

Swindon Borough Council

Cabinet

Wednesday, 10 July 2019

Committee Room 6, Civic Offices

At 6.00 p.m. or at the Conclusion of the Cabinet Open Forum

Conservative Councillors

David Renard (Chair)

Oliver Donachie

Brian Ford

Dale Heenan

Russell Holland

Mary Martin

Cathy Martyn

Maureen Penny

Gary Sumner

Keith Williams

Committee Officer: Douglas Campbell (Telephone 07779 413886)

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Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

Access Arrangements - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you have any special requirements to enable you to attend the meeting or would like to receive any of the pages contained in this agenda in a larger print size, please contact the Committee Officer as soon as possible prior to the date of the meeting.

AGENDA

NOTE:

A Cabinet Open Forum is held at 6:00 p.m. prior to the start of each scheduled Cabinet Meeting. The Open Forum is similar to the 'public question time' that happens at most Council meetings. It provides the chance to meet with Cabinet Members as well as Corporate Directors and Directors to discuss matters relevant to the Cabinet and its responsibilities. It provides an opportunity to raise issues and give views. The Forum will normally close at 6.30 pm and the Cabinet will then reconvene for the start of the formal Cabinet meeting. If the Open Forum completes its business earlier than anticipated then the Cabinet Meeting will commence at the Forum's conclusion.

1. **Apologies for Absence.**
2. **Declarations of Interest.**
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
3. **Minutes.** (Pages 5 - 10)
To receive the minutes of the meeting held on 5th June 2019.
4. **Public Question Time.**
See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.
5. **Budget Management 2019/20** DF (CM RH) (Pages 11 - 20)
6. **Education Transport Policy September 2019** HE (CM: RH) (Pages 21 - 64)
7. **Consideration of Objections - Bristol Street Car Park** CDCH (CM: MP) **CE** (Pages 65 - 74)
8. **Swindon Borough Local Plan Review - 2nd Regulation 18 Consultation (Preferred & Emerging Options) - Minute for Confirmation** HP&RS (CM: GS) (Pages 75 - 84)
9. **Town Centre Movement Strategy - commencement of consultation** CDCH (CM: MP) (Pages 85 - 90)
10. **New Eastern Villages (NEV): Strategic Transport Schemes** CDCH (CM: MP. GS) **CD; RW; SM** (Pages 91 - 106)

Date of Despatch: 02 July 2019

Key:

Officers:

CDCH	-	Corporate Director Communities and Housing
DF	-	Director of Finance (Section 151 Officer)
HE		Head of Education
HP&RS		Head of Planning, Regulatory Services and Heritage

Wards

CD	Covingham and Dorcan
CE	Central
RW	Ridgeway
SM	St Margaret and South Marston

Cabinet Members Responsible for the Service Area concerned:

DR	-	David Renard	Leader of the Council and Chair of Cabinet
RH	-	Russell Holland	Deputy Leader of the Council, Vice-Chair of Cabinet, and Cabinet Member for Finance, Education and Skills
OD		Oliver Donachie	Cabinet Member for Economy and Place
BF	-	Brian Ford	Cabinet Member for Adults and Health
DH	-	Dale Heenan	Cabinet Member for the Town Centre

MM	-	Mary Martin	Cabinet Member for Children's Services
CM		Cathy Martyn	Cabinet Member for Housing and Public Safety
MP	-	Maureen Penny	Cabinet Member for Highways and the Environment
GS		Gary Sumner	Cabinet Member for Strategic Planning
KW		Keith Williams	Cabinet Member for Corporate Services and Operational Excellence

Diversity Impact Assessments

Diversity Impact Assessments (DIA's) are important to ensure the services we deliver are helping us to meet our vision to make Swindon an equal society ; we are also required by the Equality Act 2010 to demonstrate the equality analysis we have undertaken to support decision making, DIAs are our method of doing this.

Diversity Impact Assessments produced in respect of items to be considered at this meeting can be inspected via the following link:

http://www.swindon.gov.uk/info/20029/people_and_communities/309/diversity_impact_assessments

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Chief Legal Officer, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in Part 5 of the Council's Constitution ("Public Question Time at Council Meetings - Protocol and Guidance"), available on the Council's Website (see link below) or from the Committee Clerk named above.

<http://ww5.swindon.gov.uk/moderngov/ecSDDisplay.aspx?NAME=SD6032&ID=6032&RPID=5783709>

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CABINET

WEDNESDAY, 5 JUNE 2019

PRESENT:- Councillors David Renard (Chair), Oliver Donachie, Dale Heenan, Russell Holland, Mary Martin, Cathy Martyn, Maureen Penny, Gary Sumner and Keith Williams

Apologies for absence were received from Councillor Brian Ford

1. Lisa Hall, Chief Legal Officer and Monitoring Officer

On behalf of members, the Leader of the Council welcomed Lisa Hall, the Council's newly-appointed Chief Legal Officer, to her first Swindon Borough Council Cabinet meeting and wished her every success in her new role.

2. Declarations of Interest.

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

Councillors Dale Heenan and Cathy Martyn declared a personal but non-prejudicial interest in relation to paragraph 3.6.1 of the Capital Monitoring report (Minute 7) as were both trustees of organisations that used that facility.

3. Minutes.

Resolved – That the minutes of the meeting held on 20th March 2019, be confirmed and signed as a correct record.

4. Public Question Time.

Mr Peter Amies submitted two questions about Cabinet Members' comments concerning enforcement action against envirocrime. As Mr Amies was not at the meeting, the Leader confirmed that Cabinet Members would provide a written response within five working days.

5. Exempt Items - Exclusion of Press and Public.

Resolved – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the item listed below, on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item Nos.	Paragraph No.	Minute No.
12	3	12

6.

Budget Management 2018/19

Councillor Russell Holland, the Cabinet Member for Finance, Education and Skills, and the Director of Finance submitted a joint report providing Cabinet with the provisional revenue position for 2018/19, subject to audit by Grant Thornton, the Council's external auditors.

Councillor Holland introduced the report and thanked officers for their work in delivering the 2018/19 budget, which was assisted greatly by a one-off VAT repayment. He advised Cabinet that the pressure remained to ensure spending remained within agreed limits for 2019/20 while Cabinet Members and officers prepared plans for 2020/21.

Resolved:-

- 1) That the 2018/19 revenue out-turn for each service area set out in Table 1 and Appendix 1 be noted;
- 2) That the underspend on the General Fund of £587k has resulted in an increase in the General Reserve to £6.6m be noted and that the Chief Executive be asked to thank all staff for helping achieve this;
- 3) That the flexible use of capital receipts in 2018/19, as set out in Appendix 2 be noted.

The reasons for the decision and alternative options are as set out in the report to the meeting.

7.

Capital Programme Monitoring Out-Turn 2018/19

Councillor Russell Holland, the Cabinet Member for Finance, Education and Skills, and the Director of Finance submitted a joint report presenting to Cabinet the capital programme position as at the end of 2018/19 and some proposed changes to the programme.

Resolved:-

- 1) That the latest 2018/19 Capital Programme position as at financial year end as detailed in paragraphs 3.1 to 3.4 be noted.
- 2) That the changes to the programme in sections 3.5 to 3.6 be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

8.

Treasury Performance Management 2018/19

Councillor Russell Holland, the Cabinet Member for Finance, Education and Skills, and the Director of Finance submitted a joint report setting out to Cabinet the Treasury Management performance for 2018/19.

Councillor Holland introduced the joint report and invited Cabinet to note that Treasury Management was an ongoing task in order to finance the Council's capital programme.

Resolved:-

- 1) That the 2018/19 Treasury Management performance as detailed at paragraphs 3.1 to 3.21 and the Prudential Indicators shown at Appendix 2 be noted.

The reasons for the decision and alternative options are as set out in the report to the meeting.

9. Debt Management

In accordance with the requirement of the Council's Debt Management Policy, Councillor Russell Holland, the Cabinet Member for Finance, Education and Skills, and the Director of Finance and the Head of Revenues & Benefits submitted the annual report of debts written off in 2018/19.

Councillor Holland introduced the joint report and invited Cabinet to note the reduction in the use of bailiffs since 2013. He added that the recent slight increase should be considered alongside the Borough's growing population. Councillor Holland pointed out that the Borough has various means to assist those with difficulties and he encouraged those with such concerns to contact the Council as soon as possible. The Leader of the Council thanked officers for their work in continuing to ensure high collection rates.

Councillor Oliver Donachie sought clarification on the term Oracle, the nature of debts recorded as miscellaneous and the amounts written off. Councillor Holland and the Head of Revenues and Benefits responded at the meeting.

