

10 November 2023

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Dear Ron,

Land at Lotmead Farm, Swindon
Section 73 Application to Vary Conditions of Outline Planning Permission S/OUT/19/0582
Application ref. S/23/0438
On behalf of Countryside Sovereign Swindon LLP

Introduction and Overview

I write to you on behalf of Countryside Sovereign Swindon LLP ('the Applicant' / 'CSS') with updated information in relation to our client's live Section 73 application which seeks the variation of planning conditions attached to Outline Planning Permission ref. S/OUT/19/0582 ('the Outline Permission') dated 30th March 2021 relating to development at the Lotmead Site of the New Eastern Villages, Swindon ('the site'). The Section 73 application was validated on 11th May 2023 and given the reference S/23/0438.

The purpose of this letter is to replace our most recent letter dated 25th August, and in doing so to provide points of clarification in relation to our planning case. We ask that this is treated as a replacement to our most recent letter of 25th August.

To confirm, to date, comments have been received from the following consultees confirming they have no objections to or no comment on the proposals: Environment Agency, Historic England, Natural England, National Highways, Transport Development Management, Contaminated Land Officer, Housing Strategy and Development Officer, Network Rail, South Marston Parish Council, Oxford County Council, Sport England, and CPRE Wiltshire.

Comments from the Local Lead Flood Authority ('LLFA') were received on 27th July 2023. The Applicant's team have reviewed these comments and prepared an itemised response which is provided alongside our 25th August cover letter (see *Section 73 Response to LLFA Comments*, Revision 1 dated 16/08/23). As previously mentioned, we do not consider that the LLFA's comments raise any new substantive issues that are not already addressed within our evidence.

Similarly, our previous letter included a *Section 73 Response to the Canal Trust Comments* (Revision 1 dated 16/08/23). This response does not amend that.

A response to Shrivensham Parish Council's comments, clarifying the application scope, was provided on 28th June 2023. Again, we trust that this positively addresses their concerns.

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A consultee comment from the Rights of Way Officer was provided on 18th June 2023 relating the impact of the proposed development on an existing public footpath which crosses the site. As the current application seeks to vary an outline with all matters reserved for future approval (save for the means of access of Wanborough Road), details of public footpath routing/provision are a matter for consideration at the reserved matters stage.

The letter provides a summary of where submitted plans and documents are **NEW**, have been **UPDATED/EXPANDED**, or remain **UNCHANGED** or **SUPERSEDED** from the original submission. The key purposes of this letter are as follows:

- A. To set out the challenges associated to delivery of the Outline Permission; i.e. why change is needed **[EXPANDED]**;
- B. To set out the changes proposed, including proposed rewording of the affected conditions **[EXPANDED]**;
- C. To provide an assessment of the planning justification for the proposals in the context of the Planning and Compulsory Purchase Act (2004) **[EXPANDED]**;
- D. To explain the benefits resulting from the proposed changes **[EXPANDED]**; and
- E. To comment on the subject of precedent **[UNCHANGED]**.

Throughout, we also explain the information that is submitted as part of this application and how it relates to other approved and live applications on the site.

Enclosed within this application are the following documents and plans:

Documents for approval:

- Revised Flood Risk Assessment Addendum (ref. 22006-HYD-P0-XX-RP-C-0006) **[UNCHANGED]**;
- Strategic Site Wide Surface Water Drainage Strategy (ref. 22006-HYD-P0-XX-DR-C-2220 REV P07) **[UNCHANGED]**;
- Phasing Plan - Overarching (ref. 0767-1004 Revision D, approved under application ref. S/COND/22/0411 in November 2022) **[UNCHANGED]**;
- Phasing Plan - Strategic Foul and Drainage Infrastructure (ref. 0767-1002 Revision D, approved under application ref. S/COND/22/0411 in November 2022) **[UNCHANGED]**;
- Phasing Plan - Movement (ref. 0767-1001 Revision D, approved under application ref. S/COND/22/0411 in November 2022) **[UNCHANGED]**;
- Phasing Plan - Spine Road and Housing Parcels (ref. 0767-1000 Revision C, approved under application ref. S/COND/22/0411 in November 2022) **[UNCHANGED]**;
- Phasing Plan - Green Infrastructure (ref. 0767-1003 Revision C, approved under application ref. S/COND/22/0411 in November 2022) **[UNCHANGED]**;
- Wanborough Green Character Area Design Code (dated January 2023, also submitted under application ref. S/COND/23/0100) **[UNCHANGED]**;
- Preliminary Drainage Strategy Sheet 1 of 4 (ref. 22006-HYD-P1-XX-DR-C-2200 REV P07) **[UNCHANGED]**;
- Preliminary Drainage Strategy Sheet 2 of 4 (ref. 22006-HYD-P1-XX-DR-C-2201 REV P07) **[UNCHANGED]**;
- Preliminary Drainage Strategy Sheet 3 of 4 (ref. 22006-HYD-P1-XX-DR-C-2202 REV P06) **[UNCHANGED]**;and
- Preliminary Drainage Strategy Sheet 4 of 4 (ref. 22006-HYD-P1-XX-DR-C-2203 REV P05) **[UNCHANGED]**.

Supporting / illustrative information (not for approval):

