

**WILTSHIRE COUNCIL**

**STRATEGIC PLANNING COMMITTEE**

<b>Date of Meeting</b>	<b>15 February 2012</b>		
<b>Application Number</b>	<b>10/04575</b>		
<b>Site Address</b>	<b>Ridgeway Farm, Common Platt, Purton, Swindon, Wiltshire SN5 9JT</b>		
<b>Proposal</b>	<b>Residential Development (Up to 700 Dwellings), 10.6 Hectares of Green Infrastructure In Public Open Space, Associated Works, Up to 560 Square Metres of D1 (Non-Residential) Floorspace, Primary School and Demolition of Existing Buildings.</b>		
<b>Applicant</b>	<b>Taylor Wimpey UK Ltd</b>		
<b>Town/Parish Council</b>	<b>Purton</b>		
<b>Electoral Division</b>		<b>Unitary Member</b>	<b>Cllr Jacqui Lay</b>
<b>Grid Ref</b>			
<b>Type of application</b>	<b>Outline</b>		
<b>Case Officer</b>	<b>Tracy Smith</b>	<b>01249 706642</b>	<b>tracy.smith@wiltshire.gov.uk</b>

**1. Reason for the application being considered by Committee**

- a) The application meets the criteria for consideration by the Strategic Committee on the grounds of the number of dwellings being proposed and because the application has been called-in by the Secretary of State.
- b) The applicant has submitted an appeal in respect of this application on the grounds of non-determination, that is the Council's failure to determine the application by the agreed date of 1 July 2011. As a consequence no formal decision can be made by the Council in respect of this application. However, in order to progress with the appeal and in light of the call-in request, the officer seeks the opinion of the Committee in respect of the application had they been in a position to determine it and on what grounds the Committee wish to contest the scheme at appeal, if at all.

**2. Objections**

- a) Objections have been received from Swindon Borough Council, Purton, Lydiard Millicent and Haydon Wick Parish Councils as well as 1034 objections from local residents.

**3. Purpose of Report**

- a) To consider the above application and to recommend that had the Council been in a position to determine the application, the recommendation would have been that planning permission be REFUSED.

**4. Main Issues**

- a) Since its original submission in December 2010 the application has been revised and the developer is now seeking outline planning permission for:
- residential development – up to 700 dwellings (the previously figure of up to 800 dwellings was formally revised in June 2011);
  - 10.59 hectares of green infrastructure including public open space;
  - associated works;
  - up to 560 Square Metres of D1 (Non-Residential) floorspace;
  - a new primary school; and
  - the demolition of the existing buildings on site.
- b) The main issues in the consideration of the application are as follows:
- Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 2011
  - Status of the development plan
  - Principle of development
  - West of Swindon background
  - Housing need and 5 year land supply
  - Prematurity
  - Development form including affordable housing
  - Impact on the highway network
  - Sustainability of the site and development proposals
  - Provision of open space and green infrastructure
  - Affect on ecology, nature conservation and biodiversity
  - Affect on the character and appearance of the area
  - Archaeological Impact
  - Affect on drainage and flood risk
  - Impact on residential amenity (existing and proposed residents)
  - Health and Safety Considerations relating to the Petroleum Storage Depot (PSD)
  - Section 106 requirements
- c) The proposed development comprises Schedule 2 development (infrastructure development) under the EA Regulations and therefore the application was submitted with an Environmental Impact Assessment. This is discussed in more detail below.

## **5. Site Description**

- a) The application site comprises 29.6 ha of predominantly Grade 3b agricultural land to the west of Swindon. The site contains an operational farmstead consisting of a farmhouse and garden and associated farm buildings and is loosely formed around an area of grass used for turning vehicles.
- b) 4.7ha in the north west corner of the site is former landfill of 1-2cm depth made up of clay, organic matter and construction waste such as rubble, bricks, stone and timber.
- c) The farm has two accesses - the primary one to the west and a narrower secondary one to the south. The applicant considered it practical to remove all the existing structures, deemed as being of little architectural or historic importance rather than design a new scheme around them.
- d) Two public footpaths cross the site. One passes under the railway and over the River Ray to join up with the North Wiltshire Canal towpath. The other links into a path within the

existing urban area to the south. There are no footpaths leading from the site in a northerly direction. The B4553 and B4534 border the site along the west and south boundaries. The old Purton Road along the south-eastern boundary forms a shared surface offering access to the cottage and a pedestrian cycle route that joins up with the National Cycle Network further east.

- e) Purton Road (B4553) running west/east, marks the extent of the current built up area, (the WEA) of Swindon, and also forms the southern boundary of the site. At the Mead Way roundabout the Purton Road (B4534) turns north east over the Swindon/Cheltenham railway at Moredon Bridge to join the Northern Orbital Road (NOR) through the Northern Development Area (NDA). The western boundary is formed by the B4553 Cricklade/Purton Road which runs north to join the Purton/Lydiard Millicent Roads at the Casa Paulo (formerly the Forresters Arms Public House), Common Platt.
- f) The north east boundary of the application site is formed by the Swindon-Cheltenham railway line on a south east to north-west axis, with a single track running through a mixture of shallow embankment and cutting. Beyond the railway line is the River Ray and the Mouldon Hill Country Park area, its southern edge characterised by the presence of high voltage electricity cables and pylons and the partly restored North Wiltshire Canal.
- g) The site forms part of the broad Upper Thames Clay Vale Character Area and undulates from 85m AOD to 98m AOD, with a localised ridge to the west at a height of 103m AOD. It is partially contained within the wider landscape around the edge of the urban area by locally more elevated land, notably Mouldon Hill to the east. The site is visible from Mouldon Hill which peaks at 105AOD. There are also limited longer distance views at around the 1.5km mark at Blunsdon St Andrew. When viewed at this distance, however, the site is seen against a prominent backdrop of existing development with countryside in the foreground.
- h) The site itself is of rural character although this has to be assessed in the context of the existing prominence of the urban edge of Swindon and urbanising influences of the railway and high voltage electricity cables, pylons and the oil storage depot.
- i) Peatmoor and Sparcells estates are located to the south and south west of the proposed development and are examples of contemporary suburban style at relatively medium densities. These areas have distinctive parts that concentrate on specific architectural features and materials, some of which are found in the surrounding rural area. There is an average to high quality public realm with landscaped areas and no derelict sites, but with poorly designed play areas and public green spaces. The main activity of the area takes place in Peatmoor's village centre on Pepperbox Hill and Sherwood Road.
- j) The site lies outside any statutory landscape designation i.e. Area of Outstanding Natural Beauty or Green Belt. However, it is located within the Great Western Community Forest, an allocation discussed in more detail below.
- k) There are no Sites of Special Scientific Interest (SSSI) within 1km of the site. Bremhill Farm South Meadow County Wildlife Site (CWS) abuts the site boundary to the north-west. Four other CWSs namely, Moredon Railway Field, Canal Side Meadow, Moredon Copse and Bradleys Meadow, can also be found in close proximity.
- l) There are no Scheduled Ancient Monuments within the site or its vicinity.

- m) The 132kV overhead electricity pylons crossing and skirting the site along with the smaller 33kV power lines and a 450mm glass fibre reinforced polyester water main next to the bridge over the railway all have restrictive setbacks that preclude residential development.
- n) The Purton Oil Storage Depot immediately north-west of the site has Protection Zones around it defined by the Health and Safety Executive (HSE) which limit the type of development that can take place within them. The outer most zone extends a little way into the site. The Government Pipelines and Storage System (GPSS) oil pipeline that feeds into the Depot runs immediately west of the most north-western part of the site – its 6m (either-side) exclusion setback extends marginally into the site.
- o) Site location plans and site layout plan comprise Appendices I and II.

## **6. Relevant Planning History**

- a) There is none of relevance to this application.

## **7. The Proposal**

- a) The application has been submitted with a wealth of assessments, many wrapped up within the Environmental Statement and the later Supplemental Environmental Statement (submitted in Autumn 2011 following revisions to the masterplan and existing assessments stemming from discussions with the Council and third parties).
- b) These documents describe the development and consider the impacts of the development as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

### ***Residential development***

- a) The application site area is 29.6ha and is proposed to accommodate no more than 700 dwellings.
- b) The development proposes a mix of market and affordable units, the latter provided at 30% in accordance with existing Local Plan policy. Without prejudice to the Council's position at inquiry, the exact breakdown of tenure is the subject of ongoing S106 discussions. Such discussions are also seeking to secure an element of extra care housing for the elderly in this location.
- c) The development will provide a mix of terraced, semi-detached, and detached dwellings. The scheme, as amended, proposes a larger area of development in which buildings of up to 2.5 storeys will be permitted. Only on the western and northern periphery of the site is it proposed to limit the height up to two storeys. Development immediately surrounding the urban square proposes buildings up to 3 storeys in height.
- d) A number of houses and apartments will be grouped around mews, private drives and parking courts. Other dwellings will be located along more traditional streets with roads and pavements, while others will be arranged around shared surfaces.
- e) The average net density across the site will be approximately 37 dph. This net density is considered by the applicant to be comparable to the surrounding residential context and is suitable given the site's location and allows an appropriate range of different density neighbourhoods to be accommodated within the development. Densities will range from 30 dph at the development's interface with the countryside (i.e. the northern area

adjacent to the railway line), to 45-50 dph at its heart. Concentrating a high density area around the urban square will emphasise this area as a focal centre, aiding legibility and concentrating a population close to the communal facilities and transport links. The majority of the proposed housing will fall in medium density areas of 40 dpha followed by 35-40 dph which the applicant considers will create an appropriate transition between the two.

- f) The setting out of the scale of building heights across the development in this way aims to encourage local variation in the roofscape to aid legibility and orientation when moving through the development.

<b>Number of Storeys</b>	<b>Assumed Ridge Height</b>
<b>2</b>	<b>9.5m</b>
<b>2.5</b>	<b>10.5m</b>
<b>3</b>	<b>12.0m</b>

- g) The illustrative development has been amended to incorporate the potential for the delivery of extra care housing for the elderly although the exact details have not been agreed and would be dealt with at reserved matters stage.

### ***Primary School***

- a) Outline permission is also sought for a new primary school and is included within the red line. The Master Plan shows the provision of 1.2ha of the site to accommodate a 1 form entry primary school including playing fields within the centre of the proposed development. This central location will enable the school to serve the new community at Ridgeway Farm and the adjacent Moredon Bridge development, whilst also providing a central focus to the scheme.
- b) The potential location for the school buildings has been identified within the school site adjacent to Swinley Drive. The applicant considers that this street has been identified in the Master Plan as an important secondary route and therefore locating the school buildings along this will provide an active frontage and a well connected access into the school. The delivery of the school will be undertaken via a S106 agreement or Unilateral Undertaking.

### ***Green Infrastructure***

- c) Approximately 10.59ha of open space/green infrastructure is provided, informed by Policy CF3 of the adopted North Wiltshire Local Plan 2011. The Revised Figure 6.6a Landscape Concept Plan provides a breakdown of the types of public open space within the development.
- d) The green infrastructure provided takes the form of informal open space and framework planting (5.76ha) with the second largest element comprising wildlife corridors and conservation areas. The development will provide children's play areas in the form a locally equipped area of play (LEAP) and a neighbourhood equipped area of play (NEAP). The Council would wish these to be secured for future residents via a S106 agreement or unilateral undertaking.

- e) The linear open space is made up of both human and wildlife movement corridors, wildlife protection areas and hedgerows and their maintenance strips. Dry balancing ponds are also provided within the green infrastructure. A signposted trim track is also proposed for a route around and through the development. Robust equipment could be located at points along the route to provide a type of outdoor gym. Without prejudice to the Council's position at inquiry, this would be subject to further negotiation at the reserved matters stage.

### ***Road Infrastructure***

- f) The application proposes the re-alignment the B4553 Purton Road, to provide a spine road running in a north westerly direction through the development site.
- g) The access strategy originally sought to close the Purton Road to vehicular traffic except for access to properties with frontages on this route, between Mead Way and Washpool. This has subsequently been revised, with the closure only being implemented between Mead Way and Swinley Drive, leaving access from Swinley Drive through to Washpool for all traffic. The re-alignment of Purton Road will be facilitated through the provision of an upgraded roundabout in the south east corner of the development site. This junction will be a four arm roundabout, comprising of the new B4553 Purton Road, the B4534 Thamesdown Drive, Sparcells Drive and B4534 Mead Way. The existing Purton Road will be partially closed for traffic, and downgraded to a green route, providing access only for the local properties fronting this road, and primarily for use by non motorised users.
- h) There will be three accesses for the development site. The primary access will be taken from the revised four arm roundabout in the south east corner of the site. Secondly, there will be a new priority junction at the north west of the site, where the new alignment of the B4533 intersects with the existing north south alignment. This new priority junction includes the provision of a ghost island right turn lane. The final access will be provided at the southern side of the site, from Swinley Drive. A new link will be provided which ties in with the existing alignment of Swinley Drive with the proposed new road. The existing Swinley Drive / Purton Road roundabout will be removed with priority running from the extended Swinley Drive east onto the realigned Purton Road with a priority junction in the urban square.

### ***Community Health Facilities***

- i) The school is intended to provide a core community facility, with the community use being in the evening. The application also proposes two D1 units, totalling 560m<sup>2</sup>, for the provision of a doctors and/or dentist facility if required. It is intended that these units will help define the square at the centre of development and promote street activity. Members are asked to note at the time of preparing this report it is understood that this element of the scheme is likely to be omitted following discussions between the applicant and the PCT and the requirement for off-site provision and contribution.

## **8. Planning Policy Context**

- a) Below is a summary list of the most relevant adopted guidance and policy documents in the considerations of this proposal:
- PPS1, PPS3, PPS5, PPS9, PPG13, PPS24 and PPS25
  - Circular 05/2005 Planning Obligations
  - Circular 06/2005 Biodiversity and Geological Conservation

- Conservation of Habitats and Species Regulations 2010
- Wildlife and Countryside Act 1981
- RPG10 Regional Planning Guidance for the South West
- Wiltshire and Swindon Structure Plan 2016 principally Policies DP2, DP3, DP4, DP10B and DP13
- North Wiltshire Local Plan 2011 Policies C1 Sustainability; C2 Community Infrastructure; C3 Development Control Policy; NE7 Nature Conservation Sites of Local Importance; NE9 Protection of Species; NE10 Managing Nature Conservation Features; NE11 Conserving Biodiversity; NE13 The Great Western Community Forest; NE14 Trees and the Control of New Development; NE15 The Landscape Character of the Countryside; NE17 Contaminated Land; NE18 Noise and Pollution; HE8 Archaeological Evaluation; T1 Minimising the Need to Travel; T2 Transport Assessment and Travel Plans; T4 Cycling, Walking and Public Transport; H4 Residential Development in the Open Countryside; H5 Affordable Housing in Urban Areas and Policy CF3.
- North Wiltshire Open Space study 2004
- Affordable Housing SPD 2008

b) The following documents are emerging and the weight to be attached to each document is for the decision maker:

- Ministerial Statement “Planning for Growth” March 2011
- National Planning Policy Framework July 2011
- Wiltshire Core Strategy Pre-submission Draft January 2012 – principally Policies 1, 2, 3 and 19.
- Swindon Borough Council Core Strategy – Revised Proposed Submission Draft June 2011 – principally Policy NC5.

## 9. Consultation

### *Purton Parish Council*

- a) Detailed objections to the original and revised application are available to view in full on the file and website. The Parish Council’s objection refers to the fact that Core Strategy documents for Wiltshire Council and Swindon Borough Council have not identified the need for any urban extension to the west of Swindon at this location. Reference is also made to Swindon Borough Council Cabinet confirming at a meeting on 19 January 2011 **“that there was no requirement to allocate sites to the west of Swindon to meet Swindon’s’ housing needs”**. Purton Parish Council considers this should be given increased weight in deciding this planning application.
- b) Despite the reduction to 700 dwellings objections remain and the following summarises the objections received to date: highways impact; traffic problems associated with the retention of Swinley Drive to Casa Paulo (Foresters Arms) in so far as some traffic will be forced into existing residential roads in Peatmoor to bypass the congested Meads Way; retention of the busy spine road through the middle of the development; concerns over shared spaces/home zones; southern Spine Road houses front the Spine Road and this is hazardous; third pedestrian crossing needed west of urban square; scale of development 2.5 storeys near Peatmore out of keeping; inconsistency between sections and drawings in respect of dwellings proposed on the spine road; proposed LEAP on eastern part isolated and too close to the B4534, the other too close to the Spine Road; misinformation regarding buses serving the local area.
- c) Objections previously made are retained in respect of: loss of rural buffer, only meets the needs of the Swindon Principal Urban Area (PUA), highways impact including school bus

travel through centre of Lydiard Millicent and Purton, close proximity to MOD petroleum depot and coalescence.

***Lydiard Millicent Parish Council***

- d) The Parish Council submitted objections to the original application and revised scheme. A detailed letter of objection can be viewed on the file and Council's website.
- e) The Parish Council note that the application no longer proposes the closure of Purton Road between Swinley Drive and Common Platt but objections remain and can be summarised as timing; erosion of rural buffer; better sites; impact on J16 M4; highway impact; no travel plan for secondary school children; proximity of development to oil dept; lack of infrastructure; unsustainable; and need housing need.

***Cricklade Town Council***

- f) No updated objection received. Objections previously made on grounds of: cumulative impact with other proposals at Tadpole Farm and Pry Farm on amenities and the area; highways impact and capacity of the network; the presumption that adequate health and safety measures will be in place given the nearby petrol line; and flooding.

***Swindon Borough Council***

- g) The neighbouring Borough Council has submitted detailed objections in respect of both the original and revised application as well as in respect of the Supplemental Environmental Statement submitted in the Autumn 2011. Full comments are on the file and website.
- h) Notwithstanding the reduction in the scale of development Swindon's objection remains and is summarised as follows:
- i) Swindon have made very detailed comments which are summarised in some detail below:

Swindon BC General Comments

- I. Additional road off the western side of Purton Road, west of the LAP to negate the need for another cul-de-sac to serve these houses aiding integration of communities.
- II. The reduction in the average densities across the site from 43dph to 37dph is welcomed but the density within the central area remains artificially high which is not justified by the presence of the school and medical facilities.
- III. The number of through roads have been increased and this is welcomed, however too many cul-de-sacs which appear to serve no purpose have also been increased.
- IV. The removal of the "Urban Gateway" at the far north western corner of the site is welcomed but the use of the word "urban" still does not sit comfortably.
- V. The realigned Purton Road is susceptible to future speeding issues. The Design and Access Statement suggests extensive traffic management is not required; however, this does not appear to be the case for the realigned Purton Road. Questions are raised over the realignment through the urban square and the associated measures to control speed management via the introduction of three controlled pedestrian crossing points in terms of whether there will be enough call on these points to have that affect.



- VI. The LEAP to the east has been replaced by a NEAP to the west of the local open space. The local area of play (LAP) in the south west has been removed which is good news, however the detailed design will need to ensure adequate overlooking.
- VII. In terms of larger areas of open space, the submission of a drainage strategy plan in July assisted greatly in understanding how the areas of attenuation are treated as part of the open space strategy.
- VIII. SBC do not agree with the comments of Wiltshire's Urban Design officer, that there has been an increase in woodland planting around the north and western edges of the site. Swindon Borough Council still considered this to be insufficient to comply with the Great Western Community Forest strategy.
- IX. The Supplementary Environmental Statement has now specified that there will be 0.89 ha (800 trees) along the eastern and northern edge however SBC Landscape Officers are of the opinion that whilst this might go some way to delivering trees on site, they remain to be convinced that these trees would not have been delivered as part of the planting necessary to ameliorate the scheme anyway, and that this does not deliver a Community Forest.
- X. SBC consider the site to be unsustainable in terms of public transport provision, walking distance to key activities such as education, retail and leisure.

#### Swindon BC – Policy Comments

- XI. Their detailed policy objection can be viewed on Wiltshire Council's website and file and is replicated below in the main body of this report in the consideration of current and emerging policies as there are synergies with Wiltshire's adopted and emerging development plan.

#### Swindon BC Comments on Highways Matters

- I. The Transport Assessment uses SATURN to determine the likely impact on the local highway network. Whilst we are broadly content with the modelling methodology, it is considered that the levels of background growth associated with the predicted housing numbers and the infrastructure proposed within the model is unrealistic. The model shows an unrealistic impact of development traffic on the surrounding highway network. The result of this is that the model does not accurately demonstrate the likely impact of the development on the local highway network, and the specific impact of the development is masked by the levels of background growth.
- II. Following a series of meetings with WSP, a revised modelling assessment has been undertaken on a modified 'do minimum' modelling scenario to reflect the slower growth experienced over the last 3 years, and the reduced infrastructure proposals for future highway schemes. The key outcome of the modelling and subsequent discussions was the need to clearly identify the impact of the development on the network and provide a suitable mitigation package that deals with traffic from Ridgway Farm, whilst taking account of other future developments within the area. It was agreed that WSP would re-model Ridgeway Farm using SBC's updated 2010 model base, in the future year 2016.
- III. The revised modelling continued to show strategic dispersal of development trips. It also showed greater impact on Mead Way than the submitted modelling although it appeared background traffic had been replaced by development traffic. It did not

provide a clearer understanding of the direct impact of the development, as it continues to be masked by the capacity issues along the Mead Way corridor and the subsequent re-distribution of traffic on strategic roads surrounding the site. It is therefore still unclear as to where mitigation would be necessary to deal with the Ridgeway Farm development traffic.

- IV. It was subsequently agreed that Ridgeway Farm would provide a S106 contribution of £500,000 towards highway improvements throughout the west Swindon area. This could include improvements to the Mead Way, Great Western Way, Swinley Drive and Purton Road corridors. It should be noted that due to the scale of mitigation improvements being unknown in order to mitigate the impact of Ridgeway Farm development traffic, as well as dealing with the existing capacity issues along Mead Way in particular, it is not known if this contribution will be sufficient to provide the relevant mitigation.

