

## Emily Porter

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**From:** Ronald Moss <RMoss@swindon.gov.uk>  
**Sent:** 15 September 2023 15:31  
**To:** Mark Sommerville  
**Cc:** emma.geater@countrysidepartnerships.com; emma.gillespie@countrysidepartnerships.com; Andrew Cull - Countryside Partnerships (andrew.cull@countrysidepartnerships.com); Emily Porter  
**Subject:** RE: Lotmead - S73 Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Once you factor in all the SuDS features that are required to meet the design criteria of the Original FRA Addendum, significant amounts of land within the development areas are “lost”. This explains why the site capacity under the same density assumptions is now so much less. Densities themselves are no different. There’s just less land available for built development.

Maybe I am totally missing something , but as I see it you are saying that without SuDs i.e with no loss of land in the development areas you can achieve no more than 2109 ? The 2109 figure not being affected by any SuDs land loss.

2109 dwellings on full development areas with no SuDs v 2481 dwellings on full development areas with ( in your terms ) SuDs land intake not taken in to account - Surely comparable areas as a starting point as both situations remove impact of SuDS ?

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**From:** Mark Sommerville <MSommerville@savills.com>  
**Sent:** 15 September 2023 15:08  
**To:** Ronald Moss <RMoss@swindon.gov.uk>  
**Cc:** emma.geater@countrysidepartnerships.com; emma.gillespie@countrysidepartnerships.com; Andrew Cull - Countryside Partnerships (andrew.cull@countrysidepartnerships.com) <andrew.cull@countrysidepartnerships.com>; Emily Porter <emily.porter@savills.com>  
**Subject:** RE: Lotmead - S73 Application

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Hello Ron,

Thank you for your response.

Please see our responses below.

Kind regards,

Mark

**Mark Sommerville MA (Hons) MSc MRTPI**  
**Associate Director**  
**Planning**

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**From:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Sent:** 15 September 2023 14:40

**To:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Andrew Cull - Countryside Partnerships ([andrew.cull@countrysidepartnerships.com](mailto:andrew.cull@countrysidepartnerships.com)) <[andrew.cull@countrysidepartnerships.com](mailto:andrew.cull@countrysidepartnerships.com)>; Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>

**Subject:** RE: Lotmead - S73 Application

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Mark ,

As I have stated the information has been sent to the Validation team . They do have quite a lot of work on and unfortunately I don't have the authority to request that they prioritise this matter. It will be done as soon as they can. **Thank you. I can see the documents have been uploaded to the Council's portal. Have relevant consultees been notified and has the newspaper advert been placed?**

On the question as to why I have raised the issue of your maximum proposed no. of dwellings being lower than the approved outline planning permission permits, I elaborate as following:

Your case here for removing the requirement for SuDs drainage is to allow a larger number of dwellings to go on the site. This larger number of dwellings you say would give an absolute maximum of 2109 dwellings on site. We as the Local Planning Authority raise the point that the outline planning permission allows up to 2500 dwellings. What we are trying to understand is why the maximum number of dwellings you consider can be built falls so far short of the 2500 mentioned in the outline planning permission. I note that Darren Dancey considers that it is unacceptable for us to be raising viability issues , however the justification being given by yourselves for non - provision of SuDs is based around numbers of dwellings on the site and viability. In simple terms our point is why are you starting from a maximum of 2109 dwellings i.e well below 2500 ?

Looking at the outline application , the approved 'Density Parameter Plan ( Drawing No. PL1461.1 – PLA – 00 -XX – DR- U- 0007-S4- - P02 received 2nd September 2019 as mentioned in condition 4 of the outline planning permission S/OUT/19/0582 indicates a maximum potential yield of circa 2481 units . This is against your suggested maximum potential yield without meeting our SuDs requirements being 2109 dwellings. This unsurprisingly raises concerns to the Local Planning Authority as to whether the proposed build densities as projected are /would be too low, leading to an inefficient use of land. If this is the case, the starting point should be looking to up the densities rather than removing the SuDs drainage requirement.

Again I will go back to the comment that it is not unreasonable for us to ask to try and understand your position here. The above is certainly a point that we would making at any Public Inquiry !

**The difference between the yield from the outline density plan and where we are now is simple.**

To get to a figure of 2,481, you would need all of the development areas shown on the parameter plans and illustrative masterplan.

However, neither the parameter plans or the illustrative masterplan factor in an allowance for any surface level drainage features within development areas; only in open space.

