

Neighbourhood Plan for South Marston Village

Report of Examination

Report to Swindon Borough Council

by the Independent Examiner:

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31 March 2017

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Summary

1. From my examination of the submitted Neighbourhood Plan for South Marston Village and the supporting documents, including all the representations made, I have concluded that, subject to the modifications I am recommending, the Neighbourhood Plan should be made.
2. I have concluded that, subject to modification, the plan meets the Basic Conditions. In summary, the Basic Conditions are that it must:
 - Be appropriate to make the plan, having regard to national policies and advice;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan; and
 - Not breach, and be otherwise compatible with, European Union and European Convention on Human Rights obligations.
3. I have concluded that the plan meets the legal requirements in that:
 - It has been prepared and submitted for examination by a qualifying body – South Marston Parish Council;
 - It has been prepared for an area properly designated;
 - It does not cover more than one neighbourhood plan area;
 - It does not relate to “excluded development”;
 - It specifies the period to which it has effect – to 2026; and
 - The policies relate to the development and use of land for a designated neighbourhood area.
4. Overall, I have concluded that the Neighbourhood Plan should proceed to Referendum. I recommend that the referendum area be extended beyond the plan area.
5. The plan area is part of the parish but I have concluded that it will have a direct and substantial impact across the whole parish. I therefore recommend that the referendum area be extended to the boundary of South Marston Parish.

1. Introduction

- 1.1 I am appointed by Swindon Borough Council, with the support of the South Marston Parish Council, the Qualifying Body, to undertake an independent examination of the Neighbourhood Plan for South Marston Village, as submitted for examination.
- 1.2 I am an independent planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

- 1.3 It is the role of the Independent Examiner to consider whether making the plan meets the "Basic Conditions." These are that in making the Neighbourhood Plan it must:
 - be appropriate to do so, having regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan (see Development Plan, below) for the area; and
 - not breach, and must be otherwise be compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.
- 1.5 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:
 - Has been prepared and submitted for examination by a qualifying body;
 - Has been prepared for an area that has been properly designated
 - Meets the requirements that they must not include excluded development
 - Relates to more than one Neighbourhood Area; and
 - Relates to the development and use of land.
- 1.6 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:
 - a) that it should proceed to Referendum, on the basis that they meets all legal requirements;
 - b) that once modified to meet all relevant legal requirements it should proceed to Referendum; or
 - c) that it should not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 1.7 Second, if recommending that the Plan should go forward to Referendum, I am also

then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Area to which the Plan relates.

The Examination process

- 1.8 I was appointed to examine the plan on 3rd February 2017, taking over from the original examiner who was unable to complete the examination due to ill health. However, he had held a public hearing, which took place on 8th September 2016, about which I have been passed the agenda, relevant papers and subsequent correspondence and material. In addition I carried out an accompanied site visit (with a Borough Planning Officer and the Parish Clerk) on 10th March 2017.
- 1.9 The Parish and Borough Councils, together with DLA, on behalf of major local consortium, continued to discuss their differences post-hearing and I have been provided with a schedule of suggested amendments agreed by the two Councils – which I reproduce as Appendix 1. I will refer to the two Councils' Suggested **Amendments** throughout my report. I was also provided with a further set of proposed changes promoted by DLA. However, I have not accepted the but have adopted some of DLA's original suggestions (letter of 9th March 2016), which I have set out in Appendix 2.

The Examination documents

- 1.10 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Neighbourhood Plans Regulations, the National Planning Policy Framework and the Planning Policy Guidance) together with the development plan, the relevant documents that were furnished to me - and were identified on the Borough Council's websites as the neighbourhood plan and its supporting documentation for examination - were:
- Neighbourhood Plan (submission version) with 11 Annexes which include:
 - Basic Conditions Statement;
 - Consultation Statement; and
 - SEA and HRA Screening Opinion
- 1.11 In addition, I was furnished with:
- A bundle of 13 representations to the neighbourhood plan;
 - The Swindon Borough Local Plan 2026 (adopted March 2015);
 - New Eastern Villages Planning Obligations SPD (adopted October 2016); and
 - New Eastern Villages: The masterplan.

The Qualifying Body and the Designated Area

- 1.12 South Marston Parish Council is the Qualifying Body for the designated area that is the neighbourhood plan area. Swindon Borough Council, the local authority, designated the Neighbourhood Area in June 2015. There is no other neighbourhood plan for this area.