#### Swindon BC Comments on Strategic Transport

- I. The Swindon Transport Strategy (2009) undertaken by WSP identified a number of sites to the west of Swindon for housing developments, which included the Ridgeway Farm site. However, Swindon BC considered that these sites are only able to come forward with the necessary investment and delivery of a number of transportation schemes, to assist in mitigating the impact of the developments. The Transport Strategy demonstrates the likely impact of each major development being promoted within the Regional Spatial Strategy, of which Ridgeway Farm was identified. Swindon BC say it is clearly demonstrated within both the modelling work undertaken as part of the TA, and the subsequent modelling work undertaken upon the request of SBC, that the impact of Ridgeway Farm would be seen as far north as the Purton Road/Thamesdown junction, as well as the Mead Way corridor as far south as Meads Roundabout and that it is clear from the evidence base within the Transport Strategy that the impact of the proposed Ridgeway Farm is likely to be felt at a strategic level.
- II. Within the Transport Strategy, the schemes required a total cost of £350million. A number of funding streams were identified to bring forward these streams which included the Regional Funding Allocation, Community Infrastructure Fund, Regional Infrastructure Fund and Transport Innovation Fund, which all now cease to exist; this is in addition to any potential S106 contributions. The new funding stream, the Local Sustainable Transport Fund, is not designed to support major infrastructure or service enhancements in relation to inter-urban journeys.
- III. Within the Transport Strategy, there were two schemes which would be required to mitigate the impact of developments coming forward in the north and west of Swindon. This included the Purton-Iffley link road (£60Million) and Junction 16 improvements (£10Million). It was considered that these figures are conservative estimates based on the minimum infrastructure required to bring forward the developments. The development does not take into consideration the wider improvements identified within the Strategy, and the benefits which these could bring to the highway network. Therefore it cannot be assumed that the proposed improvements in the north and west in isolation will necessarily be enough to mitigate the full impact of this development.
- IV. In view of the lack of funding available for improvements in this area, particularly the Purton-Iffley link road, the preferred site to the north and west of Swindon is now Tadpole Farm. Improvements here do not take into consideration the additional demand created by the Ridgeway Farm development proposals, and whilst Swindon

note the offer by the developer of the Ridgeway Farm S106 contribution of £500,000 towards off-site highway improvements, Swindon still considers that significant transport contributions would be required to mitigate the impact of this development in conjunction with other developments proposed within the area.

#### Summary of Swindon BC Views on Strategic Highways

- a. Swindon Borough Council say it has been demonstrated within the Swindon Transport Strategy that the impact of the development of Ridgeway Farm is likely to be considerable on the strategic highway network, and whilst Swindon BC notes the Ridgeway Farm S106 contribution of £500,000 will help mitigate the developments impact to a certain extent, it still considers that a number of infrastructure projects would be required to support and mitigate the impact of all predicted development. Given that funding is no longer available for these identified schemes, it is considered that these infrastructure projects are undeliverable. Therefore, without substantial improvements to the strategic road network to mitigate the impact of the development, Swindon BC considers that Ridgeway Farm is unacceptable in transportation terms.

#### Swindon BC views on Mitigation (sustainable travel)

- b. The original TA discusses an extension to the 19 bus route, which provides a frequency of 30 minutes. Whilst Swindon welcomes the rerouting of this service through the site, the frequency is not adequate. This 30 minute frequency is also reliant upon there being no traffic calming or frontages on the bus route itself, which as discussed later (within this letter) has an impact on other areas of consideration such as speed restraint. This extended service route currently ends at the evening peak hour due to cuts in subsidy, which is in Swindon BC's view, a substantial restriction to mode of travel choice. Swindon BC understand that the Developers are in discussions with Thamesdown Transport about extending this service and hours of service but as yet no agreement has been reached. That said, the route was considered by Thamesdown Transport without subsidy to be unviable, there is no evidence to suggest that after the Ridgeway Farm developers subsidy runs out that the Service could be retained in the future.

#### Sustainability

- c. Swindon BC have concerns over the sustainable credentials of the proposed development. The assessment work contains Census Travel to Work Data (2001) which indicates that the immediate vicinity of the site has a 14% higher than national average car driver/passenger percentage. This information is based on the Shaw and Nine Elms wards, this suggests an underlying sustainability issue, and it is important that the development improves the opportunity for travel by non-car modes to reverse this trend.
- d. A number of Accession plots have been provided in support of the development proposals, which demonstrate the likely walking distances to a number of key facilities. Whilst the applicant has relied on guidance within PPG13: Transport and IHT 'Guidelines for Providing Journeys on Foot, 2000' Swindon BC are of the view that it would be more appropriate to base the assessment on RPG10 and other more recent best practice having a view to research, which provides different accessibility criteria. Following this guidance, it is apparent that a number of key facilities fall outside of the desirable and maximum walking distances provided within RPG10. For example, the nearest secondary school, Hreed Parkway, is stated as being 1800metres from the edge of the site. The desirable distance is 600metres, with a maximum distance of 1000metres. It is however likely those secondary school children will be bussed out of

the development to a secondary school within Wiltshire, a further demonstration of the poor sustainability credentials of this development.

- e. It is demonstrated that a desirable walking distance to food shops is 300metres, with a 600 metres maximum. Currently the nearest food shop from the site is 500 metres. Whilst this falls within the maximum distance it is still further than would be desirable. Within RPG10 other non-residential facilities, such as leisure, health facilities and employment are said to be desirable with a 600 metre walking distance, and 1000metres as a maximum. With the exception of the Sparcells Surgery being 500 metres from the development, all other facilities fall outside the maximum distance. Again, this adds weight to the argument that the development is not within a sustainable area, and will give rise to a requirement for residents to use private vehicles to access key facilities. Furthermore, whilst it is acknowledged that improvements are proposed to the existing bus services, it is unlikely that these in isolation will encourage a modal shift away from private vehicles.

#### Swindon BC View on the Applicant's proposed Travel Plan

- I. Whilst Swindon BC accept the principles of the Travel Plan, it is considered that a number of areas still require further information. In its current form it does not provide Swindon BC with the confidence that it will provide a satisfactory tool for influencing travel behaviour at the site. The site is a good candidate for a developer funded car club, and Swindon would like to see measures taken to drive this forward. Furthermore, whilst the Travel Plan discusses the role of the Travel Plan Coordinator (TPC), further details have not been provided as to the likely length of employment, and the necessary budgets available to the TPC to complete their role.
- II. Given the site's location, and the evidence suggesting existing underlining sustainability issues, the Transport Plan should be a key tool in driving the modal shift for the development. It will help in reducing the potential impact on Swindon's road network. Swindon BC would like to see a comprehensive monitoring strategy which focuses on the internalisation of trips and modal shift. Given the importance of the Transport Plan in reducing the impact on the road network, Swindon BC would like the Transport Plan form part of the S106 agreement, which should provide a mechanism for remedial issues should the Transport Plan fail to meet its targets. In turn, this should focus on providing additional sustainable opportunities through financial contributions, which are only deliverable through the S106 process.

#### Swindon BC view on Highway Design

- I. Swindon BC are pleased to see that 'Manual for Streets' has been considered when preparing the Master Plan for the development site. Furthermore, the downgrading of Purton Way to a greenlane to provide access for non motorised vehicles demonstrates consideration towards modal hierarchy. However, there are a number of design issues that Swindon feel Wiltshire should take up with the applicant and to which it has concerns whilst remaining respectful that this particular impact lies outside its administrative boundary.
- II. The proposed realignment and creation of a spine road has not been designed to manage down speed. The Design & Access statement indicates that traffic management should not be required. However from the designs provided to date it is unclear how speed will be managed on this route. Furthermore, Swindon has concerns that the re-aligned of Purton Road will create severance issues between the north and south of the development. Whilst it has been indicated that 3 pedestrian crossings will be provided, the issue of traffic volume intimidation and any

perceived severance should be considered. Again, it is important that these issues are addressed as they have the potential to reduce the attractiveness of walking and cycling, and could encourage the use of private vehicles to access facilities to the south of the development site. It has been suggested that the introduction of crossing points on Purton Way will assist in managing speed along this route.

- III. This urban extension has not incorporated the strategic road into the development and made it a focus point. It provides few direct connections or changes the form of the Purton Road enough to reduce speed, make the Purton Road more humane and integrate the road into the development.
- IV. Whilst this application is only in outline the general arrangement of the spine road within the masterplan does not take into consideration a design speed of 30mph. Some of the tools a transportation professional would use to restrict or influence speed would be to restrict forward visibility, alignment, close proximity of buildings, on street parking, pedestrian activity. The Master Plan would prohibit the effectiveness of these tools. For example the sweeping, slack radius of the spine road would in Swindon's view not only fail at managing speed but encourage higher speeds. That combined with the lack of building frontage and direct accesses makes, in the professional view of Swindon's highway officer, the only viable options for speed management physical features or obstructions. These tools are generally used as retrospective speed management and are not best practice.
- V. The proposed urban square and contrived junction arrangement between the new Purton Road and extended Swinley Drive without supporting activity that would be provided by retail and other local amenities is unlikely to work leading to conflict in turning movements and a higher potential for collisions.
- VI. Despite being requested to do so, the applicant has not confirmed how safe and convenient crossing points from the newly introduced green lane across Swinley Drive will be provided. Given the substantial levels of traffic increasing on Swinley Drive, it may be necessary to provide a signalised crossing at this point.
- VII. It has been established through the modelling that Swinley Drive will experience substantial increase in traffic and whilst in pure capacity and geometric terms the road is capable of absorbing the increase in traffic there are other considerations to be made in terms of amenity. Concerns have been raised by existing residents prior to the submission of this application that there are speeding, safety and severance issues with requests for traffic calming.
- VIII. Swinley Drive (between Purton Road – Peatmoor Way) is modelled in the am peak to have as a direct result of the development an increase of 88% southbound, from 80 to 150 pcu's.

#### Swindon BC Highways Conclusions

- I. At this time Swindon BC is unable to accept the development proposals based on the assessment work provided. Swindon therefore recommends that planning permission is refused for this development. The reasons for our recommendation are outlined below:

- **Strategic Transport Implications:** The 2009 Swindon Transport Strategy indicates that this development will impact a number of key junctions and corridors in the north and west of Swindon, and as such considerable targeted infrastructure is required to mitigate the development. The Transport Strategy

provided conservative estimates on the level of funding required to deliver development in this area, of which Ridgeway Farm was indentified. Following the removal of funding, we do not consider the necessary infrastructure improvements to be deliverable, and whilst we note the developers proposed S106 contribution of £500,000 towards off-site highway improvements, we still consider that significant transport contributions would be required to mitigate the impact of this development in conjunction with other developments proposed within the area. We therefore feel this development is unacceptable and is contrary to development proposals emerging for Core Strategies in Swindon and Wiltshire. It is also contrary to the following policies as, set out in Swindon's third Local Transport Plan:

- Policy A Optimise the capacity of the Highway network and improve journey time reliability for all forms of transport.
  - Policy B Improve Road Safety.
  - Policy D Integrate land use planning and transport to reduce the need to travel and mitigate the impact of new development on the transport network.
- **Sustainability**: We have concerns over the sustainable credentials of the development site. Assessment indicates that the surrounding wards have a high reliance on private vehicles, and we do not consider this development will encourage a reverse of this trend. It is noted that there are a lack of facilities on site to encourage internalisation, and the proposed mitigation measures at present do not go far enough in reducing the impact of the development. Furthermore, the assessment has indicated that the development is not in accordance with Regional Planning Guidance 10, and will therefore lead to an over reliance in private vehicles from the development site.
  - **Design**: It is considered that the proposed realignment and creation of the spine road has not been designed to manage down speed, and we are therefore not content that it provides a suitable scheme for the development. Furthermore, we have concerns that the re-aligned Purton Road will create severance issues between the north and south of the development. The current design is considered to reduce the attractiveness of walking and cycling, through fears of intimidation and speed, thereby encouraging the use of private vehicles to access facilities to the south of the development site.

If Wiltshire was so minded Swindon Borough Council would recommend refusal for the following reasons:

- A. The proposed development has a significant impact on the operation of the strategic transport network in the north and west of Swindon as part of an accumulative impact assessed through the 2009 Swindon Transport Strategy. The development as proposed does not provide the necessary infrastructure improvements to mitigate the impact in conjunction with lack of central Government funding making this proposal unviable in transport terms.
- B. The proposed development would be located where it is distant from adequate services with an insufficient public transport provision and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG 10 and Policy TM1 of the North Wiltshire Local Plan 2011.

C. The proposed development as illustrated by the masterplan is not capable of being brought forward in highway design terms in an acceptable manner. Thereby encouraging speeding, severance, intimidation and safety issues which are contrary to national guidance in Manual for Streets 1 and 2, Policy C3 of the North Wiltshire Local Plan 2011 and current best practice.

#### Swindon BC S106 requirements

- II. Swindon BC has also provided final detailed S106 requirements which are the subject of on-going negotiations and which include contributions towards:
- Libraries – Swindon Link library £77,366.00
  - Leisure, Sport and Recreation – pitch provision £170,200.00
  - Leisure, Sport and recreation - £356, 618.00
  - Great Western Community Forest – £81,944.00
  - (Based on the adopted 1994 Forest Plan)
  - Wiltshire Fire and Rescue £75,950.00
  - Health £103,306.00

#### ***Wiltshire Spatial Planning Service***

- j) Due to the constant movement of planning guidance and Secretary of State decisions as well as the period of time since the application was originally submitted and comments provide in Spring 2011, an updated detailed response has been provided which should be read in conjunction with the original response provided in the Spring.
- k) Much of their comments relating to policy background etc are presented below in the relevant sections of this report.
- l) The comments of the Spatial Planning Service conclude:

“The Secretary of State’s Proposed Changes to the RSS for the South West (July 2008) - the latest version of the draft RSS for the South West - has in effect been abandoned and unlikely to proceed to adoption. More up to date evidence has been developed by the Councils to support new housing requirements within the emerging Wiltshire and Swindon Core Strategies. Both Strategies do not make provision for growth on the edge of Swindon within north Wiltshire. While some weight can be afforded to the emerging Core Strategies the proposal would nevertheless be in line with adopted development plan policy to deliver (my emphasis) 1,000 homes at west Swindon by 2016. The proposal site alongside the delivery of new homes at Tadpole Farm, as well as Moredon Bridge would collectively meet this requirement, while contributing to an apparent shortfall in the five year land requirement at Swindon.

Notwithstanding the above, given that the proposal site has not been formally progressed as a specific allocation through the development plan process as intended by Structure Plan Policy DP10B it will be particularly important to ensure that the proposed development is sustainable and does not prejudice the implementation of the emerging Swindon Core Strategy, which sets out the Vision for growth of the town. As such, the impact of this site on the delivery of those being promoted through the emerging Strategy will need due consideration to ensure that there is no cumulative impact on infrastructure and it would not prejudice the delivery of the preferred strategy for Swindon’s growth. The development of this site could ultimately mean that 800 more (my emphasis) homes are delivered (than required via Policy DP10B - my addition)

The mix of development could be greatly improved in order to provide the residents of this significant urban extension with accessible local shopping facilities and providing a community focal point, rather than expecting them to use facilities located at a distance from the majority of homes on the site. At present it is difficult to see how the proposal can be regarded as a sustainable urban extension that successfully integrates with the town, given the apparent overriding emphasis on housing provision itself rather than the development of a sustainable community. This proposal as it stands would not appear to be consistent with the Ministerial Statement - Planning for Growth, nor the direction of travel in the draft NPPF in light of the fact that although it has the potential to deliver new housing, it does not support the wider national and local policy aims of delivering a sustainable form of development.”

***Wiltshire Highways Officer***

m) Object to the proposed development for the following reasons:

- Impact on the highway network in Swindon
- Poor accessibility and sustainability credentials of the development
- Design issues pertaining to the need to balance and ensure the main spine road has sufficient capacity as well as keeping speeds down; the difficulties in balancing the role and function of the “Urban Square”; poor integration of the main road due to the levels and amount of cut and fill required
- Improvement of the existing right of way (Pur77) to upgrade it to cycle path standards to improve linkages to facilities outside of the site.

***Urban Design Officer***

- n) Detailed comments are available on file. Previous significant concerns expressed in terms of scale, building height and density, the petroleum depot exclusion zone, building appearance, the urban square, pedestrian and cycle routes, building frontage to the open space, car parking and need to provision of high speed Broadband have been addressed.
- o) On going concerns in respect of; the number of internal parking courtyards shown on the masterplan; landmark detail needed on western gateway as shown on all other entries. All other comments provided related to considerations in respect of more detailed design for consideration at reserved matters stage.

***Environmental Health Officer***

- p) No further comments in respect of the revised scheme, however observations were made in respect of the original submission that conditions should be attached to any permission in respect of dust, noise and contamination mitigation schemes to be submitted and approved.

***Principal Ecologist***

- q) No objections subject to appropriate conditions to secure Construction Environmental Plan (CEMP) and Ecological Management Plan (EMP) together with S106 contribution towards improvements to footpath PUR77.



### ***Head of Education***

- r) There are no objections proposed to the development subject to the completion of a legal agreement which includes the provision of a new 1 form entry (including foundation stage 1) primary school is required to serve the development in the location shown on the illustrative Masterplan on a site comprises 1.2ha. Ridgeway Farm constitutes 80% of the need. However, the development needs to fund 100% initially with monies to be refunded following payment of contributions from the Moredon Bridge development. No contributions are needed to Secondary Education in Wiltshire as capacity exists to accommodate pupils from this development.

### ***Adoptions and Inspections Officer***

- s) The amount of POS required on site is 4.2696 Ha, of which 0.6100 ha should be play provision (adult and child) in accordance with the Councils Adopted Supplementary Planning Guidance, the North Wiltshire Open Spaces Study 2004. The developer is proposing to provide a total of 10.59 Ha of green infrastructure. At the time of preparing this report, without prejudice to the Council's position at inquiry, the Council and applicant are in discussions regarding the future management of the overprovision. In accordance with the current Local Plan there is an adequate provision of POS on site and commuted payments identified have taken into account ecological management regimes that maybe required on the site. No objection is raised subject to a S106 securing the Public Open space in perpetuity.
- t) Further a contribution is sought towards the expansion of Purton Cemetery of £32,000.

### ***County Archaeologist***

- u) Originally objected on grounds of lack of archaeological evaluation thus making the EIA deficient. However, further trial trenching was undertaken in August 2011 after considerable negotiation. As referred to in the Supplemental Environmental Statement the probable remains of an Iron Age settlement in the south east corner of the proposed development site has been uncovered by the evaluation. Accordingly a condition is required for secure further investigation in the event planning permission were to be granted prior to any commencement of development.

### ***Rights of Way Officer***

- v) No objections subject to following contributions to be secured by way of a S106 agreement:
- Appropriate surfacing, signage and rights of way furniture between the site and the canal - £25,000
  - Canal upgrade works - £10,000
  - Replacement of existing pedestrian bridge to bridge which could cater for cyclists - £65,000
  - Upgrading the status of the part of the route in the developer's ownership to either a bridleway or cycleway
  - Legal costs as required
  - contributions sought for the upgrade of footpath PUR77

### ***Environment Agency***

- w) Have now withdrawn their previous objection on the basis of revised plans subject to conditions/informative in respect of the development according with the Flood Risk Assessment and the mitigation measures therein; submission of detailed drainage design; submission of watercourse crossings; landscape and ecological management plan and contamination site investigation and mitigation, if appropriate.

### ***Canal Officer, Countryside Section***

- x) No objection but S106 contributions sought for two nearby existing canal restorations at £15 per dwelling.

### ***Housing – Principal Development Officer***

- y) Affordable housing sought based on some 600 people seeking an affordable home in the Wootton Bassett Community Area and a shortfall of 780 dwellings per annum across the north of Wiltshire.
- z) 30% affordable housing required (80% rented, 20% homebuy). 60 units of extra care required all 2 bed flats of which 30% should be social rent with 70% outright sale/shared ownership. Some flexibility permitted if viability. Discussions have stalled as viability dependant on the total contribution required from the development.

### ***Emergency Planning Team***

- aa) Have confirmed that it is not within their remit to comment on planning applications.

### ***Highways Agency***

- bb) Objection withdrawn but a robust Travel Plan must be secured with attention to areas such as monitoring and budgeting for this.

### ***Wiltshire and Swindon PCT***

- cc) Have confirmed that the proposed on-site doctors/health care facility would not be an acceptable solution to mitigate the cumulative impact of potential future residents on the existing GP services in the area. This position is justified because in isolation, the development itself would only generate the need for 1 whole time equivalent (WTE) GP (based on Wiltshire PCT figures of 1750 persons per GP and an average occupancy rate of 2.38 persons per household (Swindon figures). The PCT considers that additional demand is best met by investment in expanding capacity at existing health care premises off-site for which a financial contribution of £103, 306 has been requested from the developer in on-going discussions. Discussions remain on-going but it is requested that the application be amended to omit the GP/health care provision in terms of plans and description.

### ***Fisher German***

- dd) Confirm the Government Pipelines and Storage System may be affected by the proposal, confirmation needed that the Health and Safety Executive have been consulted is needed given to the Petroleum Storage Depot. Further concerns were also expressed regarding air quality and following receipt of additional information these have now been withdrawn. Fisher German also represents the MoD.

### ***Health and Safety Executive***

- ee) Have confirmed that “HSE does not advise, on safety grounds, against the granting of planning permission in this case.”