Once you factor in all the SuDS features that are required to meet the design criteria of the Original FRA Addendum, significant amounts of land within the development areas are “lost”. This explains why the site capacity under the same density assumptions is now so much less. Densities themselves are no different. There’s just less land available for built development.

As I have said we have a meeting next week with the full Place making team for a discussion before looking to move towards a recommendation. I appreciate your repeated comments that matters have gone on for too long here and all parties need to know where they stand. Thank you. We would welcome clarity.

Have a good time off.

Regards ,

Ron Moss

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**From:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Sent:** 14 September 2023 15:49

**To:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Andrew Cull - Countryside Partnerships ([andrew.cull@countrysidepartnerships.com](mailto:andrew.cull@countrysidepartnerships.com)) <[andrew.cull@countrysidepartnerships.com](mailto:andrew.cull@countrysidepartnerships.com)>; Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>

**Subject:** RE: Lotmead - S73 Application

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Hello Ron,

Please could we have an update on the questions posed below?

In relation to the latest query from the LLFA, Countryside and Hydrock would like to arrange a time to meet Richard and yourself on site to view some of the existing features, which are bunds rather than ditches. We think this would be an invaluable way of trying to move things forward. Would you be amenable to this? If so, could you provide suggested availability?

Kind regards,

Mark

**Mark Sommerville MA (Hons) MSc MRTPI**  
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**From:** Mark Sommerville

**Sent:** 12 September 2023 16:17

**To:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>

**Subject:** RE: Lotmead - S73 Application

Hello Ron,

Thank you for your email.

With regard to your validation team, will they also be placing the newspaper advert? Can you advise on timescales for these actions to be completed?

With regard to your other feedback, whilst it is not a surprise to us that the LLFA do not support the proposals, we have not received any negative comments from any other consultees (nor were we expecting any given the focus of the application around drainage). Can you elaborate on any other areas of concern?

To make you aware, I am going to be on leave from the end of this week, returning to the office on 9<sup>th</sup> October. In my absence, please can you ensure any correspondence from yourself includes Emma Geater, Emma Gillespie and my colleague Emily Porter?

Kind regards,

Mark

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**From:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Sent:** 12 September 2023 15:14

**To:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Subject:** RE: Lotmead - S73 Application

**EXTERNAL EMAIL: Be cautious when opening attachments or clicking links**

Mark ,

I have sent the ES addendum information on to our validation section for them to carry out the necessary processes.

We did look at the scheme last week with the urban designer , landscape officer and drainage officer. It will come as no surprise to you that we have concerns with what you are proposing and before we move towards a recommendation , there has been a decision to run the proposal past the full Place making team . This is to take place next week. Whilst I understand that the delay will be frustrating to you, the Local Planning Authority wants to have explored all avenues and be fully clear on matters before reaching any conclusion.

Regards ,

Ron Moss

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**From:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Sent:** 11 September 2023 17:32

**To:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>

**Subject:** RE: Lotmead - S73 Application

**Importance:** High

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Hello Ron,

Please see my responses below in green.

Please could we have answers to the questions posed tomorrow?

Kind regards,

Mark

**Mark Sommerville MA (Hons) MSc MRTPI**  
**Associate Director**  
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**From:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Sent:** 11 September 2023 17:10

**To:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Subject:** RE: Lotmead - S73 Application

**EXTERNAL EMAIL: Be cautious when opening attachments or clicking links**

Afternoon Mark ,

Can I start by asking for you to send another link to the ES addendum as the current one has expired. Our admin team will probably be better positioned to open all the files successfully, so I will send the information on to them when I get the new link. I have put a link below to the full package. We are, however, frustrated that this information was provided to you on 1<sup>st</sup> September and no action has been taken since then, particularly given the requirement for 30 days consultation. Please can you confirm that you will expedite this information being uploaded to the Council's website, provided to relevant consultees and advertised in the newspaper this week?

<https://we.tl/t-ldmonFiaCX>

I will say understanding the discrepancy between the outline planning permission being for up to 2500 dwellings and the recent indication that Countryside see an absolute maximum possible capacity of 2100 dwellings on the site with a proposal running contrary to our required SuDs requirements is going to be key for us moving forwards. When I get the opportunity I will be looking at the information submitted an outline stage , while the urban designer is also viewing your overlay plans to consider the indicated development capacities. Please can we have some assurances on timescales for your review and the urban designer's review?

