



NHP Regulation 14 update based on feedback comments. March 2024

Our NHP Consultant Andrea Pellegram has reviewed all the feedback from the NHP Regulation 14 public consultation that ended on March 8th 2024.

The following information has been extracted from her feedback to the Parish Council.

The guide below is to assist with terminology used within the NHP and the responses given to the public feedback.

Some of the feedback is generic and some is specific to a particular question that was raised and so may not be of interest to everyone.

Terminology:

NHP – Neighbourhood Plan. Document created by the Parish Council with residents feedback. Must be approved by an external examiner and then voted on in a public referendum. Introduced as part of the Localism Act 2011. [Neighbourhood planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/Neighbourhood-planning)

A NHP cannot contradict National Planning Policy or the Swindon Local Plan.

A NHP has specific and prescribed areas it can create policy on and isn't a "Catch all" document for all areas of concern in a parish.

A NHP must meet legal requirements.

NPPF – National Planning Policy Framework – Government policy since 2012. Sets out the Governments Planning Policies and how these are expected to be applied. [National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/National-Planning-Policy-Framework-Guidance) This sits above a Local Plan and the NHP.

SBC – Swindon Borough Council – authority for planning and highways and creator of the Swindon Local Plan. A local plan must not contradict the NPPF.

CPC – Chiseldon Parish Council. Consultee only on planning applications within the Parish. The creator of the NHP as the qualifying body.

HNA – Housing Needs Assessment. Part of the NHP

LNRS – Local Nature Recover Strategy. Statutory Guidance for Planning Authorities. SBC are responsible for the LNRS in the Borough. [Local nature recovery strategy: what to include - GOV.UK \(www.gov.uk\)](https://www.gov.uk/Local-nature-recovery-strategy-what-to-include)

BNG – Biodiversity Net Gain. Government policy since 12th February 2024. Schedule 7A of the Town and Country Planning Act 1990. Developers must deliver at least 10% BNG. [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/Biodiversity-net-gain)



1. Traffic congestion is not a valid reason for the planning authority to refuse a planning application. The NHP cannot make a statement to refuse a planning application due to potential traffic congestion.
2. The NHP was not prepared with a specific housing target because the plan does not allocate land for housing. The matter of housing allocation is left to the emerging Swindon Local Plan.
3. The maps and figures as part of the overall documents contain the development boundary.
4. The map on page 60 was prepared by the Wiltshire and Swindon Biological Records Centre which hold the data on behalf of both authorities.
5. Sustainable transport is usually defined as walking, cycling and public transport.
6. Paragraph 54 of the document refers to Local Plan policy and not the NHP policy This is therefore not a “Loophole” but a reference to the development plan policy context.
7. Paragraph 51 refers to the National Planning Policy Framework (NPPF) paragraph 8
8. Policy 1 is for housing mix (Percentage of what is proposed) and not an allocation of a number of dwellings. The NHP does not allocate land for housing and therefore does not comment on the number of houses that may be permitted. The Local Plan housing needs assessment will eventually derive a requirement for houses in the parish. SBC have indicated that a housing requirement cannot be provided now.
9. When the new Local Plan allocates land for housing, it can be expected that this will be based on new data on housing needs and the need for affordable housing.
10. Public transport is indeed a form of sustainable transport but the NHP cannot influence how its delivered.
11. Pavement provision is not mentioned as this would require significant changes to roads and this cannot be paid for by the mechanisms available by the NHP.
12. Developer Contributions as set out in paragraph 57 of the NPPF. The NHP sets out a “wish list” of necessary infrastructure improvements as a starting point for considerations on how to deliver sustainable transport infrastructure. The need for this is determined on an application by application basis.
13. Fig14 proposals are indicative on how improvements could be made. Actual delivery will require much detailed designs and identify funding streams. Any such design would address how a specific area could be improved.
14. We are waiting for the full Local Nature Recovery Strategy(LNRS) to be published. This will identify priorities and measures that will be the constraints to development. A developer who must deliver Bio Diversity Net Gain (BNG) must do so according to the LNRS.
15. It is made clear that BNG should be made within the parish.
16. Once the LNRS is published, the relevant policy sections will be re-written. Expected summer 24.
17. The planning system cannot determine where sites for BNG are. The LNRS will determine where priorities lie.
18. LA22 has been withdrawn. The LNRS will define where priorities lie.
19. The provision of a local green spaces list in the NPPF does not make reference to adjacent development.



