

Chiseldon Neighbourhood Plan

Submission Version 2022 – 2037

Report of Examination

June 2025

**Undertaken for Swindon Borough Council with the support of
Chiseldon Parish Council on the submission version of the plan.**



Independent Examiner:

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Abbreviations used in the text of this report:

The Chiseldon Neighbourhood Development Plan is referred to as 'the Plan' or 'CNDP'.

Chiseldon Parish Council is abbreviated to 'Chiseldon PC', and is the qualifying body.

Swindon Council is abbreviated to 'Swindon BC' or referred to as the Local Planning Authority 'LPA'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The Swindon Borough Local Plan 2026 is abbreviated to 'SLP'.

The key Neighbourhood Plan Regulations are abbreviated to 'Reg14' and 'Reg16' respectively.

Local Green Space is abbreviated to 'LGS'.

Summary

- I have undertaken the examination of the Chiseldon Neighbourhood Plan during April and May 2025 and detail the results of that examination in this report.
- The qualifying body have undertaken consultation on this Plan, and it complies with legislative requirements. The Plan is a focused and well-evidenced planning document. The Swindon Borough Local Plan provides a slightly dated policy framework, but the LPA have indicated to me that they consider the CNDP is in line with current options in the Local Plan Review.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Acknowledgements: Thanks to Local Authority, Consultants and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Chiseldon Parish Council, who have produced a well-presented Plan.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF2023 para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Chiseldon that is the Chiseldon Parish Council (PC). Drawing up the Neighbourhood Plan was undertaken by a steering group including volunteers and chaired by the Parish Council.

1.2 Independent Examination

1.2.1 Once Chiseldon PC had prepared their neighbourhood plan and consulted on it, they submitted it to Swindon BC. After publicising the plan with a further opportunity for comment, Swindon BC were required to appoint an Independent Examiner, with the agreement of Chiseldon PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this Plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and most recently concentrated on supporting groups producing neighbourhood plans. I am independent of any local connections to Chiseldon and Swindon BC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The CNDP complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 8th February 2022 by Swindon BC. The plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2022 – 2037 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Chiseldon Parish to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Swindon BC, not including documents relating to excluded mineral and waste development, is the Swindon Local Plan 2026 (SLP). I am advised by the LPA that strategic Policies in that document are: in Part 3 SD1-3, and in Part 5: SC1; SC2; NC1-5; RA1-3 and LN1.

1.3.2 The National Planning Policy Framework Dec 2023 (NPPF) is the relevant version of the NPPF for this Examination as the CNDP was submitted before the 12th March 2025 (NPPF para 239 transition arrangements). The NPPF sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the CNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) Dec 2023
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Neighbourhood Planning and the Historic Environment Advice Note 11 2022 Historic England
- Submission version of the CNDP
- The Basic Conditions Statement submitted with the CNDP
- The Consultation Statement submitted with the CNDP
- The Strategic Environmental Assessment and HRA Screening Decision for the CNDP
- Neighbourhood Area Designation map (in Basic Conditions Statement)
- Chiseldon Design Codes and Guidance June 2023
- Chiseldon Housing Needs Assessment May 2023
- Swindon Borough Local Plan 2026: Adopted March 2015
- Buildings of Significant Local Interest SPG Swindon BC Dec2004
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Chiseldon Parish, the neighbourhood area, comprises the large village of Chiseldon, which has a range of facilities, and several smaller settlements. It is located to the South of Swindon, within the borough of Swindon. It is within the North Wessex National Landscape on its northern boundary. The rural areas of the parish are mostly farmed.

2.1.2 A Steering Group working with consultants organised the work of developing the CNDP, residents could attend these meetings. An initial meeting prior to the designation of the neighbourhood area was held, and volunteers from this meeting joined the steering group. People were also encouraged to join the group during the process. Minutes of steering group meetings were made available on the website, which also held copies of all evidence documents.