I can confirm that the drainage officer has viewed your latest information and raised the question that in providing a comparison you are not correctly using the approved SuDs drawing. He states the options that he has seen are based on pipe to pond solutions, just one with more ponds shown and a few token swales, and one showing the

site significantly raised to ensure it operates above the flood plain, but they both ignore a large amount of existing ditches on the site so are going against an agreed SuDS train, catchment based approach as per national guidance and the approved FRA addendum. [I will discuss with the team and revert to you.](#)

[We will also come back to you regarding your email relating to viability as of 8<sup>th</sup> September.](#)

On the matter regarding a condition on future SuDs features , our point is that we don't we consider that a condition would work here.

[Is there any other feedback from your internal meeting?](#)

I trust this information is of assistance.

Regards ,

Ron Moss

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**From:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Sent:** 07 September 2023 17:11

**To:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>

**Subject:** RE: Lotmead - S73 Application

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Hello Ron,

Thank you for your reply. I will discuss this with CSS and revert as soon as possible.

Please could you answer my other questions below?

Have you been able to meet as an internal team?

Kind regards,

Mark

**Mark Sommerville MA (Hons) MSc MRTPI**  
**Associate Director**  
**Planning**

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---

**From:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Sent:** 07 September 2023 16:40

**To:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Subject:** RE: Lotmead - S73 Application

**EXTERNAL EMAIL: Be cautious when opening attachments or clicking links**

Afternoon Mark,

On the matter of viability it came up in discussion yesterday . Fair to say that I think that there is some difficulty understanding how we have an approved outline application for up to 2500 dwellings and yet you are saying that even without compliance with the SuDs strategy and as a maximum you will manage to provide some circa 2100 dwellings. If we assume not unreasonably that the maximum figure is optimistic , then it is probably going to be around 2000 dwellings i.e 80 % of the number as approved.

Janet before going on leave indicated that the site had been purchased and it has to be assumed that the vendor would have requested a price reflecting the potential for up to 2500 dwellings. Also you have repeatedly run a narrative that if the SuDs drainage strategy is disregarded everything else is then all fully aligned on the site. I would suggest that the prospect of providing only circa 80% of the 2500 approved dwellings ( the number as viability tested ) means that this is possibly not the case.

I can confirm that I am looking at the submissions that accompanied the outline application to see if I can understand how we have got to this situation , but you are also welcome to give your thoughts.

Regards,

Ron Moss

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**From:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Sent:** 04 September 2023 17:24

**To:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>

**Subject:** RE: Lotmead - S73 Application

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Hello Ron,

Thank you for your response.

Please see my comments below in green.

Please could you also confirm that you are happy with the meeting notes?

Thanks,

Mark

**Mark Sommerville MA (Hons) MSc MRTPI**  
**Associate Director**  
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---

**From:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Sent:** 04 September 2023 16:09

**To:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Subject:** RE: Lotmead - S73 Application

**EXTERNAL EMAIL: Be cautious when opening attachments or clicking links**

Mark,

In response to your queries I can inform you of the following :-

- 1) I have receipt of your email. **Thanks.**
- 2) There is a difficulty opening the Environmental statement addendum . I get a message 'The destination path is too long' . **I think this may be an issue where you are trying to save the files into a long chain of folders within folders. Can I suggest downloading to your desktop and trying to access from there? If you are still having problems please let us know.**

**Please can you advise when the newspaper advert will be placed? As I mentioned below, we are happy to assist with this if it helps.**

With regard to the meeting notes :-

Probably worth us flagging up again that the sentence below would give no certainty that any further SuDs features would be included, even if put into a condition.

. The application commits CSS to continue to explore all opportunities to increase the number of SuDS features at detailed design, subject to this not compromising residential capacity. **Can you suggest a means of further exploration that you consider would give you the necessary comfort?**

On the viability matter I think points need clarifying. What I was very keen to understand at the meeting was whether you were seeking to run a viability argument. Whilst your comments were slightly at variance at times to those of the Countryside representatives, my conclusion was that this is not the argument being put forward. Your argument is simply that less dwellings would be provided should SuDs drainage in accordance with the original drawings go ahead and that you are happy that the viability works for your current scheme. At no point was any confirmation given that with any reduced number of dwellings, that your proposal could be proven to be unviable. I note in your written meeting notes that you state as below.

MS added that what we are stating in the cover letter is that the s73 proposals are viable. Therefore we do not consider that any formal viability testing is required, nor do we consider that the applicant needs to provide evidence as to what the "tipping point" of viability is (with regard to unit numbers.)