The Neighbourhood Plan Area

- 1.13 The plan area is focused on the village of South Marston together with land around it that is designated for expansion of the village, as part of the strategic development

area known as the New Eastern Villages. The plan area is smaller than the parish area, as shown on Plan 1 in the plan. Responding to this expansion is the dominating context of the plan.

- 1.14 The village lies close to the expanding town of Swindon, separated by the A419 trunk road; the main east-west route is the A420, running parallel to the London-Bristol railway line. Most roads are rural and access to the village is from three roads that meet at Pound Corner, in the centre of the village, causing pedestrian/vehicle conflicts. There is also an inadequate network of footpaths and bridleways; and no direct cycleway into Swindon.
- 1.15 Most of the parish is rural, though it is adjacent to (and includes some) major employment areas such as Honda's manufacturing site, Keypoint industrial area and South Marston Industrial Estate. There is retail provision at Gablecross roundabout and a small retail park at St Margaret's park. The Police HQ and other employment areas are close to the parish.
- 1.16 The population of the village is about 830 people in some 315 homes, with over half the population living in small cul-de-sac developments. The population has more retired, those in managerial/senior positions and more cars per household than the Swindon average. It has few social or economic problems or crime and above average attainment, education and skills.
- 1.17 The plan area contains the village's Primary School, church, recreation ground and village hall. There are no health services, secondary school or bus services. There are two pubs but the hotel has recently closed. There are few historic buildings
- 1.17 The topography of the village is generally flat with the land, to the east and west within a Local Landscape Character Protection Area, known as Midvale Ridge; nearly all the undeveloped land is in agricultural use. There are a number of Community Forest initiatives such as Oxleaze Wood. South Marston Brook and its environs constitute a significant landscape and biodiversity feature.
- 1.18 Historically, dairy farming was the mainstay of the local economy, though the fields are now used for peripheral purposes such as turf and livery pasture. Today the economy is driven by a combination of a proximity to industrial, warehousing and office space and proximity to the strategic road and rail network: 22% of the local population travel up to 5km to work and 32% up to 10km.

2. Neighbourhood Plan preparation and public consultation

The Neighbourhood Development Plan

- 2.1 The plan is effectively in two parts:
 - thirteen introductory chapters, explaining the plan's vision and context; and
 - fourteen policy chapters dealing with a wide range of land-use proposals.
- 2.2 There are eleven Annexes (only four of which are bound in to the plan), including Design Principles, a Justification Schedule, Diversity Impact Statement and a note on Governance and Process; as well Statements on Basic Conditions and Consultation and a Screening Opinion (SEA and HRA). These will be largely redundant once the plan is made and so I **recommend** that those, which are separately bound (annexes

5-11), be deleted.

- 2.3 The plan is fundamentally a response to Swindon's eastward planned expansion which includes the village. The plan's vision is that "South Marston will be a high quality, integrated village with an enhanced sense of community, activity and safety and with a design that builds on the existing character and features in a sustainable manner." Para 1.1 of the plan sets out 8 objectives and, in para 1.2, sets out 5 further aims to be achieved by working with stakeholders and developers.
- 2.4 The village has been under pressure for development for some time and been the subject of significant growth for decades; it is now a focus for the eastern expansion of Swindon. In 2006 the Parish Council altered its policy of resisting major development to one of seeking to influence change. Since that time the Parish Council (PC) has sought to engage constructively with the Borough Council and developers, eventually setting up an Expansion Working Party. The group's participation in local consultation events in 2012 and 2013 informed the draft SPDs for Eastern Villages and South Marston Village (June 2013).
- 2.5 The PC took an active part in discussions that led to Swindon's Local Plan in 2014, which, in turn, led to modification to include certain parts of the draft South Marston SPD and the phasing of delivery of the New Eastern Villages. The Local Plan provided for 8,000 new homes in the New Eastern Villages on either side of the A420 and to the immediate south of South Marston Village - Policy NC3; while Policy RA3 dealt with the expansion of South Marston itself.
- 2.6 However, in early 2015 the PC noted that the draft South Marston SPD had not been adopted in full and resolved to prepare a Neighbourhood Plan, drawing on those policies. It also drew on community consultations carried out since 2006. The PC set up a Neighbourhood Plan Committee to develop the plan. The Consultation Statement sets out a full – and satisfactory - explanation of the phases of consultation and evidence gathering, referred to as Episodes:
 1. The Gathering Storm
 2. Village Engagement
 3. Swindon Core Strategy and Eastern Development Area
 4. Local plan and Village SPD
 5. Neighbourhood Development Plan

Environmental Assessment and EU Directives

- 2.7 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment (SEA) Directive 2001/42/EC a SEA is required of plans and programmes which "determine the use of small areas at a local level". The Borough Council as "responsible authority" determines if the plan is likely to have significant environmental effects.
- 2.8 The Borough Council determined, in a Screening Opinion, set out in Annex 7, that the plan would not require a Strategic Environmental Assessment. The Council also determined that the plan would not require an Appropriate Assessment.