### ***Thames Water***

- ff) Waste Comments – agree with the revised surface water strategy, referenced 0268/D/01 as prepared by WSP.
- gg) Water supply: A 2007 modelling report into this development suggested that the development should be supplied off Blunsdon 23 DMA. The connection should be made off the 450mm main below where it feeds into DMA23. A 500m length of 200mm main is required to supply the development. The developer is aware of this requirement and the associated costs.
- hh) Water comments: On the basis of the information provided no objection is made to the planning application. Thames Water has recommended an informative be attached to any permission regarding minimum pressure to be provided to customers and the design of the development needs to take this into account.

### ***Wiltshire and Swindon Biological Records Centre***

- ii) Records confirm range of species at this location including bats, otters and reptiles.

### ***Natural England***

- jj) Previously objected on numerous grounds including:
- Inadequate information to ascertain whether the application is in line with PPS9, specifically whether it maintains and where possible, enhances biodiversity, and, lack of information notwithstanding, a failure to adequately seeking opportunities on/off site to enhance biodiversity;
  - Information in the landscape and visual impact assessment does not allow for determination of visual impact, specifically the ZVI map appears to be based on OS ground level data and is not related to anticipate building height data.
  - The above two points could be overcome through further information, design and mitigation.
  - Other detailed biodiversity comments are provided.
- kk) Following the resubmission of the SES, whilst the changes made are minor they have no bearing on the advice previously given (outlined above). The offer of an off-site contribution to public access measures is insufficient to demonstrate that there is no net loss to biodiversity and an appropriate contribution towards the Great Western Community Forest would secure the gain to biodiversity.

### ***Wiltshire Police Architectural Liaison Officer***

- ll) Notwithstanding that no pre-application consultation took place, considerable attention has been paid to crime mitigation within the design and access statement. If the applicants are successful in obtaining outline permission they are expected to engage with Wiltshire Police throughout the design process to ensure the entire development is built to Secure By Design standards.

### ***Network Rail***

- mm) No objections subject to details being considered and condition as part of any reserved matters application.
- nn) A specific response was sought in respect of the implications of the development for a potential station at Moredon Bridge as identified referred to by Swindon and Cricklade Railway in their objections. Network Rail have confirmed that there are no firm proposals for a station in this vicinity and full optioneering and development would need to be done to agree the detail of such an aspiration. Network Rail has confirmed that the Swindon to Kemble enhancement (redoubling) would not prejudice any future station proposal that may arise.

### ***Defence Estates***

- oo) Comments received via Fisher German their agents.

### ***Southern Electric***

- pp) Have confirmed that major circuits cross the application site connecting to an important link to Southern Electric's extra-high voltage system. Modifying circuits such as these is a major and costly undertaking which should be avoided if possible. Any development should therefore be designed to allow circuits of this nature to remain undisturbed and accessible in their present location if at all possible. No objection is raised to the proposed development.

### ***Haydon Wick Parish Council***

- qq) Object on highways safety, capacity and impact grounds; use of Swindon's services by residents of the development and impact on Council Tax in SBC area who will not get S196 monies, rather Wiltshire Council will.

### ***CPRE***

- rr) Object on the grounds that the scale of the development proposed is neither appropriate or timely, and that it fails to meet criteria contained in Local Plan Policies C1 iii), C3 i), viii9 and Policy 10B c) of Wiltshire and Swindon Structure Plan. A full copy of the objection can be viewed on the file or website.

### ***Wootton Bassett and Cricklade Area Board***

- ss) Opposes the proposed development as the proposal distinctly impacts on the rural buffer between the rural villages of North Wiltshire and the urban town of Swindon. The proposed development will have a further detrimental impact on the currently overloaded infrastructure in the villages in close proximity of the application, particularly with regards to roads and potential flooding impact. Furthermore, reference to the Wiltshire and Swindon Structure Plan 2016 (which is the current planning guidance given the demise of the Regional Spatial Strategy), which clearly states (DP13) that "rural buffers" should be maintained to protect the separate identities of the villages and prevent their coalescence with Swindon (explicitly named are Cricklade, Lydiard Millicent, Purton and Wootton Bassett).

### ***Wiltshire Cluster Area Forum***

- tt) Object on grounds of infrastructure impact on Swindon's local area roads, flooding/foul water systems, which will not be sustainable. Swindon schools also have considerable demand for places which cannot be met.

### ***Ps and Qs***

- uu) Object on grounds that the application is not based on local housing need calculations; local predictions for economic ground; the concept of the Localism Bill; and the draft Core Strategies of both Swindon and Wiltshire. Full objection details can be read on the file and website.

### ***Ramblers North East Wiltshire Group***

- vv) Express main concerns in respect of adverse impact on ecology and the "countryside feel" of the River Ray Corridor; and encroachment of Swindon's urban development towards Purton and loss of countryside between the two.

### ***Swindon and Cricklade Railway (S&CR)***

- ww) Object on the grounds that the proposed development will add significant burdens to the Swindon infrastructure, while making little or no contribution to that local economy. The S&CR require contributions in respect of: the transfer of land necessary for the proposed Moredon Bridge station with traditional approach road; transfer of land necessary for the S&CR link to the mainline and new station together with the construction of associated platforms and footbridge; new embankment and associated infrastructure; payment for the mainline connection between the Gloucester line and the S&CR; contribute sum of money for associated track laying.

### ***Robert Buckland MP***

- xx) Confirms his objection to the development proposals for many of the reasons outlined below by local residents.

## **10. Publicity**

- I. The application was advertised by site notices, press advert and neighbour consultation. Following the receipt of the Supplemental Environmental Statement, further formal consultations were undertaken in October 2011 via site notice and press advert only.
- II. Some 1034 objections (including signatories on a petition and some referenced specifically above) have been received on the following grounds:
  - Loss of rural buffer/agricultural land/countryside/greenfield site/loss of green belt
  - Site not allocated/contrary to policy
  - No need/development unoccupied and underway elsewhere in Swindon
  - Lack of associated infrastructure/employment
  - No facilities on the site -i.e. shops, entertainment facilities
  - Highways impact on local roads and Junction 16
  - Increase in school buses on the road
  - Partial road closure add miles to journeys

- Pedestrian routes poor
- Impact on cyclepaths
- Ability of existing bus services to cope with additional demand
- Impact on PSD depot/proximity of housing/safety concerns
- Impact on schools and services
- Flooding
- Lack of foul sewer capacity/drainage and foul services operated by Thames Water
- Contamination
- Impact on ecology and wildlife
- Financial implications for North Wiltshire Council tax payers
- Impacts for policing and fire services
- Increase in CO2 emissions
- Impact on archaeology

## **11. Planning Considerations**

- a) Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material considerations indicate otherwise.
- b) The development plan that relates to this development is as follows:
  - Regional Planning Guidance for the South West (RPG10);
  - Wiltshire and Swindon Structure Plan 2016 (adopted April 2006) – policies saved therein;
  - North Wiltshire Local Plan 2011 (adopted June 2006) (and the saved policies therein; and
  - Wiltshire and Swindon Waste Core Strategy (adopted July 2009).

## **12. Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 2011**

- a) The proposed development requires an Environmental Impact Assessment having regard to the Town and Country Planning (Environmental Impact Assessment ((England and Wales) 2011 and the thresholds and criteria therein. An interpretation of the Regulations is yet to be provided.
- b) Both documents combined confirm an EIA may be required if a Schedule 2 project (which this application is): “is likely to have significant effects by virtue of factors such as its size, nature or location.”
- c) In light of this the applicants, Taylor Wimpey have undertaken a Environmental Impact Assessment (EIA) of the proposed development and have provided all the information required in Schedule 4 of the Regulations via the EIA submitted in December 2010 and the Supplemental Environmental Statement (SES) submitted in September 2011. The SES reflected the findings of additional studies and works required during the course of determining the application given officer concerns in respect aspects including the scale of the development, archaeology, drainage, ecology, transportation and air quality. It has recently come to light in preparing this report that the SEA still refers to the 1999 EIA Regulations (as amended). The 2011 Regulations came into force on 24 August 2011, before the SEA was formally submitted. The applicant has been made aware of this and the appropriate and necessary course of action is being undertaken with no consequence to the consideration of this application by the Committee.
- d) The site assessment area comprises the application site in its current form together with land north of the railway and south of the River Ray with a wider scoping area considered

with included adjoining land as the area most likely to be affected by development. A wider scoping area was used for topics such as transport.

- e) The EIA (and SEA) covers matters including assessment method; ground conditions and contamination, landscape and visual; ecology; agriculture; archaeology and cultural heritage; transportation; hydrology and water resources; noise and vibration; air quality; socio-economics and local communities; and an overview of the effects.
- f) The impacts of the development are succinctly outlined in the non-technical summary of the proposed development revised as of September 2011. The impact of development is outlined with mitigation measures also outlined where these are necessary.
- g) Many of the impacts of the proposed development are reviewed when considering the main issues of this development.
- h) One of the requirements of an EIA is the consideration of main alternatives to the proposed development. This is comprised of two elements. Firstly, alternative locations for the development per se as part of the overall planning process. The EIA confirms in paragraph 4.1.2 that the applicant has not directly studied any alternatives in respect of the development of the Ridgeway Farm site. This is due in part to the timing of events within the strategic and local planning process itself. Of note, the inclusion of the site within the West of Swindon Update Study (dated February 2009) is highlighted and the conclusion of that Study which confirmed that in response to meeting the 3,000 dwellings sought in the draft Regional Spatial Strategy (dRSS), the Ridgeway farm site is part (my emphasis) of the Preferred Option.
- i) The second element is the question of alternatives for the site itself in relation to the masterplan. The various versions of the masterplan dating back to 1999 are considered in the context of emerging policies and plans. Notably Transport Plans of 1992 and 2009, the former identified the potential at Moredon Bridge (opposite the site) for a rail based park and ride opportunity. This being a long term aspiration which has never been formulated into an allocation or business plan. The masterplan in 2010 was informed by the need to provide a 1 form entry primary school to serve the needs generated by development west of Swindon comprising Moredon Bridge and Ridgeway Farm. This was to be provided on land north of the railway in the 2010 Master Plan upon which public consultation took place in Summer 2010 and which also included provision north of the railway for a bus based park and ride scheme and rail halt.
- j) As part of the evolution of the Masterplan various access strategies were considered and these are outlined in section 4.3.13 onwards. Two options were explored with option 2 (paragraph 4.3.16 onwards) considered to provide the greatest benefit since it notably proposes the closure of the entire section of Purton Road along the southern boundary.
- k) As required the EIA considers the “no development scenario” and takes the stance that based on the conclusions of the Structure Plan Examination in Public Panel (1997) that the Ridgeway Farm site was the most sustainable and appropriate location for necessary development requirements, The applicant believes therefore that it is preferable to develop the site for residential development rather than leave it in its present “sub-optimal” use.

### **13. Status of the Development Plan**

- a) Throughout the determination of this planning application, the planning system itself has been in a state of flux and is likely to continue to do so following the consideration of this

application by the Committee and during its consideration at Inquiry scheduled for May 2012.

- b) Some seven months prior to the submission of the application which is the subject of this non-determination appeal, in May 2010, the Secretary of State for the Department of Communities and Local Government (DCLG) announced the Government's intention to "rapidly abolish Regional Strategies and return decision making powers on housing and planning to local authorities. Consequently decisions on housing supply (including the provision of traveller's sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.
- c) Subsequent to that, advice to Chief Planning Officers from Steve Quartermain was issued on 10 July 2010 advising that:

*In determining planning applications local planning authorities must continue to have regard to the development plan. This will now consist only of:*

- *Adopted DPDs;*
- *Saved policies; and*
- *Any old style plans that have not lapsed.*

- d) Local planning authorities should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration depending on the facts of the case.
- e) Following a successful legal challenge to the Secretary of State's announcement further advice was issued in a letter to Chief Planning Officers from Steve Quartermain on 10 November 2010:

*"The effect of this decision is to re-establish Regional Strategies as part of the development plan. However the Secretary of State wrote to Local Planning Authorities and to the Planning Inspectorate on 27 May 2010 informing them of the Government's intention to abolish Regional Strategies in the Localism Bill and that he expected them to have regard to this as a material consideration in planning decisions.*

- f) A subsequent legal challenge on this advice was dismissed early in February 2011 with the effect of confirming that the intention to revoke regional strategies is a material consideration in the determination of planning applications.

g) In his judgment the Judge:

- concluded the Statement and the letter of 10 November which propose changes to the composition of the development plan by way of new legislation could amount to a material consideration for the purposes of S70(2) TCPA 1990 - just as prospective changes to the relevant policy framework might be regarded as material (e.g. draft Circulars, draft PPSs or draft development plan documents);
- emphasised the Statement and letter of 10 November do not encourage local planning authorities to behave in any way that is inconsistent with the plan led system and the requirement to determine an application in accordance with the development plan unless material considerations indicate otherwise;



- stated that local authorities are not encouraged to assume that regional strategies are already revoked, rather that when making decisions local authorities must take into account the fact that they are intended to be revoked.

h) Paragraph 54 of the CALA II judgement confirms that the Government's intention to reform the composition of the development plan should be treated as a material planning consideration and is clear that:

***“...the weight to be given to it will always depend on the decision makers own judgement.”***

i) A further appeal against the judgement was also dismissed in May 2011 (CALA III)

j) In March 2011 Steve Quartermain issued another letter to Chief Planning Officers in respect of “Planning for Growth”. This followed a Written Ministerial Statement by Greg Clarke on 23 March 2011 “Planning For Growth” which set out the Governments’ commitment to reforming the planning system so that it promotes sustainable growth and delivers jobs. The statement was confirmed by Steve Quartermain as a material consideration in development management decisions by Local Authorities.

k) This was further confirmed in a letter issued by the Planning Inspectorate to its Inspectors dated 31 March 2011 which stated:

***“Inspectors should, in relevant casework, have careful and full regard to the principles in Greg Clark’s statement that significant weight should be attached to the need to secure economic growth and employment.”***

l) Following on from this, with the Governments Localism Bill progressing in the background, July 2011 saw the publication of the draft National Planning Policy Framework (NPPF) for public consultation.

m) The NPPF places at the heart of the planning system, a presumption in favour of sustainable development in plan making and decision taking, encouraging Local Planning Authorities to plan positively for development and approve all individual proposals wherever possible:

n) Paragraph 14 states:

***“Local planning authorities should:***

- ***prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes***
- ***approve development proposals that accord with statutory plans without delay; and***
- ***grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.***

***All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.***

- o) Advice subsequently issued to Planning Inspectors from The Planning Inspectorate the same day the NPPF was published and later revised on 8 September 2011 confirmed:

***“The draft NPPF is likely to be referred to by the parties in current appeal and development plan casework. It is a consultation document and, therefore, subject to potential amendment. It is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.”***

- p) Inspectors were further strongly advised to familiarise themselves with the contents of the NPPF and the impact assessment in Part B of the NPPF which relate to changes to national planning policy. For the purposes of decision making it is considered that limited weight can be given to the NPPF at this juncture.
- q) In December 2011, the Localism Act received parliamentary assessment. The Act includes the provision for the Secretary of State to revoke saved Structure Plan policies and Regional Spatial Strategies. At present there is no timeframe for the revocation of adopted Structure Plans and adopted RSS's, but it can be assumed that it will be sooner rather than later and may have occurred by the time of the Appeal Inquiry.
- r) This is of particular significance to this application since the Wiltshire and Swindon Structure Plan (WSSP) 2016 and the relevant saved policies (specific to this site Policies DP3, DP4 and DP10B) form part of the adopted development plan framework.
- s) It is important to note that the draft Regional Strategy for the South West 2026 is not part of the development plan framework as it has never been adopted and is only a material consideration
- t) The relevant Wiltshire and Swindon Structure Plan 2016 (WSSP) policies all relate to the development strategy for the west of Swindon, the level of growth over the plan period including housing provision at Swindon and explicit policy coverage for the western side of the Swindon Principal Urban Area.
- u) Thus at this juncture the saved policies of the Structure Plan will remain as part of the development plan until such time as they are fulfilled or superseded by the adopted Core Strategy or other subsequent Local Development Plan Document.
- v) This reflects a recent decision by the Secretary of State (Appeal by O and H (Q6) Limited, land south of Newton Leys, Milton Keynes in which it was stated at paragraph 9 of his letter:

***“The Secretary of State considers that the revocation of Regional Strategies has come a step closer following enactment of the Localism Act on 15 November 2011. However, until such time as the SEP is formally revoked by order, he has attributed limited weight to the proposed revocation in determining this appeal.”***

- w) However, notwithstanding this recent decision, the relevance of the Structure Plan as an evidence base is considered by the Council to be diminishing since the evidence base is now at least six years out of date, and the underpinning housing numbers are based on the RPG10 requirement which were calculated in the late 1990's, and the climate of housing growth and boom have rescinded.

- x) In this respect, of relevance is the Inspectors decision in respect of the Wainhomes Brynards' Hill appeal which was for 50 dwellings (reference 10/03055FUL).
- y) For that appeal the Council advanced a case in respect of 5 year land supply that there was between 22 and 40 years deliverable housing land supply for the former North Wiltshire area and the "North Wiltshire Rest of District" sub area and when considered against the 2016 Structure Plan.
- z) In considering the use of the Structure Plan figures the Inspector commented at paragraph 21:

National planning policies for housing have also changed since 2001. The principal aim of PPS3<sup>4</sup> is to bring about a step-change in housing delivery, through a more responsive approach to land supply at the local level. Amongst other things, PPS3 reflects the Government's commitment to improving the affordability and supply of housing based upon concepts and principles that include market responsiveness and a robust evidence-based policy approach. The Government's objective is to ensure that the planning system delivers a flexible, responsive supply of land for housing. In those situations where a 5 year housing supply can be demonstrated, PPS3 does not impose a ceiling or limit on the level of housing provision. I agree with the Inspector who determined the appeal for 100 houses on adjoining land in 2010, that the SP housing figures do not reflect this step-change in housing delivery.

and paragraph 22:

In 2008, the former Secretary of State's Proposed Changes to the RSS were published. I note the Council's arguments that these Changes were based on work that was carried out more than 5 years ago in very different economic circumstances. However, the evidence base is more up-to-date than the one which underpins the SP housing requirements. The Proposed Changes are also based on the most recently publicly examined housing figures. As noted by the Secretary of State in a decision at Avonmouth (APP/Z0116/A/10/2126342), these Changes are a material consideration which has some weight in determining applications and appeals. The Council's argument that the housing requirements of the development plan are the start and end point for determining this appeal is untenable.

- aa) The Inspector confirmed that when considered against the "more up to date " figures used in the draft Regional Spatial Strategy there was less than a 5 year supply of deliverable housing land.
- bb) Since that appeal, the Council have advanced the Wiltshire Core Strategy with the production of the Wiltshire Core Strategy Pre-submission Draft which was considered by Cabinet on 17 January 2012. Subject to Full Council approval on 7 February 2012, formal consultation will be undertaken on the Draft Wiltshire Core Strategy prior to it being submitted to the Secretary of State for Examination, which is programmed for July 2012.
- cc) It is considered that the evidence based used in the emerging Core Strategy now reflects the "more up to date and robust" basis for consideration of deliverable housing land.

dd) The Wiltshire Core Strategy does not take forward any suggested allocation west of Swindon, rather it states the following at paragraph 5.99:

***“Specific issues to be addressed in planning for the Royal Wootton Bassett and Cricklade Community Area, include:***

- ***the long established policy of protecting the distinct character and identity of the villages and settlements remains a priority for local communities. This applies particularly to the parts of the community area which adjoin the administrative area of Swindon Borough Council where there may be unplanned development pressure. The open countryside should be maintained to protect the character and identity of the area in accordance with Core Policy 51. The local community may also wish to consider this matter further in any future community-led neighbourhood planning work”***

Additionally:

***“5.101 Although Swindon falls within a separate administrative area, its proximity to the Royal Wootton Bassett and Cricklade Community Area, means that planning for future growth in Swindon should be considered holistically and with appropriate cooperation between neighbouring authorities and involve the Wiltshire and Swindon Local Enterprise Partnership.***

***5.102 The strategy for future growth in Swindon is to support the most sustainable pattern and scale of development, ensuring that the level of new housing is more balanced with employment opportunities, to ensure Swindon is more self-contained and the need for commuting is reduced.***

***5.103 A comprehensive assessment of potential development sites around Swindon has been conducted jointly between Wiltshire Council and Swindon Borough Council to identify the most sustainable locations for development. These are outlined in the emerging Swindon Core Strategy***

***5.104 Furthermore, the emerging Swindon Core Strategy seeks to protect the countryside for its intrinsic character and beauty in accordance with Policy RA 3. This approach is consistent with the Wiltshire Core Strategy (Core Policy 51).”***

ee) The Study outlines which sites have been assessed and concludes that development to the West of Swindon, including within the Royal Wootton Bassett and Cricklade Community Area, is unnecessary and does not represent the most sustainable option for future growth in Swindon. However, there is a permitted site at Moredon Bridge, on the west of Swindon and an explicit allowance of 200 homes has been made for this development within the housing requirement.

ff) As the West of Swindon Structure Plan allocation and the draft RSS allocation were made on the basis of providing for the sustainable growth of Swindon, it is also reasonable to consider the application in the context of Swindon Borough Council’s measures to accommodate its growth.

gg) The Swindon Borough Core Strategy (SBCCS) Revised Proposed Submission Draft was the subject of public consultation in June 2011. Prior to its’ submission for formal examination, the SBCCS will be the subject of further consideration and potential amendment, not least given the publication of the National Planning Policy Framework in

July 2011. It is anticipated that the Core Strategy will be the subject of an examination in late 2012/early 2013 with adopted expected in the spring of 2013.