For the argument that you are putting forward I see no reason to contest this statement.

To summarise, CSS's position is that development pursuant to what is proposed as part of this s73 application and the Revised FRA Addendum Drainage Strategy, achieving at or close to 2,109 would be viable. If the Council were to refuse this s73, with the effect of insisting on a drainage strategy pursuant to the Original FRA Addendum, CSS would consider that the maximum residential capacity of 1,898 to be unviable under the existing outline permission. Should such a scenario arise, CSS would look to submit a separate application to revisit the scheme's viability and s106, supported by a comprehensive viability appraisal at that stage. Given these circumstances, we do not believe that any viability testing is required as part of this application.

On any re consultation I am not aware that you have made any changes to the proposal and have simply sought to justify the submission as originally proposed. Please say if you consider this assumption to be incorrect. As it currently stands I will be looking for the drainage officer, landscape officer and design officer to view the recent submissions for our internal meeting. **We agree with this.**

Finally I can confirm that I am having the internal meeting this week. **Thank you. Could you advise when this is scheduled? Could we arrange a call with you as soon as possible after to receive feedback? Please could you provide your suggested availability.**

Regards,

Ron Moss

---

**From:** Mark Sommerville <[MSommerville@savills.com](mailto:MSommerville@savills.com)>

**Sent:** 04 September 2023 08:37

**To:** Ronald Moss <[RMoss@swindon.gov.uk](mailto:RMoss@swindon.gov.uk)>

**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Charles McClea <[CMcClea@savills.com](mailto:CMcClea@savills.com)>; Matt Lindon <[matt.lindon@savills.com](mailto:matt.lindon@savills.com)>; Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>

**Subject:** RE: Lotmead - S73 Application

**Importance:** High

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Good Morning Ron,

Please could you confirm receipt of the email and documents within the link below, and provide a response to the questions we have raised?

Kind regards,

Mark

**Mark Sommerville MA (Hons) MSc MRTPI**  
**Associate Director**  
**Planning**

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---

**From:** Mark Sommerville  
**Sent:** 31 August 2023 17:26  
**To:** [rmoos@swindon.gov.uk](mailto:rmoos@swindon.gov.uk)  
**Cc:** [emma.geater@countrysidepartnerships.com](mailto:emma.geater@countrysidepartnerships.com); [emma.gillespie@countrysidepartnerships.com](mailto:emma.gillespie@countrysidepartnerships.com); Charles McClea <[CMcClea@savills.com](mailto:CMcClea@savills.com)>; Matt Lindon <[matt.lindon@savills.com](mailto:matt.lindon@savills.com)>; Emily Porter <[emily.porter@savills.com](mailto:emily.porter@savills.com)>  
**Subject:** Lotmead - S73 Application

Hello Ron,

I write to you regarding EIA matters and actions following our meeting last week relating to the s73 application.

With regard to EIA, we included an EIA Statement of Conformity at the outset of the s73 application, however following the recent legal advice obtained from Counsel, CSS has decided to submit an ES Addendum to ensure any consent issued pursuant to the s73 is as robust as possible and guard against risk of JR. This is available within the link below.

<https://we.tl/t-Q1YHZwDDAs>

In light of this submission, please can you treat the EIA Statement of Conformity as superseded?

This more detailed assessment results in the same overall conclusions being drawn, ie that there are no new adverse significant environmental effects arising from the s73, in comparison to the conclusions drawn within the Environmental Impact Assessment work submitted and approved as part of the outline.

As per the EIA Regs, CSS recognise that this submission of further information triggers the need for a period of 30 days consultation, running from the appropriate publication triggers (uploading online, circulation to consultees and publication of an advert in a local newspaper). CSS would be grateful if you could expedite these three steps to commence the 30 days as soon as possible. If we can be of assistance in arranging the newspaper advert, please let us know.

Returning to the discussion at our recent meeting, it was discussed that you would be arranging an internal workshop to review the updated s73 material during w/b 4<sup>th</sup> September. Please could you confirm that this has been arranged?

I have also reattached a copy of the meeting notes and actions we issued for your review. Please could you review and confirm that they represent an accurate reflection of the meeting? Could you also confirm your availability for a meeting with CSS w/b 11<sup>th</sup> September?

Please could you acknowledge receipt?



Kind regards,

Mark

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**Associate Director**  
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