- Strategic Site Wide Surface Water Drainage Strategy (with Masterplan Overlay) (ref. 22006-HYD-P0-XX-DR-C-2221 REV P02) [UNCHANGED];
- Strategic Site Wide Surface Water Drainage Strategy (with Green Parameter Plan Overlay) (ref. 22006-HYD-P0-XX-DR-C-2222 REV P03) [UNCHANGED];
- EIA Strategy Note (dated March 2023) [UNCHANGED];
- EIA Statement of Compliance (dated May 2023) [UNCHANGED];
- Density Plan Overlay – Drainage Strategy pursuant to Original FRA Addendum (ref. DPO 02 REV P6) [UPDATED];
- Density Plan Overlay – Drainage Strategy pursuant to Revised FRA Addendum (ref. DPO 03 REV P8) [UPDATED];
- Indicative Site Wide Surface Water Drainage Strategy (ref. 22006-HYD-P1-XX-DR-C-2211 REV P011) [UNCHANGED];
- Site Wide Constraints Plan (ref. 2600 Rev P02, as referenced on Density Plan Overlay pursuant to Original FRA Addendum) [UNCHANGED];
- Site Wide Constraints Plan (ref. 2600 Rev P04, as referenced on Density Plan Overlay pursuant to Revised FRA Addendum) [UNCHANGED];
- Section 73 Response to LLFA Comments (Revision 1 dated 16/08/23) [UNCHANGED];
- Section 73 Response to the Canal Trust Comments (Revision 1 dated 16/08/23) [UNCHANGED];
- Phase 1 Drainage Section (ref. 22006-HYD-P1-XX-DR-C-2710 REV P02) [UNCHANGED];
- Notes of 18th January Meeting between Swindon Borough Council ('SBC'), LLFA, CSS and Savills (dated 19/01/23) [UNCHANGED];
- Preliminary Site Wide Cut and Fill Assessment pursuant to the Original FRA Addendum Drainage Strategy (ref. 222006-HYD-P0-XX-DR-C-1101 Revision P01) [NEW];
- Preliminary Site Wide Cut and Fill Assessment pursuant to the Revised FRA Addendum Drainage Strategy (ref. 222006-HYD-P0-XX-DR-C-1102 Revision P01) [NEW];
- Lotmead Development Phase 1 – Site Sections showing ground raising required to achieve surface water drainage solutions (ref. 22006-HYD-P0-XX-DR-C-2721 Revision P03) [NEW];
- Lotmead Development Phase 2 & 3 – Site Sections showing ground raising required to achieve surface water drainage solutions (ref. 22006-HYD-P0-XX-DR-C-2722 Revision P03) [NEW];
- Lotmead Development Phase 9 – Site Sections showing ground raising required to achieve surface water drainage solutions (ref. 22006-HYD-P0-XX-DR-C-2723 Revision P03) [NEW];
- Site Wide Existing Ditch and Bund Survey (ref. 22006-HYD-P0-XX-DR-C-2800 Revision P01) [NEW];
- Response to LLFA & Case Officer Comments (ref. 22006-HYD-XX-TN-C-0004 Revision P01) [NEW].

An EIA Statement of Compliance (May 2023) was originally submitted as part of the application however this has been fully **SUPERSEDED** by the preparation and submission of an ES Addendum (September 2023) [UNCHANGED].

As with the Original Environmental Statement (ES) prepared at the time of the outline application, the ES Addendum has presented a robust assessment of potential/likely significant environmental effects. For example, assuming that 60 HGV trips will be generated per day during the construction period. With the implementation of development pursuant to the Proposed Revised FRA Addendum, as the benefits below identify, it is considered that actual HGV movements will be below this figure (due to the requirement for less imported fill material) leading to reductions in associated environmental effects (e.g. transportation and emissions). However, the overall level of effect is expected to remain as predicted in the Original ES and ES Addendum.

A tracked changes version of the Revised Flood Risk Assessment Addendum (ref. 22006-HYD-P0-XX-RP-C-0004) [SUPERSEDED], showing the proposed changes to the Original Flood Risk Assessment Addendum, was submitted as part of the original package of this application.

Under separate reference, a deed of variation to enable the existing Section 106 agreement to apply to this variation and any future Section 73 applications was agreed in July 2023.

A. Challenges within the Existing Permission

Background – The Outline Permission

The Outline Permission, obtained by Ainscough Strategic Land Ltd prior to CSS’s acquisition of the site, grants consent for the redevelopment of the site to provide up to 2,500 homes; up to 1,780sqm of community/retail; up to 1,780sqm of community/retail uses; up to 2,500sqm of employment use; sports hub; playing pitches; 2no. 2 form entry primary schools; green infrastructure; indicative primary access road corridors to A420; improvements to Wanborough Road and associated works (ref. S/OUT/19/0582).

This outline application was EIA development and included an Environmental Statement.

Conditions 4 (Approved Plans) and 5 (Illustrative Masterplan) lists a series of parameter plans. Condition 5 requires that all proposals are in “*broad accord*ance” with the approved Illustrative Masterplan. The Illustrative Masterplan includes retention of existing watercourses and a limited number of “*Secondary Drainage Features*” adjacent to but outside of residential parcels. These features then connect to “*Land safeguarded for Tertiary Drainage Features*”, which are effectively large drainage basins located within the non-developable areas of open space.

Conditions 40 to 48 relate to drainage, flood risk and other matters associated with the Environment Agency (‘EA’). More specifically, Conditions 41 (Compliance with Flood Risk Assessment), 42 (River Crossing Details), 43 (River Corridor Survey) and 46 (Strategic Surface Water Management Scheme) all reference an *Addendum to March 2019 Flood Risk Assessment* (ref. 27970/4003/TN001, dated 22 August 2019), as a document that must be accorded with the future drainage design.

This “Original” FRA Addendum was produced late in the determination of the outline application, in response to comments raised by the LLFA and the EA. Section 3 of this Original FRA Addendum includes new requirements for future detailed drainage design, which were not proposed in any earlier documentation submitted within the application. These primarily arise as a result of NEV Drainage SPD. In particular, it notes:

- “*Shallow above ground conveyance features will be prioritised throughout the development (where feasible) ...*”
- “*Plot scale ‘source control’ SuDS features such as raingardens, permeable paving, green roofs or swales, will be prioritised in the first instance ...*”
- “*SuDS drainage features will be prioritised in the following hierarchy:*
 - *Primary – plot scale ‘source control’ features such as raingardens, permeable paving etc;*
 - *Secondary – under drained swales providing conveyance and attenuation storage;*
 - *Tertiary – attenuation basins or ponds providing attenuation storage.”*

Although a number of pre-commencement conditions have been discharged and there is currently a live Reserved Matters application for Phase 1 (ref. S/RES/22/1736), development under the Outline Permission is yet to commence.

Acquisition and Technical Review

Following CSS's acquisition of the site, CSS commissioned a proving layout and strategic drainage strategy, which followed the principles set by the Outline Permission.

This work identified that the requirements of the "Original" Addendum (introduced by Section 3) were not fully considered as part of the outline application. The implications of accommodating the "Original" Addendum's requirements are set out below.

Firstly, the requirement to prioritise plot scale source control features (in comparison to large basins in open space) is very land hungry and would require substantial land take within the development parcels identified on both the Land Use Parameter Plan and the Illustrative Masterplan. Whilst drainage features within residential parcels are not precluded by the Land Use Parameter Plan and the Illustrative Masterplan, including them would have a significant effect on residential capacity. This "lost" net developable area (NDA) cannot be clawed back on the areas safeguarded for basins, as this would not be in compliance with the approved Parameter Plans or the Illustrative Masterplan. Evidence relating to this is set out below in Section B.

Secondly, above ground, plot scale, source control features such as swales require steeper gradients to ensure appropriate conveyance of water, when compared to piped conveyance to basins in open space. The effect of this is that there is a greater levels difference, between the starting and finishing points of the drainage network. Furthermore, setting the base level of the attenuation ponds above the 1 in 100 year + climate change flood level and conveying runoff to them from the furthest extremities of the catchment requires substantial level raising due to the very flat profile of the site. Substantial level raising would be required across almost all phases of the development. In some places, levels would need to be raised by circa 3m above existing levels in places to achieve a drainage strategy that is compliant with the Original FRA Addendum.