- hh) Of relevance, Policy NC5 of the emerging SBCCS allocates land at Tadpole Farm for a mixed use development to provide 1700 dwellings, 5 hectares of land for B use class employment together with a mixed use local centre and primary school as well as other on and off-site facilities and contributions. This allocation and the numbers of dwellings proposed reflects Swindon Borough Council's own "up to date and robust" evidence base.
- ii) At the time of writing this report, the Borough Council is considering a planning application for this development and it is anticipated that a recommendation and/or decision will be made on the application in Spring 2012.
- jj) On the basis of the Governments clear intention to revoke both Structure Plan and Regional Spatial Strategies' policies, it is considered that the policies contained within these documents whilst remaining a material consideration, must carry limited weight. The policies contained within the emerging Core Strategies of both Wiltshire Council and Swindon Borough Council whilst not forming the development plan for the purposes of S38(6) of the Planning Act 2004, are material considerations to which more weight should be attached than those documents now out of kilter with the current thrust and direction of Government thinking.

#### **14. Principle of development**

##### Wiltshire and Swindon Structure Plan 2016 – adopted April 2006

- a) Notwithstanding that it is considered that the Wiltshire and Swindon Structure Plan 2016 carries limited weight in the decision making process, it is considered appropriate to review the relevant policies of that document to set a policy background which puts the proposed development into context.

- b) Policy DP3 relates to the development strategy for the plan area and in the context of Swindon states:

**DEVELOPMENT SHOULD PRIMARILY BE FOCUSED AT THE SWINDON PRINCIPAL URBAN AREA TO SUPPORT AND ENHANCE ITS ROLE AND FUNCTION AND THE REGENERATION OF THE CENTRAL AREA.**

- c) The WSSP 2016 (para. 4.80) is clear that:

*“development that directly adjoins the PUA, particularly that proposed by Policies DB10B and 10C, is regarded as development at the PUA and once it has received planning permission or has been defined in an adopted Local Development Document should form part of the PUA.”*

- d) Policy DP4 sets out the level of housing and employment growth to be provided within Wiltshire and Swindon over the plan period to 2016. This includes the following housing provision at Swindon:

- Swindon principal urban area - 24,000

- e) In addition, Policy DP4 also states that:

**PROVISION SHOULD ALSO BE MADE FOR 1,000 DWELLINGS AT THE PRINCIPAL URBAN AREA AT THE WESTERN SIDE OF SWINDON IN ACCORDANCE WITH POLICY DP10B.**

- f) Policy DP4 is clear that the distribution of housing for the PUA consists of 24,000 dwellings to be located at Swindon within Swindon Borough, with a further 1,000 dwellings to be delivered as an urban extension or extensions to the western edge of Swindon. Paragraph 4.35 of the WSSP 2016 states that:

***“The western edge of Swindon falls within the jurisdiction of both North Wiltshire District Council and Swindon Borough Council and until the outcome of the joint study required to be undertaken by Policy DP10B is known, it will be unclear which local authority area provision should be made in. It is possible that the provision may be split between both areas rather than provision being made in just one.”***

- g) Policy DP10B provides the explicit policy coverage for this proposal by requiring development to take place at the western side of the PUA and states:

**AT THE WESTERN SIDE OF THE PRINCIPAL URBAN AREA PROVISION WILL BE MADE FOR 1,000 DWELLINGS TO BE IDENTIFIED IN LOCAL DEVELOPMENT DOCUMENTS FOLLOWING A JOINT STUDY BY THE LOCAL PLANNING AUTHORITIES. POLICIES IN THESE LOCAL DEVELOPMENT DOCUMENTS WILL ENSURE:**

**A) THE PROVISION OF PUBLIC TRANSPORT LINKS FROM THE FIRST PHASE OF ANY NEW DEVELOPMENT;**

**B) THE PROTECTION OF NATURE CONSERVATION INTERESTS; AND**

**C) PROTECTION OF THE STRATEGIC LANDSCAPE.**

- h) Policy DP10B requires both planning authorities (i.e. Swindon Borough Council and the former North Wiltshire District Council) to identify suitable location(s) for development through the appropriate Local Development Document (LDD) following preparation of a joint study.
- i) To date there is no adopted or emerging LDD which specifically addresses the requirement of Policy DP10B and importantly, in the light of the emerging Core Strategies of both Council's nor is there any intention to, as the strategic context for this policy will be removed with the revocation of the Structure Plan.
- j) However, work was undertaken by both authorities in light of the Structure Plan and more recently the draft Regional Spatial Strategy in order to consider how the requirements within these documents for development on the west of Swindon could have been met. This is discussed below in the next section of this report.
- k) Policy DP13 provided the scope for the extent to the Rural Buffer to be determined by the Local planning authorities through their respective Local Plans. Paragraph 4.107 of the supporting text to Policy DP13 required the Local Plans to define an area for each settlement that is essential to maintaining its physical separate identity and distinctive character.
- l) The Wiltshire and Swindon Structure Plan 2016 at Paragraph 4.108 requires that:

***“The extent of a settlement's buffer will need to allow for the completion of the Northern Development Area, the Southern Development Area, University***

***development at Commonhead and urban extension(s) proposed on the western side of Swindon as required by Policies DP10A, DP10B and DP10C.”***

- m) If, as suggested above, the need to provide for the west of Swindon allocation falls away given the limited weight to be attached to the soon to be revoked saved Structure Plan policies, then the proposed development would clearly fall in an area of the countryside which should be protected from inappropriate development since policy considerations regarding coalescence of settlements remain valid. The principles behind the rural buffer remain in place within the emerging Wiltshire Core Strategy.

North Wiltshire Local Plan 2011

- a) The North Wiltshire Local 2011 (as saved) (NWLP) was adopted in June 2006 and was prepared in compliance with the Wiltshire and Swindon Structure Plan 2011. The plan was subsequently considered to be in general conformity with the policies contained within the WSSP 2016. The main (but not sole) policy considerations are as follows:
- b) Core Policy 1 is intended to ensure sustainable patterns of development are achieved. In respect of this policy this proposal should seek to:
- i) Promote socially inclusive communities and their access to community infrastructure;
  - ii) Promote or maintain the quality of the natural and historic environment; and
  - iii) Demonstrate the prudent use of natural resources and incorporate, where relevant, recycling, renewable energy and energy conservation measures.
- c) Compliance with this condition is considered elsewhere within this report.
- d) Core Policy 2 seeks to ensure the provision of directly related community infrastructure appropriate to the scale of the development and should contribute to the community infrastructure requirements which include:
- Affordable housing
  - Education
  - Travel and transport infrastructure
  - Community buildings and facilities
  - New / improved public open space
- e) This list is not exhaustive and the proposal is required to demonstrate how the requirements of this policy in compliance with Circular 05/05 Planning Obligations and Community Infrastructure Levy 122 has been met. Consideration of S106 requirements is considered later in this report.
- f) Policy NE2 relates to the Rural Buffer was intended to strictly control development located within the Swindon Rural Buffer with the key objectives of avoiding coalescence of settlements, in response to requirements of WSSP 2011 Policy DP13.
- g) Although Policy DP13 was retained in the WSSP 2016 under the transitional arrangements to the new planning system in the Planning and Compulsory Purchase Act 2004, Local Plan Policy NE2 no longer forms part of the development as this was policy was deleted by the Secretary of State in accordance with paragraph 1(3) of the Act.
- h) In the absence of any justification/need for the development it can only be concluded that the proposal would result in the unnecessary loss of countryside.

- i) In accordance with Policy NE7 development that is likely to have an adverse effect on Wildlife Sites or a Local Nature Reserve will not be permitted unless it can be clearly demonstrated that there are reasons to outweigh such designations.
- j) Policy NE13 requires that development is only permitted where it does not prejudice the implementation of the Great Western Community Forest Plan (dated 1994). The Plan does not necessarily preclude appropriate development that would be acceptable in terms of other policies, but seeks consideration of various matters. These matters are discussed in further detail below in respect of ecology and green infrastructure.
- k) Policy NE15 is intended to ensure that development does not adversely affect the character of an area and features that contribute to local distinctiveness.
- l) Development (where appropriate) in rural areas shall contribute to sustainability, be well designed, in keeping and in scale with its location and sensitive to the area's landscape character and local distinctiveness.
- m) The issue of effect on the landscape character is considered later in this report.
- n) New housing in the countryside is permitted by Policy H4 on the basis that it is for an agricultural, forestry and rural business workers dwelling or a suitable replacement dwelling. This proposal is clearly neither and thus fails this policy as a matter of principle.
- o) Policy T1 relates to the need to minimise travel through design and location. Housing development should be accessible to jobs, education and health facilities, shopping, leisure and local services. Where these sustainable requirements are met, development proposals are to be permitted.
- p) The sustainability credentials are considered later in this report.
- q) Travel Plans and Transport Assessments are the subject of Policy T2. Such documents are formally required via this policy to be submitted (where relevant thresholds met or otherwise necessary) and where proposals demonstrate no adverse impact, planning permission will be granted.

## **15. West of Swindon Background**

- a) WSSP 2016 Policy DP10B requires a joint study to be undertaken by the local planning authorities to identify the most sustainable location(s), adjacent to Swindon for an urban extension or extensions west of Swindon for 1,000 dwellings. The outcome of the study was to be identified within the authorities' Local Development Documents or in a joint Local Development Document. (Paragraph 4.87).
- b) In response to Policy DP10B North Wiltshire District Council in partnership with Swindon Borough Council commenced the production of the West of Swindon Joint Study (Spring 2006). However the progress of this specific study was halted in order to respond to the increased housing requirements contained within the draft Regional Spatial Strategy (RSS), published June 2006. As a result this study was incorporated into the wider Swindon Small Scale Urban Extension Study (SSUES) 2008 which formed a technical evidence document supporting both the emerging Swindon and Wiltshire Core Strategy Development Plan Documents.



The Swindon Small Scale Urban Extension Study (SSSUES) – Jan 2008

- c) The SSSUES was an analysis of potential locations for development to meet the housing requirements identified through the draft RSS (June 2006). Referring to the western edge of Swindon this required housing provision to be made for 2,000 dwellings within the Borough and a further 1,000 dwellings adjacent to Swindon but within the former North Wiltshire District.
- d) In order to facilitate a more detailed assessment of the study area, the urban fringe of Swindon was broken down into cells. Each cell was tested for a variety of potential options comprising 200, 500, 1,000 and 2,000 dwellings. This was for the sole purpose of testing growth and not for specifying site specific capacity.
- e) The SSSUES concluded that in order to meet the requirements of the draft RSS (June 2006) the following development scenario is recommended.

Location	Number of Dwellings
<b>Swindon Borough (2,000 dwellings)</b>	
Tadpole Farm	1,500
Kingsdown	500
<b>North Wiltshire District (1,000 dwellings)</b>	
Ridgeway Farm / Moredon Bridge	1,000
<b>Total</b>	<b>3,000</b>

- f) Tadpole Farm is situated within the identified area of search for Policy DP10B (Cells G and H of the Swindon PUA Study). The SSUES concluded that “Tadpole Farm emerged as the most sustainable location in the study area to accommodate development and should therefore be the priority site.” (Paragraph 4.6).

g) The study also identified land at Ridgeway Farm and Moredon Bridge as the location suitable to meet the RSS requirement for 1,000 dwellings in North Wiltshire adjacent to Swindon. Commenting on the development area at Ridgeway Farm and Moredon Bridge the SSSUES concluded that this area is:

“.... very accessible to existing services and facilities and provided the development is contained to the east of Purton Road, could be accommodated without a significant contribution to coalescence between Swindon and any of the surrounding villages or strategic landscape impact.”

- h) In terms of the environmental considerations (this relates to both the natural and built environment), Cell D of the SSSUES (within which Ridgeway Farm falls within) does not perform as well as Cell G (Tadpole Farm), this is largely the result of concerns surrounding the impact on the strategic landscape to accommodate growth above 1,000 dwellings on land south of the railway. However the SSSUES recognised that:

*“The fields to the south of Cell D [the location of this proposal] would provide the opportunity to integrate with the existing urban area without impacting too heavily upon local strategic landscape. There would also be capacity south of the railway line to accommodate a development scenario above 500 dwellings, provided that an element of strategic planting was provided to reduce the impact from the north. It should be acknowledged here that the local landscape impact of development here would be severe. There is not capacity to accommodate the full*

*development scenario of 1,000 dwellings without extending beyond the topography that contains the site around Purton Road.” (Paragraph 3.29).*

- i) The SSUES therefore recognised the potential negative impact of Cell D on the strategic landscape and also the potential to cause coalescence for large scale development i.e. 1,000 dwellings with outlying settlements but acknowledged that:

*“There would appear significant capacity subject to mitigation to provide a minimum of 500 dwellings at this location. The capacity of the site is more likely to be around 700-800 dwellings.” (Paragraph 3.37)*

- j) Finally the SSUES recognised that:

*“Further detailed work needs to be undertaken to identify the exact scale of development that could be accommodated considering environmental constraints and it may be the site can only deliver around 800 dwellings. The majority of development would need to be concentrated to the south west of the railway line with only a small proportion of development land located on high ground at either side of Purton Road to the north and east of the railway.” (Paragraph 4.5, Page 60)*

- k) In summary, the SSUES acknowledged that land at Tadpole Farm represented the most sustainable development option to deliver the housing requirements identified through the draft RSS (June 2006). An assessment of the SSUES findings also demonstrates that the Ridgeway Farm site is a suitable location for development to meet the additional requirements of the emerging RSS.

#### The West of Swindon Study Update – Feb 2009

- a) The West of Swindon Study Update, built on the SSUES, focused on the specific requirement identified through the Proposed Changes version of the RSS (July 2008) to assess development options for 3,000 dwellings to the west of Swindon within the former North Wiltshire District. This Study Update concluded that a combination of sites (Moredon Bridge, Ridgeway Farm and The Pry) represented the best option for development to meet this need.
- b) In respect of the application site, the Study Update concluded that “Development on land at Ridgeway farm and Moredon Bridge would read as a logical urban extension to Swindon and could be brought forward in the short-term which would provide an early phase of development”. (Paragraph 6.12)
- c) This document was subject to public consultation between February and April 2009, the findings of this consultation were subsequently used to inform the Wiltshire 2026 consultation document.

#### Wiltshire 2026: Planning For Wiltshire’s Future, October 2009

- a) The Wiltshire 2026: Planning for Wiltshire (A consultation document to inform the Wiltshire Core Strategy) document was subject to public consultation between 30 October 2009 and 31 December 2009. As part of the supporting evidence a ‘West of Swindon Background Paper’ was produced that outlined the background to the various studies undertaken to identify suitable and sustainable development options at the west of Swindon in accordance with the Proposed Modification version of the draft RSS.
- b) This document carried forward the best option for development at the west of Swindon identified through the West of Swindon Study Update; a combination of the sites of

Ridgeway Farm, Moredon Bridge and land at Pry Farm. It should be noted here that development options at the Pry reflected the higher housing numbers identified through the Proposed Modifications version of the RSS which required an additional 2,000 homes to be provided for at the west of Swindon, increasing the total requirement to 3,000 dwellings.

- c) During the course of this consultation a number of concerns were raised which will need to be addressed if this proposal is taken forward in order to ensure the delivery of a successful, suitable and sustainable development. Many of the concerns raised reflected the overall scale of <sup>1</sup>development (3,000 homes) and focused primarily on The Pry Farm area identified as part of the Option. However, a number of issues also related to Ridgeway Farm were identified, many of which have been considered already or are considered in the remainder of this report.

## **16. Housing Need and 5 year land supply**

- a) As confirmed above the most up to date identification of need is obtained via the respective emerging Core Strategies for Wiltshire and Swindon.
- b) Regardless of the figures contained within the soon to be revoked Structure Plan (1,000 dwellings) or the most up to date figures contained within the Swindon Borough Core Strategy), PPS3 (paragraphs 60 and 71) as well as emerging National Planning Policy Framework (paragraph 109) require a 5 year supply of housing land.
- c) Regardless of the figures contained within the soon to be revoked Structure Plan (1,000 dwellings) or the most up to date figures contained within the Swindon Borough Core Strategy, PPS3 (paragraph 60) as well as emerging National Planning Policy require a 5 year supply of housing land paragraph 109).
- d) In terms of assessing supply, it is understood that 350 dwellings would be completed on Tadpole Farm by 2015/2016 (end of Structure Plan period), assuming planning permission can be achieved early 2012.
- e) Together with the Moredon Bridge commitment of 200 dwellings, this means that in terms of the out of date Structure Plan requirement at West of Swindon, just over half of that requirement in Policy 10B could be delivered by 2016.
- f) However, this would leave a shortfall of at least 450 dwellings, which subject to achieving planning permission the Ridgeway Farm site could deliver.
- g) The up to date position shows that having regard to the completions achieved at Swindon (within the Borough) to March 2011 a 2.6 to 2.9 years deliverable supply of housing land can be demonstrated compared to the Wiltshire and Swindon Structure Plan 2016 requirement, which is in conformity with RPG10, the adopted Regional Spatial Strategy for the South West. The difference in figures depends on whether the requirement in Policy DP10B is included or not. This compares to 2.5 years when assessed against the figures within the Proposed Modifications to the Regional Spatial Strategy for the South West (2008).
- h) PPS3 states at paragraph 71 that where Local Planning Authorities cannot demonstrate an up to date five year supply of deliverable sites, they should consider favourably

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<sup>1</sup> The Proposed Changes to the RSS increased the proviso adjacent to Swindon in North Wiltshire District from 1000 as in the draft RSS (2006) to 3000 dwellings.

planning applications for housing having regard to the policies within the PPS including the considerations in paragraph 69.

- i) Paragraph 69, is considered to be of exceptional importance and states:

*“In general, in deciding planning applications, Local Planning Authorities should have regard to:*

- Achieving high quality housing.*
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- The suitability of a site for housing, including its environmental sustainability.*
- Using land effectively and efficiently.*
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.*

#### *Achieving high quality housing*

- I. This can be achieved via reserved matters applications. Based on the evidence contained within the Design and Access Statement there is no doubt that high quality housing could be provided on this site.

#### *Ensuring a good mix of housing*

- II. The evidence presented shows a mix of houses will and can be provided. There is the potential for extra care to be provided and this is currently the subject on going discussions surrounding the S106 requirements. If such housing were not be provided the mix would not be diminished to an unacceptable level.

#### *The suitability of the site for housing including its environmental sustainability*

- III. The site has been included within an area of search as part of studies outlined above. However, whilst there are no site specific constraints that cannot be effectively mitigated via condition or legal agreement, the site does not perform well in sustainability terms either as a development proposal in its own right or in locational terms as will be discussed in this report. Further it was identified as not being as sustainable as Tadpole Farm, the site to the north east of the site wholly within Swindon Borough Council’s administrative area, which was the preferred option for accommodating the dRSS growth and continues to be the preferred option in the Swindon Borough Core Strategy.

#### *Using land effectively and efficiently*

- IV. The development proposes development no less dense than 30dpha and nor more dense than 50 dpha. Generally the predominant density ranges across the site fall within the 40 dpha.
- V. It cannot be said that the development site is not making efficient use of land in pure density terms. However, the proposals lack any community element other than a school and for this reason, as confirmed above and to be elaborated later in this report, the development is not considered to be sustainable. As a comprehensive development in the form of an urban extension it is considered that this objective has not been met.

*Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.*

- VI. From the above sections of this report, the proposed development is not in line with emerging spatial strategies which are considered to carry more weight than the soon to be defunct Structure Plan and dRSS. For this reason, it can only be concluded, that notwithstanding that there is no 5 year land supply either in respect of Policy 10B west of Swindon or in Swindon Borough, the proposal would significantly undermine the emerging policy objectives and be clearly at odds with the direct of travel emanating from the coalition Government at this juncture.
- VII. The lack of a five year land supply should not be the decisive sole factor in considering residential development proposals such as this. Particularly when emerging the National Planning Policy Framework, which will supersede PPS3 in due course, only makes a presumption in favour of that development which is sustainable (paragraph 14).

## **17. Prematurity**

- a) Based on the evidence outlined above in this report in respect of the diminishing, if not diminished weight that can be attached to the Structure Plan and the policies contained therein as well the draft RSS, any decision to approve this proposal would be premature to the emerging Core Strategies of both Councils, both of which are to be the subject of examinations later this year with adoptions expected late 2012/early 2013. In respect of this application, prematurity is not the sole reason for refusal and consequently it is considered to be valid to present this as a reason for refusal alongside other. A decision along these lines would be wholly consistent with the *Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010]* and *R (on the application of Cala Homes (South) Limited) v Secretary of State for Communities and Local Government and another [2011]* decision.

## **18. Development form including affordable housing**

- a) Whilst the Design and Access Statement that the local characteristics of Purton, Cricklade and Peatmore/Sparcells are to be utilised in providing an important urban design and architectural reference point for the proposed development, it is reasonable to confirm that the site is an urban extension to Swindon, being physically and visually divorced from these places.
- b) This is confirmed in paragraph 4.2 of the Design and Access Statement which outlines the key aims of the Ridgeway Farm urban extension.
- c) The development proposes a mix of terraced, semi-detached and detached dwellings. Low-rise apartments are to be limited in number and distribution. The site proposed to be divided up into character areas as a tool in the design of urban extensions to aid orientation, legibility, provide visual interest in the streetscape and establish a sense of identity.
- d) A total of four character areas or quarters are proposed defined in relation to their landscape character and setting: Valley Quarter, Ridgeway Rise Quarter, Moredon Bridge Quarter and the Urban Square Area.