Resolved:-

- 1) That it be noted that the collection rates for Council Tax, Housing Rents and Car Parking Penalty Charge Notices improved and Business Rates collection remained at a high level (see appendix one).
- 2) That it be noted that the number of Car Parking Penalty Charge Notices being referred to Enforcement Agents (or Bailiffs) reduced in 2018/19. That it also be noted that the number of Council Tax debts referred to Enforcement Agents did increase, although the number of households involved was lower

The reasons for the decision and alternative options are as set out in the report to the meeting.

10. Financial Inclusion Policy

Councillor Russell Holland, the Cabinet Member for Finance, Education and Skills, and the Director of Finance and the Head of Revenues & Benefits, submitted a joint report setting out the progress on the Council's Financial Inclusion policy.

Councillor Holland introduced the joint report and thanked the Borough's Social Inclusion officer for his work. Councillor Holland outlined some of the measures the Council had taken including literature to alert residents to loan sharks, the use of money mentors to assist people in securing benefits, support for the Swindon Foodbank, credit unions, and the save as you earn scheme for Council staff. He invited Cabinet to look at the work of the Swindon Social Enterprise network and asked for support for the proposals to encourage staff to join credit unions as well as to have access to loans from them. The Leader of the Council thanked officers

for their work in assisting vulnerable residents.

Resolved:-

1. That the progress being made in relation to Financial Inclusion be noted.
2. That the Head of Revenues & Benefits & Director of Performance, Organisational Improvement & Communications be authorised to:
 - 2.1. Encourage Swindon Borough Council staff to join Credit Unions.
 - 2.2. In addition to being authorised to operate a 'Save as You Earn' scheme, be authorised to carry out such consultations as may be necessary and operate arrangements where employees can undertake loans from Credit Unions approved by the Head of Revenues & Benefits & Director of Performance, Organisational Improvement & Communications and to repay these by salary deductions.

The reasons for the decision and alternative options are as set out in the report to the meeting.

11. Councillors' Allowances 2020/21 - Recommendations of the Independent Remuneration Panel

Mr Keith Strickland, Chair of the Independent Remuneration Panel, submitted a report inviting Cabinet to consider recommendations arising from meetings of the Independent Remuneration Panel on the level of Councillors' Allowances in Swindon for 2020/2021.

As Mr Strickland could not be present, the Leader of the Council introduced the report and summarised the limited recommendations that Council would be asked to consider. Councillor Holland supported the recommendations and noted the benefits of the allowances in making being a councillor accessible to a wider range of the public.

The Leader of the Council at the request of Cabinet Members asked for confirmation that there was parity of Special Responsibility between all the Committee Chairs, including the Chair of Licensing.

Resolved:-

1. That the thorough and comprehensive review undertaken by the Independent Remuneration Panel be noted, and the Panel Chair and members be thanked for their work.
2. That the recommendations of the Independent Remuneration Panel on Councillors' Allowances for 2020/2021, as set out in paragraph 3.5 be considered, and that these recommendations be referred the Council.
3. That, if the recommendations be approved by Council, the Chief Legal Officer be authorised to introduce a revised Councillors' Allowances Scheme for 2020/2021, based on the recommendations of the Independent Remuneration Panel.

The reasons for the decision and alternative options are as set out in the report to the meeting.

12. Operational management of town centre premises

Councillor Keith Williams, the Cabinet Member for Customer Services and Operational Excellence and the Head of Property Assets submitted a joint report for Cabinet to consider options on how to operate premises leased to a third party in the town centre over the next 5 years.

Councillor Williams introduced the report and responded to questions from Councillors Oliver Donachie, Dale Heenan, Russell Holland, Mary Martin, and Gary Sumner concerning the operational management of the town centre premises referred to in the restricted report.

Resolved:-

1. That Option Two as set out in the main body of the report be approved, for the reasons identified in the main body of the report.
2. That the Director of Finance and Head of Property Assets be authorised to complete the necessary agreements required to implement Option Two, on such terms and conditions that are considered appropriate in order to protect the Council's interests.

The reasons for the decision and alternative options are as set out in the report to the meeting.

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Budget Management 2019/20

Cabinet

Date: 10th July 2019

Authors: Cabinet Member for Finance, Education and Skills
Director of Finance

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 This report presents the 2019/20 revenue budget forecast out-turn.
- 1.2 The effective management of financial resources through robust financial management processes underpins the Council's ability to achieve its plans and priorities.
- 1.3 Responsible budget management helps ensure that the Council consistently makes the best use of all available resources as well as providing focus for the Council's transformation programmes.

2. Recommendations

Cabinet is recommended to:

- 2.1 Note the 2019/20 revenue budget forecast out-turn for each service area set out in Table 1 and Appendix 1;
- 2.2 Note that the Corporate Management Team will develop plans to mitigate the current forecast overspend;
- 2.3 Request that the Head of Education provides an update to Cabinet, by October 2019, on the steps being taken to manage the DSG High Needs Budget in consultation with the Schools Forum.
- 2.4 Approve the virements set out in Appendix 2; and
- 2.5 Approve the changes to the capital programme as set out in section 4.

3. Forecast Out-turn for 2019/20

General Fund

- 3.1 The General Fund is forecasting an overspend of £2.2m as at the end of May 2019.
- 3.2 The main reasons for this variance are:-

Further information on the subject of this report can be obtained from Mick Bowden on Direct Dial No. 07392 109917 or Email mbowden@swindon.gov.uk

Budget Management 2019/20

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Date: 10th July 2019

- 3.2.1 Pressures that were emerging on crematorium income in the latter part of 2018-19 have continued into 2019-20 and, based on these trends, income is forecast to be down by £450k. This is due to a combination of death rates continuing to be lower than historic trends and an increase in cremation capacity within the Borough. Work is underway to identify options to mitigate this pressure.
- 3.2.2 Demand through the hospital in regard to Older People with Dementia has continued at the higher levels seen in the winter. The related pressure of this demand for services is currently forecast to be £540k. ASC officers continue to work closely with the hospital and Swindon CCG to manage this demand.
- 3.2.3 Pressures across Communities & Housing including car parking income of £390k and unexpected utility costs at a heritage site of £246k. These pressures are partly mitigated by one off efficiencies in Highways Operations of £245k.
- 3.3 In addition, there is a forecast net pressure of £763k against the savings of £21.6m that are included in the 2019-20 budget, these pressures are from services within Communities & Housing (£474k) and Adults (£289k).
- 3.4 Management teams are continuing work on the savings delivery and action to mitigate the forecast overspend and the impact of this work will be reflected in future reports to Cabinet.
- 3.5 The budget and projected out-turn by Department is set out in Table 1 below, with a more detailed analysis is set out in Appendix 1.

Table 1 – General Fund Out-turn By Department

Department	Budget 2019/20 £'000	Full-Year Projected Outturn £'000	Projected Variance £'000
Adult Services	62,262	63,074	812
Children Services	42,929	42,929	0
Communities and Housing	23,703	24,652	949
Economy	1,004	1,004	0
Resources	12,599	13,045	446
Total General Fund	142,497	144,704	2,207

Further information on the subject of this report can be obtained from Mick Bowden on Direct Dial No. 07392 109917 or Email mbowden@swindon.gov.uk

Budget Management 2019/20

Cabinet

Date: 10th July 2019

Housing Revenue Account (HRA)

- 3.6 HRA Budget Managers are currently forecasting a small net underspend of £4k, comprised of contract savings on Sheltered schemes of £12k, offset by some additional temporary staff costs relating to IT projects in the HRA.

Dedicated Schools Grant (DSG)

- 3.7 The Dedicated Schools Grant (DSG) is projecting an overspend of £1.6m.
- 3.8 The main pressures are due to:-
- 3.8.1 The High Needs top up budget pressure is expected to be £1.4m for increased demand for specialist places and pupils with increasing complexity of needs.
 - 3.8.2 The Post 16 budget pressure is expected to be £0.2m, the pressure has been forecast in line with an increase in students' preferences for Post 19 specialist provision and an increase in provider evidenced bespoke funding packages.

4. Capital Programme

- 4.1 Cabinet is asked to approve the following changes to the existing programme:-
- 4.1.1 Abbey Farm Transport projects - £32k funded from S106 contributions. The funding will be used to improve cycle & pedestrian network signage including revised maps and promotional events. Measures will also be taken to improve traffic signal optimisation on Thamesdown Drive.
 - 4.1.2 Blunsdon High Street - £68k funded from S106 contributions. This will be used to provide pedestrian improvements in the vicinity of the High Street and its junction with Ermin Street. The proposals have been developed in conjunction with the Parish Council.