2.1.3 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks or more on the pre-submission Draft CNDP ran from Monday the 8th January 2024 to Friday the 8th March 2024. Some extension on time was allowed additionally. The draft Plan could be downloaded from the Parish Council website and an online survey response could be made here. Statutory bodies were notified of the consultation by letter, as were other stakeholders including owners of the proposed Local Green Spaces. Hard copies of the draft Plan were made available, and publicity was undertaken via noticeboards, social media and a leaflet drop to all homes.

2.1.6 Representations were received from 25 residents, statutory bodies and developers during the Reg14 consultation period, and several amendments have been made to the Plan as a result of constructive suggestions for changes. I am satisfied that due process has been followed during consultation undertaken on the Plan before and during the Reg14 consultation. It was adequate for the purposes of neighbourhood planning and residents were kept informed and could participate. The Consultation Statement has a detailed record of comments and objections received during the regulation 14 consultation. This shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Swindon BC on the 16th August 2024.

2.2 Regulation 16 Consultation Responses

2.2.1 Swindon BC undertook the Reg 16 consultation and publicity on the CNDP for six weeks, from the 13th December 2024 to the 7th February 2025. Eleven representations were received during this consultation from developers, residents and relevant organisations. Issues they raise that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

2.2.2 I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. Comments in the Reg16 responses suggesting significant additions, such as new sites, are not something this examination is authorised to consider. Notification of minor corrections needed to the text are very useful, but again cannot be the subject of any modifications I recommend. The LPA will be aware however that it is authorised to correct minor errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)].

3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the CNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have 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 for the area;
- Be compatible with and not breach assimilated obligations and comply with human rights law; and
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (*prescribed basic condition since December 2018*).

3.2 'Assimilated obligations' refer to legal requirements that have followed on from previous EU obligations. This, and the 2018 Basic Condition in effect cover the need to comply with environmental protection legislation.

3.3 The Basic Conditions Statement discusses how the Plan promotes the social, economic and environmental goals of sustainable development and assesses each policy with regard to this in Table 2. I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.4 A screening opinion has been issued by Swindon BC which considers whether Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) are required for the CNDP. These environmental requirements are incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004. They implement the relevant assimilated obligations referred to in the Basic Conditions, and the requirements of the Conservations of Habitats and Species Regulations 2017. The Screening opinion states that:

- On the basis of the SEA screening Assessment set out in Tables 1 and 2 above, it is concluded that the CNP will not have significant effects in relation to any of the criteria set out in schedule 1 of the SEA Regulations, and therefore does not require a SEA.

- Policies would not result directly in development, and many instead set out criteria relating to development proposed under other policies which have been subject to HRA screening separately. As a result, there are no likely significant effects identified.

Thus for HRA appropriate assessment requirements, no significant effects were identified that would have required further environmental assessment.

3.5 The CNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the Basic Conditions Statement confirms that complying with this was a consideration during the process.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the CNDP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF 2023 version and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3. The Plan layout and illustrations are good. The document reads well generally, and is clearly referenced. There is a substantial evidence base and policies are justified comprehensively. The eight policies of the Plan are focused on local non-strategic issues as required.

4.4 **Policy 1: Housing Mix;** The requirement for 30% affordable homes is in line with the development plan. The requirement for 25% of the affordable homes to be of the First Home discounted type is prescriptive, but variation is allowed by criteria B1. The Housing Needs Assessment undertaken as part of the evidence for the Plan identified a preference for a home purchase locally. The LPA have confirmed that they see the CLDP as broadly in line with the direction of the local plan review options and I accept this part of the policy complies with the Basic Conditions.

4.4.1. Criteria D of Policy 1 requires development to conform to two building regulations, which is confusing as they require different levels of accessibility. Additionally building control is not a land-use issue, although it is acceptable to use these standards as a guide to how homes should be made accessible. The development plan requires accessibility to the level of M4(3), wheelchair accessibility, to be considered only on sites of over 50 dwellings (Policy HA3). It is not proportionate to require this of all dwellings, and contrary to guidance in the NPPG (ID: 41-005-20190509) on

making a neighbourhood plan deliverable. In order that Policy 1 is in general conformity with the development plan, does not deal with non-land-use issues and complies with government guidance and policy I recommend it is amended as shown in Modification 1.