20. Where relevant statements containing “should” will be altered to “must” – such as new play provision and its location and community facilities.
21. Page 60 land classification – the Wiltshire and Swindon Biological Records Centre hold the most up to date information available.
22. The NHP cannot consider the SBC Strategic Housing and Economic Land Availability Assessment (SHELAA) document as it has not yet proposed local housing allocation. The NHP does not allocate land for housing.
23. Chiseldon is already identified in the Swindon Local Plan. The Local Plan policy SD2 already supports development in smaller villages. It states development in the countryside will be permitted to meet local needs. (Including where identified in the NHP). The NHP is not empowered in law to change this designation. Comments about restricting all future growth should therefore be directed to the emerging Local Plan and not the NHP which does not propose specific development.
24. The NHP cannot mandate that there are no developments outside the settlement boundaries. This is the remit of the Strategic Local Plan Policy.
25. There is no 5 year housing land supply in Swindon Borough therefore places like Chiseldon are vulnerable to speculative housing schemes under paragraph 11 of the NPPF.
[file:///C:/Users/Owner/Downloads/Five_year_housing_land_supply_statement__2023_to_2028_%20\(3\).pdf](file:///C:/Users/Owner/Downloads/Five_year_housing_land_supply_statement__2023_to_2028_%20(3).pdf)
26. It is beyond the remit of the NHP to assess the need for housing and monitor how it is delivered and identify new sites with outstanding need. This is the remit of the local planning authority (SBC)
27. EV car charging is mentioned in section 3.8 of the Design Guide.
28. Chiseldon Parish Council is the qualifying body for a NHP.
29. The previous version of Reg 18 of the Swindon Local Plan has been withdrawn and SBC has indicated they cannot yet provide information on housing requirement. Paragraph 40 of the NHP states that the NHP will be the Parish Councils starting position for the review of the Local Plan.
30. The NHP allocates 2 types of local green spaces. A policy anticipates the LNRS (policy 3) which seeks to retain BHG in the Parish.
31. A parking strategy is not material to a NHP and should be dealt with outside the NHP.
32. A NHP cannot designate a low emissions zone.
33. A NHP cannot designate freight movement
34. A NHP cannot create a community bus service.
35. A NHP cannot assess all pavements. The NHP does identify key infrastructure improvements in policy 2.
36. A NHP cannot deliver a more coordinated approach to utilities and infrastructure.
37. It is normal procedure for a NHP to have a Chairman’s introduction.
38. A NHP makes it clear that policies are based on community consultation. A full report will be included within the Consultation Statement of the next draft.
39. Housing needs (The requirement) is set by the planning authority (SBC) and housing mix sets the type of housing required. The 2 terms are not interchangeable.
40. The demographic characteristics are set out in pages 11-18. The map is on page 3.



41. Different characteristics of the settlements in the parish are referred to in the design section and code.
42. It is not required to add supporting data for issues that are not discussed in a NHP.
43. The policies in the NHP are based on what the community stated were important at the public meeting in December 2021. Relevant data was compiled for each topic.
44. The consultation document will state how the community was consulted.
45. The Housing Needs Assessment provides a suitable analysis to negotiate with housing providers for the type that the local community is most likely to wish to have.
46. Readers of the NHP should consult the Housing Needs document fully – text should not be duplicated in the NHP.
47. There were no community proposals in public consultation to identify land for development. Neither did Chiseldon Parish Council (CPC) identify areas therefore there is no policy to that end.
48. The NHP is a planning document and uses the planning definition of development found in the Town and Country Planning Act 1990. [Town and Country Planning Act 1990 \(legislation.gov.uk\) Part 3 Section 55](https://www.legislation.gov.uk/ukpga/1990/1/section/55).
49. The purpose of a NHP is to add to SBC policies and not repeat them. Where a Local Plan is in place and it states a development boundary the NHP does not have to repeat the provisions of the policy or seek to introduce new strategic policies that restrict development.
50. The NHP will not include potential sites without a full site allocation exercise which has not been done.
51. For potential improvements to sites, it will be up to CPC to negotiate these with individual planning applications.
52. The NHP cannot consider climate change.
53. Topography is included in the Design Code document.
54. Flooding is shown in Figure 6. Policies on flooding are part of the Local Plan. The NHP does not propose developments on a flood plain.
55. Low Carbon homes are discussed in Section 3.8
56. Home insulation is better controlled through Building Control Codes. <https://www.planningportal.co.uk/permission/common-projects/roof/building-regulations-insulation-and-thermal-elements>
57. Solar panels are discussed in the Design Code but they cannot be required because they are not required in Building Regulations.
58. It is not possible to require air source heat pumps in a NHP.
59. We contacted the Area of Outstanding Natural Beauty (National Landscapes) but they failed to respond to either queries over the draft or the consultation.
60. The Chiseldon Community Group response was considered but because it speaks about housing allocation and the NHP is not including allocated sites, changes were not made regarding this document.
61. AONB protection is listed in the Swindon Local Plan and NPPF so is not repeated in the NHP as the NHP does not cut across these policies.



62. Major housing development is likely to occur as SBC do not have a 5 year housing supply and Chiseldon is vulnerable to speculative housing development. The now withdrawn Reg 18 of the Swindon Local Plan identified a need for housing in Chiseldon. Although the proposed site is withdrawn this does not necessarily mean that the requirement does not exist. It is therefore likely a major development may occur in the future.
63. Traffic congestion and rat running hard to address in a NHP as this is a Highways matter for SBC. It is difficult to have a general policy about general traffic problems on public highways.
64. Speed limits cannot be addressed through the NHP.
65. Parking cannot be easily addressed through a NHP.
66. The NHP is not allocating land for housing or promoting housing.
67. Policy 1 seeks housing provision for young people.
68. Housing requirements is something the review of the Swindon Local Plan will address. SBC cannot provide advice on housing requirements at the moment.
69. The NHP is not the best mechanism for protecting an AONB as it is national protected and therefore also protected in the Swindon Local Plan. It does therefore not need extra protection in the NHP.
70. The Housing Needs assessment was prepared before Reg 18 was withdrawn. We will adjust the NHA.
71. The NHP cannot address local medical care. This matter would be dealt with under policies in the Swindon Local Plan.