5. Alternative Options

- 5.1 Cabinet could choose not to approve the virements as set out in Appendix 2.
- 5.2 Cabinet could choose not to approve the additions to the Capital Programme.

Further information on the subject of this report can be obtained from Mick Bowden on Direct Dial No. 07392 109917 or Email mbowden@swindon.gov.uk

Budget Management 2019/20

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6. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 6.1 The current forecast overspend on the General Fund is £2.2m and management teams are working on actions to mitigate this pressure
- 6.2 The forecast overspend on the DSG is £1.6m. This pressure will be managed within the DSG and the details will be provided with an update on the approach to this in a future report.
- 6.3 The additions to the Capital Programme are all funded from s106 contributions and therefore have no impact on the revenue budget.

Legal and Human Rights Implications

- 6.4 All legal and human rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 6.5 There are no such direct implications.

Diversity Impact Assessment

- 6.6 A Diversity Impact Assessment (DIA) has not been done as this report is reporting performance in the financial year and does not make any recommendations to reprioritise the future funding of services.

Risk Management

- 6.7 None other than those highlighted in the body of the report. Individual schemes will have individual Risk Assessments and DIAs.

7. Consultees

- 7.1 The Director of Finance (Section 151 Officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

8. Background Papers

- 8.1 None

9. Appendices

- 9.1 Appendix 1 – Forecast Out-turn by Department 2019/20

Further information on the subject of this report can be obtained from Mick Bowden on Direct Dial No. 07392 109917 or Email mbowden@swindon.gov.uk

Budget Management 2019/20

Cabinet

Date: 10th July 2019

9.2 Appendix 2 – Proposed Budget Virements

10. Key Decision/Decision in Cabinet Work Programme

10.1 This is not a key decision and is included in the Cabinet Work Programme for July 2019.

Further information on the subject of this report can be obtained from Mick Bowden on Direct Dial No. 07392 109917 or Email mbowden@swindon.gov.uk

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Fund	Tier 1 Pillar	Tier 2 Function	Budget 2019/20 £'000	Full-Year Projected Out-turn £'000	Projected Variance £'000	Movement since last report £'000	Commentary on Reasons for Variance
General Fund	Resources	Finance, Property & Audit	1,108	1,502	394	394	Partial delivery of commercial Investment income (£319k), achieving additional income will be dependent on suitable investments being identified during the year. Shortfall in commercial property rental income (£66k).
		Human Resources and Organisational Development	2,119	2,081	(38)	(38)	Vacancy savings
		Corporate	(2,015)	(2,545)	(530)	(530)	Wichelstowe JV equity fee is higher than assumed in the budget
		Digital Services and Corporate Programmes	7,342	7,868	526	526	Forecast pressure of £450k on crematorium income due to increased cremation capacity within the Borough. In year pressure on savings delivery in Business Support (£65k).
		Performance, Communications, Legal and Democratic Services	4,045	4,139	94	94	In year pressure on savings delivery in Legal (£141k) partially mitigated by savings across the function.
	Economy		12,599	13,045	446	446	
		Strategic Growth	447	447	0	0	
		Town Centre	557	557	0	0	
	Children Services		1,004	1,004	0	0	
		Routes to Employment & Skills & Attainment	2,025	2,025	0	0	
		Children, Families and Community Health Services	1,711	1,711	0	0	
	Adult Services		39,193	39,193	0	0	There are currently pressures relating to the on-going need for agency staff and additional posts required to support service improvement. The service areas are currently working on plans to mitigate this pressure.
		Adults	59,160	59,976	816	816	Budget pressures identified are due to challenges in meeting the £8.9m savings target and in managing demand for services.
		Public Health	3,102	3,098	(4)	(4)	
	Communities and Housing		62,262	63,074	812	812	
		Street-smart and Supported Employment	15,438	15,825	387	387	Partial delivery of 19/20 saving proposals, specifically in relation to the PPS £800k saving. Work is ongoing to identify mitigations
		Housing Services	(321)	(316)	5	5	Increased demand for Bed & Breakfast as a result of the Homelessness Reduction Act
		Highways & Transport	6,969	7,275	306	306	Partial delivery of 19/20 saving proposals £97k. In addition, budget pressures that appeared at the end of 18/19 are continuing into 19/20. Specifically, £50k shortfall in income from roundabouts and £390k across car parking budgets; management action has identified in year one-off efficiencies of £245k in highway operations. Work is ongoing to identify mitigations
		Planning, Regulatory and Heritage Services	545	791	246	246	One-off cost pressure in 19/20 due to an unexpected utility cost at a heritage site. Work is ongoing to identify mitigations
		Facilities Management	1,072	1,077	5	5	
			23,703	24,652	949	949	
General Fund Total			142,497	144,704	2,207	2,207	

Fund	Tier 1 Pillar	Tier 2 Function	Budget 2019/20 £'000	Full-Year Projected Out-turn £'000	Projected Variance £'000	Movement since last report £'000	Commentary on Reasons for Variance		
Health	Health Adults	Health Adults	6,099	6,099	0	0			
		Swindon CCG funding	(6,099)	(6,099)	0	0			
	Health Children's	Children's Health Delivery Services - CCG Funded - Expenditure	1,341	0	0	0			
		Children's Health Delivery Services - CCG Funded - Income	(1,341)						
		Children's Health Commissioning - Expenditure	2,466	0	0	0			
		Children's Health Commissioning - Income	(2,466)						
		Health Total			0	0		0	0
		Dedicated Schools Grant	DSG Commissioning DSG funding	DSG Skills and Attainment	79,858	1,597		1,597	1,597
DSG Skills and Attainment	(79,858)			0	0	0			
Dedicated Schools Grant Total			0	1,597	1,597	1,597			
Housing Revenue Account	Housing Revenue Account	Supervision & Management	(36,081)	(36,073)	8	8	Additional Temporary Staff cost to support improvement to IT system Savings from bringing contract staff in house from 1.6.19		
		Special Services	669	657	(12)	(12)			
		Repairs	10,626	10,626	0	0			
		HRA Capital Financing	24,786	24,786	0	0			
Housing Revenue Account Total			0	(4)	(4)	(4)			

	Resources £'000	Economy	Children Services £'000	Adult Services £'000	Communities & Housing £'000	Total General Fund £'000
Council 21/02/2019	1,751	(3,490)	42,297	79,741	22,198	142,497
<i>Post budget report virements to allocate proposals across Groups:-</i>						
Allocation of corporately held inflation budgets allocated to services areas	(5,175)	90	851	3,402	832	0
Allocation of corporately held budget for increasing employers pension costs	(431)	9	136	124	162	0
Transfer of posts, funding for posts and operational budgets between services in line with organisational changes	257	(2)	(186)	(186)	117	0
Centralisation of Learning & Development	312	0	(180)	(132)	0	0
Grants relating to Adults & Public Health transferred from Corporate	20,790	0	0	(20,790)	0	0
Allocation of commercialisation target	(263)	0	0	0	263	0
Transfer Shopmobility budget	0	0	0	10	(10)	0
Transfer of Property related budgets to Resources from Economy & Growth	(4,397)	4,397	0	0	0	0
Allocation of centrally held budget to cover pay increases above 2%	(245)	0	11	93	141	0
Cabinet 10/07/2019	12,599	1,004	42,929	62,262	23,703	142,497

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Education Transport Policy 2020-21

Cabinet

Date: 10th July 2019

Author: Cabinet Member for Finance, Education and Skills
Head of Education

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek Cabinet's approval of the Education Transport Policy for 2020-21.
- 1.2 This report particularly links to the Council's updated study of long-term school place planning. It also relates the Vision priority 2: "Offer education opportunities that lead to the right skills and right jobs in the right places."

2. Recommendations

Cabinet is recommended to:

- 2.1 Approve the Education Transport Policy 2020-21.
- 2.2 Approve the Designated Transport Areas for 2020-21.

3. Detail

- 3.1 Free home to school transport is set out within the Education Act 1996, which was extended in and provides for free home to school transport to be offered to all pupils who meet the following criteria:
 - 3.1.1 Are of statutory school age (5-16);
 - 3.1.2 Attend their designated appropriate area school (or another school at which the Local Authority has offered a place); and
 - 3.1.3 Live more than three miles from their catchment area school (or two miles if under eight years of age) or do not have a safe walking route when accompanied by an adult to their catchment area school.
- 3.2 In addition, the Education & Inspections Act 2006 widened statutory home to school transport for pupils from low-income families, in certain circumstances. Low-income families are defined as those who are entitled to free school meals or are in receipt of their maximum level of Working Tax Credit. These provisions are therefore, as follows:
 - 3.2.1 Primary – to the nearest suitable school if more than two miles from home;
 - 3.2.2 Secondary – to any of the three nearest suitable schools if between two and six miles from home (which, in practice, applies to all Swindon pupils who travel beyond two miles);

Further information on the subject of this report can be obtained from Emily Heaton, 01793 46 5769, eheaton@swindon.gov.uk.