- e) The development will provide a range of 2-3 storey buildings across the site with the latter limited to the Urban Square Area. This Area will also accommodate the most dense development of between 45-50dpha and the school is proposed to relate to this area thus making it the focal point for the development in solely urban design terms and in the interests of legibility and identity.
- f) Typically lower densities of 35dpha are proposed on the western and eastern part of the site where the development adjoins the countryside with a density of 30dpha proposed on those most sensitive interfaces of the site responding to the landscape and ecologically important areas.
- g) Affordable housing is required for the development with current policy seeking 30% provision on the site. In line with the Council's objectives of seeking the provision of specialist housing to cater for the more vulnerable members of our communities, discussions have taken place seeking the provision of extra care housing on this site to meet demand in the area. Whilst at this time such provision has not been secured via any legal agreement, it is hoped to take the form of some 45 units with some communal facilities for use of the residents in that accommodation. Negotiations are ongoing at this time. In this respect, so as to not prejudice its provision at a future date, the illustrative masterplan provides sufficient flexibility to enable such a form of accommodation to come forward via reserved matters applications without representing a departure from the outline scheme.
- h) The diverted B4553 as well as serving the development will still need to act as a major through route, carrying significant numbers of HGVs from Swindon to the commercial & waste disposal operations north of Purton and the Chelworth commercial area at Cricklade. It will be a difficult balancing act to ensure that adequate capacity is provided whilst at the same time ensuring that speeds will be restrained to a level appropriate to the urban environment. The statement that the provision of pedestrian crossing points will keep speeds down is, considered to be optimistic.
- i) The structure of the road network creates a vehicular dominant environment which is not conducive to an integrative, connective urban structure. The distributor route has not been incorporated into the development, provides few direct connections, little activity and does not change the form of the Purton Road enough to reduce speed. This concern is compounded by being edged with incidental green open space which will contribute negatively to speed management,
- j) The proposed urban square and contrived junction arrangement between the new Purton Road and extended Swinley Drive is considered to lead to conflict in turning movements and represents a highway safety concern. It appears at present to be more of a design feature than a 'place' as the adjoining land uses suggested will not generate significant levels of pedestrian activity. When considering alternatives to the proposed arrangement in transport terms there are little highway options that would not preclude the provision of the re-routed Service 19 bus. Advice from Thamesdown Transport suggests that the service can be extended but only if the development is free from traffic calming or frontages, which could also be reasonably extended to on street parking.
- k) The road long sections indicate significant areas of cut and fill. In particular it appears that the "urban square" and a sizeable length of the approach roads will be above existing ground levels. It is essential that the road is well integrated with the surrounding area and the proposed levels may make this difficult. In addition there is a length of the B4553 with a very shallow gradient. Consideration should be given to designing the roads more in line with existing contours even though this may entail steeper gradients.

- l) Careful consideration needs to be given to pedestrian and cycle routes to ensure that road crossing points are located on desire lines. This does not appear to be the case on the Master Plan where deviations from desire lines would be necessary.
- m) As present it is not considered that the details submitted in respect of the roads is adequate and amendment to address the above points, or justification of the design criteria, needs to be submitted and negotiations continue to seek to resolve this issue prior to any public inquiry.

## **19. Impact on highway network**

- a) The sites Principle Urban Area is Swindon, with broad cultural, leisure, employment and retail opportunities. The site connects primarily in terms of desired destinations, proximity and road connections to Swindon. As would be expected, given the location of the site, the main impact from the development falls within Swindon.
- b) The submitted Transport Assessment is based on Swindon's 2006 SATURN model (updated in 2010) for the area and has assessed the impact on the wider network as well as the more local routes. The modelling as submitted during the course of the application can be described as agreed by all parties in September 2011. The model indicates that the effect on Wiltshire roads is only marginal, with some roads showing small increases in traffic and others showing small decreases. Clearly the alterations to the route of the B4553 have some effect on the routing of existing traffic. The model shows that very little traffic from the development will be heading towards Royal Wootton Bassett or M4 Junction16.
- c) There is no evidence to disprove the results of the Transport Assessment and thus its findings are supported. It is accepted that the roads to the west of the development currently experience peak period traffic problems but the development cannot reasonably be expected to address the totality of capacity issues. Informal advice has also been taken from Counsel in this respect and it has been concluded that in the absence of sound evidence to the contrary of the applicants/appellants Transport Assessment, a refusal reason on highways impact grounds in respect of the strategic or local highways, cannot be advance within the risk of a significant cost application by the appellant.
- d) It is considered that the amendment to the original proposal for the closure of Purton Road, limiting the closure to that section east of Swinley Drive will benefit the local residents.
- e) There have been concerns expressed that the development would cause an increase in the numbers of school buses passing through the nearby communities taking pupils to Braden Forest School. That school is the nearest secondary school to the site and it is assumed that pupils will be provided with free bus transport to it. Historically the school has taken a significant number of pupils from the Swindon area because of a lack of local provision. Those numbers are dropping off and pupils from the new development would simply displace these with no increase in the number of buses.
- f) The concerns expressed by Swindon Borough Council (SBC) about the effects on their highway network are noted and regarded. Mead Way is already operating at capacity during peak periods and the Transport Assessment does not indicate significant increase in traffic along that route. This can only mean that traffic from the development is causing traffic from other areas to divert on to alternative routes, generally through unsuitable

residential areas. Swinley Drive is modelled to experience a 88% increase in southbound traffic during the am period from 80 to 150 pcu's (passenger car unit).

- g) SBC further state that they have received letters of concern from residents prior to the submission of the application about speeding, safety issues and affect on severance. These concerns have been echoed by public representations received on this application. Swinley Drive can be described at present as a collector road for a residential area, it has frontage development and dissects routes to local amenities at Peatmoor Village centre such as the Primary School. However, these are primarily residential amenity concerns and not a reason to substantiate a reason for refusal based on highways impact.

## **20. Sustainability of the site and development proposals**

- a) The site itself will provide very few local facilities, limited only to a primary school with some, as yet undefined, community use. Although a medical facility has been suggested, this is not wanted by the PCT who wish to improve existing, off site, facilities.
- b) Thus the development will rely heavily on existing facilities elsewhere.
- c) The sustainability issue has been explored fully with Swindon Borough Council's officers and the applicant/appellant which also prompted the submission of a Sustainability Addendum in.
- d) In addressing transport issues in the Sustainability Addendum, reference is made to guidelines published by IHT in 2000 and also to suggested walk distances in PPG13. There are also plots derived from "Accession" modelling. The IHT guidelines predate the advice contained with RPG10, whilst the PPG13 reference is that distances below 2km offer the *greatest potential* for modal change to walking. However it is not clear whether the plots make any allowance for the time taken to cross roads, although this is likely to make only a minor difference as individuals tend to look at walking distances rather than specific journey times. However the ease of crossing any road will influence the acceptability of walking.
- e) Translating the walking times into distances and applying the guidance from RPG10 suggests that very few of the identified existing facilities are within a reasonable walking distance of much of the site. Only a doctors' surgery being within the specified maximum walking distance of the whole site, although the convenience store may fall within the specified distance from some of the southern parts of the site.
- f) It is proposed that the public transport links to the site will be provided by diverting an existing bus service. This service operates on a 30 minute daytime frequency, half that recommended in RPG10 for PUAs (Principle Urban Areas). The evening service was withdrawn earlier this year. There is an equivalent hourly Sunday service which also provides links to north Swindon which is run under contract by a different operator.
- g) There are real doubts as to whether the increased journey times can reliably be accommodated within the existing timetable which has short turn rounds at each end, and this is supported by the bus company's view that the diversion is only feasible if there is no on street parking or traffic calming along the new route. The company also state that any alterations which require an additional vehicle would not be economic.
- h) Clearly the requirements of the bus company can have a significant impact on the design of the development and would appear to rule out any element of frontage access from the roads concerned. It can also have an impact on the general design of the urban square if no on street parking is to be allowed in that area.



- i) However there are no suggestions as to how this bus service provision can be guaranteed. Cut backs in services are commonplace given the current economic situation, as shown by the recent withdrawal of evening services.
- j) As currently proposed the development will be heavily car dependent and it is considered that to provide an attractive alternative to the private car enhancements of the daytime frequency should be provided by the developer together with the provision of an evening service.
- k) Overall the development is considered to be unsustainable and Wiltshire wholly supports Swindon Borough Council in their objection on this ground.

**21. Provision of open space and green infrastructure**

- a) As mentioned above, the proposed development as revised provided for 10.59 hectares of green infrastructure. Chapter 4, Table 4.1 of the Revised Design and Access Statement dated June 2011 provides a breakdown of the land use and amount and clarifies this provision further as follows:

Informal open space and framework planting	5.76ha
Wildlife corridors and conservation areas	3.38ha
Formal/ active open space	0.60ha
Verges and road margining	0.60ha
Incidental open space	0.25ha

- b) The applicants confirm in paragraph 4.6.1 in respect of the design principles for development that the landscape and topographical analysis of the site and surrounding areas together with the existing natural features of the site such as trees and hedgerows and other man-made and ecological constraints, have formed the basis of the green infrastructure strategy around which the proposed layout and design has evolved.
- c) The wildlife corridors are south of the railway and two watercourses are proposed to be maintained and these corridors together with retained hedgerows create the network for green infrastructure throughout the development linking it with networks beyond the site. The breach of some hedgerows is required with some 435 metres of hedgerows proposed to be moved to accommodate this development. This represents less than 16% of hedgerows and none of the hedgerows to be removed are not ecologically “important”. Nonetheless tunnels will be provided for where breaches do occur to ensure continual connectivity and habitat.
- d) New trees are to be planted increasing from some 200 to 800 in association with the “new” allocation of 0.89ha of woodland habitat in the north and north west corner of the site as part of the proposed community woodland.
- e) The provision of open space and green infrastructure is not only necessary in terms of mitigating any landscape and visual impacts but also in terms of the ecological and biodiversity interests of the site. No objections are raised in respect of these two matters as confirmed within this report.
- f) The development is formally required to provide and deliver on-site open space in accordance with Policies C2 and CF3 of the adopted North Wiltshire Plan 2011. In addition the development should not undermine the objectives and requirements of the Great Western Community Forest designation in which the site falls and to which Policy NE13 of the 2011 Plan relates.

- g) Policy NE13 requires that development is only permitted where it does not prejudice the implementation of the Great Western Community Forest Plan (dated 1994). The Forest Plan does not necessarily preclude appropriate development that would be acceptable in terms of other policies, but seeks consideration of various matters which includes (not solely) the improvement of the landscape; increasing opportunities for access, recreation and cultural events; protection of areas of conservation and landscape value; improving the environment of housing and commerce; and protecting and enhancing strategic green corridors that are identified in the Forest Plan.
- h) Consultation responses have confirmed that in accordance with the proposed development of the site for 700 dwellings is required to provide approximately 4.3ha of which 0.61ha should comprise both adult and child play provision based on the North Wiltshire open space calculator.
- i) At the Council's request, and based on the above, the play provision was altered on the site to provide a Neighbourhood Equipped Area of Play (NEAP) and a Local Equipped Area of Play (LEAP). At the time of preparing this report, whilst the SES remains up to date in this respect, the information contained within the Design and Access Statement dated June 2011 is not up to date and accurate.
- j) Additionally, the development is seeking to provide the provision of a trim track/trail which comprises a signposted route in the form of a loop around and through the development. This is proposed to encourage active use of the open space. Such trails can accommodate robust equipment at key points along the route which could form a type of outdoor gym.
- k) A commuted payment is required for the adopted and maintenance of the NEAP, LEAP and CF3 compliant open space (i.e. 4.3ha). The proposed development clearly provides a significant amount of open space and whilst the Council is also prepared to adopted and maintain this; it too must be the subject of a legal agreement but within a separate schedule. This requirement is reiterated below in respect of S106 contributions required in respect of the proposed development.
- l) Falling within the open space category is the Great Western Community Forest designation and requirements contained within Policy NE13 referred to above.
- m) The masterplan has been amended to include community woodland following discussions with officers. This amendment is in an area which was already previously earmarked to be provided for informal open space and framework planting. To all intent and purpose it is the land left over in association with the provision of the main road running through the site with associated structural landscape planning to cover the boundaries of the site within the open countryside and mitigate its visual impact. Figure 6.6 already showed framework planting and this appears to be more formalised given concerns regarding the GWCF designation and associated requirements.
- n) It is considered that such trees are welcomed however, there is support for Swindon Borough Council's view:

***“that Community Forest is not just about planting trees and walking away. It is about community engagement with the environment. This is why most applicants working with Swindon Borough Council prefer to make a financial contribution in accordance with our Development Control Guidance Note towards initiating and establishing the necessary community involvement and education projects.***

***If the applicant is not prepared to make a financial contribution to this our officers would expect a package of proposals to ensure that these elements of the Community Forest Programme are delivered. At the very least this would include a management plan for the community woodland...”***

- o) Accordingly, on the basis of the on-site provision and contributions being sought towards maintenance and mechanisms for management and monitoring via the S106 agreement, the proposed development is considered to accord with Policies C2, CF3 and NE13 of the adopted North Wiltshire Local Plan 2011.

## **22. Affect on ecology, nature conservation and biodiversity**

- a) The site itself is not the subject of any site specific ecological designations (i.e.SSSI) but adjacent habitats within 100 metres of the site to the north and north west are County Wildlife Sites (CWSs), the River Ray Corridor and a railway embankment.
- b) The site features a good diversity of habitats, although these are typical of those that are modified as a result of agricultural management practices. It has limited fragility centred on hedgerows, watercourses, west flushed, a pond and CWSs areas.
- c) The key issues from the perspective of the Council’s Principal Ecologist have been: the impacts on the areas of Calcareous Grassland; County Wildlife Sites and River Ray corridor; mycology; protected species and pond provision. These issues have been the subject of meetings and a further visit to the site.
- d) The application site has been subject to extensive ecological survey work over approximately 10 years, which has identified areas of botanical and mycological interest, and populations of bats, reptiles, breeding birds, badger and invertebrates. The range and timeline of surveys is outlined in Chapter 10 of the Environmental Statement with results also contained in Technical Appendix 10A. The Supplemental Environmental Statement has been updated following changes to the illustrative layout plan.
- e) In relation to Calcareous grassland, to confirm this is an ecosystem associated with thin basic soil such as that on chalk and limestone downland. This grassland occurs on the north eastern boundary of the site on raised ground. The applicant confirmed that no Calcareous grassland would be directly lost due to the proposals and an area is to be retained within an area of public open space as shown on the updated Masterplan together with the removal of a footpath in this area which should reduce public access and associated impacts of trampling and dog fouling.
- f) Measures to ensure that such grassland is not over planted with scrub in association with other ecological requirements, must be given priority, and the Construction Environmental Management Plan (CEMP) details these measures. This area would also be monitored as part of the Ecological Management Plan (EMP) for the site, which would provide the mechanism to intervene in the event that degradation is identified.
- g) The presence of the two CWSs within 100 metres of the application site and which are relatively accessible from the proposed development are material considerations under Policies NE7 and NE11 of the Local Plan 2011 as well as PPS9. The River Ray corridor is an important ecological corridor for wildlife within the local landscape, linking several areas of BAP habitat, CWSs and a Site of Special Scientific Interest (SSSI); it is a material consideration under Local Plan Policy NE10.

- h) The nearby stretch linked to the development by a footpath (Purt77) is known to support several protected and notable species sensitive to disturbance from humans and predation by domestic pets including kingfisher (Wildlife and Countryside Act, Schedule 1; Wiltshire BAP; Amber list), otter (Habitats Regulations, Schedule 2; UK BAP; Wiltshire BAP) and grasshopper warbler (Red list; Wildlife and Countryside Act Schedule 1; UK BAP; Wiltshire BAP).
- i) The applicant has confirmed that the primary agricultural access to the land between the river and the railway line is via Old Purton Road; grazing therefore should remain relatively unaffected by the development, although dog worrying could reduce the suitability for grazing livestock in the future. Indirect effects of development upon the river corridor (including CWSs) through informal recreation are recognised in the Environmental Statement and have been the concerns of both officers and Natural England, as this area currently experiences relatively low levels of human disturbance.
- j) The potential for a large increase in resident population regularly moving through this area to and from the Mouldon Hill Country Park for recreation is likely to significantly increase human activity in this area.
- k) By association there will be a strong desire line from the north of the site generating 'very high demand' on footpath Purt77. Potential for pedestrians to utilise the wider area either side of footpath is compounded by a lack of secure fences or gates and the illegible nature of the footpath itself. Further effects upon bird and mammal species through predation by cats and disturbance by dogs in this area is also considered to be highly likely as a consequence of residential development. Potential ecological impacts upon the River Ray corridor are compounded by the cumulative effects of other developments in the area such as Mouldon Bridge.
- l) In this respect Wiltshire Council's Rights of Way Officer has recommended that improvements be made to upgrade Purt77 to a cycleway / footpath; formalising and upgrading this route would help to direct people through the river corridor and into Mouldon Hill Country Park, while clarifying the boundary between the Public Right of Way and the adjacent private land may also help to reduce disturbance and trampling from unauthorised access over the wider area.
- m) Measures to secure management of sensitive habitats in the river corridor and further control access have been discussed with the applicant, however it is accepted that this land is outside of their control and it has not been possible to identify the landowner to enter into a management agreement with the Council. It is therefore not possible to secure mitigation measures in this area through the planning system. However, in light of this suitable and appropriate mitigation has been agreed with the applicant in the form of improving interpretation of formalisation of the footpath through the area through the Council's Rights of Way functions. This is documented in the SES Table 10.4a and paragraph 10.8.2 in which "fair and reasonable" contribution is offered as mitigation by the applicant. At the time of preparing this report the precise level of contribution and timescale for payment has yet to be agreed but it is not objectionable in principle.
- n) Mycology pertains to a branch of biology concerned with the study of fungi. The FWaxcap fungi in the south east of the site include species listed on a European red list as species of conservation concern. It appears that loss of waxcap fungi from this part of the site cannot be effectively avoided or mitigated, therefore it may be acceptable to offset their loss provided biodiversity gains can be secured through other measures.
- o) Although the development will have impacts upon protected species, there appears to be sufficient opportunities to mitigate these through the use of a CEMP, EMP, a sensitive

lighting plan and other measures at the detailed design stages through the submission of any reserved matters applications.

- p) The proposals now include wet areas within the sustainable urban drainage system (SuDS); this measure will help to provide opportunities for creating wildlife habitats which can be secured through detailed design and the EMP for the site.
- q) As mentioned above, the appeal/application site falls within the designated Great Western Community Forest to which Policy NE13 relates of the 2011 Local Plan. The Forest is one of only twelve in the UK specifically for the community and is also an important ecologically and in the interests of biodiversity.
- r) Existing tree cover on the site is limited to individual trees within the hedgerows and while important is not of the highest quality. The most significant tree in terms of quality is an Oak which is located at the junction of Swinley Drive and the B4553 Purton Road.
- s) As part of the revisions to the proposed development and is addressing officers concerns regarding the GWCF requirements, provision is made within the landscape concept plan (Figure 6.6a) for some 2.18ha of community woodland which will include 0.89ha of planting) towards the north and north west of the site, whilst at the same time reducing planting adjacent to the railway to preserve botanically important grassland. This matter has been considered in more detail in respect of open space provision. However, to reiterate in brief, preference remains for an off-site contribution in addition to the planting on site. In the event that this is not agreeable with the applicants then a management plan, with appropriate and necessary measures therein, should be secured for the community woodland.
- t) On the basis of the above, subject to appropriate conditions relating to the submission and implementation of Construction Environmental Management Plan, Ecological Management Plan, Community Woodland Management Plan in addition to S106 contributions outlined above and in more detail later in this report.

### **23. Impact on the character and appearance of the area**

- a) This section of the report considers the character and appearance of the area in terms of the rural countryside and the adjacent residential environment.
- b) It should be noted that the applicant site is not within any designated area of landscape constraint such as Green Belt or Area of Outstanding Natural Beauty. The area no longer comprises Rural Buffer since that policy contained within the North Wiltshire Local Plan 2011 was not "saved". Thus in respect of the latter to which significant objections have been raised, no case can be made of the loss of rural buffer since it does not existing at this location.
- c) The southern boundary of the development runs contiguous with the northern boundary of the built form in this location which represents the northern edge of Swindon (whilst being located within Wiltshire Council's administrative boundary).
- d) At present approximately 99% of the site comprises open farmland, mainly used as permanent pasture with agricultural livestock and horses predominating. The remaining 1% comprises trees, ponds, farm buildings and tracks.
- e) In terms of regional landscape context the site falls within the character area defined as Upper Thames Clay Vales (Countryside Commission – Character of England South West Region 1999), also within the Wiltshire, Oxfordshire and Buckinghamshire Vales sub-

character area. In general terms the clay vales in this landscape are typified by open, gently undulating lowland farmland, with well-ordered field pattern defined by thick hedgerows.