As outlined in Section B of this letter, consideration has been given to the implications of levels raising for both the Original and Revised FRA Addendum. Having reviewed both scenarios in detail, there are a range of benefits associated to the Revised FRA Addendum over the Original FRA Addendum, including lessening the need for land raising, less importation of soil and fewer vehicle movements associated to this, as well as site viability. This is discussed below.

Thirdly, the effect of raising levels will significantly reduce the developable area as this scale of land raising will result in the need for excessive banking and batters around the perimeter of development parcels in order to return back to existing levels and tie into retained features such as watercourses, hedgerows and trees.

This would mean some existing hedgerows and trees would be sitting some 2-3m below made ground level potentially impacting the longevity of these retained landscape features. Notwithstanding impact on residential capacity, this would not be positive from a placemaking perspective.

Fourthly, although the Outline Permission sets an "up to" residential figure of 2,500, the Viability Assessment that underpinned the Outline Permission was undertaken on the basis of 2,500 dwellings being delivered. In addition, the Viability Assessment did not take account of the additional cost associated with soil importation or banking/retaining features that will be required to deliver development in accordance with the Original FRA Addendum.

Importantly, we note that the comments provided by the LLFA do not dispute any of the technical issues raised above.

B. Proposed Changes to Remedy Challenges

To remedy the challenges set out above and enable efficient delivery of the site in line with the requirements of the site allocation and Outline Permission, CSS propose a series of simple changes to the approved conditions, which will align the drainage strategy with the assessment work undertaken as part of the approved Outline Permission, as well as the approved Parameter Plans and Illustrative Masterplan.

The key change proposed is the substitution of the “**Original**” FRA Addendum with a “**Revised**” FRA Addendum, prepared by Hydrock (ref. 22006-HYD-P0-XX-RP-C-0006). The “Revised” Addendum will alter the requirements for future drainage design. A full explanation of this is set out below. This necessitates variations to the document references within Conditions 41 (Environment Agency – Compliance with Flood Risk Assessment), 42 (Environment Agency – River Crossing Details), 43 (Environment Agency – River Corridor Survey) and 46 (Strategic Surface Water Management), however, the substantive content of these conditions remains unaltered.

The secondary changes proposed are amendments to the wording of Conditions 9 (Phasing), 10 (Design Codes), 46 (Strategic Surface Water Management) and 47 (Surface Water Management Scheme (Phases) for Phase 1 to compliance conditions. The rationale behind these changes is to avoid the need to re-discharge these conditions (which have already been approved or are the subject of live applications at present) for Phase 1 following the granting of this variation application.

Proposed updated wording to all affected conditions is set out below under the heading ‘*Proposed Amendments to Condition Wording*’.

The Key Proposed Change – The Revised FRA Addendum

As set out above, the key change proposed is to substitute the “**Original**” FRA Addendum with a “**Revised**” FRA Addendum, prepared by Hydrock (ref. 22006-HYD-P0-XX-RP-C-0006). This section of the letter should be read in conjunction with the planning justification outlined in Section C.

The principal change proposed is to amend Section 3 of the Addendum to remove the requirement for prioritisation of plot scale source control features and new above ground conveyancing features. This will enable a predominantly piped drainage solution to new multi-functional SuDS basins in open space, in the locations where land is safeguarded on the already approved Parameter Plans and Illustrative Masterplan. Drained swales are proposed to be utilised alongside strategic roads, with piped sewers to be used to convey surface water runoff to basins or ponds.

Notwithstanding these changes, the Revised FRA Addendum does not preclude the use of more plot scale source control features, and CSS commit to continuing to explore opportunities to introduce more such features at detailed design stage subject to them “*not compromising residential capacity or requiring site levels to be raised excessively*”.

These changes will enable drainage design to be approved pursuant to the relevant conditions, which better aligns with the Parameter Plans and Illustrative Masterplan, and optimising the site’s overall residential capacity, as well as the viability testing that was undertaken.

To demonstrate this, plans have been submitted which overlay the proposed Strategic Site Wide Drainage Strategy with the approved Illustrative Masterplan and Green Infrastructure Parameter Plan. This shows that the proposed drainage strategy directly aligns with the approved Illustrative Masterplan, with all substantial drainage features within open space and limited negative impact on net developable area.

Finally, the Revised FRA Addendum retains the details secured by Planning Conditions 41 – 45 [UNCHANGED] whilst noting the conditions in which the details are secured, for clarity. **The application does not seek to change the principle of what is secured through Conditions 41 – 45, which were requested by the EA at the Outline stage.**

The Positive Implications of the Change and how this Compares to the Original FRA Addendum Requirements

A drainage strategy pursuant to the Original FRA Addendum, titled *Indicative Site Wide Surface Water Drainage Strategy* (ref. 22006-HYD-PO-XX-DR-C-2211 REV P11), and a drainage strategy pursuant to the Revised FRA Addendum, titled *Strategic Site Wide Surface Water Drainage Strategy* (ref. 22006-HYD-PO-XX-DR-C-2220 REV P07) have been prepared to demonstrate the differing implications of each strategy.

Original FRA Addendum Drainage Strategy

The drainage strategy pursuant to the Original FRA Addendum consists of the following features:

- A greater number drainage catchments with attenuation basins positioned within each catchment.
- Additional basins to what was shown on the Green Parameter Plan approved under the Outline Permission.
- The base level of the basins set above the 1 in 100 year + 70% climate change flood level.
- All existing ditches remain in use as outfalls and to convey surface water around the development.
- Greater number of swales proposed within catchments.

An earlier version of this drainage strategy was discussed with the LLFA at a meeting earlier in 2023. CSS and their drainage consultants, Hydrock, believe that the LLFA would support this drainage strategy as being compliant with the Original FRA Addendum.

However, as set out above, accommodating all of these features has a significant impact on levels raising and site capacity, and this was not accounted for in previous viability testing.

In terms of levels raising, as the existing topography of the site is relatively flat, site wide level raising is required to achieve adequate fall across the site to convey surface water drainage to the ponds referred to above (i.e. set above the 100 year flood level) and the subsequent outfall to the existing ditches.