Pre-submission and Examination version – public consultation responses

2.9 The key dates in the plan's latter stages are:

June/Aug 2015	Pre-submission draft plan consultation
Aug/Nov 2015	Analysis of comments and prepare plan amendments (Annex 11 sets out the modifications made in response)
Nov 2015	Submission of plan to Borough Council
Jan – March 2016	SBC carries out public consultation (6 weeks) on examination version

2.10 A total of 13 parties made representations to the plan. The most substantive were submitted by David Lock Associates (DLA) on behalf of a consortium with significant local land interests – Hallam Land Management, Hannick Homes and Taylor Wimpey (HHT). DLA submitted extensive and detailed representations on most policies. They were the principal participants at the public hearing.

Human Rights and European Obligations

2.11 I have no reason to believe that making the plan would breach or is incompatible with the European Convention on Human Rights or other EU obligations.

Plan period

2.12 The neighbourhood plan states, at para 1.8 (second bullet), that it covers the period to 2026, which is co-terminus with the plan period of Swindon Council's Local Plan, adopted in March 2015.

Excluded development

2.13 A neighbourhood plan cannot include policies for excluded development, such as minerals and waste. I have concluded that the plan does not do so.

Recommendations

2.14 Overall, the plan is a well-presented document with a clear structure and is attractively laid out. I have concluded that it contributes to the achievement of sustainable development. In the next sections of my report I deal with the formal examination of its policies. In doing so I set out recommended modifications, often by referring to the App 1 Amendments, which are typically preceded by the expression I **recommend** (in bold).

3. The draft Neighbourhood Plan in its planning and local context

National policies and advice

3.1 The neighbourhood plan must have regard to national policies and advice, contained in guidance issued by the Secretary of State, and contribute to the achievement of sustainable development (the first two Basic Conditions). Paragraph 16 of the

National Planning Policy Framework (the Framework) is concerned with neighbourhood planning:

“The application of the presumption [in favour of sustainable development] will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:”

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *[and] plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;”*

3.2 The Framework explains at para 184 that: *“The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area”*. And: *“Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out on the Local plan or undermine its strategic policies.”*

3.3 The Framework’s policy guidance on Local Green Space designations is set out at para 77. The plan must give sufficient clarity to enable a policy to do the development management job it is intended to do; or to have due regard to Guidance. For example, para 042 of the Guidance explains that:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

3.4 Also, there has to be evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. The Guidance (recently revised Para 040 ref 41-040-20160211) states:

“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.

A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need

In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”.

The Development Plan - strategic policies

3.5 The neighbourhood development plan must be in general conformity with the strategic policies of the development plan for the area. The development plan is the Swindon Borough Local Plan 2026 adopted in March 2015. Of some relevance is the New Eastern Villages Planning Obligations SPD, adopted October 2016. While not part of the development plan this document contains an illustrative Masterplan and Village Proformas and Infrastructure Requirements related to the village. That it had been adopted since the public hearing did not lead me to re-open the hearing as DLA had already referred the examiner to the Draft in their letter of 26.5.2016 and is not part of the development plan in any event.

3.6 South Marston is the only existing settlement directly within, or adjacent to, the area of very significant eastward expansion of Swindon; although there are other villages in close proximity. As such, the neighbourhood plan sits in the context of an overarching strategic policy covering the wider eastern expansion of Swindon (NC3) and a more location-specific strategic policy for the village itself (RA3). These two strategic policies, which are set out in full at Annex 1 of the neighbourhood plan, are summarised below:

- **Local Plan Policy NC3:** New Eastern Villages – including Rowborough and South Marston Village Expansion. This is a strategic allocation involving (and including road links, green infrastructure, sports, community and educational facilities, employment land and retail space) –
 - A design-led approach at 40 dph
 - About 6000 dwellings south of A420
 - About 1500 dwellings at Rowborough (north of A420); and
 - 500 dwellings at South Marston
- **Local Plan Policy RA3:** South Marston. This is in three parts (which I summarise):
 - a. Requires that development [in accordance with Policies SD1 and SD2] must contribute to the creation of an integrated village with a distinct rural and separate identity.
 - b. Development shall, among other things:
 - Ensure it respects the character of the existing village by:
 - Providing housing at 30 dph
 - Providing affordable housing at no more than 20%
 - Provide [appropriate] facilities
 - Provide green infrastructure
 - Provide an extended recreation ground
 - Protect historical landscape features
 - Deliver primary school places within the village to meet the needs of an expanded South Marston
 - Provide a new road connection [east-west] within the limits of the expanded village and designed so as it does not form a by-pass to South Marston
 - Provide traffic management and sustainable transport measures
 - Ensure brownfield site developments provide strong links with the village
 - Provide mitigation measures from flood risk; and
 - Realise opportunities to provide main drainage.

c. To ensure non-coalescence with Swindon and the New Eastern Villages the land between the expanded village and the railway line shall remain part of the open countryside. Development in this area will only be permitted where it retains or enhances the existing character of the countryside and involves either re-use of buildings or is an essential requirement related to the rural community.

3.7 Policy RA3 is accompanied by an Inset Map (Figure 14), which shows five “islands” of residential development four of which are interspersed by areas of green infrastructure; the remaining land to the south is an Indicative Non-Coalescence Area.

3.8 I have set out RA3 pretty much in full, as it is an essential backdrop to many of the policy issues raised by the neighbourhood plan. The neighbourhood plan, in my view, does not seek to undermine these strategic objectives but rather to finesse, secure or clarify with more particulars, the strategic requirements. While it does not allocate any sites for development, I have concluded that it contributes to the achievement of sustainable development.

4. Proposals

4.1 The second section of the plan, starting at Chapter 14, moves into the plan’s Proposals. Each chapter deals with a different topic, many with policies.

An expanded, integrated village

4.2 The first policy – **NP Policy 1** concerns Integrated Development and echoes the development plan.

Design

4.3 **NP Policy 2** requires all development to be in accordance with a set of criteria set out in the plan’s Annex 3: Design Principles. Further, that outline consents for the principal sites be governed by Design Codes; while applications for fewer than 10 dwellings should be subject to design or development briefs in accordance with the design principles.

4.4 DLA were concerned about the policy’s inflexibility and sought to introduce “*or framework or appropriate alternative mechanism*” into the text. They referred to the approach in the development plan (specifically Local Plan Policy SD3) applying to “*all significant development*.” I agree and recommend that the suggested amendments in DLA’s letter of 9 March (p 23) be adopted, subject to re-instatement (ie retention) of the original wording of the first sentence – see Appendix 2.

Village Centre and Community Facilities

4.5 This chapter (16) elaborates on the RA3 requirement for an extended recreation ground and community, recreation and retail provision, as part of a new Village Centre. Local Plan Policy CM4 requires that proposals for new or extended community facilities will be supported, according to certain criteria. **NP Policy 3** concerns the Village Centre, along with Plan 4. This designates the identified land as public open space, promoting a range of community facilities, including an expanded primary school. The latter requirement was the subject of an objection by DLA.

Highways England was “entirely supportive”.

- 4.6 DLA note that the strategic policy is to deliver school places but not necessarily through the expansion of the school, acknowledging that while discussions were ongoing – in relation to local aspirations for expansion – these were not concluded and so the first bullet of the policy (expansion of the school) was not yet deliverable. DLA argued that were the expansion of the school not to take place then an alternative would be required. I agree. In order to achieve this I **recommend** the policy and supporting text changes in the Amendments be adopted as a modification.

Highways

- 4.7 Chapter 17 is concerned with Highways, both in relation to Local Journeys and External Connections. In particular, huge concern had been raised about minimising traffic volumes and their impact on the Pound Corner junction. The plan seeks to promote sustainable travel behaviours.