Education Transport Policy 2020-21

Cabinet

Date: 10th July 2019

- 3.2.3 Primary/Secondary – to the nearest school preferred on the grounds of religion or belief (as defined by the Equality Act 2006) if between two and fifteen miles from home.
- 3.3 As mentioned above in paragraph 3.2, children must currently be attending the ‘designated appropriate area school’ and live over the 2 or 3 mile statutory distances, in order to qualify for assistance with transport.
- 3.4 The Education Transport Policy 2014 introduced “designated transport areas” which defined the designated transport area for a school
- 3.5 If a parent chooses to send their child to a school other than the designated appropriate area school, then (apart from the provisions of the Education & Inspections Act 2006) free school transport is not normally provided and the parent is responsible for any travel costs.
- 3.6 The draft Education Transport Policy applicable for the 2020-21 academic year is attached as **Appendix 1** to the report. This draft is an amalgamation of the separate transport policies that were in place in prior to 2012 and, therefore, includes Mainstream Home to School Transport, Post-16 and Special Educational Needs Transport Policies.
- 3.7 The proposed policy on which views were sought has no changes since the 2019-21 policy, only minor wording amendments and the Designated transport areas only have the new areas / schools that have opened – Badbury Park, William Morris and The Deanery, all of which are in existing areas. The proposed Designated Transport Areas are included as **Appendix 2**.

Consultation

- 3.8 The Education Transport Policy must be determined by the 31st July in the determination year. The Local Authority has a legal duty, following consultation, to publish by September of each year its transport policy, which will apply 12 months later. The consultation ran between the 29th April and 10th June 2019 for a total of 6 weeks.
- 3.9 The Local Authority publicised the consultation on its website and information was also sent directly to neighbouring Local Authorities.
- 3.10 Survey responses could be made in writing or by using an online survey tool. The LA received a total of 1 response to the consultation. This respondent did not agree with the proposed policy as they stated that the policy “does not reflect the requirement in law to provide transport to the nearest school regardless of any designated area which an LA may adopt”.
- 3.11 However, within the Education Act 1996, an eligible pupil is defined as attending a ‘relevant school’. However, ‘relevant school’ can be defined as nearest, or

Further information on the subject of this report can be obtained from Emily Heaton, 01793 46 5769, eheaton@swindon.gov.uk.

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designated area, as is the case in Swindon. The respondent has agreed with the proposed Designated Areas.

- 3.12 Therefore no changes are proposed either to the draft Education Transport Policy or the proposed Designated Transport Areas. Therefore Cabinet is recommended to adopt this policy and designated area scheme as attached at Appendices 1 and 2

4. Alternative Options

- 4.1 The Education Transport Policy must be determined annually for parents applying for school places in the following year. In relation to the arrangements proposed there are no alternatives proposed that differ from the arrangements for 2020-21.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The Education Transport Budget for mainstream is £523K and for SEND is £3.186m for 2019/20.
- 5.2 However, changes to the policy may have direct impact on the number of pupils eligible.

Legal and Human Rights Implications

- 5.3 The Council is required to comply with the statutory provisions referred to in the report. All other legal and human rights implications have been considered in the preparation of this report. The recommendations are considered compatible with Convention Rights.
- 5.4 Under Section 89b of the School Standards and Framework Act 1998 and associated regulations, and the Education Bill 2011 the Council, in its role as a Local Authority, has to determine the co-ordinated scheme and other admission arrangements.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.5 The proposals for additional school places comply with Section 17 of the Crime and Disorder Act 1998 to develop school policy to maximise school attendance.

Diversity Impact Assessment

- 5.6 A Diversity Impact Assessment was undertaken and a copy can be obtained from the report author.

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- 5.7 It is considered that the Education Transport Policy does not discriminate against disability, ethnicity, religion, sexual orientation, marital/civil partnership status or pregnancy/maternity

Risk Management

- 5.8 The Education Transport Policy provides transport for those eligible and helps to safeguard those children on school transport with the policies and procedures in place. The Policy for 2020-21 proposes no changes and therefore it is considered any risks to adopting this policy is low.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.
- 6.2 The policy was on the Council's website and neighbouring local authorities were also consulted.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 - Education Transport Policy 2020-21
- 8.2 Appendix 2 – Designated Transport Areas 2020-21 can be found on the Swindon Borough Council website at:
https://www.swindon.gov.uk/downloads/20019/consultations_engagement_and_surveys

9. Key Decision/Decision in Cabinet Work Programme

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme for July 2019.

**Education Transport Policy 2020-21
Consultation**

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1. Introduction

- 1.1 This document sets out the Local Authority's duties and responsibilities on school transport.
- 1.2 The aim of this document is to set out policies and approaches that provide the very best service to our customers by producing information in one document that is widely available to all parties with an interest in school transport.
- 1.3 It therefore clarifies the Local Authority's responsibilities for the delivery of mainstream, Special educational needs and post-16 transport and includes additional policies on transport for students, school transport operations in extreme weather conditions, behaviour and drugs and alcohol policy on school transport.
- 1.4 The policy is reviewed on a regular basis in consultation with other Council directorates and stakeholders, including schools, transport providers, neighbouring Local Authorities and Diocesan Authorities.
- 1.5 This policy only applies to those students living with the borough boundary of Swindon.
- 1.6 This document has been reviewed in line with the Home to School travel and transport guidance published by the Department for Education (DfE) in July 2014.
- 1.7 For the purposes of this document, the Local Authority (LA) is defined as the department within Swindon Borough Council that administers Education.
- 1.8 For further information and advice on this document, please contact:

Strategic School Admissions
Manager or
SEND Commissioning Manager

School Admissions
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon
Wiltshire
SN1 2JH

Telephone – 01793 445500
Email –
schooladmissions@swindon.gov.uk

2. Legislation

- 2.1 The Education and Inspections Act 2006 inserted sections 508(b) and 508(d) into the Education Act 1996. These sections place a duty on Local Authorities to ensure that suitable travel arrangements are made where necessary to facilitate the student's attendance at school.
- 2.2 The duty applies for home to school travel arrangements made at the start of the day and school to home travel arrangements at the end of the day for students of compulsory school age. It does not relate to travel between educational institutions during the school day.
- 2.3 Parents are responsible for ensuring that their children attend school regularly. However section 444 of the Act outlines the situation where a parent may have a defence in law against prosecution by a Local Authority for their child's non-attendance at school. Section 444(3)(b) provides a defence if he or she provides that:
- a. The qualifying school at which the student is a registered student is not within statutory walking distance.
 - b. No suitable arrangements have been made by the Local Authority for boarding accommodation at or near to the school
 - c. No suitable arrangements have been made by the Local Authority for enabling the student to become a registered student at a qualifying school near to his/her home
 - d. The Local Authorities has a duty to make travel arrangements in relation to the student under section 508(b) and has failed to discharge that duty.
- 2.4 The definition of eligible students (s.35 (b) of the Act) is "those categories of students in an authority's area for whom travel arrangements will always be required".
- 2.5 Section 508(b) prescribes that every feature of these arrangements must be provided free of charge. In the case the students do not qualify for free transport, section 508(c) provides a discretionary power for authorities to provide assistance by paying all or part of the student's reasonable travel expenses. Each authority decides whether and how to exercise these powers.
- 2.6 The Special Educational Needs and Disability Regulations 2014 section 53) indicate that the following must be published in the local offer in relation to transport assistance. Schedule 2(14) Transport arrangements for children and young people with special educational needs or a disability to get to and from school or post-16 institution, or other institution in which they are receiving special educational provision or training provision including—

- (a) arrangements for specialist transport;
- (b) arrangements for free or subsidised transport;
- (c) support available in relation to the cost of transport, whether from the local authority or otherwise.

3. Mainstream School Transport Policies

Eligibility

- 3.1 Students will be entitled to free travel assistance from a suitable pick up point near to their home to a suitable set down point near the school they attend if:
- a. They attend the designated appropriate school
- and either**
- b. They are aged between five and seven years old and live more than 2 miles (3.218688 kilometres) from the school they attend;
- or**
- c. They are aged between eight and sixteen years old and live more than 3 miles (4.828032 kilometres) from the school they attend;
- 3.2 Distances will be measured by the safest walking route as defined by Swindon Borough Council using mapping software.
- 3.3 To qualify for transport assistance the student must be attending the designated appropriate school **AND** qualify under the distance criteria.