Detailed long drainage sections were shared with the Council and LLFA prior to the submission of this Section 73 application. A long section for Phase 1 based on a fully developed reserved matters layout (ref. 22006-HYD-P0-XX-DR-C-2710 REV P2) was shared at a meeting between the LLFA (Richard Bennett), the Council as LPA (Janet Busby), CSS, Hydrock and Savills on 18th January 2023 and is enclosed within this pack. The long section is compatible with the *Indicative Site Wide Surface Water Drainage Strategy* (ref. 22006-HYD-P1-XX-DR-C-2211 REV P011) which, as outlined above, is a drainage strategy pursuant to the Original FRA Addendum. Notes of this meeting (also enclosed) confirm that at this meeting the LLFA agreed the levels raising shown through Phase 1 was necessary for the means of implementing a drainage strategy pursuant to the Original FRA Addendum, on the basis of the sections and cut and fill information provided. As such, we feel this demonstrates that CSS's evidence relating to the implications of the Original FRA Addendum was understood and accepted by the LLFA, at least for Phase 1 prior to the submission of this application.

Notwithstanding this, further evidence has been prepared by CSS and Hydrock to demonstrate that this scale of levels raising represents the minimum required to meet the requirements of the Original FRA Addendum. This evidence comprises the following three section plans alongside an *Response to LLFA & Case Officer Comments* (ref. 22006-HYD-XX-TN-C-0004) which demonstrate anticipated levels raising for parts of the site:

- Lotmead Development Phase 1 – Site Sections showing ground raising required to achieve surface water drainage solutions (ref. 22006-HYD-P0-XX-DR-C-2721 Revision P03);
- Lotmead Development Phase 2 & 3 – Site Sections showing ground raising required to achieve surface water drainage solutions (ref. 22006-HYD-P0-XX-DR-C-2722 Revision P03);
- Lotmead Development Phase 9 – Site Sections showing ground raising required to achieve surface water drainage solutions (ref. 22006-HYD-P0-XX-DR-C-2723 Revision P03).

As the *Response to LLFA & Case Officer Comments* sets out, each section plan demonstrates anticipated level raising as a result of the Original FRA Addendum drainage strategy and the Revised FRA Addendum drainage strategy. A set of objective drainage requirements has been applied to each drainage strategy (as detailed in the *Response to LLFA & Case Officer Comments*) which results in the required level raising shown. It is clear from these sections that the levels raising required as a result of the Original FRA Addendum drainage strategy is much greater than that which would result from the Revised FRA Addendum drainage strategy. Please see the enclosed *Response to LLFA & Case Officer Comments* for an explanation of the sections provided and the implications of each drainage strategy on levels raising over different parts of the site.

An indicative cut and fill plan pursuant to the levels raising required to implement the Original FRA Addendum is also enclosed (ref. 222006-HYD-P0-XX-DR-C-1101 Revision P01). To facilitate the level of site raising anticipated owing to the implications of the Original FRA Addendum, the importation of c. 1,375,000m³ of soil would be required. Assuming the use of 8 wheeled tipper trucks, which have a capacity of 8.6m³, this equates to c. 320,000 heavy good vehicles (HGVs) visiting and leaving site, associated to levels raising alone. The depth of fill also requires piled foundations to all properties at further costs and vehicle movements.

Turning to site capacity, to demonstrate the impact of the Original FRA Addendum drainage strategy, CSS have overlaid this strategy on to the approved Density Parameter Plan (ref. PL1461.1-PLA-00-XX-DR-U-0007-S4-P02), as shown by the Density Plan Overlay (ref. DPO 02 REV P6). Accounting for NDA “lost” to drainage, which is estimated to be c. 13.66ha, this exercise demonstrates the maximum residential numbers that could be achieved whilst remaining in accordance with the Parameter Plans, regardless of discussions on mix, house types, plotting etc. This evidence demonstrates that if the Original FRA Addendum drainage strategy is implemented, the maximum residential capacity of the site is c. 1,898 homes. This is some c. 602 units lower than the maximum figure permitted by the Outline Permission.

Revised FRA Addendum Drainage Strategy

The drainage strategy pursuant to the Revised FRA Addendum consists of the following features:

- A smaller number of drainage catchments with fewer larger basins positioned on the periphery of the catchments.
- Basin locations reflect locations shown on the Green Parameter Plan approved under the Outline Permission.
- The base level of the basins set below the 1 in 100 year + 70% climate change flood level. The basins are modelled with surcharged outfalls to take account of flood water levels.
- Reduced number of road side swales throughout the development increasing the developable area.
- All existing ditches remain in use as outfalls and to convey surface water around the development.

In comparison to the Original FRA Addendum compliant drainage strategy, these changes have significant positive implications for levels raising, placemaking and site capacity.

In terms of levels raising, dropping pond bases below the 1 in 100 year + 70% climate change flood level reduces the scale of level raising required across the site to an extreme of 1.7m above existing levels, which is some 2m lower than the extremes of the Original FRA Addendum compliant drainage strategy.

This is demonstrated by the Site Sections (ref. 22006-HYD-P0-XX-DR-C-2721 Revision P03; 22006-HYD-P0-XX-DR-C-2722 Revision P03; and 22006-HYD-P0-XX-DR-C-2723 Revision P03) enclosed within the application pack. As explained within the *Response to LLFA & Case Officer Comments* (ref. 22006-HYD-XX-TN-C-0004) which accompanies the Site Sections, setting the base of the outfall and attenuation features below the modelled flood level (as proposed by the Revised FRA Addendum) enables the drainage network to be cut deeper into the existing ground, allowing upstream drainage to be set at a lower level. This in turn results in a reduction in level raising being required.

This is demonstrated within an indicative cut and fill plan for the Revised FRA Addendum compliant approach (ref. 222006-HYD-P0-XX-DR-C-1102 Revision P01). Whilst levels still need to be raised from existing, using the same methodological assumptions as set out above, in comparison to the Original FRA Addendum, the Revised FRA Addendum approach results in:

- c. 768,000 fewer M3 of soil being imported.
- Meaning c. 179,000 fewer HVG's visiting and leaving site.
- This will save c. 11,000 tonnes of CO2 emissions as a result of fewer HGV movements, assuming journeys of 45 miles each way using rigid 32 tonne Euro 6 tipper HVGs travelling at an average of 50mph.
- Traditional shallow foundations as expected on a greenfield development.

The same exercise has then been undertaken of overlaying this Revised FRA Addendum compliant drainage strategy with the approved Density Parameter Plan (ref. PL1461.1-PLA-00-XX-DR-U-0007-S4-P02) to demonstrate what the maximum residential capacity of the site is, in a manner that is in accordance with the approved Parameter Plans, regardless of discussions on mix, house types, plotting etc. The Density Plan Overlay (ref. DPO 03 REV P8) demonstrates a maximum residential capacity of 2,109, which is some 211 units greater than the Original FRA Addendum compliant drainage strategy.

