiations to enable Cabinet and to make a final decision about the future operation of the House and Park in the autumn 2017.

Following his introduction of the report, Councillor Perkins, with the Leader of the Council, responded to questions put by Councillor Jim Grant, the Leader of the Labour Group, on the sustainability of both the preferred bid and the reserve bid, the openness and transparency around the process for the transfer of the future operation of Lydiard House and Park, and the preferred bidder's, and the other bidders', access to, and reliance upon, Heritage Lottery funding.

Resolved – (1) That the results of the consultation, summarised in Appendix 1 to the report, be noted.

(2) That the Lydiard Park Heritage Trust be approved as preferred bidder following the marketing exercise undertaken by Swindon Borough Council to find an organisation to take over the operation of Lydiard House and Park at no ongoing subsidy to the Council.

(3) That the Corporate Director, Communities and Place, in consultation with the Director of Law and Democratic Services and the Corporate Director, Resources and Transformation, be authorised to proceed with the next steps to appoint Lydiard Park Heritage Trust as preferred bidder to enter into a Business Transfer Agreement and lease for Lydiard House and Park. This will include further due diligence by both parties, such as the commissioning of an additional independent condition survey to confirm the full extent of backlog maintenance requirements.

(4) That the Director of Law and Democratic Services, in consultation with the Corporate Director, Communities and Place, the Corporate Director, Resources and Transformation, and the Head of Property Assets, be authorised to complete all necessary documentation to transfer the operation including staff by means of a Business Transfer Agreement and a lease, on such terms he considers appropriate to protect the Council's interests.

(5) That, subject to (3) and (4) above, the Corporate Director, Communities and Place, in consultation with the Director of Law and Democratic Services and the Corporate Director, Resources and Transformation, will seek authorisation from Cabinet and Council to proceed with completing the Business Transfer Agreement and Lease once further due diligence has been undertaken and the final proposed terms are known. This is expected to be no later than October 2017.

(6) That £900k of one-off resources be earmarked on the Council's Balance Sheet to fund the reverse premium of £850k and £50k to cover the costs of any necessary financial, legal or technical advice required to support the conclusion of the negotiations and completion of the relevant contractual documentation.

(7) That Cabinet records its thanks to everyone involved in this process, to secure a sustainable future for Lydiard Park and House.

## **108. Barnfield Solar Farm Scheme**

Councillor Toby Elliott, the Cabinet Member for Strategic Planning and Sustainability, and the Corporate Director, Economy Regeneration and Skills, submitted a joint report setting out the plan to bid in response to a European Union (EU) funding call which, if successful, would provide match funding for a project to enhance the storage capacity of the Barnfield solar scheme and improve

performance by matching supply and demand.

Resolved – (1) That the Corporate Director, Economy Regeneration and Skills, in consultation with the Cabinet Member for Strategic Planning and Sustainability, be authorised to submit a full application response to the European Regional Development (ERDF) Fund call for projects in the category of Low Carbon/Local Renewables Markets.

(2) That the Head of Finance (s151 Officer), in consultation with the Cabinet Member for Finance and Corporate Services, be authorised to invest up to £819,000 in the storage project attached to the Barnfield solar scheme, funded through the Commercial Investment Fund and subject to further due diligence around the financial and operating models being completed, the project demonstrating sufficient risk/reward by the date of investment and approval through the Commercial Investment Board and the Commercial CMAG group. This investment will act as match funding in the event of a successful bid to the European Regional Development Fund and is conditional upon this success.

#### **109. Private Sector Housing Renewal Assistance Policy**

Councillor Oliver Donachie, the Cabinet Member for Housing and Homelessness, and the Director of Public Health, submitted a joint report, seeking Cabinet's agreement to a refresh of the Council's Private Sector Housing Renewal Assistance (PSHRA) Policy (originally approved by Cabinet in July 2003). It was noted that the policy would outline the mandatory and discretionary housing assistance currently available to Swindon residents to assist them with the cost of adaptations, essential repairs and energy efficiency improvements to their homes. The report proposed that, in general, assistance would continue to be aimed at those households who by virtue of their age, disability or financial disadvantage are least able to help themselves.

Resolved – (1) That the Private Sector Housing Renewal Assistance (PSHRA) Policy 2017 be adopted.

(2) That the Director of Public Health be authorised to determine applications for a grant or other assistance that are within existing policies by means of a Notice of Executive Decision.

(3) That, where variations on policy arise but they have similarity to previous cases, or where minor changes to the policy are required, the Director of Public Health be authorised to approve such changes, after consultation with Cabinet Member for Housing and Homelessness, the Director of Law and Democratic Services, and the s151 Officer.

#### **110. Changes to Household Waste Recycling Centre Opening Times**

Councillor Keith Williams, the Cabinet Member for StreetSmart, Highways, and Transport, and the Head of StreetSmart, submitted a joint report regarding proposed changes to reduce the opening hours at the Household Waste Recycling Centre (HWRC) to allow for efficiency savings following the work to improve traffic flow across the site.