The designated appropriate school

- 3.4 The designated appropriate school for the purposes of assessing eligibility is the school within the **designated transport area** for the home address in **Appendix 4**.
- 3.5 When such a school is unavailable (i.e. there is no space in the relevant year group), the designated appropriate school will be considered to be the next nearest school with a place available. The next nearest school is measured as a straight line between the Local Land and Property Gazetteer (LLPG) address point of the applicant's home address and of the school with those living closest to school receiving higher priority.

Home address

- 3.6 Transport to and from school will be determined and approved from a single permanent residence. This is the one where the student spends most time with the parent/guardian and has been used for admission purposes and the school.
- 3.7 Transport provision will normally cease if there is a change in the home address that would lead to attendance not being at the designated appropriate school for the new address.

- 3.8 In exceptional circumstances, where there is a change in the student's home address, or placement if in public care, the Local Authority may consider the continued attendance at the current school to be the student's best interest. Consideration will be given to whether the change of address was entirely outside any parental control.
- 3.9 Recognised exceptions to the rules given above are as follows
- 3.9.1 In some cases of temporary disability of the student on the advice of the Local Health Authority. Evidence of this would be required.
- 3.9.2 For some students resident in Swindon in Year 10-13 whose families move out of the designated area for the Swindon school they are attending and live more than three miles by a safe walking route and receive Income Support or income-based Job Seeker's Allowance, to help them complete a GCSE or A-level Course.
- 3.9.3 Where a student studies somewhere other than the designated appropriate area school, sixth form or college to follow a course that is not provided, in broadly similar terms by the designated area colleges and the student's family receive Income Support or income-based Job Seeker's Allowance.

Road Safety

- 3.10 Transport is assessed for a safe walking route using "Assessment of Walked Routes to School Guidelines" published by Road Safety GB which identifies hazards and the assessment of risk of walked routes to school.

The assessment of a safe walking route

- 3.11 As it is the duty of parents to ensure that students attend school, the law on safe walking routes assumes that a responsible adult will accompany students to and from school.
- 3.12 A safe route will be on footpaths along the majority of its length. Short sections of road with a speed limit of 30mph or less may be acceptable, subject to assessment.
- 3.13 Crossings of major routes, including all routes with a speed limit of more than 30mph, will either be by controlled crossing or by under- or over-pass. This can legitimately involve a diversion or even doubling back on a route, but any additional distance will be included in the route measurement.
- 3.14 In determining entitlement to free transport, the route used in assessing the distance is the shortest safest available walking route in accordance with National Road Safety Guidance.

Primary School Aged Students

- 3.15 Transport can be provided, on road safety grounds if the journey to the designated appropriate school would involve the use of roads without footpaths or lighting.

Secondary School Aged Students

- 3.16 There are a number of criteria that need to be met for Secondary School students to receive transport on road safety grounds. The following criteria are based on the expectation that parents will accompany their children to and from school where they consider it necessary:

- a. There is no footway, or;
- b. Students have to walk along a dual carriageway with a speed limit of 40 mph or higher, and they have to cross a dual carriageway, and there is no safe crossing point available. A safe crossing point is defined as any of the following:

Light Operated Crossings
Zebra Crossing
Pedestrian Refuge
Foot Bridge
Underpass
School Crossing Patrol in Operation

Students unable to walk to school by reason of their disability, or mobility problem (including temporary medical conditions).

- 3.17 Where a student is attending their nearest qualifying school (or designated school if this is not the nearest) which is within the relevant walking distance (i.e. within 2 miles if aged under 8, and 3 miles if aged over 8), but is unable to walk to that establishment (accompanied as necessary) by reason of their SEN and/or disability, he or she will be eligible for transport assistance by providing appropriate evidence from their consultant, for example:

- Long term severely restricted independent mobility (something that is likely to last at least a year, this can include sporadic conditions such as epilepsy or multiple sclerosis).
- a physical disability e.g. severe cerebral palsy which may necessitate the daily use of significant mobility aids such as a wheelchair,
- a medical condition resulting in severe persistent pain and/or extreme fatigue, an example of this might be juvenile arthritis,
- a medical condition resulting in serious persistent health and safety risks. Examples of this might be intractable epileptic seizure disorders

- 3.18 Transport may be provided to the designated appropriate school on medical grounds for either short-term provision, where a student has a temporary medical problem or on a long-term basis if the student has a particular long-term condition. In both cases recommendations must be received from the Local Health Authority.
- 3.19 Evidence would be required and any application would be considered on a case by case basis. In all cases recommendations must be received from an appropriate medical officer from the Local Health Authority, this should be a Consultant looking after the student.
- 3.20 If assistance is granted this would be reviewed termly, with the need for new evidence to be submitted. If assistance is granted the LA, in the first instance would seek to provide petrol expenses. If a parent cannot provide evidence from the Local Health Authority, the LA will remove that assistance.

The Nature of Transport Arrangements

- 3.21 The arrangements for assisted travel which may be made under this policy will be at the LA's discretion and area made on the most cost-effective basis. These arrangements may take the form of:
 - a. Travel pass for use on public transport (season ticket);
 - b. A parent consenting to use their car in return for a mileage allowance;
 - c. Travel pass or other authorisation for use on private contract services;
- 3.22 Rail passes for public service routes will be issued to students where appropriate and at the discretion of the LA.

Parental preference

- 3.23 The Local Authority has no duty to provide transport where parents exercise their right to express a preference for their child to
 - a. Attend a particular school other than the school which the LA has designated as serving the area where they live, or
 - b. Attend a particular school other than the designated appropriate school.

Education and Inspections Act 2006

- 3.24 The Education and Inspections Act 2006 provides extended right for students from low income groups.
- 3.25 Low income groups are defined as where the student is entitled to free school meals or where the parents receive the maximum Working Tax Credit are entitled as follows
 - a. Students aged between eight and eleven years old – where the nearest suitable school is beyond two miles
 - b. Students aged between eleven and sixteen

- i. To one of the three closest schools to the home address between 2 and 6 miles, or
 - ii. To a school between 2 and 15 miles where preferred on the grounds of religion or belief
- 3.26 The LA may review all eligibility for transport on a yearly basis. If the student is no longer eligible for transport assistance on these grounds then the transport will be withdrawn.
- 3.27 There is a right of appeal for parents to the Education Transport Appeals Sub-Committee for transport on road safety grounds, in relation to the issue of their ability to accompany their children to school. (The need for parents to be at work would not usually be considered as a reason why transport should be provided). Details of the Appeals process are set out later in the document.

4. Mainstream School Transport – Discretionary

The Key policies involving discretionary transport are:

Students of pre-statutory school age

- 4.1 Transport may be provided for students of pre-statutory school age where transport is already running and where there are spaces available on current transport.

Education other than at School (EOTAS) and elective home education

- 4.2 Where parents, in conjunction with the school if appropriate, have chosen to educate their child other than at school, no assistance will be available from the LA in connection with any transport need arising.

Education other than at School (EOTAS) and referral units

- 4.3 Where the LA arranges for a student to have education other than at school, the LA will provide transport subject to normal eligibility rules on home to school transport.

Students without an Education, Health and Care Plans (EHCP)

- 4.4 All transport for students without EHCPs who are attending mainstream schools will be provided on the basis of normal eligibility criteria.
- 4.5 If a Local Authority places a student at a school or unit this will be deemed as the **designated appropriate school** for school transport purposes irrespective of the Local Authority's normal zoning arrangements

Children in the care of the Local Authority

- 4.6 The school at which a student is placed by the LA will be deemed the **designated appropriate school** for school transport purposes irrespective of the LA's normal zoning arrangements in order to provide continuity of educational provision for such students. The allocation of a school place will be reviewed as part of the student's regular Care Plan review.

Continuity

- 4.7 Where students resident within the Borough move home during Years 10 and 11 out of the designated area for the current Swindon school in which they are studying, the LA may provide free home to school transport.
- 4.8 This is applicable when the current Swindon school is more than 3 miles from home and the parents are in receipt of the relevant qualifying benefits, (Income support or income-based Job Seeker's Allowance). This is to assist the student to complete their GCSE courses.
- 4.9 Any entitlement under continuity grounds must fulfil all the criteria in the paragraph above.