At your request, CSS has given consideration as to whether there is potential to accommodate a greater number of new features within the Revised FRA Addendum compliant drainage strategy that are sought by the Original FRA Addendum. CSS and their project team have explored this, however, we do not believe this is possible without compromising residential capacity and developing outside of the development areas on the approved Parameter Plans. If such changes were to be made resulting in a reduction in site capacity, this would move further away from the aspirations of the allocation policy and the Council's assumptions regarding land supply for the site. Therefore, this has not been pursued further. As noted above, we highlight that the LLFA comments received do not challenge this position.

As shown on the *Strategic Site Wide Surface Water Drainage Strategy* (ref. 22006-HYD-P0-XX-DR-C-2220 Revision P07) provided pursuant to the Revised FRA Addendum, this strategy utilises the majority of existing drainage features across the site and incorporates a wide range of outfall points.

Further, in response to SBC and LLFA queries, a plan relating to the existing ditches and bunds on the site is enclosed (ref. 22006-HYD-P0-XX-DR-C-2800 Revision P01). This plan confirms what features are existing ditches and what features are existing bunds (including photographs). As the *Response to LLFA & Case Officer Comments* (ref. 22006-HYD-XX-TN-C-0004) outlines, the Revised FRA Addendum compliant drainage strategy has, where feasible, utilised existing ditches. Where existing ditches have not been utilised, this is owing to a variety of constraints which result in these features not being appropriate outfall locations (as outlined in further detail in the *Response to LLFA & Case Officer Comments*).

Proposed Amendments to Condition Wording

In light of the above, the following changes are proposed to the Outline planning conditions. **New proposed text is indicated in bold green**, with ~~deleted text in struck through red~~. All other text is as original.

Condition 9: Phasing Details¹

“For Phase 1, development shall be carried out in accordance with the approved phasing and timetables set out in the following:

- **0767-1004 Revision D received 23rd August 2022 Overarching;**

¹ All documents referred to in the proposed text are already approved under ref. S/COND/22/0411, and are also submitted as part of this application.

- 0767-1002 Revision D received 03rd November 2022 Strategic foul and drainage infrastructure;
- 0767-1001 Revision D received 11th August 2022 Movement;
- 0767-1000 Revision C received 11th August 2022 Spine road and housing parcels; and
- 0767-1003 Revision C received 11th August 2022 Green infrastructure

Prior to the submission of each reserved matters application, **relating to Phase 2 onward**, a phasing programme and plan shall be submitted to and approved in writing by the local planning authority to show how the development shall be implemented in phases or sub phases. The phasing programme shall include the following elements:

- a) The development parcels.
- b) Major distributor roads/routes within the site, including a defined hierarchy of the road network, the timing of provision and opening of access points into the site.
- c) Phased access strategy delivery and associated phased housing delivery.
- d) Pedestrian / cycle connectivity and public transport to committed and emerging parcels of development within the New Eastern Villages.
- e) Alterations to public transport routes to accommodate the defined phases of development within the site.
- f) Local centres and community facilities, including car share space provision.
- g) The safeguarded route for the canal.
- h) Strategic foul and surface water features and sustainable drainage systems.
- i) Strategic landscaping, recreation and open space.

The development shall be carried out in accordance with the approved phasing and timetable.

Reason: To ensure the coordination and delivery of infrastructure provision for the new community. In accord with Policies IN1 and NC3 of the Swindon Borough Local Plan 2026”.

Condition 10: Character Area Design Code²

“For Phase 1, development shall be carried out in accordance with the approved Wanborough Green Character Area Design Code dated January 2023.

A Design Code relating to each Character Area **relating to Phase 2 onward**, as defined in the Strategic Design Code, shall be submitted to and be approved in writing by the local planning authority prior to the submission of the first reserved matters application within the Character Area. Each Design Code shall be in accordance with the approved Strategic Design Code (Design and Access Statement, Chapter 7 'Strategic Design Code', document reference: PL1461.1-ID-001-05; received on 29th April 2020) and shall include detailed guidance for the Character Area in respect of:

- The overall vision, mix of uses and character of the parcel of development;
- How the character and identity of the development parcel will be established and strengthened through consideration of the public realm, streets and open spaces, green infrastructure, retained and proposed planting, open spaces and play areas;
- The approach to public art throughout the scheme and in individual character areas
- The form of the character area, with reference to densities, block types, building types, building heights, ground levels, the palette of materials, recycling and waste management, street furniture, principles of inclusive design and Secure by Design;
- The hierarchy, typology and treatments of all elements of the movement network;
- Principles of traffic management, parking provision and servicing to all properties;

² Document referred to in the proposed text is the subject of a live discharge of condition application (ref. S/COND/23/0100), however, almost all of this content was previously approved as part of an earlier approval of condition application (ref. S/COND/22/0411). This is also submitted as part of this application.

- The means of achieving direct, safe and accessible connectivity to the rest of the NEV development and in particular to the facilities and services of existing and proposed local and district centres; and Noise attenuation measures.

Each reserved matters application shall be accompanied by a checklist to demonstrate how the development accords with the relevant approved Character Area Design Code or any updated Character Area Design Code which may be subsequently approved.

Reason: To ensure a holistic approach to co-ordinate and deliver high quality design in accordance with Policies DE1 and Policy NC3 of the Swindon Borough Local Plan 2026”.

Condition 41: Environment Agency – Compliance with Flood Risk Assessment³

The application does not seek to change the principle of what is secured through this condition.

“The development shall be carried out in accordance with the submitted flood risk assessment (reference 27970/4003/001, dated 8 March 2019 and prepared by Peter Brett Associates) and the ~~Addendum to March 2019 Flood Risk Assessment (reference 27970/4003/TN001, dated 22 August 2019 and prepared by Peter Brett Associates)~~ Revised Flood Risk Assessment Addendum (reference 22006-HYD-P0-XX-RP-C-0006, dated 01/03/2023 and prepared by Hydrock) and the following mitigation measures they detail:

- No built development located within the post development 0.1% AEP flood extent as shown in drawing number 27970_016_MI013 (dated 13 April 2017 and prepared by Peter Brett Associates); and
- Finished floor levels shall be set no lower than 300mm above the 1% AEP level including an appropriate allowance for climate change.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with paragraph 163 of the National Planning Policy Framework (NPPF) and adopted policies EN6 and NC3 of the Swindon Borough Local Plan 2026”.

Condition 42: Environment Agency – River Crossing Details

The application does not seek to change the principle of what is secured through this condition.