- f) The proposed development would unequivocally change the character and appearance of the countryside at this location when viewed externally from adjacent residential dwellings, roads and internally from public footpaths. However, it is considered reasonable and necessary that in order to accommodate any growth west of Swindon as intended by the Wiltshire and Swindon Structure Plan 2011, there would have inevitably been the loss of countryside.
- g) It is a material consideration when assessing the impact of the development on the character and appearance of the area, namely in terms of landscape and visual impact, to have regard to the Swindon Small Scale Urban Extensions Study (SSSUE, as referred to above).
- h) The study provided a “desk top” analysis of where the dRSS requirement (3,000 dwellings) may be accommodated in the most sustainable manner considering scenarios of 200, 500, 1,000 and 2,000 dwellings.
- i) It is accepted that in the context of Tadpole Farm, in terms of environment (that is natural and build environment) the landscape is of a higher quality. However, the following are important references within the document in terms of the ability of the Ridgeway Farm site to integrate within the strategic and local landscape.
- j) Ridgeway Farm falls wholly within Cell D and using the multi criteria analysis; this cell was confirmed in paragraph 3.26 as having good potential to accommodate 200 dwellings, fair potential to accommodate 500 dwellings and poor potential to accommodate 1,000 dwellings. This is due to the level of containment that can be achieved. In relation to the current application site, paragraph 3.29 of the Study confirms:  
  
**“...There would also be capacity south of the railway line to accommodate a development scenario above 500 dwellings, provided that an element of strategic planting was provided to reduce the impact from the north. It should be acknowledged here that the local landscape impact of development here would be severe. There is not capacity to accommodate the full development scenario of 1,000 dwellings without extending beyond the topography that contains the site around Purton Road.”**
- k) As described above the application site gently undulates gaining elevation of 13 metres across the site from 85m AOD to 98m AOD, with a localised ridge to the west at a height of 103m AOD. The site is partially contained within the wider landscape around the edge of the urban area by locally more elevated land, notably Mouldon Hill to the east. The site is visible from Mouldon Hill which peaks at 105AOD. There are also limited longer distance views some 1.5 km distance at Blunsdon St Andrew. When viewed at this distance, however, the site is seen against a prominent backdrop of existing development with countryside in the foreground.
- l) The landscape and visual impacts of the development are proposed to be mitigated via primary and secondary measures.
- m) Primary mitigation follows the applicants initial landscape proposal and in this respect the development proposes: the retention of the majority of the site’s higher quality tree and hedgerow features; major open spaces towards the sites rural edges to the north/north west, with potential new structural planting; green corridors; and avoidance of built

development on more prominent parts of the site and the restriction of building heights within adjacent areas.

- n) Secondary mitigation measures include: structural/community woodland planting within open spaces; reinforcement of retained features and future management; improvements to watercourses, green corridors and nature conservation priority areas; new native hedgerow planting; and completion of landscape framework and peripheral landscape treatment at the earliest stage of development wherever possible.
- o) Based on the environmental considerations of the site in the SSSUE together with the proposed mitigation measures for the development together with scale and form parameters envisaged and outlined within the design and access statement, it is considered that the development proposals would be sufficiently contained within the local landscape to avoid any significant detrimental effect on the countryside at this location. Thus it would be difficult to suggest a reason for refusal based on these grounds.
- p) Many of the landscape features would be required to be managed via required management plans for ecology and the community woodland. However, for areas outside of this and to ensure the visual impact of the development is not altered once the built form becomes more established, it would be considered reasonable to apply a 10 year period to the Council's standard landscape condition rather than 5 years for the avoidance of doubt in conjunction with a general landscape management plan.
- q) In terms of residential character, it is considered that as a direct consequence of the resultant significant increase in traffic movements anticipated along Swinley Drive and immediate environs, the character of this area will undoubtedly change. Swinley Drive is a collector road and has a mix of houses adjacent to the road in a variety of juxtapositions (i.e. side on, fronting and overlooking to the rear). It is considered that such a change is harmful to the character of this residential area with harm to residential amenities considered in more detail below. The proposal conflicts with Policy C3 of the North Wiltshire Local Plan 2011 in this respect.

#### **24. Archaeological Impact**

- a) There are no Scheduled Ancient Monuments (SAMS) within the site area and no Listed Buildings.
- b) In August 2011 after considerable pressure from the Council's Archaeologist, the applicant undertook an array of 83 trial trenches across the site and details of the further work and results therein are outlined in the SES submitted in Autumn 2011.
- c) The field evaluation recorded archaeological features to the south west of Ridgeway Farm. The fieldwork recorded a concentration of intercutting Early to Middle Iron Age rubbish pits containing deliberately deposited occupation debris including pottery and animal bone. Adjacent postholes suggested associated structures may be present. To the south, a second concentration of features which could relate to quarrying or tree clearance, were dated to the Romano-British period.
- d) The proposed development will involve considerable ground disturbance within the site and impacts are likely to arise from construction activities.
- e) The applicant proposes a staged programme of archaeological mitigation be undertaken subsequent to the commencement of groundworks on the site.

- f) This mitigation is to be agreed in advance with the Council and in this respect the County Archaeologist has confirmed the need to secure a further investigation and recording of these remains prior to the construction phase of development.
- g) On the basis of the attachment of the above condition to any permission, the proposed development raises no objections on archaeological grounds.

**25. Affect on drainage and flood risk**

- a) No objections are raised to the proposed development from internal or external consultees in respect of drainage and/or flood risk.
- b) The ES and SES consider these issues given the size of the site and it is confirmed that the application site falls wholly within flood zone 1, which is accorded low probability in respect of flooding.
- c) A network of land drains and ditches cross the site discharging to the River Ray.
- d) Thames Water (TW) have confirmed that there are no existing adopted surface or foul water sewers in the immediate vicinity of the site. The nearest sewers are located south of the site, south of Purton Road. These sewers convey flows toward the south away from the application site.
- e) TW have confirmed that the pumping station in Nine Elms south west of the site does have capacity to serve the development. However an impact study undertaken by TW confirms that 500 metres of off-site sewers will be required from the boundary of the site to convey flows to the point where the capacity exists within the public system.
- f) Given the presence of sensitive receptors on the site, the development must minimise the demand placed on water supplies and safeguard surface and groundwater resources from pollution through the construction and operation of the development in order to comply with legislative and policy requirements.
- g) The ES and SES have considered the impact on surface and groundwater during the demolition and construction phase. In these respects due to the nature of activities and given the site is not within an Environment Agency designated SPZ and that there are no groundwater abstractions within 1km of the site, impact is negligible.
- h) In relation to operational impacts in surface water runoff on the drainage system and flood risk, the proposed development would result in an increase in the impermeable area across the site of 11.95ha. Such increases have the potential to impact on downstream flood risk. The development will also result in an increase in foul water peak flows from associated facilities (WCs, basins, baths showers and sinks) and will result in an increase in peak flows.
- i) Proposed mitigation methods include the implementation of a Construction Environmental Management Plan (CEMP) and works being undertaken in accordance with various legislation.
- j) The mitigation measures proposed for the development itself (i.e. habitation) includes the implementation of water efficiency measures within the building design to reduce water demand and may include (but not be limited to) water efficiency measures outlined in the Environment Agency's document Conserving Water in Buildings guidance produced in 2001.



- k) In relation to mitigating the impacts of development on surface water, the surface water strategy will seek to reduce or replicate the sites existing hydrology. Accordingly, any increase in run-off above the discharge limit will be stored or attenuated on-site.
- l) Due to the underlying geology (mostly clay) of the site, the use of Sustainable Urban Drainage System (SUDS) in the form of infiltration systems is not feasible. Thus a suite of SUDS measures are proposed including detention basins, swales and some areas of tanked pervious paving within the development site to attenuate Greenfield run-off rates.
- m) These measures are considered to be wholly acceptable to the Environment Agency and Thames Water subject to conditions being imposed on any permission.
- n) Public Protection Officer require conditions if minded to approve in respect of contamination given the existing nature of the site, hydrology and the residential end use.

**26. Impact on residential amenity – existing and proposed residents**

- a) Residential amenity issues are considered in the context of the amenity of proposed residents living on the site and those outside of it having regard to matters such as noise and nuisance associated with the railway (on site), noise and nuisance off-site in association with increase traffic flows roads in residential areas.
- b) The application is in outline with all matters reserved with the exception of highways. Based on the masterplan submitted and the potential proximity of development to the railway (including the event of doubling), it is considered that matters of detail as part of any reserved matters can adequately ensure that noise nuisance can be mitigated for potential occupants. This also applies to those potential properties within the vicinity of the spine road serving the development. In the event that outline permission were to be granted conditions would be imposed in respect of dust control (from construction activities) and the submission of a noise mitigation scheme prior to the commencement of development.
- c) It has been documented within this report that road in the vicinity of the site are operating during peak periods and the Transport Assessment does not indicate significant increase in traffic along that route. Subsequently this can only mean that traffic from the proposed development is causing traffic from other areas to divert on to alternative routes, generally through unsuitable residential areas in addition to that which will be diverted given the closure of Purton Road between Swinley Drive and Mead Way. Swinley Drive itself is modelled to experience an 88% increase in southbound traffic during the am period from 80 to 150 passenger car unit (pcu's). SBC state that they have received letters of concern from residents prior to the submission of the application about speeding, safety issues and affect on severance. These concerns have been echoed by public representations received on this application.
- d) Swinley Drive can be described at present as a collector road for a residential area, it has a mix of frontage and rear development and dissects routes to local amenities at Peatmoor Village centre such as the Primary School. It has a wholly residential feel to it, with on street parking permitted, bus stops and serves a number of cul-de-sacs and more minor roads.
- e) Given the substantial increase in vehicle movements anticipated to utilise this route as a consequence of the development proposals, this will result in a detrimental impact on the residential amenities of residential of Swinley Road and its contributories contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011.

**27. Health and safety considerations relating to the Purton PSD**

- a) To the north of the railway, north of the application site is the Purton Petroleum Storage Depot (PSD). The depot is understood to be used by the MoD as an aviation fuel storage facility and is a top tier site under Control of Major Accident Hazards (COMAH) Regulations. The exclusions zones for the development are outlined in Figure 5.2 of the ES (Document 2). The pipeline leaving these facilities lies just off the north west corner of the site and has a 3m way leave either side of it. An ESSO pipeline also runs near the northwest part of the site.
- b) The proposed development does not affect these installations and pipelines, being outside the necessary zones identified in accordance with the guidance contained in "Planning Advice Near Hazardous Installations (PADHI), in this case the outer zone. This includes the Development Proximity Zone at 150 metres from the boundary of relevant storage bunds introduced following the Buncefield incident in 2005.
- c) The proposed development has raised no objections from any of the organisations associated with the PSD including the MoD. Further the HSE have raised no objections to the proposed development.

**28. Other matters**

- a) Swindon and Cricklade Railway believe the proposals would prejudice a new station at Moredon Bridge or potentially the doubling of the line.
- b) Moredon Bridge is not safeguarded as a new station/halt in any existing or proposed development plan document, including Policy T5 of the North Wiltshire Local Plan.
- c) Furthermore, Network Rail raises no objections to the proposed development and has confirmed that there are no definitive proposals which would be prejudiced by the development of this site.

**29. Section 106 requirements**

- a) The requirement for development contributions is outlined in both Policy DP2 of the adopted Wiltshire and Swindon Structure Plan 2016 as well as Policy C2, H5 and CF3 of the adopted North Wiltshire Local Plan 2011.
- b) There is also Supplementary Guidance to provide further detail to aspects of Policy C2 in the form of:
  - A Playing Pitch Strategy for North Wiltshire 2001;
  - North Wiltshire Open Space Study 2004; and
  - Affordable Housing Supplementary Planning Document adopted 2008.
- c) As the development is a proposed urban extension to Swindon is also relevant to consider S106 requirements outlined in SBC suite of policy documents.
- d) Policy DS8 (Infrastructure Needs Resulting from Development) of the adopted Swindon Borough Local Plan 2011 (2006) translates this to a more localised context and states that;

***“Applicants will be expected to meet infrastructure needs, including the need for any community facilities, generated directly by their development proposals, be they on or off site.***

- e) *Where these requirements cannot be secured through a planning condition, an obligation shall be sought prior to the grant of planning permission to ensure that the necessary infrastructure is provided.*
- f) *In such cases, planning permission shall only be granted when necessary infrastructure generated by the development is secured through planning conditions or obligations. “*
- g) This policy is amplified by other specific policies in the adopted Local Plan including:
  - ENV7 (Public Art)
  - ENV19 (Community Forest)
  - ENV20 Existing Strategic Green Corridors
  - R6 (Provision of Open Space Outside the Strategic Development Areas)
  - T1 (Transport Requirements of Development),
  - T2 Provision for Bus Travel,
  - T5 Access by Foot and Cycle,
  - H10 (The Provision of Affordable Housing on Larger Development Sites).
- h) In addition more detailed information is set out in Supplementary Planning Guidance including:
  - Open Space on Residential Development Sites (2004)
  - Community Forest (2004)
- i) Supporting Evidence Base documents also include the Open Space Audit 2004 (Updated 2007 & 2011), the ‘The Strategy for Major Sports Facilities Provision Swindon 2009-2026’ known as the ‘Leisure Strategy’ (2009) that has been the subject of public consultation under the Emerging Core Strategy, and the Library Strategy (2011).
- j) Swindon’s infrastructure policy DS8 has been further amplified by the adoption of a suite of Development Control Guidance Notes that provide the evidence base of proportionate need and justification for new residential (and in some instances non-residential) development to deliver contributions to a variety of infrastructure items, where it has been demonstrated that new development will need to mitigate the impact that it will cause. This is drawn together through an overarching Guidance Note entitled “Developer Contributions” first adopted in 2006 and updated in November 2010, including the addition of two new infrastructure areas. It is the content of this Guidance Note that incorporates the methodology that forms the basis of financial requests. Furthermore the justification only covers infrastructure items that are considered to be relevant and appropriate for application to development on the border with Swindon’s administrative area, following previous negotiations with the appellant. The Guidance Note does not incorporate Highways/Transport related contributions.
- k) Regulation 122 of the Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 and contains three of the five tests of Circular 05/2005 “Planning Obligations” 2005. The three tests required to be satisfied in seeking any contributions are:

- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- l) Compliance with Regulation 122 is therefore material to those contributions that will inform a recommendation in this instance.
- m) Swindon Borough Council and Wiltshire Council have worked closely to ensure the interests of the potential residents on the site are met as well as insuring any impact on existing residential and facilities used is appropriately and proportionately mitigated.
- n) It must be stressed that the applicants/appellants have always been willing to discuss and seek to agree S106 discussions during the entirety of the application process to date and remain keen to seek to negotiate and agree matters in advance of the Inquiry in May if this is achievable. The only limitation to date is that a comprehensive and CIL compliant list based on Policy C2 has not been presented to the applicants and their agents despite many requests. This has been largely due to the lack of detail contained within Policy C2 and supplementary guidance.
- o) Notwithstanding this, the required contributions are set out below following the list identified in Policy C2 of the North Wiltshire Local Plan 2011. The figures represent a ceiling of amounts required by both Councils.
- p) It is considered given the site is proposed as an urban extension to Swindon that in many cases due to the proximity and range of facilities on offer in Swindon, that it should receive the appropriate share of contributions where such monies are sought by both Councils.
- q) Until such time as amounts and distribution between SBC and Wiltshire Council have been agreed, figures are presented below to demonstrate the requirements of both Councils to continue to inform the negotiations between all parties.
- r) Monies will come to Wiltshire Council in the first instance and where agreed and required, payment will then be made to SBC.

#### Affordable Housing

- a) It has been agreed with Swindon Borough Council that the provision of affordable housing is wholly a matter for Wiltshire Council to negotiate based on their specific needs in accordance with their policy requirements. It is acknowledged however that the development proposes a level of affordable housing at 30% which would also satisfy the requirement of policy H10 of the adopted Swindon Borough Local Plan (2006).
- b) It is accepted that the administrative authority is Wiltshire Council; however as the development presents itself as an urban extension to Swindon, it has the potential to assist in meeting Swindon's housing needs. For this reason it is requested that consideration be given to incorporating a clause within any drafted legal agreement that might allow access to the affordable units provided within this development by residents from the Swindon Borough Council Housing Needs Register.
- c) Contributions currently sought as follows:

### 30% Affordable Housing

- Of which 60 units to comprise extra care – 30 units 1 bed and 30 units 2 bed flats, 30% social rent and 70% outright sale with some flexibility.

- Remainder affordable housing 80% rented, 20% home buy mix as follows:

15% 4 bed (101sqm) = up to 22 units  
40% 3 bed (86sqm) = up to 60 units  
25% 2 bed (76sqm) = up to 38 units  
20% 1 bed (46sqm) = up to 30 units

- All of the above equates to 30% affordable housing total 210 affordable dwellings/units.

### Education and libraries

- a. *Education:* No contribution is sought from SBC in this respect and it has been agreed that the requirement is wholly Wiltshire Council's.
- b. The provision of a 1FE Primary School to be built by the developer and funded in an 80:20 split with Wiltshire Council.
- c. The developer to provide a 1.2ha site.
- d. The school to be built in accordance with BB99 and the Wiltshire Council specification already provided to the developer, including the provision of sprinklers. Where developers have provided schools elsewhere we have also added an annex to this brief to include the provision of a full commercial kitchen, ICT hardwiring throughout, the provision of CCTV and an interactive whiteboard in each classroom. We would wish these same additions to be included on this project.
- e. The school to be built to include an integral pre-school. This pre-school will require its own external entrance as well as access from within the school. As well as the pre-school classroom, the nursery will also require the developer to provide a small office space, a small group room and independent toilet facilities.
- f. The developer to agree with the Council the estimated total cost of the project less the £100K figure agreed for the pre-school provision. Once this figure is provided the Council will then be in a position to calculate its 20% contribution and will state this figure as the agreed contribution (to be index linked) in the section 106 agreement.
- g. The Council will also pay a further £275K to the school to enable them to purchase all required loose furniture and equipment.
- h. The developer to complete the Primary school within 18 months of the commencement of development.
- i. The Governors of the school to decide on the community use of the school once the school is operational. Most Wiltshire Primary Schools operate, manage and lease facilities out of school hours and we would see this school as no different. As is usual practice, the developer to work with the Council on the school design to facilitate to the use of parts of the building out of school hours. The playing fields would not be used as part of a

community facility during the school day but the Governors might feel able to offer use at the week end.

- j. *Libraries:* Both Swindon Borough and Wiltshire Council's have been asked by the applicant to put forward a very strong justification as to why it is appropriate for this development to make a contribution to the enhancement of Library facilities in Swindon and/or Wiltshire.
- k. In the case of Ridgeway Farm, the closest library to the development is West Swindon library, located within the Link Centre at West Swindon District Centre off Whitehill Way. This is 25 years old and needs refurbishment and renewal of furniture, fittings and IT. SBC would use the money secured by developer contributions to provide amongst other things new self-service units and replace shelving with shelving on castors to enable greater use of library space out of hours by likely increase in users. Consideration would also need to be given to the purchase of new stock to cope with increase in demand.
- l. Swindon Library Service recognises that within Wiltshire, libraries are located at Cricklade, Purton and Wootton Bassett. Cricklade and Purton libraries are understood to be smaller community libraries, with restricted opening times. Wootton Bassett library, whilst larger is much further away and not easily accessible by bus from the development site. It is therefore anticipated that West Swindon Library would be the primary facility used by the any future residents of development at Ridgeway Farm.
- m. Wiltshire's Head of Libraries has confirmed that a contribution would be sought towards refurbishment and book replenishment at Purton library and a contribution is sought as follows:

Works/items	Budget Cost £
Remove shelving, carpeting and furniture decorate throughout	5,000
Carpet throughout	2,500
Supply and install new shelving and furniture	15,000
Increase book stock	7,500
Fees and contingency	5,000
<b>TOTAL</b>	<b>£35,000</b>

- n. The justification for this is very similar to that outlined below given the In May 2088 the Museums Libraries and Archives Council published its advice on a standard charge for developer contributions towards library services in association with new development. This was updated in June 2010. Public Libraries, Archives and New Development a Standard Charge approach, suggests a benchmark for us by local authorities and other delivery agencies of £105 per person in new housing [MLA 2010]. The contribution sought specifically by Wiltshire Council for Purton library is considerable less than the MLA figure per person.
- o. The developer funding sought towards refurbishment and book replenishment library facilities at Purton Library is also justified to meet the additional library service need that will created by new development. It is fairly and reasonably related in scale and kind to the proposed development with the amount request coming well within the standard charge recommended by the MLA.

- p. The registration procedures for Wiltshire Libraries allow free access to all services at all libraries in the county both to local residents and residents from adjacent authorities such as Swindon. In this area it is common for residents to take up membership of libraries in both Wiltshire and Swindon. Although West Swindon Libraries may experience an increase in use as a result of the Ridgeway development it is anticipated that all libraries in the area will experience increased demand with the most significant increase in Wiltshire occurring at Purton Library.
- q. SBC have confirmed that the library service in Swindon is accessed by its users from within the Borough and from the surrounding area in three ways:
- r. Widely accessible sites in strategic locations such as Central Library;
- s. Local provision such as the West Swindon library located in the Link Centre building at West Swindon District Centre; and
- t. Via a mobile library service for those communities that have more difficulty accessing fixed sites.
- u. Users of the library service in the Borough have a choice of provision, and may choose to use a library closer to their place of work. In April 2011 the Council adopted a Library Strategy that provides the updated framework for investment in the service. This document supersedes the detail set out in the DCGN 2010, although the methodology for calculation the contribution has not changed.
- v. The Council's Library Strategy contains the following statements about the use of developer contributions:
- a. *"The refurbishment and renewal of already established libraries. Library buildings need to be attractive, accessible and fit for purpose to attract users to libraries. The space needs to be able to support a wide range of partnership activity with a high quality book stock that is of a range and size that meets the needs of users. Libraries are competing with retail environments that are regularly refreshed and changed. Library catchments need to be defined to ensure developers capital is invested in the right library if appropriate or money will be invested service wide, where benefits are demonstrable to the whole community through service wide provision, e.g., Central library services or IT developments. This will enable investment on updating current technology and provide new services, extending access to library services.*
- b. *New libraries will only be provided where there is a substantial population change, e.g., growth areas such as Wichelstowe and the Eastern Development Area. Co-location of other Council and Partner services must be explored at an early stage of the development to minimise revenue cost and increase levels of use, e.g., schools, community services, leisure, health and retail buildings.*
- c. *Where the size of a community does not justify a new library then Section 106 money will be used to improve other libraries in Swindon or provide services that enable the promotion of library use to those communities."*
- w. Following round table negotiations with the applicant, the Council has been asked to supply the following information:
- Confirmation of the ability for Wiltshire residents to access and use Swindon library facilities
  - More detailed costs associated with potential enhancement/alteration works to West

Swindon library.

