

31 March 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 Tracy and Janet,

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

Introduction and Overview

Further to recent discussions, I write to you on behalf of Countryside Sovereign Swindon LLP ('the Applicant' / CSS) in relation to a 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 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;
- B. To set out the changes proposed, including proposed rewording of the affected conditions;
- C. To explain the benefits resulting from the proposed changes; and
- D. Throughout, to 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-0004)
- Strategic Site Wide Surface Water Drainage Strategy (ref. 22006-HYD-P0-XX-DR-C-2220 Revision P04)
- Phasing Plan - Overarching (ref. 0767-1004 Revision D, approved under application ref. S/COND/22/0411 in November 2022);
- Phasing Plan - Strategic Foul and Drainage Infrastructure (ref. 0767-1002 Revision D, approved under application ref. S/COND/22/0411 in November 2022);
- Phasing Plan - Movement (ref. 0767-1001 Revision D, approved under application ref. S/COND/22/0411 in November 2022);

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- Phasing Plan - Spine Road and Housing Parcels (ref. 0767-1000 Revision C, approved under application ref. S/COND/22/0411 in November 2022);
- Phasing Plan - Green Infrastructure (ref. 0767-1003 Revision C, approved under application ref. S/COND/22/0411 in November 2022);
- Wanborough Green Character Area Design Code (dated January 2023, also submitted under application ref. S/COND/23/0100).
- Preliminary Drainage Strategy Sheet 1 of 4 (ref. 22006-HYD-P1-XX-DR-C-2200 REVP05)
- Preliminary Drainage Strategy Sheet 2 of 4 (ref. 22006-HYD-P1-XX-DR-C-2201 REVP06)
- Preliminary Drainage Strategy Sheet 3 of 4 (ref. 22006-HYD-P1-XX-DR-C-2202 REVP05)
- Preliminary Drainage Strategy Sheet 4 of 4 (ref. 22006-HYD-P1-XX-DR-C-2203 REVP04)

Supporting information (not for approval):

- Tracked changed version of Revised Flood Risk Assessment Addendum (ref. 22006-HYD-P0-XX-RP-C-0004), showing the proposed changes to the consented
- Strategic Site Wide Surface Water Drainage Strategy (with Masterplan Overlay) (ref. 22006-HYD-P0-XX-DR-C-2221 Revision P02)
- Environmental Impact Assessment Strategy Note (dated March 2023)

An EIA Statement of Compliance will be prepared and submitted as part of the application. A Deed of Variation to enable the existing Section 106 agreement to apply to this variation and any future Section 73 variations will also be sought.

This application has been submitted and paid for via the Planning Portal.

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" Addendum was produced late in the determination of the outline application, in response to comments raised by the Lead Local Flood Authority (LLFA) and the EA. Section 3 of this "Original" Addendum includes new requirements for future detailed drainage design, which were not proposed in any earlier documentation submitted within the application. 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 tertiary basins) is very land hungry and would require substantial land take within the NDA areas on both the Land Use Parameter Plan and the Illustrative Masterplan. Whilst drainage features within residential parcels is not precluded by the Land Use Parameter Plan and the Illustrative Masterplan, it has a significant effect on residential capacity. This “lost” 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.

Secondly, above ground, plot scale, source control features require steeper gradients to ensure appropriate conveyance of water, when compared to piped conveyance to tertiary basins. The effect of this is that there is a greater levels difference, between the starting and finishing points of the drainage network. The impact of this is exacerbated by the very flat profile of the site, which would require substantial level raising across almost all phases of the development. In some places, levels would need to be raised by up to 3m.

To facilitate this scale of level raising, in excess of 1 million cubic metres of soil would need to be imported. This equates to 245,000 additional lorry movements, which is 150 lorries per day, 5 days a week, 52 weeks per year for 6 years. This additional vehicular movement is estimated to be an additional 39,000 tonnes of CO₂, excluding the CO₂ associated with excavating the imported materials. These environmental impacts were not considered as part of the technical evidence at outline stage.

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 development parcels in order to return back to existing levels. 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. Therefore, any reduction in numbers may result in the viability position being reopened. In addition, the Viability Assessment did not take account of the additional cost associated with the soil importation or banking/retaining features that will be required to deliver the development.

