

Emma Gillespie

From: Emma.Gillespie@countrysidepartnerships.com
Subject: RE: Lotmead Farm, Swindon

From: Darren Dancey
Sent: Wednesday, September 13, 2023 8:04 AM
To: tharvey2@swindon.gov.uk; Ronald Moss <RMoss@swindon.gov.uk>
Cc: robbins.james@gmail.com
Subject: Lotmead Farm, Swindon

Dear Tracy and Ron,

I am contacting you following your email below to our planning agent, Mark.

I am emailing to confirm that, as CSS have set out in the evidence within this application and as Mark confirms below, based on current day values and costs we would proceed with the delivery of the site without challenging the agreed viability position and s106, if and when the s73 is approved. As a PLC and a registered charity, we trust that you are able to take Countryside and Sovereign at their word. Having discussed with our JV partners and Savills, none of us are aware of any other planning application where officers have sought evidence from the applicants to demonstrate that the proposed development is viable. The standing assumption must be that the proposed development is viable, unless evidence indicates otherwise.

Tracy, I have reattached notes from the meeting between Richard Bell, yourself, Tom Titherington and I from January of this year, prior to our submission of the current s73. As recorded in the notes:

- We advised of the Counsel advice we had obtained encouraging us to submit concurrent s73 applications offering three choices to remedy the challenges: amending drainage, amending viability or amending parameters / masterplan to gain additional NDA.
- It was agreed that the FRA Addendum was “clearly at odds with other outline documents” and that you as a Council “do not want to see the loss of units”.
- You advised us “ultimately drainage is the issue and we all want the units”, therefore asked us not to pursue any argument on viability or seeking to amend the masterplan / parameter plans to gain additional NDA.
- You advised us that you “will manage LLFA during S73A process as they will not take well to the changes”.

Taking your advice in good faith, and contrary to the Counsel advice we obtained prior to that meeting, we submitted the sole s73 that is before you at the moment seeking to amend only the drainage strategy as a means of enabling a viable route forward. The application material also provided commentary on all the areas and benefits you asked us to cover as part of the same meeting notes.

However, we are now some seven months on from this meeting, despite us acting precisely in accordance with your requests:

- We have an objection from the LLFA, which, as our response sets out, does not appear to raise any issues that we haven't previously addressed;
- We are having questions raised as to the viability of the proposals, which seem to be encouraging us to challenge the viability; and
- As set out in the email trail below, we are not getting responses to the questions we are asking to move the application forward and we do not feel that officers are undertaking actions that are being agreed in meetings. We would be happy to provide specific examples.

Collectively, we feel you have breached our good faith and we do not feel you are working proactively with us in the spirit of NPPF paragraph 38.

Therefore, based on the information you have before you, please can you confirm if the Council have any intention to positively determine this s73 in a timely fashion?

If you are not able to offer us some positive assurances, I am asked by the CSS board to advise you that, following recent Counsel advice, we will commence work to proceed with appealing against non-determination proposing an inquiry. We don't wish this to be construed as a threat; only to make you aware that we are desperate to find a route forward to deliver homes on the site, as we hope the Council are too given the role it plays within Swindon's 5YHLS. As our planning application evidence confirms, our proposals are fully in compliance with the development plan and the NPPF, a position which has been endorsed by Counsel.

Should you feel unable to positively determine the s73, and if it were to be dismissed at appeal, it would likely be CSS's intention to formally revisit (i) viability pursuant to a much reduced site capacity and / or (ii) the parameter plans. This has never been our preference as a business and as confirmed in the attached meeting notes, it is not your preference either. Therefore I hope that we can work together to have the s73 positively determined at a local level as soon as possible.

Given the significance of making progress, please could I have a response from you in the next 48 hours? We would be very happy to make ourselves available for a meeting to discuss.

Away from the content of this application, as you are aware, CSS Joint Venture intends to deliver circa 200 additional affordable homes over and above the 20% secured within the s106 using grant funding. We can only provide these additional 200 homes if they are delivered within the deadlines for Sovereign's Homes England Strategic Partnership funding programme and this requires all homes to start on site by March 2026 and to reach practical completion by March 2028. Although 2026

still feels a way off, the intention is to spread these across the first five phases, so we really do need to avoid any further delay. If we are unable to deliver the 200 homes within the Homes England programme deadline, Sovereign will have to allocate the funding to projects elsewhere and Swindon will lose the opportunity for additional affordable housing delivery, which is a major benefit given the substantial shortfall in affordable delivery within Swindon since the adoption of the Local Plan.

I trust that the above is clear and look forward to a positive response

Kind regards

Darren

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Managing Director

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