“Development within phases or sub phases that include a main river crossing, must not be commenced until such time as details and design of any main river crossings proposed within that phase or sub phase have been submitted to, and approved in writing, by the local planning authority. Details should demonstrate that the crossings shall not result in a loss of floodplain storage and include soffits raised a minimum of 600mm above the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change extent, in accordance with the ~~Addendum to March 2019 Flood Risk Assessment (reference 27970/4003/TN001, dated 22 August 2019 and prepared by Peter Brett Associates)~~ Revised Flood Risk Assessment Addendum (reference 22006-HYD-P0-XX-RP-C-0006, dated 01/03/2023 and prepared by Hydrock. The watercourse crossings shall be clear span in design with abutments set back from the top of the bank. The crossings shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

³ The document referenced here is submitted as part of this application.

Reason: To prevent increased risk of flooding by ensuring there are no detrimental impacts to flood storage or flood flow routes as a result of the crossings, in accordance with paragraph 163 of the National Planning Policy Framework (NPPF) and adopted policies EN6 and NC3 of the Swindon Borough Local Plan 2026. Also to ensure that the works are not detrimental to the biodiversity of the watercourse, in accordance with paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) and adopted policies EN4 and NC3 of the Swindon Borough Local Plan 2026”.

Condition 43: Environment Agency – River Corridor Survey⁴

The application does not seek to change the principle of what is secured through this condition.

“Where a phase of development is the first to propose an outfall into a main river (in accordance with **the Strategic Site Wide Surface Water Drainage Strategy ref: 22006-HYD-P0-XX-DR-C-2220 Revision P07 Drainage Strategy plan ref: 27970/4005/001 Rev B, contained within the Addendum to March 2019 Flood Risk Assessment**), no development shall take place until a River Corridor Survey (RCS) has been undertaken, including recommendations for enhancement of the watercourses where appropriate, has been submitted to, and approved in writing, by the local planning authority. The survey shall be holistic, covering all watercourses within the red line boundary. The recommendations of the survey shall be used to create a site wide watercourse enhancement scheme which will be incorporated into each phase or sub phase of development and implemented prior to first occupation of any dwelling within that phase or sub phase.

Reason: Paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) and adopted policies EN4 and NC3 of the Swindon Borough Local Plan 2026 seek for development to provide net gains for biodiversity”.

Condition 46: Strategic Surface Water Management Scheme⁵

“Development shall be carried out in accordance with the approved Strategic Site Wide Surface Water Drainage Strategy (ref. 22006-HYD-P0-XX-DR-C-2220 Revision P07) or in accordance with a revised strategy agreed with the Local Planning Authority.

~~Prior to the approval of the first reserved matters, a Strategic Surface Water Management Scheme for the site, in accordance with the approved Addendum to March 2019 Flood Risk Assessment (27970/4003/TN001) dated 22/08/19, shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include:~~

- ~~○ Details to demonstrate how the proposed flows from the site will be restricted to 4.67l/s/ha for all events up to and including the 1% AEP + climate change event;~~
- ~~○ Details of how the drainage scheme has been designed to incorporate SuDS techniques to manage water quantity and maintain water quality as set out in the FRA addendum, and in accordance with adopted policy and best practice guidance including the New Eastern Villages SuDS Vision SPD and the SuDS Manual C753;~~
- ~~○ A strategic surface water drainage plan showing the proposed location of the proposed SuDS features;~~
- ~~○ Details of the volumes (including indicative dimensions and indicative cross sections) and proposed construction details of the proposed SuDS measures;~~
- ~~○ Details of how the scheme shall be maintained and managed after completion;~~
- ~~○ Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change event to demonstrate that the strategic SuDS features can cater for the critical storm event for its lifetime;~~

⁴ The document referenced here is submitted as part of this application.

⁵ Document referenced here is submitted as part of this application, which is a duplication of information on file as part of live discharge of condition application (ref. S/COND/22/1184).

- ~~○ The submission of evidence relating to accepted outfalls from the site, particularly from any third party network owners; and~~
- ~~○ Sequencing for implementation in accordance with the approved Phasing Plan (Condition 9).~~

The detailed Surface Water Management Schemes for each phase or sub phase (as required by condition 48) shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Policy EN6 and NC3 of the adopted Swindon Local Plan 2026”.

Condition 47: Surface Water Management Scheme (Phases)⁶

“For Phase 1, development shall be carried out in accordance with the approved details listed below or in accordance with a revised scheme agreed with the Local Planning Authority:

- Preliminary Drainage Strategy Sheet 1 of 4 (ref. 22006-HYD-P1-XX-DR-C-2200 REVP07)
- Preliminary Drainage Strategy Sheet 2 of 4 (ref. 22006-HYD-P1-XX-DR-C-2201 REVP07)
- Preliminary Drainage Strategy Sheet 3 of 4 (ref. 22006-HYD-P1-XX-DR-C-2202 REVP06)
- Preliminary Drainage Strategy Sheet 4 of 4 (ref. 22006-HYD-P1-XX-DR-C-2203 REVP05)

Prior to the approval of any related reserved matters **relating to Phase 2 onward**, a detailed Surface Water Management Scheme for each phase or sub-phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Condition 46), and include all supporting information as listed in that condition. The scheme shall be implemented in accordance with the approved details and timetable”.

C. Planning Justification

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that determination of planning applications is made in accordance with the development plan unless material considerations indicate otherwise.

Having set out the technical justification and implications of the proposed changes of the above, the purpose of this section is to appraise the proposals in relation to the requirements of the Act.

Overview of the Development Plan and Material Considerations

The relevant adopted development plan document is the Swindon Local Plan (March 2015), and the relevant policies regarding site capacity and drainage are:

- Policy EN6 (Flood Risk); and
- Policy NC3 (New Eastern Villages).

We understand the Council is anticipating undertaking Regulation 18 consultation for an emerging plan later this year, however, given the stage reached, it is unlikely to have any material bearing on the determination of this application. Therefore no further consideration is given.

⁶ Document referenced here is submitted as part of this application, which is a duplication of information on file as part of live discharge of condition application (ref. S/COND/22/1765).

With regard to material considerations, the following are key:

- The existing Outline Permission;
- National Planning Policy Framework (September 2023) (the 'Framework');
- Planning Practice Guidance ('PPG') (as at the time of writing); and
- New Eastern Villages ('NEV') Sustainable Drainage SPD (February 2017) ('the SPD').

Planning Justification

Development Plan

Policy EN6 (Flood Risk)

In so far as SuDS and drainage design are concerned, the key parts of the Policy are criteria (e), (f) and supporting paragraph 4.362.

Criteria (e) requires drainage strategies to include SuDS features, but importantly it does not require that any drainage strategy must be solely comprised of SuDS features. It also states that run off rates are attenuated to greenfield rates.