- x. The registration procedure with Swindon Library Service has no restriction in place preventing the issuing of library cards to residents who live outside the Borough in Wiltshire's administrative area. Once registered, irrespective of residential address the service and its facilities are accessible to all. Consultation with the Library Service Manager, has confirmed that residents of Wiltshire have initiated their registration to Swindon Libraries at the West Swindon District Centre facility.
- y. Rather than the creation/building of lots of new small branch libraries in each community the adopted Library strategy focuses on the current library network and how best that can be adapted/upgraded/developed to meet future demands that the increase in residential population will place on the service. These enhancements/alterations will allow for libraries to become more accessible for users over longer hours and adaptation of the space to accommodate the flexible needs of its users. Not only will allow for the retention of traditional library space but also allow use as community space outside library opening hours. It is these reasons that form the framework that underpins the identified projects listed below:

<b>Project Cost £</b>	<b>Purpose</b>
£12,600	Shelving on castors to replace current island bays to enable library use outside of ours and shelving layouts that can be adapted to meet the needs of new users.
£42,000	3 self-service units to cope with extra demand. The new machines have additional functionality enabling customers to make payments, allowing use of library at all hours (Net gain of 1 machine and upgrade of two existing machines)
£20,000	Replacement carpet. Current carpet over 25 years old and new one needed to cope with future demand as current one worn
£3,000	Automated doors to replace current heavy doors that hinder access by disabled users, pushchair users and elderly people.
£10,000	Structural work to install divider to enable part of library to be used as an express zone out of library opening hours, extending access to customers. Includes electrical work to change layout of computers to enable customers to access them outside of core hours

- z. It should be noted that the Council has been asked to focus on West Swindon Library alone, as being the closest facility in Swindon to the proposed development. The Library Strategy however reviews the wider needs of the Borough to ensure that the Library Service delivers the appropriate environment that meets the future needs of its users and the additional demand placed about by an increasing population. West Swindon Library therefore forms a single strand to meet the wider aims and objects of the strategy, and library users can gain access to any fixed facility within the Borough.
- aa. Local Authorities have a duty under the Public Libraries and Museums Act to provide a comprehensive and efficient library service all that live work or study in their area. The location of the development site to Swindon combined with its relationship with



surrounding communities is Wiltshire, means that administrative boundaries would not be respected in terms of access to community facilities and services. For this reason it is perfectly acceptable for Swindon to be seeking contributions for investment in its area.

- bb. In June 2008 the Museums & Libraries Archives Council published guidance with respect to how Local Authorities can approach the creation of an evidence base to justify requests for financial contributions for libraries from development that will place an additional burden on the existing service. In creating its Developer Contributions Guidance Note in 2006, Swindon had already identified libraries as infrastructure and adopted its own approach that reflected its local needs. The publication of this Guidance substantiated that the principle taken forward earlier to request contributions for libraries was appropriate, even if the methodology differed. In these austere times it is important for Local Authorities to deliver best value for its community, and making better use of existing facilities that lie at the heart of communities and create a hub for wider community engagement and activity underpins localism. The site effectively represents a substantial expansion to West Swindon, and the District Centre is the focus for the wider community.
- cc. The contribution requested is directly related to the development, considered necessary to mitigate the impact of the development and make it acceptable in planning terms, and its scale is reasonable and proportionate to the development impact. For these reasons it is considered CIL Regulation 122 compliant.
- dd. Finally, with respect to where any contribution secured may be invested, during the round table discussions the applicant's representative confirmed that they view the development as an urban extension to Swindon in Wiltshire. For this reason, although the Council acknowledges that the development site is in Wiltshire, officers are firmly of the opinion that the impact will be on Swindon's facilities and infrastructure. In the event that Wiltshire demonstrates through evidence that the impact of the development would also create a burden on its own library service Swindon requests that consideration be given to the apportionment of any contribution relative to impact. Under such circumstances, it is appropriate to enter into negotiations to agree the proportionate split between authorities, without undermining the ability to secure the appropriate level of contribution to mitigate its impact, to avoid the potential for double counting
- ee. To conclude it is considered that the contribution value of £77,366 sought is proportionate to the development, directly, fairly and reasonably related in scale and kind to the development and necessary to make the development acceptable in planning terms, thus is compliant with CIL regulation 122 and the wider provisions of Circular 05/05.

### Travel and Transport Infrastructure

- a. *Highways improvements:* Throughout the determination of the planning application, discussion has continued between the parties with respect to assessing and determining the impact of the development on the wider road network and strategic routes to and from the site. The applicants transport consultants have worked closely with Swindon Borough Council and its appointed consultants to test the appropriate model to ascertain the level of impact and identify the appropriate mitigation work necessary.
- b. Modeling outputs (7 September 2011) identified that on the whole the modeling results (with development) showed displacement of development trips throughout the network, due to the already congested roads within the immediate vicinity of the development, notably Mead Way. The note identified a number of areas where the impact of development traffic and the dispersal of existing traffic have an impact.
- c. In summary while the modeling undertaken has identified issues with the highway network in northwest Swindon when assessing the cumulative impact of all development included in the 2016 transport model used, it is not possible to directly relate the impact of the Ridgeway Farm proposals on specific junctions, due to the background noise within the model. The model outcomes are therefore suggestive of one of the following;
  - Either; Transport trips from this development replacing those of other developments on the strategic road network, thus when capacity is reached displacing those other movements onto the secondary road networks through residential areas, or;
  - As the strategic road network is already at capacity, the traffic movements from Ridgeway Farm are immediately displaced onto the non-strategic road network; or
  - A combination of both of the above.
- d. In any event the outcome is the same, and demonstrates that this development should make a positive financial contribution towards off-site highways network improvements with investment to take place as is demonstrated necessary when the need arises.
- e. On this basis of the above it was agreed between the parties that Ridgeway Farm would make a financial contribution to improvements which would seek to address strategic improvements based on the cumulative impact as opposed to attempting to identify and resolve any specific impacts from the development on the network.
- f. It is therefore necessary that the proposed development at Ridgeway Farm would provide a section 106 contribution towards strategic transport infrastructure to facilitate the development proposals, thus improving capacity and safety and potentially reducing the level of displaced trips across the network. These could include inter alia, improvements to the Mead Way, Great Western Way, Swinley Drive and Purton Road corridors. There is no impact on Wiltshire's Road as documented elsewhere in this report to justify a contribution and no contribution specific to Wiltshire has been requested.
- g. A financial contribution of £500,000 was considered fair and reasonable and CIL Reg. 122 compliant in this respect. A section 106 contribution towards highway improvements would be necessary to make the development acceptable in planning terms, is directly related to the development, and contribution level sought considered to be fairly and

reasonably related in scale and kind to the development and therefore CIL Regulation 122 compliant.

- h. Travel Plan: In accordance with the promotion of sustainable transport requirements, and the requirements set out in adopted policies T1, T2 and T5 of the Local Plan, the Council seeks to ensure that an appropriate Green Travel Plan package be secured to support the development. This is required to encourage future occupants to make sustainable transport choices and reduce reliance on the car as a mode of travel. This is considered necessary to increase the developments sustainable transport credentials. A fundamental part of this will be to ensure that the development is appropriately integrated in the wider bus network that serves both Swindon Borough and Wiltshire, and that the residents on occupation are offered incentives to choose such.
- i. Swindon would wish to see these measures integrated into a Model Travel Plan attached as an appendix to any subsequent legal agreement,
- j. Public Transport: The contribution in respect of public transport to serve the site has not yet been specifically identified by officers in conjunction with Thamesdown.
- k. Rights of Way and associated works
  - l. The railway line completely severs access to the east of the site apart from at 2 locations. At the south-east corner of the site there are two bridges, between them they can provide vehicle access and segregated access for pedestrians and cycles to the south and south-east of the site.
  - m. The only other access to the east out of the site is via Pur77, which is a footpath running under the railway and across to the canal. Currently this is a little used, unsurfaced footpath with a narrow footbridge across the River Ray. The proposed site would lead to a large demand for pedestrian and cycle access to the north-east of the site to the canal, Moredon Country Park and the large housing areas Haydon/Haydon Wick areas of Swindon. The most direct way to these areas from all the housing at Ridgeway Farm would be via Pur77 and the canal. To expect residents to make this journey via Moredon Bridge would not be acceptable.
  - n. In order to encourage sustainable access from the site to the other areas mentioned, a high quality "green link" which could be used all year round along the route above is essential. This route would need to be either be a bridleway or a pedestrian/cycleway to cater fully for the demand.
  - o. This demand is acknowledged in the design and access statement provided by the developer, e.g. Figure 4.1 shows a cycleway within the site as far as the railway underpass.
  - p. In addition to this, the addendum dated 12.10.11 from the developer states the following:

*"INTEGRATION OF THE DEVELOPMENT WITH SWINDON*

*6.1 The planning application proposals were made on the clear rationale that, in recognition of its planning policy background, the development should ensure positive integration with Swindon and compliment the nearby existing settlements as a logical, sustainable urban extension of the Principal Urban Area."*

- q. This link is essential to ensure this "positive integration" with north Swindon and the country park for the development site. From the point of view of new residents on this site, it's clear that they would also demand that good provision for pedestrians and cycles should be made on this route.
- r. This requirement is in line with policies C3, T1 and T4 of the North Wiltshire Local Plan 2011.
- s. The current route is only for walkers, it is little used and there are no proposals for upgrading it. The development would create a high demand on this route from both walkers and cyclists, in order to meet this need the route would have to be upgraded. These upgrades should therefore be funded wholly by the development.
- t. As this upgrade may involve third party land it cannot be guaranteed that it would be possible to upgrade the status of the route. However, the full contribution would be required still – even if the route had to remain as a footpath, physical upgrades would still be required.
- u. The contributions required for these upgrades are as follows:
- Appropriate surfacing, signage and rights of way furniture between the site and the canal - £25,000
  - Canal upgrade works - £10,000
  - Replacement of existing pedestrian bridge to bridge which could cater for cyclists - £65,000
  - Upgrading the status of the part of the route in the developer's ownership to either a bridleway or cycleway
  - Legal costs as required

Total required contribution - £100,000 + legal costs. It may be appropriate for this to be included in the S278 agreement so the works could be undertaken by the developer.

- v. The works would be undertaken by Wiltshire Council or the developer via a S278 agreement at the locations described above. The contribution or agreement would be required prior to commencement of development of the site. It would be spent as soon as possible after receipt, which is partially dependent on discussions with a 3<sup>rd</sup> party. A deadline for spending these contributions would be set through the legal agreement if required.

#### Community Buildings and Infrastructure

- a. All residents of the site will have the right to be buried in the Parish Cemetery. The development will have a direct impact on the amount of space currently available and thus a contribution is sought of £32,000 towards the expansion of Purton Cemetery of £32,000.

#### Health Care Provision and social services

- a. The adopted Developer Contributions DCGN 2010 provides the evidence base and justification for this infrastructure contribution value. The future residents of the development will require access to GP healthcare provision through either the Swindon Primary Care Trust that has jurisdiction over the Borough of Swindon, or Wiltshire PCT

that has jurisdiction over Wiltshire Council area. Existing practices in the locality in Swindon are currently operating beyond average capacity.

- b. The original submission (and description of development) incorporated a D1 use, the primary purpose of which was to make land available for a doctor's surgery/healthcare facility on site. The Indicative Master Plan allocated this at the Local Centre. This intent was supported by further information set out in the initial draft s106 Heads of Terms that made reference to the provision of up to 560sqm of floorspace for this use (capable of accommodating 4-5GP facility)
- c. Representations received from the respective PCTs of Wiltshire & Swindon have indicated that on site provision would not be an acceptable solution to mitigate the cumulative impact of the potential future residents on the existing GP services in the area. This position is justified because, in isolation, the development itself would only generate the need for 1WTE GP<sup>2</sup>. This additional demand would be best accommodated by investment in expanding capacity at existing healthcare premises off site, for which a financial contribution has been requested. The application would need to remove all reference to on-site provision.
- d. It is considered that the construction of a GP practice on site is not a necessary requirement to underpin the long-term sustainability of the proposed development. Given that the development site is within Wiltshire it would normally be for Wiltshire PCT to provide that additional capacity. Wiltshire PCT has existing facilities located at Purton and Tinkers Lane in Wootton Bassett. However in this instance the juxtaposition of the application site to Swindon Borough and Swindon PCT boundaries is a material consideration to the decision. The indicative Masterplan layout reflects intent to create strong linkages to integrate the development with the existing communities to the south. Furthermore Swindon PCT has existing premises in the locality; in what are considered to be more highly sustainable locations in transport accessibility terms e.g. Sparcells Surgery at Peatmoor Village Centre. For this reason and there is just as great likelihood that future residents would seek to register in Swindon.
- e. The opinion of the PCTs is material to this decision, as it is important to ensure that acceptable mitigation can be put in place to address the burden of healthcare generated by the proposal. Neither PCT supports the principle of bring forward healthcare on site, irrespective of the scale of that provision.
- f. For the above reasons, Swindon's adopted guidance on developer contributions to healthcare (Developer Contributions Development Control Guidance Note Nov 2010) forms the basis for calculating the level of financial contribution to be requested. A contribution of £103,306 is sought based on the Open Market dwelling breakdown indicative dwelling mix set out within the Design & Access Statement. The following calculation sets out how this calculation is achieved:
- g. The Planning Statements identify an Open Market mix of the following out of the 490 OM units:

<b>Unit Size</b>	<b>% of OM No's</b>	<b>OM No. of Units</b>
1&2 -Bed (1-Bed)	35	172* (86)

<sup>2</sup> GP need is calculated on Wiltshire PCT figures of 1750 persons per GP. Using the 700 unit proposal and an average occupancy rate of 2.38 persons per household (Swindon figures) this generates an anticipated demand of approximately 1666 people from the development.

<i>(2-Bed)</i>		<i>(86)</i>
3-Bed	40	196
4-Bed+	25	122
	100%	<b>490</b>

h. Translating this into the SBC adopted Guidance Values this generates the following calculation:

1 & 2 Bed	172 x £140.50*	= £24,166.00
3 Bed	196 x £227	= £44,492.00
4 Bed +	122 x £284	= £34,648.00
<b>TOTAL</b>		<b>= £103,306.00<sup>3</sup></b>

(\*£140.50 = the average of the 1-bed value of £120 + £161 for 2-Bed value)

- i. To conclude, mitigation of the impact of the development on healthcare by means of investment in existing premises off-site to absorb the additional demand would not materially undermine the sustainability of the development alone. Furthermore a contribution to healthcare can be justified as being CIL Regulation 122 compliant as it has been demonstrated that it is necessary to make the development acceptable in planning terms, directly related to the development and the value of the contribution requested is reasonable in scale and kind to the development.
- j. Furthermore, a robust case exists to justify why it is appropriate to base a request for a contribution to health on guidance on developer contributions adopted by SBC in this instance. Further negotiation is required to determine the detail, and it should be noted that due to the complexity of the relationship between the respective PCTs any obligation agreed will require an element of flexibility with respect to the investment direction, drafted to be acceptable to all parties. To date negotiations with the applicant in respect of healthcare have progressed in a positive manner leading officers to conclude that agreement is capable of being reached between the parties.

#### *New or Improved Open Spaces*

- a. *Open Space/Play areas*: Having regard to Policy CF3 of the North Wiltshire Local Plan 2011, the amount of POS required on site is 4.2696 Ha, of which 0.6100 ha should be play provision (adult and child). This is further supported by Wiltshire Council's adopted Supplementary Planning Guidance and the North Wiltshire Open Spaces Study 2004.
- b. The developer is proposing to provide a total of 10.59 Ha of green infrastructure. At the time of preparing this report, the Council and developer are in discussions regarding the future management of the overprovision.

<sup>3</sup> If the developers want to provide a GP surgery on site to mitigate the impact of the development, it is not up to PCT or the two LAs to insist otherwise. However the responsibility for the commissioning of a GP surgery rests with the PCT, and on-site provision is not currently supported by either PCT. This raises the question whether the impact on healthcare would be mitigated by an offer of land within the development as its deliverability is in question. It is for this reason that an off-site financial contribution is sought.

- c. In accordance with the current Local Plan Policy CF3 there is an adequate provision of POS on site and commuted payments identified have taken into account ecological management regimes that maybe required on the site. No objection is raised subject to a S106.
- d. *Sports Pitches*: For the purposes of outlining s106 requirements, sports pitches are included within this subheading as opposed to leisure, sport and recreation.
- e. During the round table discussion the applicant indicated that pitch provision for the residents could be met on-site through the pitch being provided at the proposed primary school. Swindon Borough Council does not accept this position, and the reason for this is set out below and this is supported by Wiltshire Council.
- f. The North Wiltshire Local Plan does not contain any specific policies which underpin the broad heading of Policy C2, only providing a Policy which seeks to provide a basis for permitted new facilities/developments or prevent their loss and ensuring alternative and adequate replacement (Policy CF2).
- g. It is considered that as a proposed urban extension to Swindon, it is highly likely that the sports and leisure facilities on offer in Swindon will be the first choice for many residents. Outside of Swindon, the next available sports facilities of note are at Cricklade. It is considered that a marginal number of residents may use facilities at Wootton Bassett due to physical separation (and having to pass some of Swindon's' facilities) and journey times.
- h. In terms of SBC, adopted policies DS8, and R6 of the Swindon Borough Local Plan (2011) set the framework by which Swindon considers open space provision on strategic development sites. This is underpinned by standards as set out in the adopted & Open Space on Residential Development Sites (2004) SPG.
- i. SBC is currently working on an average population per unit of 2.38 persons, thus a development of 700 units generates a population of 1666 persons (700 x 2.38 = 1666). The adopted open space policy calculates provision based on 3.2 ha of open space per 1000 of population, this development generating an overall open space requirement of a minimum of 5.3312 ha.
- j. Based upon calculations using SBC Policy the various types of open space that it would expect to be provided are as follows:
- |  |                   |
|--|-------------------|
| Children's play at a rate of 0.3 ha per 1000     | = 0.4998 ha       |
| Playing pitches at a rate of 1.21 ha per 1000    | = 2.0159ha        |
| General Recreation at a rate of 1.45 ha per 1000 | = 2.4157ha        |
| Allotments at a rate of 0.3 ha per 1000          | = 0.4998 ha       |
| <b>Total</b>                                     | <b>= 5.4312ha</b> |
- k. SBC has made representation direct to Wiltshire in respect of the open provision proposed to be delivered on site that has subsequently resulted in the relocation and alteration to the nature of formal play provision and its location within the development framework to the extent that both Councils' are supportive of these specific provisions.
- l. As indicated above, one aspect of Swindon's open space requirements that is not adequately covered by Wiltshire Policy CF3 is playing pitch provision. SBC considers it necessary that this development should make the appropriate contribution towards playing pitches as the direct impact of this would be felt on Swindon's pitch provision and this is supported by Wiltshire Council also.

- m. Paragraph 5 of the applicants riposte to the original Section 106 comments states that there is a requirement for just 1.7 ha of pitch provision, and goes on to state that this will be provided on the primary school site. As the school site is just 1.2ha in total (*Para 4.3.4 of the D&A*) including buildings the shortfall would be more than 0.3 ha, this is not physically possible, and also not considered suitable in this instance. The required level of playing pitch provision is not being provided onsite and thus an offsite option is justified as set out below.
- n. An area for playing pitches of 2.0159ha should be capable of accommodating 2x adult size football pitches or a greater mix of junior and/or mini-pitches or commensurate mix of the two. In integrating such demand into a development, the developer would be required not only to meet all the construction costs of pitch creation, to deliver them to required specification (including leveling and drainage as appropriate), but would also be required to provide the associated changing and parking facilities commensurate with the level of provision.
- o. It has been suggested that community access to the Primary school pitch would meet the pitch demand arising from the development. This is simply not the case. At this stage there is no guarantee the community access to the school could be secured, and even if it were whether it would be capable of being delivered. The pitch requirement for an IFE primary is 1 pitch with rotation/rest requirements. As a junior pitch it cannot meet any demand arising for adult provision. The curriculum demand alone could fetter community access. Furthermore the appellant has taken a view that a contribution of £170,200 is not proportionate to the scale of the development requirements
- p. Neither SBC nor Wiltshire Council on this occasion has not requested that the master planning layout be amended to incorporate the pitch requirement on site. The reason for this is the existence of emerging pitch provision located at Mouldon Hill Country Park, in very close proximity north of the application site. SBC has requested that an off-site financial contribution be secured for investment in the provision of changing facilities to assist in bringing into use of the existing pitches that have recently been designed and enabling works carried out to allow them to be laid out. At present their use is restricted due to the need to construct the accompanying changing facilities.
- q. The Sport England website contains a plethora of guidance and advice with respect to the provision of sporting facilities, and includes information about the potential costs for delivering such that can be found using the following link@[http://www.sportengland.org/facilities\\_planning/planning\\_tools\\_and\\_guidance/planning\\_kitbag/facilities\\_costs.aspx](http://www.sportengland.org/facilities_planning/planning_tools_and_guidance/planning_kitbag/facilities_costs.aspx).
- r. Scrolling through the documentation Sport England consider a 2 team sports pavilion costs about £250k to construct. This would cater for 1x adult pitch, representing only 50% of the proposed development's demand, potentially equating to a contribution value of £500k for two pitch changing facilities alone without taking into consideration any costs associated with pitch layout and construction itself.
- s. The Mouldon Hill site offers flexibility in the nature of the pitch provision that it could deliver, and can accommodate 1x Under Junior U14s and 2x Under 7s mini soccer or 1x adult pitch.
- t. The Council's in this instance requested that the contribution be directed towards bringing the existing pitch provision in the Mouldon Hill Country Park into use. Mouldon Hill is designated as a Country Park rather than a sports venue. It benefits



from outline planning permission, supported by Phase 1 reserved matters approval for the partial implementation of the infrastructure to support its function as a Country Park. The approved Masterplan identified land that could be made available for pitch provision, and enabling works have already been carried out to provide car parking and drainage to bring one pitch area into use. Delivery of further pitches at the Park would involve the redirection of overhead power lines meaning that the overall construction costs of any further pitches would be significantly more than usual if not prohibitive. For this reason the Council's considers it a priority to invest in the necessary infrastructure to maximise the use of the existing pitch area.