Modification 1: Criteria D of Policy 1 to read as follows:

..."New dwellings are encouraged to consider accessibility for all stages of life and where possible comply with M4(2) of the building regulations or any future regulation amending this. On major developments additional provision of dwellings to M4(3) standard will be expected as well as dwellings complying with M4(2) to at least the standard required in the development plan."

4.5 Policy 2: Sustainable Transport; The policy is very succinct, and simply refers to improvements set out in figure 14 of the Plan. The policy also refers to figure 13, but this figure details current problems, so current wording is not accurate. It is the issues identified in figure 13 that could be improved. It has been pointed out, and confirmed by the qualifying body, that item 8 on figure 14 should refer to NCR482 not NCR45. Specifying that this path (and several others) should be 'metalled' is a detail that is at least partly a highway issue, and as such not just a landscape design issue. At this policy stage it is acceptable to state that the surface of the path needs to be 'all weather', but premature to specify tarmac. The choice of surface will be made by the highway authority, and dealt with in a planning application if one is required.

4.5.1. In order that Policy 2 has due regard to the NPPF (para 16d) requirement for clarity, and deals with land-use issues, I recommend that Policy 2 and wording within Figure 14 is amended as shown in Modification 2.

Modification 2: Policy 2 to read as follows:

Developments that seek to fulfil requirements in Swindon Borough Local Plan policies TR1 and CR2 will deliver improvements set out in Figures ~~13 and 14~~ and where possible address the current problems identified in Figure 13.

The wording of the annotation of Figure 14 to be amended as follows:

Items 7, 8 and 10 will remove the work 'metalling' and replace it with 'all-weather' or 'Improving to all-weather standard'

Item 8 to refer to NCR482 and not NCR45.

4.6 Policy 3: Biodiversity and Nature Recovery; There is an issue of clarity in bullet point 2, as unexplained initials are used and additionally the meaning and references to 'sites' are not clear. In order that the policy complies with the Basic Conditions and has due regard to the NPPF (para 16d) requirement that policy is clear, I recommend that it is amended as shown in Modification 3.

Modification 3: Bullet point 1 of Policy 3 to amend the abbreviation 'LRNS' to 'LNRS' and indicate it refers to "Local Nature Recovery Strategy (LNRS)"

Bullet point 2 of Policy 3 to be amended as follows:

*"... Where the site(s) fall within the **Nature Recovery Priority Areas** in Figure 15, LNRS principles should be delivered within these areas ~~on the CNDP identified sites~~ before sites outside of them ~~these boundaries~~ wherever possible."*

4.7 Policy 4: Local Green Spaces: The policy designates 16 sites as Local Green Spaces (LGS) in section A and then identifies further green areas as LGS (amenity) in section B. The land identified in section B is not special enough for designation as LGS, and there is no formal category of 'LGS (amenity)'. It has been agreed with the LPA and the Parish Council that this section will form the basis of a separate policy that does not designate them as LGS.

4.7.1. The sites designated as LGS have been set out in a comprehensive evidence base, and for the most part are worthy of the designation. However it is confusing to designate sites with similar attributes and contiguous boundaries separately. This may have been done for reasons on ownership, but LGS does not need to be separated for this reason, and is not concerned with public access and will not grant this. The proposed designations at Ridgeway View and Draycot Close are not demonstrably special, and not suitable for designation as LGS. For reasons of clarity and in order to comply with para 106 of the NPPF with regard to the designation of LGS, I recommend that the designations are amended as follows:

1. *Recreation Field* **Norris Close**
2. *Home Close nature area* **and Washpool** (was numbered 2-4)
3. *Stround Hill Green* (was numbered 5)
4. *Holy Cross church graveyard* **and Memorial Garden** (was numbered 6-7)
5. *Butts Road cemetery and garden of remembrance* (was numbered 8)