Criteria (f) and paragraph 4.362 then set out further requirements for the design of SuDS features; notably that they deliver water quality and biodiversity enhancements. However, as above, neither include a requirement for drainage strategies to comprise solely of SuDS features.

The Revised FRA Addendum includes SuDS features, and through detailed design, these features will deliver water quality and biodiversity requirements.

Therefore the content of the Revised FRA Addendum is compliant with Policy EN6.

Policy NC3 (New Eastern Villages)

Policy requires that the site and the rest of the land within the NEV deliver "about 6,000 dwellings".

Although the NEV is still at an early stage of planning permissions and delivery, without CSS's site delivering as close to 2,500 as possible, it seems very unlikely that the Council could achieve the "about 6,000" requirement of the Policy.

The Council's most recent housing land supply evidence (dated November 2023), assumes a site yield of all 2,500 dwellings, pursuant to the Outline Permission, and therefore, the Council is heavily reliant on the site delivering all 2,500 dwellings or as close to that.

Policy NC3 does not include any specific requirements regarding drainage.

Given that the Revised FRA Addendum would facilitate up to 211 dwellings more than the Original FRA Addendum, it is reasonable to conclude that these proposals are more conducive to achieving the aims of Policy NC3, and are therefore in compliance with Policy NC3.

Conclusions

On the basis of the above, the s73's proposals are not only in accordance with the adopted development plan but are also fundamental to the delivery of the development and allocation as a whole.

Material Considerations

The Existing Outline Permission

As set out in Section A of this cover letter, the approved Parameter Plans and Illustrative Masterplan did not show the creation of any new drainage features within developable areas, and the viability work undertaken did not consider the implications of levels raising. The implications that this has for net developable area and capacity, site levels, lorry movements (and associated air quality issues), and quality of landscaping and impact on retained hedges and trees and viability (all matters which are outlined in more detail in Section D), should all be taken into account in the determination of this application.

Framework and PPG

Nothing in the Framework or PPG is considered to conflict with the adopted development plan or the proposals.

In particular, we highlight Framework paragraph 169, which confirms that “*Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate*”.

Similarly to Policy EN6, this requires major developments to *include* SuDS feature but it does not say that drainage must comprise *solely* of SuDS. On this basis the proposals are compliant.

The same paragraph goes on to state that:

“The systems used should:

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

Addressing each of these points in turn:

- a. The applicant has taken account of all comments and feedback provided by the LLFA at all stages of discussion. The applicant does not consider that the LLFA’s latest comments raise any new issues that are not already accounted for within the applicant’s evidence.
- b. Minimum operational standards would be secured via the Revised FRA Addendum.
- c. Controls for the approval of SuDS and drainage maintenance and management arrangements are in place via condition 48 of the outline permission, which this application does not seek to vary.
- d. Proposed SuDS basins would deliver multifunctional benefits for water quality and ecology.

On the basis of the above, this application’s proposals are compliant with the Framework.

NEV Sustainable Drainage SPD

This document is a material consideration, however, it is not policy and holds the status of guidance only.

The proposals within the Revised FRA Addendum do not wholly accord with guidance contained within this document. However, the following matters (in no particular order) are relevant to determining the weight that should be afforded to the SPD.

- As guidance, rather than policy, this document has not been the subject of independent examination or viability testing.
- The PPG (Paragraph: 008 Reference ID: 61-008-20190315) clearly states that the SPD should not add unnecessarily to the financial burdens on development. The implications of the SPD are such that they

would result in a substantial reduction in the number of dwellings capable of being delivered on the site. As a consequence, it would have a very significant additional financial burden on development, over and above the requirement of Policy EN6.

- Following consultation on a draft of the SPD in July – September 2016, the Council published a Consultation Statement (**Appendix A**), which summarises the consultation responses received and the Council's responses. Multiple consultation responses identified that the requirements of the SPD were more onerous than the development plan and also argued the need for an allowance for the use of pipe and gully drainage systems. At page 3, the Council state that *“Traditional pipe and gully solutions may be more appropriate in certain circumstances, however they will need to be in accordance with other SuDS systems to ensure they meet policy requirements”*. This demonstrates that the Council always considered that some use of piped systems could and should be used in the NEV. As above, the proposals are considered to comply with the requirements of Policy EN6.
- Fundamentally, by introducing requirements that are more onerous than Policy EN6, the result of which is to suppress the site's residential capacity, in terms of the circumstances of this site at least, the SPD not consistent with Policy NC3 and the Council's housing land supply expectation of 2,500 units.

For the reasons above, the SPD should be afforded very limited weight in the determination of this application and, where a conflict between the SPD and Policy NC3 arises, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), the development plan policy must take precedence.

Notwithstanding the above, many aspects of the Revised FRA Addendum are in accordance with the SPD. This includes, but is not limited to:

- Existing drainage features on site will be utilised for the conveyance of existing and proposed surface water flows.
- Swales will be provided primarily along strategic roads and in other areas subject to residential capacity not being compromised.
- Attenuation basins will be situated outside of Flood Zones 2 and 3.
- SuDS features including swales and attenuation will cater for 1 in 100 year plus climate change storm events so that the risk of downstream flooding is not increased.
- Flows from the development will discharge to existing watercourses at the agreed greenfield runoff rates thus mimicking the existing situation.
- Attenuation basins will include pools of permanent water and appropriate planting to enhance biodiversity.
- The use of existing ditches, swales and attenuation basins will maintain and improve water quality.

Overall Conclusion

The commentary above demonstrates that the proposals are in accordance with the adopted development plan and that no material considerations of notable weight indicate that the application should be determined otherwise. Therefore permission should be granted.

As outlined in the introduction of this letter, this is a conclusion that is endorsed by Charles Banner KC.

D. Benefits and Adverse Impacts of the Proposed Changes

Notwithstanding there being no need for any balancing exercise to be undertaken in order for permission to be granted, the tilted balance is engaged by virtue of the Council's housing land supply position, so this Section sets out the benefits and adverse impacts of the proposals as means of further emphasising why planning permission should be granted without delay.

The benefits below are the positive differences that would result from the approval of this application and development of the site pursuant to that when compared to the existing outline permission.

Therefore these benefits are over and above those identified within the original committee report.

Benefits

1. Optimising housing delivery within the 2,500 Outline Permission limit

As evidenced by the two Density Plan Overlay's submitted (Drainage Strategy pursuant to Original FRA Addendum ref. DPO 02 REV P6, and Drainage Strategy pursuant to Revised FRA Addendum ref. DPO 03 REV P8), the proposals pursuant to the Revised FRA Addendum will facilitate the delivery of c.211 more homes, when compared to the Original FRA Addendum. This additional delivery optimises what can be delivered within the Outline Permission's maximum limit of 2,500 and fully in accordance with the approved Parameter Plans (including maximum densities).