- u. At present the use of the pitches is restricted due to a lack of changing facilities, therefore, SBC would require a contribution to partially fund the provision of changing facilities on site at Mouldon Hill.
- v. The contribution of £170,200 sought by SBC is calculated using a robust methodology based on the 700 dwelling proposal, as embedded in the Council's adopted Guidance Note. The detail of which is appended to SBC formal S106 requirement letter contained on the file and Wiltshire Council's website.
- w. Taking into account the potential costs associated with bringing forward such provision on site, and given that the most up to date figures from the Sport England web site which indicate that a two team sports pavilion/club house of 100sqm has a capital cost of £250,000.00, equating to £500,000 for two pitches (the scale of pitch provision generated by the development) a contribution of £170,200.00 is considered to be reasonable and proportionate to the development, directly, fairly and reasonably related in scale and kind to the development and, in the absence of further on site provision, necessary to make the development acceptable in planning terms, thus is compliant with CIL regulation 122 and the wider provisions of Circular 05/05.

#### *Leisure, sport and recreation*

- a. Both Swindon Borough Council and Wiltshire Council have an adopted Leisure Strategy for their respective administrative area. Swindon's leisure requirements are set out in 'The Strategy for Major Sports Facilities Provision Swindon 2009-2026' known as the 'Leisure Strategy'. Wiltshire's evidence base is contained within the 'Wiltshire Leisure Services Strategy – Indoor Facilities and Action Plan 2011 – 2025' the adoption of which is imminent. Of particular interest to Wiltshire is investment in existing facilities at Cricklade (which it is understood to be geographically slightly further away from the development site, however is closer in drive time than the facility at Royal Wootton Bassett).
- b. Swindon's Leisure Strategy, is underpinned by a methodology for calculating a proportionate contribution that it is considered residential development should make to assist with the delivery of the strategy. That methodology is explained in the covering report to Planning Committee the framework used in the adoption of the updated Developer Contributions DCGN (2010). The Sport England Calculator is used to generate a value equivalent to the proportionate costs of delivering upgrades to existing and/or provision of new facilities to accommodate the future leisure demand. It is reasonable to request that new development within the Borough, and immediately adjacent the boundary pays a proportionate cost towards this investment. Following discussions with Wiltshire Council's Leisure Officer, Wiltshire also use the Sport England Calculator to assess the potential impact of development on strategic leisure provision.

- c. Both authorities have requested a contribution towards strategic leisure provision. It is not the intent to double count in this respect, but to recognise that the impact of the development is likely to be felt on leisure provision in both areas, Thus consideration would need to be given to the apportionment of any potential contribution secured based on relative impact. Due to the juxtaposition of the development to Swindon's urban area however, and the proximity of the nearest strategic Leisure site of the Link Centre at West Swindon, it is considered that the greatest impact on demand will be placed on Swindon's leisure facilities, as being geographically closer and more accessible than those in Wiltshire Council area. A view supported by SBC.
- d. Having considered the evidence base of Wiltshire Council, it is acknowledged that the authorities do however differ in the value of their leisure contribution request. There are a number of reasons for this. Wiltshire has inputted a very slightly different average population per dwelling figures into the sport England Calculator (1610 as opposed to 1666). Furthermore, Swindon's adopted policy approach reduces the Sport England Calculator costs by 30% in recognition that some projects in the adopted Leisure Strategy focus on renovation and refurbishment of existing facilities to accommodate increased demand, something that Wiltshire Council does not as the Sport England calculator values are based on costs of construction of new facilities.
- e. Contributions sought at this juncture towards the refurbishment of changing facilities and extension to the gym and equipment provision at Cricklade leisure centre together with the redecoration and new lighting at Wootton Bassett (based on work carried out by Pengelly Consulting as well as the Sport England calculator) is, following discussion with SBC £227,000 in acknowledgement of the proximity of Swindon's facility and their needs for contributions.
- f. Following round table discussion concern was raised by the now appellant relating to the Swindon card system of discounted leisure rates and that residents of this development living outside of Swindon Borough would be at a competitive disadvantage In respect of the costs of gaining access to Swindon Leisure Facilities.
- g. The Swindon Card is an advantage card that can be used at leisure facilities and other council venues in Swindon to gain discounted prices. Swindon Cards are available to both residents of Swindon (who pay their Council Tax to the Borough) and non-residents (who pay their Council Tax to another authority). There are three levels of discount depending on the applicant's circumstances.
- h. Swindon cards are not essential for Swindon residents and are not automatically given to residents. Non-residents of the borough are as entitled to purchase a card as residents, and the only financial advantage to non-Borough residents is the initial Swindon Card Purchase price for an Adult without concession. Furthermore, the rates for activities either with or without a card do not differentiate between residents of the Borough and non-residents.
- i. Swindon Council's Facilities Planning Model, completed with the assistance of Sport England in 2008, shows that in respect of swimming pools the Council is importing approximately 17% of satisfied demand from surrounding authorities, with 13% coming from the former North Wiltshire administrative area.
- j. The Link Centre, with its wide range of superior facilities is therefore considered to be the destination of choice for residents of Ridgeway Farm. Its proximity as well as its range and quality of facilities would outweigh any perceived financial disadvantage by not being a resident of the Borough. The assertion that residents of Ridgeway Farm would be paying extra for the use of the facilities at the Link Centre is not justified.

k. Some improvements required at the link that relate to needs for an increased population have been identified as:

- Install automated ticket entry
- Improve access to key facilities
- Increase and improve capacity for disability changing accommodation
- Remote turnstile access
- Cooling Tower platform
- Equipment lift
- Cola bar move
- Dry changing room reconfigure-increase area.
- Wet changing room reconfigure-increase area and family change
- Combined ground floor reception extension
- Soft play expansion
- Options for moveable pool floor

- l. The comprehensive list of all the works to the Link Centre exceeds £2,5million and this facility being is just one of the strategic leisure sites within the Borough.
- m. It is acknowledged that both Cricklade Leisure Centre and the Lime Kiln Leisure Centre at Wootton Bassett have similar basic facilities, but they are significantly further away and are not easily accessible by bus.
- n. The evidence contained within the Wiltshire's Leisure Services Strategy suggests in Section 5 'The Action Plan' (page 48) that the need to continue to support and developer existing leisure facilities including the one in Cricklade. This being in close proximity to the development, Wiltshire's seek to direct their proportion of any contribution secured to this facility. Swindon accept that an evidence base does exist in this respect, and future improvements are necessary as residents may choose to use the facility, and the primary school would be likely to use the facility for its sporting education curriculum needs.
- o. It is for the reasons set out above it is considered that a financial contribution of £356,618.00 is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development, to ensure that the future demand for such services can be accommodated. For this reason the request for a proportionate contribution is considered to be Regulation 122 compliant, as well as in accordance with the wider tests of Circular 05/05. The matter for continued negotiation with the applicant is the value of the contribution and the potential apportionment between the respective authorities based on the level of impact.
- p. Canal: As documented above, a contribution of £10,000 is sought as contribution towards the upgrade of the nearby Mouldon Hill canal. This falls under a number of subject heading of transport, community facilities and as well as leisure and recreation provision.

#### Waste Management and recycling

- a. Wiltshire Council produced in 2011 a document called "Waste Storage and Collection – Guidance for New Developments". The document is in draft form and has not been the subject of any external consultation.
- b. The guidance contains detail regarding commuted sums for S106 provision calculations in respect of residential developments.

- c. It is noted that the application/appeal is made in outline at present with all matters reserved for future consideration so at this juncture a S106 would be required to ensure that the development accorded with the advice contained within this statement

<b>Scenario</b>	<b>Cost per scenario</b>
Households	£121
Flats 6 - 10	£656
Flats 11 - 14	£1126
Flats 15 - 18	£1639

*Environmental protection and enhancement*

- a. This is considered to relate to ecology and biodiversity. The requirements of Wiltshire Council's Right of Way Officer have been documented in this report and whilst the contributions relate to open space/community facilities some of them also serve a purpose in seeking to protect and enhance to ecology of the site and the adjoining area which will be impacted upon as a consequence of this development.
- b. For ecological reasons a Construction Environmental Management Plan (CEMP) and an Ecological Management Plan (EMP) are required and these could be secured either via a condition or a S106 depending on whether or not there are any financial implications.
- c. As outlined above in this report, the site lies within the designated Great Western Community Forest. SBC have provided significant advice in this respect and is wholly supported by Wiltshire Council in its requirements for the Forest.
- d. The Great Western Community Forest boundary does not respect Council administrative boundaries, and extends in coverage into Wiltshire's administrative area, encompassing the application site. Wiltshire Council has an adopted saved policy NE13 that focuses on the Great Western Community Forest. Swindon also has an adopted Policy ENV19 and embedded the requirements further into an adopted Supplementary Planning Document Community Forest (2004).
- e. The 1994 Forest Plan indicates that tree cover in this part of the community Forest should be 30%. On the application site area 29.64ha, this in principle amounts to planting coverage of 9.0ha. The Supplementary Environmental Statement has now specified that there will be 0.89 ha (800 trees) planted along the eastern and northern edge of the application site. It is likely that these trees would have been delivered as part of the planting necessary to ameliorate the scheme anyway, and that this does not essentially deliver Community Forest. It is acknowledged that some tree planting proposals have now been identified as part of the development proposal.
- f. As with all new housing developments is not just about planting trees and walking away. It is about community engagement with the environment. Community Forest would anticipate working with the new community to develop projects that will further the aims and objectives of the Community Forest on this site, thus a contribution up to the maximum quoted above is reasonable towards initiating and establishing the necessary community involvement and education projects.

- g. If an applicant is not prepared to make a financial contribution to this our officers would expect a package of proposals to ensure that these elements of the Community Forest programme are delivered. At the very least this would include a management plan for the community woodland showing the mechanisms proposed to put in place a strategy (including staff) to ensure the engagement, support and training of local people to deliver appropriate management to ensure that the Community Woodland survives and thrives and remains safe for public access.
- h. In addition, the scale of the development and its immediate proximity to the Green Infrastructure corridor of the River Ray it is likely that residents would want to gain access underneath the railway line via the Public Right of Way network to the accessible countryside around them. To make this fully accessible to the wider Canal network a bridge would be required over the river to access the towpath.
- i. The River Ray corridor has already been identified by the Community Forest Team as a potential location for project delivery and community engagement including:
- j. Increase in woodland planting: Potential opportunities along the River Ray corridor coming south into Swindon. 5ha woodland planting @ £6.5k/ha = £32,500. + accompanying community engagement/education programmes say for 3 years: £10k. This would complement existing woodland plantings further north along the River Ray e.g. at Freeth's wood, Purton Woods, Lower Widhill Farm
- k. River Ray grassland: Secure ownership/sensitive management of the land between the River Ray and the Railway north and east of Mouldon Hill CP (west and south of Clifford Meadows SSSI). Cost of buying the land: agricultural prices at say £8k/ha for 30ha = £240k Project could be to secure grazing, access management, potential for wetland enhancement along the river, include some tree planting to enhance connection with Purton Woods
- l. River Ray wetland work: Between the River Ray and Canal at Mouldon Hill. Creation of wetland features e.g. ponds/scrapes to enhance the river corridor. This is seen as an important adjunct to the maintenance/restoration of the Wilts and Berks Canal in this area. Cost est: c £5,000

Other habitat enhancements:

*Mouldon Hill:*

- a. management of calcareous grassland at Mouldon Hill:
- b. Basic: Vegetation clearance and annual grass cut along the top of the hill to prevent further scrub encroachment. c£5,000
- c. Enhanced: introduction of grazing: fencing, water supply, community work. Feasibility to be confirmed requires further investigation. Fencing/access infrastructure costs £10k + need to provide water supply
- b. The potential projects listed above represent some of the possibilities for the investment of a Community Forest contribution to benefit any future residents of a development at Ridgeway Farm.
- c. The contribution value of £81,944 requested is proportionate to the development, directly, fairly and reasonably related in scale and kind to the development and

necessary to make the development acceptable in planning terms, thus is compliant with CIL regulation 122 and the wider provisions of Circular 05/05.

### Art in the Community

- a. Building on the work of the former district councils, Wiltshire Council is promoting a Wiltshire-wide strategic, collaborative, integrated and coherent approach to public art (otherwise known as art and design in the public realm). This is actively being developed and endorsed across all service divisions of the Council. A new strategic service and policy for public art is currently in the process of being embedded within the Council's emerging core and cultural strategies.
- b. Following on from Policy C2 in the North Wiltshire Local Plan 2011, the draft core strategy states in Core Policy 37: Ensuring High Quality design and place shaping, 'Quality Public Realm – new development must improve, or provide, attractive and usable public open spaces and streets through consideration of location, surveillance, scale, materials, reference to traditional townscape, use of tree planting and integration of public art'.
- c. Following a period of research into existing policy papers and S106 obligations and consultation with relevant officers a policy statement and a guidance note was produced in February 2011 is available to view on Wiltshire Council's website.
- d. This forms the beginning of a public art advisory service within the council and to private and community sectors on specific projects, developments, S106s and matters of opportunity, process and quality. A series of seminars and training sessions for officers, stakeholders and developers are being arranged to underpin the Council's approach and policies for art and design in the public realm.
- e. Public art is site-specific and integral to a higher quality public realm, better-designed and more creative environments, and creates a sense of distinctiveness and community ownership through community participation and creative engagement.
- f. For development proposals with significant impact, such as the Ridgeway Farm development, the policy statement indicates that public art should be considered carefully and integrally at an early planning stage. This requires from the developer a contribution to enable a public art specialist to produce a strategy and to deliver an appropriate art scheme in to the development site. The scheme will be of suitable scale and take account of local distinctiveness and engage with the community, where relevant. The guidance note gives advice on the delivery and the procurement of art and design in the public realm within the planning framework.
- g. Given the scale of this development proposed at Ridgeway Farm, an indicative figure of £120,000 is considered to be reasonable, of which it is anticipated that between 10% and 15% would be spent on developing a public art plan at an early stage. This will depend on the complexity of the site and the aspiration of the developer. This level of contribution is based on a comparison of similar projects, in terms of the number of houses and relative land value or desirability of location, rather than the application of a particular formula.
- h. Research in to S106s and developer contributions in Wiltshire suggest that negotiations have been made on the individual merit of each site and many have been based on precedents set on developments of a similar size or type. Comparisons made with other authorities reveal that there is no national standard and some authorities have tariffs and sliding scales for contributions.

- i. Examples of contributions negotiated for development sites where contributions towards public art have been secured include:
- j. The Old Sarum housing development (planning reference S/2005/0211 and S/2009/1748) of 630 dwellings secured a contribution through a S106 dated 30 October 2008 of £120,000 plus £12,000 being an additional 10% for the lead artist/agency fees.
- k. A housing development of 750 dwellings at Land East of Melksham (planning reference 04/01895/OUT) secured a £110,000 contribution through a S106 dated 6 August 2008 from which a maximum of £20,000 could be expended to appoint a public art consultant to produce an arts plan.
- l. At a recent judicial review in Salisbury, the developer was presented with a body of evidence of the current art and design agreements in Wiltshire who accepted that the figures that we were working to were reasonable and that the method of comparing one site to the next to establish the public art contribution was equally a reasonable approach.

#### Other contributions

##### Wiltshire Fire & Rescue

- a. This requirement has come from Wiltshire Fire and Rescue themselves, with a case advanced on their behalf by SBC. The approach outlined below is wholly supported by Wiltshire Council. Discussions with the applicant to date in respect of this aspect of contributions have not been so positive.
- b. The evidence base document that is used to support the request for a financial contribution towards improved service provision for Wiltshire Fire & Rescue Service 'WFRS' is their 'Community Risk Strategy for Swindon Borough 2006-2026' March 2011.
- c. SBC, on behalf of the Fire and Rescue Service 'WFRS', to contend that a contribution is necessary to make the development acceptable in planning terms.
- d. WFRS provide coverage that extends beyond the boundaries of the Borough of Swindon into the Wiltshire Council administrative area. The development site is located immediately adjacent, and to the north of Peatmoor, an area that forms the northernmost extent of the West Swindon. The nearest fire station to the development site is located at Westlea in West Swindon.
- e. In order for the Wiltshire Fire and Rescue Service to meet the demand for its services in the future, as a consequence of Swindon's growth, and any growth on its fringes that will place additional demand on its services, there is a need for it to upgrade the nature, and potentially location, of its operational services. The WFRS Community Risk Strategy for Swindon Borough 2006-2026 'The Strategy' also contains information relating to the response times to areas that lie outside of the Borough boundary. This includes the application site which is identified in the Strategy as falling in a maximum response time of 8-10 minutes, and possibly beyond in some sections.
- f. All new development that expects WFRS coverage will adversely impact the ability of the service to meet its current target response times, to existing premises within its

area, unless service improvements are made. Thus attendance to incidents at this development will adversely and directly impact on WFRS infrastructure. This is a pressure and impact that it is reasonable for new development to mitigate. Without mitigation, response times to existing areas will be stretched adding to the level of risk. For this reason it is unlikely that WFRS will be able to maintain or deliver a safe and efficient Fire Service to the residents of existing premises, and in the future this development if its infrastructure is not improved.

- g. Whilst the developer contributions towards provision have been generated from data contained within the WFRS Strategy (2010) this document has recently been updated in light of revisions to the proposed growth for Swindon under the Swindon Borough Core Strategy Revised Proposed Submission Document March 2011. The Council continues to apply the cost per dwelling and per sqm from the 2010 Strategy as this is a lesser figure than would ultimately be generated by the updated Strategy. The costing model generates a funding gap that is appropriately apportioned between residential and non-residential developments and embedded into the Developer Contributions DCGN 2010.
- h. Applying the policy rigidly, the non-residential aspects of the scheme would also trigger a contribution however as an outline application it is difficult to ascertain an appropriate contribution at this point in time. The residential element reflects a proportionate cost of £155 per residential unit. The contribution level generated has only been calculated against the 70% of total housing numbers as it excluded contributions for affordable housing.
- i. The primary focus for the Fire Service is to upgrade the Westlea Fire Station from immediate response by day, and delayed response by night to immediate response both day and night. Given the proximity of the development to this nearest Fire Service Facility and the impact that such a significant development will place on its service delivery, there is a clear justification for a request for the contribution.
- j. It is considered that a contribution towards the improvements to the Fire Service infrastructure would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development based on a derived cost per open market residential unit. For this reason it is considered that the contribution is CIL Regulation 122 compliant.

**30. Human Rights Act**

- a) The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

**31. Equalities**

- a) In determining this planning application the Council has regard to its equalities obligations including its obligations under section 71 of the Race Relations Act as amended and the Equalities Act 2010. For the purposes of this application, there are no adverse equalities issues arising from this proposal which are not adequately addressed by the applicant.



### 32. Conclusion

- a. The application site lies in the open countryside outside of any framework boundary. The site is not the subject of any site specific allocation in any existing or proposed development plan document. Nor is there any intention by either Swindon Borough Council or Wiltshire Council to allocate the site at this time.
- b. There are no site specific objections to the development in term of landscape or ecological impact.
- c. If allowed, the proposed development would be premature to the emerging Core Strategies of both Councils and the plan-led approach to the growth of Swindon. The sustainability credentials of the site in terms of location and proposed on-site facilities is poor and will increase the need for journeys to be made by private vehicles.
- d. There are concerns regarding the highway design aspects of the proposed development as illustrated by the masterplan. At present the design would encourage speeding, severance, intimidation and safety issues for all users of the site.
- e. Whilst the willingness of the applicants/appellants to enter into a S106 agreement is noted, the absence of any signed and completed agreement must form a reason for refusal at this juncture.

### 33. Recommendation

**Had the committee been able to determine this application it would have recommended that Planning Permission be REFUSED and that officers be authorised to contest the appeal for the following reasons:**

1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011.
2. In the absence of a site specific allocation of the application site in any adopted or emerging development plan document, it is considered that there is no policy derived basis for the development of this site. It is proposed that the strategic growth of Swindon will be derived from other more suitable sites identified by Swindon Borough Council in their respect Core Strategy.
3. The proposal is premature to the progression of both Wiltshire Council's and Swindon Borough Council's Local Development Frameworks (LDF), the Core Strategy Development Plan Documents for the area is therefore prejudicial to both councils' plan-led approach to sustainable development, and the spatial vision for the development of Swindon and the surrounding area. As such the proposal is contrary to Planning Policy Statement 3: Housing, the Council will be relying on the principles in Cala Homes (South) Limited v Secretary of State for Communities and Local Government [2010] and R (on the application of Cala Homes (South) Limited) v Secretary of State for Communities and Local Government and another [2011].
4. The proposed development is non-sustainable; it would be located where it is distant from adequate services with an insufficient public transport provision and will therefore

increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with the advice given in PPG13, RPG 10 and Policies C1, C3 and T1 of the adopted North Wiltshire Local Plan 2011.

5. In highway design terms, the proposed development, as illustrated by the Masterplan, is not capable of being built in an acceptable manner. The poor design will encourage speeding, severance, intimidation and safety issues which are contrary to national guidance in Manual for Streets 1 and 2, Policy C3 of the adopted North Wiltshire Local Plan 2011 and current best practice for highway design.
6. In the absence of an acceptable signed S106 agreement, the proposed development does not make any provisions for securing affordable housing and education on the site; it also makes insufficient financial contributions towards mitigating impacts of the development on nearby services and facilities and the maintenance of open space, waste receptacles and surface water attenuation measures on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).