Resolved – (1) That the proposals to change the opening hours of the HWRC with effect from 8th May 2017 to achieve the £96,000 full year saving proposal in the council budget 2017/18 presented on 23rd February 2017, be approved.

(2) That the Head of Streetsmart, in consultation with the Cabinet Member for Streetsmart, be authorised to implement, monitor and amend controls at the HWRC to ensure their ongoing effectiveness.

**111. The Forward Strategy for Delivering Economic Development and Regeneration in Swindon**

Councillor Garry Perkins, the Cabinet Member for the Economy, Regeneration, and Skills, and the Corporate Director Economy, Regeneration and Skills, submitted a joint report inviting Cabinet to consider the Council's forward strategy for delivering economic development and regeneration in Swindon and its approach to generating new sources of income from development activity.

Following his introduction of the report, Councillor Perkins, with the Leader of the Council, responded to questions put by Councillor Jim Grant, the Leader of the Labour Group, on the changed remit of Forward Swindon Ltd (FSL), since its inception, and the feasibility of the remaining functions being returned to the Council, and also whether the focus of FSL operations related to solely to town centre investments and development. Councillor Perkins also responded to questions put by Councillor Jim Robbins, the Labour Group's heritage spokesperson, on the specific heritage expertise available within FSL, the Cabinet Member's view if the most current plans put forward in relation to the Mechanics Institute, and the composition of FSL Board.

Resolved – (1) That the continued role of Forward Swindon Limited (FSL) as the Council's delivery vehicle for town centre regeneration, together with the revised remit set out in Table Three at paragraph 3.16 of the report, be confirmed.

(2) That a separate wholly owned Council company be established to take forward the Wichelstowe development and the Director of Law and Democratic Services be authorised to complete all associated legal documentation necessary to establish the company, including:

- Companies House registration.
- Memorandum of Association and Articles – setting out the remit and rules governing the running of the company.
- Shareholder Agreement.
- Appointment of Company Secretary
- Insurances including Directors insurance.

(3) That a further review of FSL's role and remit take place towards the end of 2017-18 and in advance of the expiration of the current funding agreement.

(4) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Economy, Regeneration and Skills, and the Cabinet Member for Strategic Planning and Sustainability, be authorised to determine revised governance arrangements for FSL and the new Wichelstowe company and that he report back to Council or Special Committee in relation to the appointment of Board members.

(5) That it be noted that the Swindon Economy and Regeneration Board Cabinet Member Advisory Group requested by Cabinet in December 2015 (Cabinet Minute 44(7), 2015/16 refers) will not be progressed pending the further review referred to in recommendation (3) above.

(6) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for the Economy, Regeneration, and Skills, and the Council's s151 Officer, be authorised to complete the documentation required to implement the proposals set out in this report on such terms as he considers necessary to protect the Council's interests.

## **112. Commercial Investment Strategy: Establishment of a Housing Development Company**

Councillor Russell Holland, the Cabinet Member for Finance and Corporate Services, and the Interim Corporate Director Resources, submitted a joint report proposing the setting up of a wholly owned trading company limited by shares, through which the Council will design and construct housing on a commercial basis for sale or private market rent, and to approve the first 6 schemes to be developed for private sale.

Councillor Holland advised the meeting of the following change to the text of the report and also to the text of the related recommendation:

### Business Case for Development of Housing for Private Market Rent

Paragraph 3.21 to read:

Once the business plan for market rent has been finalised, a further report will be brought to Cabinet for approval which sets out the financial and resourcing implications of establishing a second wholly owned company to manage the private rented stock."

### Recommendations

Recommendation at paragraph 2.6 to read:

Instruct officers to bring a further report to Cabinet setting out the business plan for a company to deliver market rent homes and any additional financing requirements for the Company to deliver this.

Resolved – (1) That the establishment of a housing development company, limited by shares and wholly owned by the Council, pursuant to the Council's powers under the Local Government Act 2003 and the Localism Act 2011 and any other relevant enabling statutory powers, for the purpose of developing on a commercial basis housing for market sale and/or private market rent, be approved.

(2) That the Director of Law and Democratic Services be authorised to complete all associated legal documentation necessary to establish the company, and transfer land to the company, including, inter alia:

- a) Companies House registration.
- b) Memorandum of Association and Articles – setting out the remit and rules governing the running of the company.
- c) Shareholder Agreement – this will be a key document as it will capture how the Council/Shareholder will exercise its control over the housing company.
- d) Appointment of Company Secretary and Directors (including non-executive Directors)
- e) Insurances including Directors insurance.

(3) That responsibility for agreeing governance arrangements, including the shareholder agreement and Board membership for the new company, be delegated to the Director of Law and Democratic Services in consultation with the Cabinet Member for Finance and Corporate Services, the Cabinet Member for Strategic Planning and Sustainability and the Cabinet Member for Housing and Homelessness, and report to the Council's Special Committee as appropriate.