6. *Castle View Play Area* (was numbered 9)
7. *Chiseldon Primary School playing field* (was numbered 10)
8. *Canney Green **Open Space*** (was numbered 11)
9. *Allotments **off New Road** and 'Millennium Copse'* (was numbered 12)
10. *Old railway track path **forming NCR482*** (was numbered 13)
11. ***Open Space at Burderop Park*** (was numbered 16)

4.7.2 The new policy, referred to here as Policy 4A, will deal with areas of green space of local value and importance, designating them as 'Local Amenity Space' to avoid confusion. Final numbering of policies may be adjusted to include this new policy as the LPA and Qualifying Body wish. The sites at Aisne Road Ridgeway View and Draycot Close are to be included in this designation. For reasons similar to those explained in para 4.5 above of this report, it is not acceptable for a land-use document to consider issues such as 'hard surfacing' which are a highway matter, and often not a planning issue.

4.7.3. In order that Policy 4 complies with the Basic Conditions and has due regard to the NPPF para 16d concerning clarity of designation and naming, and para 106 with regard to the special nature of land to be designated as LGS, I recommend it is amended as shown in Modification 4. Modification 4 also includes a recommendation for a new paragraph for the same reasons of compliance with the Basic Conditions.

Modification 4: Policy 4 to be amended as follows:

Remove paragraph designation 'A' from the first paragraph and list the LGS as shown in paragraph 4.7.2 above. Delete paragraph 'B'. Amend Figure 16 in line with these changes and as required other references in the document to the numbering of LGS. Appendix 4 to indicate amendments but not delete and amend sites assessed unless this is the decision of the LPA and Qualifying Body.

Appendix 5 to be renamed '**Local Amenity Space**' and to include sites at Ridgeway View and Draycot Close.

A new Policy 4A (provisional number) to be included and read as follows:

"Land identified as Local Amenity Space in Figure 17 and Appendix 5 should retain its green and open character and continue to offer its landscape and recreational value."

Figure 17 and Appendix 5 to be amended in order to accurately show all changes.

4.8 **Policy 5: Design;** Complies with the Basic Conditions.

4.9 **Policy 6: Non-designated Heritage Assets;** This policy lists local features of historic interest that are not listed. Swindon does not have a local list, but para 4.380 in the SLP expresses a desire to provide this, and Policy EN10(g) offer proportionate protection to non-designated heritage assets. Supplementary Planning Guidance was provided on the features that would be worthy of this designation. English Heritage have accepted that a neighbourhood plan is a suitable vehicle for designating local heritage assets worthy of local listing (section 2.4 in Advice Note 11).

4.9.1. The list provided in Policy 6 was in some instances lacking in the detail required to properly identify the assets. Discussion with the Qualifying Body has provided further detail on these items (mostly just offering a general reference to 'stone and brick walls'). In order that Policy 6 has the clarity required by the NPPF (para16d) and thus complies with the Basic Conditions, I recommend it is amended as shown in Modification 5.

Modification 5: Policy 6 to be amended as follows:

Bullet 1: Add street reference '**Draycot Foliat**'

Bullet 2: Centuries old bridge **over River Ogg at Draycot Foliat** believed to be...

Bullet 6: Stone and Brick walls (references a-c) in Hodson (see Map)

Bullet 9: Add text at the beginning: '**Parish Council Offices Butts Road**'

Bullet 17: Amend to: **Stone and Brick walls (references a-e) along Turnball (see Map)**

Bullet 19: Brick wall at Canney Green, near **Canney Close, Chiseldon (see Map)**

Bullet 22: Stone and Brick walls (references a-c) at **Badbury (see Map)**

4.10 **Policy 7: New Play Equipment;** Complies with the Basic Conditions.

4.11 **Policy 8: Community facilities;** Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Chiseldon Neighbourhood Plan CNDP) has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Chiseldon Neighbourhood Development Plan 2022 – 2037 shall be the boundary of the designated Neighbourhood Area for the Plan.