With the Council's housing land supply as well as the site's allocation assuming delivery of at or close to 2,500 units from this site, it is essential to the Council that housing delivery is optimised.

Therefore the facilitation of an additional c.211 dwellings over and above the number that could be delivered pursuant to the Original FRA Addendum should be considered a **benefit of substantial weight**, contributing toward the Framework's social objective of ensuring that a sufficient number and range of homes can be provided to meet needs of present and future generations.

2. Optimising affordable housing delivery

In addition to optimising the overall quantum of residential delivery the delivery of affordable housing is often considered separately as an additional benefit.

It is relevant to do this here, as in addition to the lack of an overall housing land supply, SBC have a significant shortfall of affordable housing. The Department for Levelling Up, Housing & Communities' Affordable Housing Supply Statistics 2021-22 published in June 2023 indicate that when comparing the total of completed affordable homes against the Local Plan requirement SBC has a cumulative shortfall of 2,340 affordable homes from 2015 (being the beginning of the Local Plan period) to 2022.

Further to the viability process undertaken as part of the Outline Application, the s106 requires that 20% of dwellings delivered on the Site are delivered as affordable housing.

Applying this to the c. 211 total additional dwellings figure above, this means that these proposals could facilitate the delivery of c. 42 affordable dwellings, over and above development pursuant to the Original FRA Addendum.

In the context of the Council's very substantial shortfall, this should be considered a **benefit of substantial weight**, contributing toward the Framework's social objective of ensuring that a sufficient number and range of homes can be provided to meet needs of present and future generations.

3. Faster delivery of residential completions

Separate to optimising the overall quantum of residential delivery and affordable delivery as set out above, the s73 proposals will also deliver benefits for the pace of residential delivery and the Council's five year housing land supply.

Should permission for these proposals be granted, CSS anticipate being able to deliver first residential completions within 19 months of the approval of this application.

For reasons unknown to the applicant, although the Council's latest Housing Land Supply Statement confirms the Council still expect the site to deliver 2,500 dwellings, the Council have not included any delivery from this site up to the end of the monitoring period running to 31st March 2028.

Based on CSS's anticipated delivery trajectory, if this application were to be granted in December 2023, CSS consider that the site could deliver over 200 dwellings within the 5 year period.

Given the Inspector's description of Swindon's shortfall as "significant" as part of a recent appeal decision, the supply of 200 extra units within the current monitoring period, none of which is accounted for within the Council's latest Housing Land Supply Statement, should be considered a **benefit of substantial weight**, contributing toward the Framework's social objective of ensuring that a sufficient number and range of homes can be provided to meet needs of present and future generations.

4. Significantly less level raising, lorry movements and CO2 emissions

As set out above, the effect of the Revised FRA Addendum will be to substantially reduce site level raising.

This will result in c. 768,000m³ less soil to be brought on to site, which in turn will result in a reduction of c. 179,000 HGV vehicle movements, and c. 11,000 tonnes of CO2 saving from HVG movements when compared to development pursuant to the Original FRA Addendum.

Collectively, these are **benefits that should be considered substantial**, and contribute toward the Framework's environmental objective of protecting and enhancing the natural environment, using natural resources prudently and minimising waste and minimising waste and pollution.

5. Delivery of higher quality development

As a result of lesser requirements for levels raising, the proposals will facilitate placemaking improvements via the avoidance of excessive banking and batters around retained landscape features including watercourses, hedgerows and trees. Reduced levels raising will help the built form and public realm relate more positively to the retained features.

With the delivery of high quality development a consistent and important theme of the Framework and the Council's development plan, this **benefit should be considered significant**. This benefit contributes toward the Framework's social objective through fostering well-designed places, and the environmental objective of protecting and enhancing our natural environment and making effective use of land.

6. Retention of Section 106 package of contributions

The Outline Permission's conditions and s106 secured a significant package of contributions to the benefit of the Site and the wider NEV community. The viability of this package was calculated assuming the delivery of 2,500 units, and certainly not a maximum unit delivery of 1,898 under a scheme delivered pursuant to the Original FRA Addendum.

At the time of writing, CSS confirm that approval of this s73 would allow them to proceed with development pursuant to the existing s106 and infrastructure package.

However, if not approved at a local level or via appeal, CSS would not viably be able to take forward development pursuant to the original Outline Permission, without some form of variation or entirely new application. Under this scenario CSS would look to submit a viability assessment as part of an alternative set of proposals as part of a separate application.

Although the outcomes of any reappraisal of viability are unknown at this time, it would be reasonable to assume that it would involve significant reductions to the s106 and infrastructure package that is currently agreed. Thus, avoiding the need to revisit viability should be considered a **benefit of significant weight**. This is a benefit that spans all of the Framework's objectives.

Adverse Impacts

The only adverse impact that could be perceived in relation to proposals relates to guidance. The proposals do not meet all the requirements of the NEV SuDS SPD, however, in light of the very limited weight that should be afforded to the SPD and the proposals compliance with the development plan's policy relating to drainage, as well as Framework paragraph 169, this is at worst a minor adverse impact of very limited weight.

Conclusion

Notwithstanding the proposals being in accordance with the development plan, the commentary above demonstrates the benefits of the proposals clearly outweigh any perceived adverse impact, which further weighs in favour of the grant of planning permission.

E. Other NEV Sites / Precedent

You requested that we comment on the subject of precedent for other NEV sites, should the Section 73 application be approved.

It is long established in planning judgements that proposals are assessed on their own merits. The evidence submitted by CSS relates solely to Lotmead, and does not pass comment on any other sites within Swindon or the NEV. The specific circumstances involve the extant consent, topography and other constraints.

As such, we do not consider that approval of this application would set any precedent for other sites within the NEV or weaken the Council's ability to take the NEV Drainage SPD into account as a material consideration in the determination of other planning applications.

This is a position that is endorsed by Charles Banner KC.

Conclusions

Supported by the advice of Charles Banner KC, and in accordance with the Planning and Compulsory Purchase Act, this submission has positively addressed all your requests for further information and demonstrates that the proposals are in accordance with the development plan, when material considerations are taken into account and that they will deliver significant benefits, and that we have positively answered your requests for further information.

CSS respectfully request that this application is approved without delay.

Yours sincerely,



Mark Sommerville MRTPI
Associate Director
Planning

Enc.



Appendix A: NEV SUDS Vision SPD Consultation Statement (February 2017)