(4) That the Council's s151 Officer be authorised to draft Heads of Terms for a Facility Agreement for the Council to provide loan and equity finance of up to £15m to the Housing Company to fund working capital plus construction and other development costs associated with the sites listed at paragraph 3.12, with such terms to be approved by the Cabinet Member for Finance and Corporate Services on the advice of the Council's Commercial Investment Board, and in consultation with the Commercialisation CMAG, such funding to be provided from the Commercial Investment Fund.

(5) That the Head of Property and Assets be authorised to agree terms for the transfer of the sites listed at 3.12 in the report (with the exception of Euclid Street) to the housing company.

(6) That officers submit a further report to Cabinet setting out the business plan for a company to deliver market rent homes and any additional financing requirements for the Company to deliver this.

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## Notice of Decisions Made

<b>Decision Maker:</b>	<b>Councillor Fionuala Foley, Cabinet Member for Children's Services</b>
<b>Subject</b>	Acquisition of the former Oxford Brookes university building at Ferndale Road, Swindon
<b>Decision(s): -</b>	That the Head of Property Assets negotiates the terms for the acquisition of the freehold interest in the land and property known as the former Oxford Brookes university building, Ferndale Road, Swindon, as shown on the plan attached to the decision note, on such detailed terms and conditions as are agreed with the Director of Law and Democratic Services in order to protect the Council's interest.
<b>Consultation:</b>	Councillor Des Moffatt (Ward Member) (Labour) – very supportive of this action. Councillor Peter Watts (Ward Member) (Labour) – content with the proposals. Councillor Carol Shelley – No comment Councillor Stan Pajak – happy with the outlined proposals. Councillor Jim Grant – No comment No requests for Cabinet consideration were received.
<b>Date of Publication:</b>	Thursday 23 <sup>rd</sup> February 2017
<b>Date for Receipt of Requests for Call-in</b>	Friday 3 <sup>rd</sup> March 2017

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Gareth Cheal, Direct Dial 01793 465802, [gcheal@swindon.gov.uk](mailto:gcheal@swindon.gov.uk).

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email [stevejones@swindon.gov.uk](mailto:stevejones@swindon.gov.uk)

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available via the following link on the Council's website =

<http://ww5.swindon.gov.uk/moderngov/mglIssueHistoryHome.aspx?Ild=49230&PlanId=607>

## Notice of Decisions Made

<b>Decision Maker:</b>	<b>Councillor Garry Perkins, Cabinet Member for the Economy, Regeneration and Skills</b>
<b>Subject</b>	Location for Swindon's restored WW1 Memorial
<b>Decision(s): -</b>	That the Cabinet Member for the Economy, Regeneration and Skills, authorises the Income Generation Manager, Museums and Heritage, to move the restored WW1 Memorial to the civic offices.
<b>Consultation:</b>	Councillor Jim Robbins (Labour) – supportive of action but did observe that not everyone he consulted was of the same view. Councillor Stan Pajak – supportive of proposed action No requests for Cabinet consideration were received.
<b>Date of Publication:</b>	Thursday 2 <sup>nd</sup> March 2017
<b>Date for Receipt of Requests for Call-in</b>	Friday 10 <sup>th</sup> March 2017

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Ian Surtees Tel: 01793 466619 Email: [isurtees@swindon.gov.uk](mailto:isurtees@swindon.gov.uk)

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email [stevejones@swindon.gov.uk](mailto:stevejones@swindon.gov.uk)

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available via the following link on the Council's website =

<http://ww5.swindon.gov.uk/moderngov/mglIssueHistoryHome.aspx?Ild=49299&PlanId=607>

## Notice of Decisions Made

<b>Decision Maker:</b>	<b>Councillor Toby Elliott, Cabinet Member for Strategic Planning and Sustainability</b>
<b>Subject</b>	BT proposal to remove 44 callboxes from Swindon Borough
<b>Decision(s): -</b>	That the Cabinet Member for Strategic Planning and Sustainability authorises the removal, adoption or retention of each of the 44 callboxes set out in Appendix 1 to the Decision Note and also authorises the Head of Planning, Regulatory Services and Heritage to notify British Telecom and the Secretary of State of this decision in accordance with Ofcom regulations.
<b>Consultation:</b>	Councillor Jim Robbins (Labour) – appreciative of consultation with members and supportive of proposed action. Councillor Stan Pajak – expressed his worry about the loss of public provision but recognised that BT was taking note of expressed concerns therefore he was supportive of proposed action. No requests for Cabinet consideration were received.
<b>Date of Publication:</b>	Thursday 9 <sup>th</sup> March 2017
<b>Date for Receipt of Requests for Call-in</b>	Friday 17 <sup>th</sup> March 2017

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Karen Phimster tel: 01793 466425 Email: [kphimster@swindon.gov.uk](mailto:kphimster@swindon.gov.uk)

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email [stevejones@swindon.gov.uk](mailto:stevejones@swindon.gov.uk)

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available via the following link on the Council's website =

<http://ww5.swindon.gov.uk/moderngov/mglIssueHistoryHome.aspx?Id=49375&PlanId=607>

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