The Road Network

- 4.8 The next chapter is a significant part of the plan, with four policies. A major objective of the local community is to avoid rat-running traffic, especially from the neighbouring planned village of Rowborough to the east. **NP Policy 4 – Highway Network** – is concerned to achieve a comprehensive movement framework in line with Manual for Streets, and in a manner that contribute to the rural and social character of the expanded village. DLA requested the addition of “in particular to support walking and cycling” after the end of the first sentence, which I agree adds clarity and I **recommend** as a modification – see Appendix 2.
- 4.9 **NP Policy 5 – Access onto the A420** – seeks to minimise car journeys and secure junction improvements to maintain reliable journey times, especially at peak times. Highways England welcomed the policy.
- 4.10 **NP Policy 6 – Connectivity and Permeability** – seeks to secure the routing of the east-west road link [from Old Vicarage Lane to Thornhill Road], through the three southern housing “islands”, as shown indicatively on Plan 5. The requirement is to loop over Manor Farm and connect with the planned Village Centre. Such a route is a requirement of RA3. But the indicative route on Plan 5 – designed to reduce the risk of rat-running through the village - was the subject of an objection by DLA, which was not wholly resolved in the discussions following the public hearing.
- 4.11 Having considered the DLA arguments – including those post-hearing with their “further suggested amendments” - I am not convinced they add significantly to the clarity required of the policy and so I **recommend** the policy and supporting text changes in the Amendments be adopted as modifications.
- 4.12 The next policy, which is also designed to avoid rat-running through the village, is **NP Policy 7 – Rowborough Traffic** – was also the subject of an unresolved objection from DLA. Essentially the policy required a single access connecting the planned village of Rowborough with Old Vicarage Lane. A further limb prohibited any new development being serviced off the exiting access roads [Nightingale Lane and Rowborough Lane].
- 4.13 At the heart of the disagreement was whether the aims of the policy, including that of the development plan – discouraging rat-running – was to be secured by one or two

accesses. The Amendments acknowledge the potential of a second access; DLA, however, sought to introduce the second access as a given. I didn't find the evidence for this sufficiently robust to reach a conclusion that a second access should be a given. Thus, I found the policy and text changes in the Amendments the appropriate resolution of the issue and I recommend that they be adopted as modifications.

Footpaths and Cycleways

- 4.14 The aim of the plan is to reduce reliance on car travel. And the village lacks a direct dedicated cycleway to Swindon; or any to surrounding areas. There are insufficient footways on some roads and an inadequate network of footpaths. The plan suggests a series of strategic routes, shown on Plan 6 and in Table 1. **NP Policy 8 – Cycleways and Footpaths** – requires all developments to contribute towards creating this network. Natural England support this policy.
- 4.15 DLA opposed the drafting of the policy as being too inflexible and possibly undeliverable in places. They pointed out that segregated cycling links are not national policy. I noted the local work in support of the policy but did not find the evidence for the particular routes sufficiently robust to support them wholesale. To achieve greater clarity I **recommend** that the amendments in para 170 of DLA's letter of 9 March be adopted as modifications – see Appendix 2.

Green Infrastructure

- 4.16 The plan seeks to designate part of the green infrastructure in the development plan as Local Green Space, shown as Green Wedges on Plan 7, through **NP Policy 9 – Green Infrastructure**. The justification for this is set out in the plan and in Annex 5 (JS9). The plan sought, in particular, to rely on the National Planning Guidance that new residential areas could include such designations “...*if they are demonstrably special and hold particular local significance*.” DLA opposed the designation as not meeting the Basic Conditions and were, in any event, not necessary in light of the policies in the development plan.
- 4.17 Having visited these areas and studied the justification in Annex 5 I found insufficient – and certainly not robust or proportionate - evidence that they were either demonstrably special or shown to hold particular local significance. In any event, it seems to me that the protection afforded by Local Plan Policy RA3 is likely to be effective in protecting these areas from inappropriate development. Accordingly, I **recommend** that the designation be deleted. To be in general conformity with the strategic policies of the development plan I **recommend** that the amendments in para 127 of DLA's letter of 9 March 2016 be adopted as modifications. The supporting text in chapter 20 will need considerable amendment to make sense, as supportive of green infrastructure, in the same broad areas as shown on Local Plan Figure 14.

Hedges

- 4.18 The plan promotes a presumption in favour of retaining existing hedgerows, to reinforce the rural character of the village. **NP Policy 10 – Hedges** – is intended to do this. However, DLA pointed out that it was not wholly consistent with the development plan. I agreed and therefore I **recommend** that, to improve consistency and clarity, the amendments in para 181 of DLA's letter of 9 March be adopted as modifications – see Appendix 2.

Local Economy

- 4.19 The plan supports brownfield land being developed for housing. The range of employment opportunities are considered sufficient and therefore the plan makes no allocations for additional employment sites.

Broadband

- 4.20 The village has historically had poor service and, especially given the number of people who work from home, the plan seeks to maximize opportunities for improvement. **NP Policy 11- Broadband and Mobile Reception** – does this.