School Transport Appeals

- 4.10 Parents have a right of appeal to the Education Transport Appeals Sub-committee of Swindon Borough Council set out in part 8 of this policy

5. Special Educational Needs Transport Policy

- 5.1 Students with special educational needs have the same entitlement to transport assistance under legislation or policies agreed by Swindon Borough Council as all other students (please see section 3 of the policy, Eligibility). The special educational needs of the student may also be taken into account (please refer to 3.17).
- 5.2 However, where a student has special educational needs the nearest appropriate school/ establishment (i.e. that provides education suitable to the age, ability and aptitude of the student, including any special educational needs) may well be different than that for another students.
- 5.3 Where a School is named by the Local Authority on a student's Education Health and Care Plan (EHCP), that school will be deemed to be the student's nearest appropriate school for the purposes of transport eligibility, unless named as a result of parental preference, and in the Authority's view, the child's needs could be met at a nearer school, which has also been named in the EHCP.
- 5.4 The appropriate transport provision for a student with special educational needs will be determined by the Council based on the student's needs.
- 5.5 Parent/carers may chose a different school to the nearest suitable school, as long as the school will still meet the needs of the student as outlined in the EHCP. However, the parent/carers will then become liable for the transport costs to that school.
- 5.6 If the Local Authority names a residential school at some distance from the parent / carer's home, the SEN code of practice states that the Local Authority should provide transport or travel assistance. The frequency of such journeys will be determined at time of placement and reviewed as appropriate.
- 5.7 All transport arrangements will be subject to an Annual Review for those children with an EHCP. The type of transport or level of support may change to reflect the changing needs of the student. The provision of transport may change or cease to be necessary as the child grows older, to support increased independence as appropriate. Such decisions will be taken on an individual basis and will take full account of the child's needs.
- 5.8 When a student with an EHCP transfers to post 16 provision they will then be assessed using the post 16 transport policy (section 6).
- 5.9 Transport assistance will not be provided for:
- 5.9.1 Parents or students to attend extra-curricular activities
 - 5.9.2 Students to attend doctors, dental or any other appointments
 - 5.9.3 Students to attend breakfast or after school clubs / activities
 - 5.9.4 Students excluded during the school day
 - 5.9.5 Students to attend work experience placements

5.9.6 Students that are unwell and have to be collected from school during the school day

Students undergoing Statutory Assessments in Special Schools

5.10 The assessment period will not exceed more than the statutory 20 weeks by which time the assessment should have been completed and a decision made as to whether the student has an EHCP.

Provision of Passenger Assistants

5.11 A passenger assistant will only be provided following the outcome of an assessment of the student's Special Educational Needs and / or medical needs in order to meet the needs of the students travelling to and from school. This determination will be made by the Special Educational Needs and Disability Assessment Team in liaison with the Passenger Transport Team taking into account:

5.11.1 A student's medical needs, particularly where rescue medication is required.

5.11.2 Where an individual student's needs create a clear danger or health and safety risk to themselves and other passengers on the vehicle

5.11.3 Where an assessment of the students on the vehicle and the journey to be undertaken highlight a clear danger or health and safety risk to all passengers on the vehicle.

5.12 The consideration for a passenger assistant will be made by the Special Educational Needs and Disability Assessment Team and Passenger Transport Team based on evidence received from all relevant parties and will be reviewed regularly, where appropriate and whenever a contract is re-tendered.

Change of address

5.13 If a student changes address, even temporarily, their entitlement to transport assistance will need to be reassessed. Parents /carers must inform the Special Educational Needs and Disability Team well in advance of the moving date to ensure the student's case is re-assessed for transport assistance, and if they are not informed in good time, parents / carers will be responsible for the student's transport to school until new arrangements can be made.

Travel arrangements made by the local authority or other bodies/persons:

5.14 Other bodies or persons making travel arrangements might include:

- A parent consenting to a personal travel budget (PTB) to enable travel arrangements for the student.
- A parent consenting to use their car in return for a mileage allowance
- A school or group of schools reaching an agreement with a local authority to provide transport in minibuses owned by the school;
- Or a transport authority providing free bus passes for all children under the age of 16.

- 5.15 Swindon local authority may otherwise provide transport in one of the following ways, according to the needs of the student.
- Provision of a pass for a public service bus or other means of public transport.
 - Provision of a seat on a bus or minibus provided by the local authority
 - Provision of a seat in a taxi where more individualised arrangements are necessary

Personal Travel Budgets

- 5.16 The option of a personal travel budget (PTB) is available if the parent/carer would prefer to make their own arrangements and consent to this.
- 5.17 A PTB is a sum of money provided to parents or carers of students with SEN who are eligible for travel assistance. PTBs enable families to arrange their student's transport directly and, if they choose, to work with other families to achieve the best possible travel arrangements for the students. Ways in which the PTB can be used include:
- Purchasing a travel pass for a parent or a trusted adult to accompany the student on public transport
 - Paying for a passenger assistant for the student to walk to school or to travel by public transport. Parents or carers may also choose to do this themselves.
 - Covering the cost of parents driving or cycling with their child to school
 - Arranging shared travel arrangements with other parents, such as shared driving responsibilities, walking buses or joint taxi bookings
 - Overcoming barriers that may prevent parents accompanying their child to school, e.g. travel/childcare arrangements for siblings.
- 5.18 Personal Travel Budgets are voluntary. Parent/carers can stop them if their circumstances change as long as six weeks' notice is given in order that an alternative form of travel assistance can be determined. They do not have any impact on any other benefits. Parents will be required to sign an agreement with the local authority and provide bank details in order that monthly payments can be made.
- 5.19 For more information on PTB's go to <http://children.mycaremysupport.co.uk/>

Independent Travel Training.

- 5.20 Swindon local authority is committed to providing the best and most appropriate travel assistance for families. In the future, if the circumstances are right, other forms of travel assistance may be more appropriate for children with SEN such as Independent Travel. Students will be identified by their school as being ready to learn to travel independently. The local authority SEN travel advisor will then work with families and education providers to ensure a smooth transition takes place where appropriate.
- 5.21 Travel support may be available as set out in section 5 above for students attending residential special schools on a weekly or termly boarding basis. Students attending special school on a termly boarding basis may be eligible

for support at the beginning and end of each term and at any weekend when the school is closed.

School Transport Appeals

Parents have a right of appeal to the Education Transport Appeals Sub-committee of Swindon Borough Council set out in part 8 of this policy

6. Post 16 (16-18) Education transport policy

- 6.1 There is no legal requirement for Local Authorities to provide transport beyond the completion of Year 11
- 6.2 This policy aims to ensure access to further education opportunities to all 16-18 year olds living in the Borough of Swindon, as required under the Education Act 2002.
- 6.3 Given the urban nature of the Borough, Swindon offers good transport accessibility within its boundaries. This presents very few barriers to learning for the majority of mainstream students.

Policy

- 6.4 There is no automatic discretionary subsidised support for pupils accessing mainstream Post 16 education although the transport on the school bus will be provided to the Ridgeway School 6th form from within the Ridgeway Transport Area if over 3 miles or due to an unsafe walking route. This will require an annual parental contribution of £495.
- 6.5 The council will take account of statutory guidance (DfE guidance post -16 transport to education and training –see further information as to the guidance later in this report under Legal implications) including the needs of young people who are not in education, employment or training, young parents and those who do not have the ability to access any other travel arrangements.
- 6.6 To consider applications for subsidised assistance from full-time pupils who can demonstrate that they could not access any post 16 education without additional help from the council. This will include pupils who:
 - 6.6.1 are unable to access education unsupported;
 - 6.6.2 are young parents;
 - 6.6.3 have exceptional individual circumstances (i.e. for vulnerable or socially excluded young people)
- 6.7 Such decisions for discretionary support will be made on a case by case basis within the established discretionary process of senior officer reviews. This process will take into consideration points such as the setting attended and its distance from home, the availability and cost of transport and the needs of the learner. The financial situation of the family will be taken into account when determining the appropriate level of subsidy to be offered.
- 6.8 There will be no changes for pupils already attending Post 16 schools or colleges who received travel assistance prior to September 2018

16-19 Bursary Funding

- 6.9 The 16-19 Bursary funding replaced the Education Maintenance Allowance (EMA) and is the scheme intended to provide financial support to help the most vulnerable 16-19 year olds participate in full-time education

- 6.10 Bursary funding is available for the following categories of vulnerable students, some which may be used to support transport costs to enable participation in post-16 training:
- Young people aged 16 & 17 in care;
 - Care leavers, aged 16,17 & 18;
 - Students in receipt of Income Support; Disability Allowance and Employment Support Allowance;
 - Additional students recognised by their post-16 Provider to need financial support for transport through a discretionary bursary.
- 6.11 Bursary funding is allocated by the post-16 provider, according to the need of the student.
- 6.12 A student must declare any Bursary funding for transport support when applying for any other transport subsidies from Swindon Borough Council and this may exclude the student from any further transport subsidies in that academic year.
- 6.13 Post-16 providers will not consider Bursary funding for transport support if the student is already receiving transport subsidies through Swindon Borough Council funding.