B. Proposed Changes to Remedy Challenges

To remedy the challenges set out above and enable efficient delivery of the Site in line with its allocation and outline consent, CSS propose a series of simple changes to the Outline Permission, which will align the drainage strategy with the approved Outline Permission.

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-0004). 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.

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-0004). As part of this application a track changes version of the “Original” versus the “Revised” is provided to clearly show the proposed amendments.

The principal change proposed is to amend Section 3 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 tertiary basins in open space.

Notwithstanding these changes, it will not preclude the use of plot scale source control features, however, these are proposed for inclusion subject to “*not compromising residential capacity or requiring site levels to be raised excessively*”. Drained swales are proposed to be utilised alongside strategic roads, with piped sewers to be used to convey surface water runoff to tertiary basins or ponds.

These changes will enable drainage design to be approved pursuant to the relevant conditions, which better aligns with the assessment that was undertaken at outline stage, including the Parameter Plans and Illustrative Masterplan, as well as the optimising the overall residential capacity. To demonstrate this, a plan has been submitted, which overlays the proposed Strategic Site Wide Drainage Strategy with the approved Illustrative Masterplan. This shows that the Drainage Strategy directly aligns with the approved Illustrative Masterplan, with all substantial drainage features within open space and limited negative impact on residential development areas.

Finally, the Revised Addendum retains the details secured by Planning Conditions 41 - 45 but notes the conditions in which the details are secured, for clarity.

The Applicant has provided the content of the Revised Addendum to Stantec (who produced the Original Addendum) and AECOM for independent review. CSS would be happy to share the results of this review with the Council during the determination of the application.

Proposed Amendments to Condition Wording

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;**
- **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,

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.

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.

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;
- 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 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-0004, 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”.

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

Condition 42: Environment Agency – River Crossing Details

“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-0004, 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.

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

*“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 P04 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 P04) 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:*~~

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).

- ~~○ 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;~~
- ~~○ 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 REVP06)
- Preliminary Drainage Strategy Sheet 2 of 4 (ref. 22006-HYD-P1-XX-DR-C-2201 REVP06)
- Preliminary Drainage Strategy Sheet 3 of 4 (ref. 22006-HYD-P1-XX-DR-C-2202 REVP05)
- Preliminary Drainage Strategy Sheet 4 of 4 (ref. 22006-HYD-P1-XX-DR-C-2203 REVP04)

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. Benefits of the Proposed Changes

The proposed amendments are minor and act to regularise the assessment work and documents approved as part of the Outline Permission, by bringing it more closely in line with the Parameter Plans, Illustrative Masterplan, technical assessment, and viability assessment. Listed below are the key benefits achieved by this proposal.

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).

1. **Delivery of additional c.330 homes approved under the Outline planning consent and within the NEV allocation.**
2. **Removes the requirement for substantial level raising which removes the need for significant additional 245,000 lorry movements to and from the site, and omits the additional 39,000 tonnes of CO2 emissions associated with the soil imports.**
3. **Delivery of a high-quality development that mitigates visual impacts on landscape provides the opportunity to protect and retain more of the existing hedgerows and environmental features of the site, provides better habitat for wildlife and create great places for residents and workers to enjoy.**
4. **Retains the Section 106 package of contributions.**

We believe these to be significant benefits that weigh in favour of our proposal, and ensure the delivery of the Lotmead site as envisaged by the Council when the Outline consent was determined.

Way Forward and Next Steps

In keeping with our recent correspondence, and advice from the Applicant's legal team, the Applicant requests that the outline reference for the live Reserved Matters application for Phase 1 is updated to the reference of this Section 73.

In relation to other conditions (not listed above) we consider that the same approach can soundly be used (i.e. amendment to the live Section 73 reference), however, we will write to you under separate cover with a schedule setting out the position in relation to each condition.

If you require any further information, please do not hesitate to contact me. We would be very happy to attend and lead a workshop to discuss these proposals with consultees if this would be of assistance to you and your colleagues.

Yours sincerely,



Mark Sommerville MRTPI
Associate Director
Planning

Enc.