Utilities

- 4.21 A number of outlying properties in the village are mainly reliant on septic tanks; some have privately maintained water pipes and/or overhead cables. A larger village will benefit existing residents and be able to offer new infrastructure connections as well as improved roads, power supplies and utilities generally. **NP Policy 12** seeks to do this. DLA opposed the policy *requiring* applicants to offer facilities such as connections. However, I came to the conclusion that these were sufficiently local problems, which deserved resolution as part of the village's expansion, such that they demanded more than simply encouragement.
- 4.22 Thames Water Utilities Ltd pointed out the context of NPPF para 156 in relation to infrastructure, including water supply and waste water; as well as NPPG 34-001-20140306. Accordingly they requested an additional policy on "water supply, waste water and sewerage." However, the drafting seemed to me to be generic and not justified by local conditions. Its inclusion would not, in my view, be necessary to meet the Basic Conditions.
- 4.23 The Quadri family, amongst others, raised the issue of capacity and referred to a recent appeal regarding the redevelopment of industrial premises. However, I was not able to resolve that in the light of the evidence in the plan's supporting material and the contents of the letter from Thames Water.

Flood Risk

- 4.24 Significant parts of the plan area are at risk from fluvial and surface water flooding; indeed, over 50 homes were flooded in 2007. **NP Policy 13** seeks to reduce flood risk through restricting development to FR Zone 1, to promoting SUDS and encouraging permeable surfaces.

Housing for the Elderly

- 4.25 **NP Policy 14** supports housing for the elderly near to the new Village Centre, in line with Local Plan policies HA1 and HA3. This responds to the strong desire within the village to make it possible for homeowners to downsize and remain.

Historic Environment

- 4.26 The plan notes the main heritage assets in the village and the relevant Local plan Policy (EN10b). Some potential heritage and natural environment assets are also described.

Other

- 4.27 Network Rail argued for a policy on Developer Contributions but it was generic and did not convince me that it was necessary to meet the Basic Conditions.

5 Referendum Area

- 5.1 Planning Practice Guidance on the Independent Examination (Paragraph: 059 Reference ID: 41-059-20140306) says:

“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.”

- 5.2 There are few precedents for how Examiners have applied those tests in reaching their decisions; a significant one is in the report on the Central Milton Keynes neighbourhood plan (also a ‘business area’ for the purposes of neighbourhood planning). There, the Examiner concluded that the referendums should include the whole population of the borough (some 250,000 individual voters) and not merely the 3,000 people living in the central area covered by the plan.
- 5.3 In the case of Stroud Town Centre NDP, which I examined and where the plan area was a part of the parish area, the Parish and District Councils both argued, and I agreed, that the whole parish was the appropriate referendum area, given the impact of the plan’s proposals and policies on the wider area.
- 5.4 I have concluded that the impact of the plan’s policies would have a *substantial, direct and demonstrable impact* beyond the plan area and I therefore **recommend** that the referendum area be extended beyond the designated area.
- 5.5 The question then is what should be the extent of the area? In practice there are very few households outwith the plan area but within the parish. However, the plan area was used throughout as the main focus of local consultation and I have come to the conclusion that the parish is the appropriate area, as this is the area over which the plan will have a direct, demonstrable and substantial impact. I therefore **recommend** that if the plan proceeds to referendum then the boundary should be the same as the civic parish boundary.

6 Conclusions and recommendations

- 6.1 I can see that the Parish Council and its volunteers have put in a great deal of hard work into the submission of the plan and the supporting documents. The plan is well presented and clear; and seeks to represent the local community’s aspirations, which it does well.
- 6.2 From my examination of the submitted South Marston Neighbourhood Development Plan, together with the supporting documents, including having regard to all the representations made and having regard to the post-hearing material, I have concluded that the making of the plan will meet the Basic Conditions, if modified as I recommend. I also conclude that the legal requirements are met. I have set out my conclusions, drawn from the findings in my report, in the Summary on page 2.
- 6.3 In summary, I **recommend** that the South Marston Neighbourhood Development

Plan should proceed to referendum. I **recommend** that if the plan does proceed to referendum then the referendum area should extend beyond the plan area. I **recommend** that the referendum boundary be extended to that of the civil parish boundary.

- 6.4 Finally, my thanks to both Parish and Borough Councils for their support in making the examination so smooth.