Students with Education Health and Care Plans or disabilities and/or learning difficulties

- 6.14 Students with Education Health Care Plans continuing in education post-16 or students with disabilities and/or learning difficulties are subject to the same entitlement for post 16 transport assistance as mainstream students above but their special educational needs or disability and / or learning difficulties will also be considered.
- 6.15 In response to the new SEND framework, the council Has changed how subsidised travel assistance is provided for pupils aged 16-25 with learning difficulties and/or disabilities entering post 16 education from September 2018.
- 6.16 Whilst transport is not automatically provided for pupils with an EHCP, currently additional consideration for support is given when their learning difficulty or disability makes travel assistance essential, or they have to travel much further from home to attend a school or college which can meet their needs.
- 6.17 Therefore support will be considered for pupils with an EHCP who are studying on a full-time basis (over 540 guided learning hours for the academic year) at their nearest school or college which can meet their educational needs and is over the 3 mile walking distance. This covers pupils who are:
- Completing a non specialist course - until the end of the academic year in which they reach 19 years of age;

- Completing a specialist course - until the end of the academic year in which they reach 21 years of age;
 - Completing a course funded by Swindon Borough Council using the high needs top-up funding available for the individual - until the end of the academic year in which they reach 25 years of age
- 6.18 Pupils transferring to post 16 education must complete an application form to request assistance. Pupils already attending post 16 settings and receiving assistance will be contacted to review their requirements. For all pupils the primary offer of assistance will be through a Personal Travel Budget (PTB) or buss pass. In exceptional circumstances where a PTB is unsuitable for the individuals needs a further transport needs assessment will be undertaken and alternative transport provision could be deemed appropriate.
- 6.19 The Local Authority will consider requests for assistance on a case by case basis, therefore, the level of assistance ultimately offered will depend upon the needs of the learner and the travel arrangements already serving the school or college. The annual review process will provide an opportunity to discuss a pupil's transition to post 16 education and to take travel implications into account when making decisions.
- 6.20 The council is committed implementing the DfE guidance to create opportunities and provide support for young people with learning difficulties and/or disabilities to prepare for adulthood and fully engage in their community. This leads to an emphasis on tailoring assistance to individual pupils and helping them to gain independent travel skills – to a level and timescale appropriate for them.
- 6.21 This will not change who receives support, but will help the council to give young people and their family's more choice and control over decisions affecting them and help them to improve independence as they move into adulthood. This will provide pupils with:
- the flexibility to make their own travel arrangements with the help of a personal travel budget
 - enhanced life skills to travel independently by supporting travel training and activities
 - additional support for those with exceptional needs
- 6.22 Discussions will take place with pupils and their family as part of the EHCP annual review and transition planning process. The council will continue to consider requests for assistance on a case by case basis, but we will only offer a Personal Travel budget or buss pass in most circumstances.
- 6.23 The Personal Travel Budget (PTB) will be the council's contribution towards the cost of the learner's travel arrangements, and will be paid direct to the learner or their family.

- 6.24 Where a parent has decided that they do not wish for their child to go to the school or college that the Special Educational Needs Assessment and Disability Service has decided can meet the students needs and decide to seek a placement at an alternative establishment, transport will not be provided.
- 6.25 It is important to note that although a student may have an Education Health and Care Plan or may have had one whilst at school, this does not automatically entitle the student to travel assistance once in post 16 provision and they must apply under the post 16 policy.
- 6.26 Parents or carers submitting an application for transport assistance should provide relevant evidence to the Special Educational Needs and Disability Assessment Team to support their application for the assessment for transport assistance as noted above.

Timetable and process for applications

- 6.27 Application forms are available online from colleges, schools and Swindon Borough Council from April/May each year.
- 6.28 Applications for current school transport to a sixth form should be returned by the 30th June each year to Passenger Transport.
- 6.29 Swindon Borough Council will accept application forms after this time, however the Council cannot guarantee transport will be available for the start of the academic year.

7. Other Key Policy Areas

Other relevant, key policies are set out below:

- 7.1 The home address given on the application form must be the address where the child resides for most of the week with their parent or carer. Where a child has a joint address or the parents have dual responsibility, then the address that the child benefit is paid will be taken as the child's home address. The LA may ask parents or carers to provide proof of these circumstances.
- 7.2 Students may be required to walk up to one mile from home to the pick-up point and, where students use public service routes, they may be required to walk up to one mile from the setting-down point to the school or 1.5 miles to a 16-18 provider.
- 7.3 Requests for changes in transport arrangements will be considered but changes, such as additional stops, are not always possible for reasons of safety and timing.
- 7.4 Students aged eight years of age who are entitled to free transport under the distance criteria will continue to receive free transport until the end of the academic term in which they reach the age of eight.
- 7.5 Where, for any reason, transport facilities have been approved in error, the LA reserves the right to withdraw that provision at any time convenient to the LA, and will normally do so, after giving due notice of its intention to do so.
- 7.6 Transport is only provided if the student attends the nearest education establishment offering the qualification irrespective of the module content.
- 7.7 Students who do not have an Education Health and Care Plan but who are deemed to have a level of special needs below that required for a formal statement, would not normally be entitled to free transport but would have the right to appeal for transport to the Education Transport Appeals Panel.

8. School Transport Appeals

- 8.1 In accordance with the revised guidance for transport appeals, since September 2016, the LA has adopted a 2 stage review and appeal process.
- 8.2 This appeals policy is applicable to children who live within the Borough of Swindon that are attending mainstream and special schools. This appeals policy applies to children with or without an Education, Health and Care Plan (EHCP).

Right to Appeal

- 8.3 Where a parent has been refused transport assistance they can challenge the decision for the following reasons
- 8.3.1 The nature of the transport arrangements offered
 - 8.3.2 Their child's eligibility
 - 8.3.3 The distance measured in relation to statutory walking distances; and
The safety of the route

Stage 1

- 8.4 Within 20 working days from the receipt of the local authority's home to school transport decision, a parent can make a request asking for a review of the decision.
- 8.5 A parent will be advised of the right for a review within the decision letter.
- 8.6 The request for review should be made by completing the transport appeal form online. A link will be provided by email. The parent should state the reason why the decision should be reviewed and given details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- 8.7 Within 20 working days of the receipt of the parent's written request a senior officer will review the original decision and will notify the parent by way of detailed written notification of the outcome of the review.
- 8.8 The decision letter will contain the following
- 8.8.1 The nature of the decision reached;
 - 8.8.2 How the review was conducted (including any standards followed e.g., Road Safety GB)
 - 8.8.3 Information regarding other parties consulted
 - 8.8.4 What factors were considered
 - 8.8.5 Information how the parent can escalate their case to stage 2 if appropriate

Stage 2

- 8.9 Following the receipt of the local authority's stage one decision notification, a parent can within 20 working days submit a request to escalate the matter to Stage 2.
- 8.10 A parent should complete a transport appeal form online. A link will be provided by email.
- 8.11 Within 40 days of receipt an appeal will be scheduled with the Education (Transport) Appeals Sub-Committee who will consider both written and verbal representation from both parents and officers involved in the case.
- 8.12 The parent will be notified of the outcome by telephone following the outcome of the appeal panel and will receive formal notification of the outcome within 5 working days. The notification will include
- 8.12.1 The nature of the decision reached;
 - 8.12.2 How the review was conducted (including any standards followed e.g., Road Safety GB)
 - 8.12.3 Information regarding other parties consulted
 - 8.12.4 What factors were considered
 - 8.12.5 If refused, information about how the parent can refer to the case to the Local Government Ombudsman
- 8.13 Where an appeal is upheld, this does not guarantee funding throughout the school life of the child, and the circumstances under which the appeal was upheld would be kept under review.