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Independent Examiner

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31 March 2017

Appendix 1: Suggested Amendments, as agreed between the Parish and Borough Councils, following the public hearing
15.9.2016

A. The Village Centre

NP POLICY 3 – VILLAGE CENTRE *The field to the south west of the current recreation ground as shown on Plan 4 will be designated as public open space. This, together with the existing Recreation Ground and school will provide an attractive 'Village Centre' for the recreation, education and enjoyment of village residents. It will be environmentally attractive with community facilities to include the following:*

- ~~- the expanded primary school~~
- a new village hall and car parking
- community sports pitches and a new sports pavilion
- a tarmac surfaced Multi-Use Games Area (MUGA)
- additional open space for informal play and outdoor recreational facilities suitable for all age groups and physical abilities ; ~~to include outdoor space for use by the primary school~~
- a retail outlet at or adjacent to the new village hall to meet day to day retail needs
- landscaped areas and views out, particularly towards the Downs and Church to encourage walking and general leisure uses.

A single 1.5 form entry primary school based on extending the current site in the Village Centre is the preferred option to serve the expanded village. Alternative education provision relating to new housing development will only be allowed if all other options for a single primary school have been demonstrated to be undeliverable to the satisfaction of the planning authority.

The location and layout of the Village Centre will encourage access on foot/by cycle and minimise traffic on Old Vicarage Lane.

The area should be transferred to Parish Council ownership to manage and maintain as an attractive location for the benefit of all village residents.

16.4. Preparatory work on School Place Planning by Swindon Borough Council has been done to meet the requirements in the Local Plan. ~~for primary education provision at the expanded primary school.~~ Decisions on the location of the school involve land ownership and finance considerations. A barrier to providing an entirely new school at a new location is the lack of funding to rebuild the existing school facilities. An alternative is for the new development to be served by a new 1 form entry Free School to be located within the expanded village, leaving the existing school in place The Parish Council believe that if two schools were provided, neither would meet government guidance *'In order to provide a sustainable broad and balanced curriculum, there is a presumption that primary schools should have a minimum of two forms of entry of 30 pupils'* ([DfE 2016 ref details in footnote](#)). Policy NP3 supports the expansion of the existing South Marston Church of England Primary School to deliver the

single school for South Marston, but allows for the alternative provision if it is determined by the Local Planning Authority that the preferred option cannot be pursued.

- 16.5. Negotiations indicate that a single school site for South Marston is deliverable at the Village Centre with the support and agreement of the school (now about to become an Academy), school governors, SBC, the developers and the Parish Council. The ~~build~~ project has been agreed by SBC and will be achieved by expanding the current school site onto part of the existing Recreation Ground owned by the Parish Council to deliver a 1.5 form entry school in the Village Centre. This has been calibrated on the basis of serving the expanded South Marston population. The blue hatched area on Plan 4 indicates ~~the approximate area required to be fenced off for one possible design plan for the expanded school site.~~ However, the exact line of the boundary has yet to be agreed with the Parish Council and the design will take into account the priority issues raised by the community which include minimising traffic volumes on existing village roads.

. B. SM Road network

NP POLICY 6 – CONNECTIVITY AND PERMEABILITY ~~The A new road connection between Old Vicarage Lane and Thornhill Road will form be part of the internal street network and serve be aligned within the new housing areas linking new development with the village central area. It will be routed from a junction with Old Vicarage Lane south of the Mercure Hotel, around the north of the existing properties at Manor Farm and thence to Thornhill Road.~~

The vehicular network will allow for all new strategic housing allocations between Old Vicarage Lane and Thornhill Road to be able to access the new Village Centre without using existing village roads.

~~New development areas between Old Vicarage Lane and Thornhill Road must connect with this road to deliver connectivity, in particular, with the Village Centre, without using existing village roads.~~

~~The indicative route is shown at Plan 5. —~~

~~Plan 5: : **Indicative Route for the link street between Old Vicarage Lane and Thornhill Road.** (plan 5 to be removed)~~ This plan is based on the housing areas identified in the indicative inset map attached to **Local Plan Policy RA3.**

- 18.10. To implement the requirements of Local Plan Policy RA3 set out at 18.2, ~~a policy is required that is more precise about this policy expands upon the alignment and nature of the link street between Thornhill Road and Old Vicarage Lane and its connections to the new Village Centre~~
- 18.11. This street will relieve pressure on Pound Corner, which is an inadequate T junction with limited room for improvement. Without ~~this~~ the proposed connections, there is likely to ~~will inevitably~~ be increased traffic on existing village roads and in particular at Pound Corner. This which would be contrary to Local Plan policy and the strong and continuing concerns of the community, as evidenced by recent

consultation submissions, ~~and the JMP technical report conclusions as outlined in JS4-7.~~

18.12. Further, this policy ~~is required~~ proposes to ensure that the new connections which:

- contributes towards the creation of an integrated village
- ~~provides connectivity by linking the new development areas with each other and with the Village Centre~~
- delivers legibility through clear and logical connections from the Village Centre and development areas to the A420 junctions
- does not become a potential rat-run route for Rowborough traffic to reach Keypoint/Gablecross as an alternative to using the A420
- provides a route of choice for vehicles travelling from Swindon and Stratton to the Village Centre and school rather than using Pound Corner or Old Vicarage Lane
- does not impede access across the strategic footpath/cycleway to the secondary school and southern New Eastern Villages
- does not form a hard edge to the settlement or visually intrude into the anti-coalescence land area between the expanded village and the railway line

18.13. Recent negotiations with Swindon Borough Council and developers have led to an agreed approach to delivering a road connection crossing Bridleway 4 which currently separates the majority of new strategic housing land from the new Village Centre. This is a key element in meeting the aspirations outlined in 18.12. The wording of Policy NP8 allows for alternative, less direct road connection with the village centre, should barriers arise that prevent delivery of the crossing of the bridleway. As explained in JS6, there are no sustainable reasons why the required route is not deliverable.

NP POLICY 7 - ROWBOROUGH TRAFFIC: *In addition to a primary access to the A420 for Rowborough at Acorn Bridge, ~~an single~~ main access will connect the new village of Rowborough with Old Vicarage Lane to enable traffic to join the A420 at the Carpenters Arms junction. It shall be designed in such a way that it discourages traffic from Rowborough using the existing and proposed road network across the South Marston Neighbourhood Plan Area as an alternative route to the A420. Should an additional access be required on to Old Vicarage Lane, this would be designed to avoid rat running through South Marston Village. This will provide a secondary point of access to the new principal link under the railway line at Acorn bridge and should be designed accordingly.*

No new development shall be served from Nightingale Lane or Rowborough Lane and traffic measures will be implemented to deter extraneous traffic from using these routes.

- 18.14 To further emphasise the importance of avoidance of rat-running, the primary access onto the A420 for Rowborough will be south east of Rowborough towards Acorn Bridge, via a new link under the railway line as specified in **Local Plan Policy NC3**. . A secondary access will be onto Old Vicarage Lane to join the A420 via the existing railway tunnel. Traffic control measures will be introduced to manage the flow of traffic where the road narrows as it runs beneath the railway and to ensure safe exit onto the A420. *Should a second access from Rowborough on to Old Vicarage Lane be required, this will be designed to avoid rat running through South Marston Village.*

Appendix 2: DLA representations 9 March 2016 (extracted paragraphs)

Green Infrastructure

- 127 Revised Wording of NP9: The “Green Wedges” shown *indicatively* on Plan 9 and to be defined in detail in the light of the development management process, will be ~~are~~ ~~considered to be~~ of significant community value, and will be retained in open uses ~~designated as a Local Green Space. Development on Local Green Space~~ of green infrastructure, will only be allowed where the benefit to the community that this would achieve outweighs the loss of green space, or if it would facilitate connectivity between development parcels and/or provide a drainage function .

The supporting text and plan 7 should be modified accordingly.

Footpaths and Cycleways

- 170 It is therefore suggested that the policy in the NP recognises the role also of on street pedestrian and cycling as part of the network. Suggested wording is as follows and also recognises the need for the movement network to be finalised in conjunction with rather than ahead of the detailed design of the expanded South Marston Village and by then having regard to the deliverability of each of the aspects of the proposed routes.

NP POLICY 8 – CYCLEWAYS AND FOOTPATHS All proposals for development at South Marston Village must contribute towards creating a the network of cycle routes cycleways and footpaths including through provision on street and new or improved cycle and/or footpath routes. outlined in Plan 6. Whereas The routes of potential new rights of way are indicatively shown on Map 6, the details of which may include provision within development parcels. The purpose of each route in encouraging walking and cycling must be met should be incorporated within the overall movement network for cyclists and pedestrians.

If any new road crosses a Strategic Route then the crossing must be designed to take account of the needs of ~~give priority~~ to cyclists and to maximise the safety of pedestrians using the Strategic Route.

Hedges

- 181 Policy EN1 of the Local Plan seeks to protect visually or ecologically important hedges. Policy NP10 should be consistent with this approach to be consistent with Local Plan policy:
- NP POLICY 10 – HEDGES*** There is a presumption in favour of retaining *visually or ecologically important* existing hedgerows. If the removal of a hedgerow is proposed, adequate justification must be provided and, where appropriate, compensatory planting provided in the near vicinity. replacement planting should be of sufficient value to compensate for the loss of mature hedgerows and the biodiversity they support.