Education Transport Appeals Sub-Committee

- 8.14 An Education Transport Appeals Sub-Committee will meet to consider transport appeals. The membership of this Sub-Committee is made up of three Councillors selected from a pool appointed by the Appeals Committee. These Councillors will not have been involved with the case previously and should not have any close connection with the appellant. If one of the Councillors does have a remote connection with the appellant, they may be allowed to take part in the hearing if neither the LA's representative nor the appellant objects
- 8.15 The Education Transport Appeals Sub-Committee will consider case papers for each appeal consisting of the reasons as to why the LA have refused to provide transport assistance, any other relevant information and the parents appeal giving reasons as to why they are appealing against this decision.
- 8.16 Each Councillor will remain a Committee member for at least one year but there will be no limit on how long they wish to continue as a member providing there is no conflict of interest in the areas mentioned above.
- 8.17 All Councillors on the Appeals Committee will undertake training on the Transport Policy at least once per academic year to ensure that Councillors become 'expert' in this field.

- 8.18 The Education Transport Appeals Sub-Committee will consider all appeals on their individual merits. The decision of the Sub-Committee is final with no further rights of appeal.
- 8.19 The Education Transport Appeals Sub-Committee must operate within the Transport Policy at all times.
- 8.20 The Education Transport Appeals Sub-Committee must take into consideration the cost of transport should the appeal be upheld.
- 8.21 If the Education Transport Appeals Sub-Committee agrees to uphold an appeal, it must indicate the length of time for which the transport has been agreed.
- 8.22 Once the appeal has been heard the Education Transport Appeals Sub-Committee will make its decision that day and the Committee Officer will endeavour to contact the parent by telephone the same day to give the result of the appeal. A decision letter outlining the Education Transport Appeals Sub-Committee decision and its reasons will follow usually within one week.
- 8.23 If parents are not happy with the decision of the Education Transport Appeals Sub-Committee then they are able to contact the Ombudsman. The Ombudsman will only be able to look at the way the appeal was conducted and establish whether the LA followed all its processes in the correct manner.
- 8.24 If the Appeal is in relation to a placement made by order of an SEN & Disability Tribunal, the Appellant and the Local Authority may be bound by any decision relating to travel that the Tribunal has made. The SEN and Disability Tribunal may have specifically come to a decision about placement based on the inclusion of travel costs.
- 8.25 For appeals on the grounds of road safety, parents can only appeal if they believe that they are unable to accompany their child to school. However, the Appeals Sub-Committee will not usually accept the need for parents to be at work as the reason why transport should be provided.
- 8.26 The Education Transport Sub-Committee is able to consider applications for assistance from parents of children receiving nursery education as per the School Standards and Framework Act 1998.

Grounds Under Which the Education Transport Appeals Sub-Committee can Uphold an Appeal

- 8.27 The grounds under which the Education Transport Appeals Sub-Committee can allow / uphold an appeal are:
- 8.27.1 The Transport Policy has not been applied properly.
- 8.27.2 There are discrepancies in the way the application has been handled.

8.27.3 The individual circumstances put forward by the applicant outweigh the normal policy considerations and are considered to be exceptional circumstances.

8.28 Examples of exceptional circumstances are:

8.28.1 If there are exceptional circumstances within the immediate family unit where the child lives that affects the child ability to attend their designated school such as domestic violence. Evidence would be required to support this.

8.28.2 Death or serious illness of parent with whom the child has been living.

8.28.3 In cases of students with Special Educational Needs – additional evidence of need that the Education Transport Appeals Sub-Committee is asked to consider.

9. Spare seats policy

- 9.1 This refers to spare seats on home to school/ college transport routes.
- 9.2 These are routes that are operated for the benefit of those who are entitled to transport assistance to and from school. The key points regarding this scheme are set out below:
- 9.2.1 The Council cannot guarantee that a young person will keep the seat for longer than one term;
 - 9.2.2 Fare prices are reviewed annually;
 - 9.2.3 The parent must complete a Spare Seat application form.
 - 9.2.4 Payment is required in advance;
 - 9.2.5 The price charged covers a return journey for every school day of the relevant period;
 - 9.2.6 There will be no rebates for those deciding to travel for fewer than the maximum number of possible journeys per term, for example there is no rebate if a young person decides to use his/her bus pass for morning travel and returns by some other private means in the afternoon;
 - 9.2.7 The route of the journey is home to school / college and only operates as per the timetables set by the Council.
 - 9.2.8 No guarantee can be given that the transport will continue to run throughout a young person's time at a school / college, or that the place on the bus will not be withdrawn at some future date if the place is required for a young person who is entitled to transport assistance.
 - 9.2.9 If a place on transport is needed, the last child offered the place will be given notice of 2 weeks that their place is no longer available. There is no route to appeal this decision.
 - 9.2.10 When there are more requests to pay for seats on a particular route than there are seats available they will be allocated in the descending order of priority shown in the table "Priority for Spare Seats":

Priority for Spare Seats / places

- 9.3 Priority for spare seats determined as follows
- 9.3.1 **Priority 1** - Those with a Statement of Special Educational Needs or Education Health Care Plan naming the school.
 - 9.3.2 Looked After Children
 - 9.3.3 Year 11, if there is no service of train link
 - 9.3.4 Those who travelled on the route the previous term and then first come first served

10. Contacts

Please contact education transport at:
educationtransport@swindon.gov.uk

Or SEN travel at:
senttravel@swindon.gov.uk

Please also refer to the local offer <http://children.mycaremysupport.co.uk/>

Appendix 1 - Guidance for parents: School Transport operations in extreme weather conditions

When there is snow, ice or flooding, school transport may be disrupted. If the bad weather occurs overnight it may not be easy for a parent to find out whether school transport is running. Local radio stations give out information on school closures and school bus cancellations. If a child travels on a school bus contract, then it should be ensured that they have a contact telephone number for the bus/coach operator so they can contact them direct for information.

Alternatively, parents/carers can telephone the school, or check the school website for updated information.

If parents/carers cannot find out for certain and school transport is over 20 minutes late then it should be assumed that the school bus is not operating at all. If a parent decides to take their child into school themselves, they must also be able to collect their child in the afternoon because school transport may still not be able to operate.

When there is very bad weather, parents' should not assume that their child will be taken to school. They need to make sure that their child knows what to do if transport does not run. If their child cannot return home, arrangements should be made so that he or she can go home with a friend or relative.

Where very bad weather is forecast or prolonged, the LA will make a decision after 2 p.m. the previous day as to whether to provide transport. In these instances information will be available on the local radio station and Council website.

Further information is available from:

Passenger Transport Manager at:
educationtransport@swindon.gov.uk

Appendix 2 – Behaviour on school transport

The majority of students travelling to and from school behave well. For a few, this is not so and these few can make the journey very unpleasant for other passengers (students and members of the general public), road users and the driver of the bus or coach.

Behavioural problems on school transport have increased and in the past students may have been seen as misbehaving on the school bus, but behaviour has deteriorated in some instances as to be considered dangerous. Allegations of bullying on the bus journey to and from school, also appears to be an increasing trend. Unacceptable behaviour will not be tolerated. In all instances of unacceptable behaviour the school and parents of those concerned will be contacted. Bullying, vandalism or unruly behaviour can result in exclusion from transport.

The Local Authority has in place a Behaviour on School Transport Policy which is intended to give both students and parents/carers information/guidance on how good behaviour on school transport can be encouraged, and the way incidents of poor behaviour will be managed.

Part of the process will include the issue of a guide to students and parents to help define the operator's expectations of passengers, whilst travelling to and from school.

These guides will also help parents/carers and students to define their expectations of home to school transport.

Education Transport is responsible for receiving and investigating complaints from schools, parents/carers or students regarding home to school transport provided by private vehicle operators. Concerns should be raised directly to educationtransport@swindon.gov.uk

Further details can be obtained from:

Passenger Transport Services
Swindon Borough Council
Wat Tyler House
Beckhampton Street
Swindon
SN1 2JH
Tel: 01793 445500

Information provided to students and parents/carers

Students

When traveling by bus:

- Please be at the bus stop 5 minutes before the bus is expected.
- Treat the Driver with respect and follow their instructions.
- Students who have a right to travel on school buses also have a responsibility to behave well. In the interests of **safety** it is of paramount importance that all students behave in an acceptable manner.
- Wait for the bus in an orderly manner without disturbing others.
- Take care when getting on and off vehicles.
- Remain seated throughout the journey, and wear seatbelts where provided.
- Do not shout or disturb the driver, except in an emergency.
- Only use the emergency exits if there is a genuine emergency or when told to by the driver.
- Do not throw things inside the vehicle or out of windows.
- Do not intimidate or be rude to other passengers and respect the rights of other students to travel without fear of bullying.
- Students are not allowed to eat or drink during the journey.
- They should carry out any instruction given by the driver.
- Smoking is not allowed.
- Do not drop any litter.
- Do not damage the bus, if it is damaged the police will be contacted and your parents or carers may have to pay for the damage.
- If the bus breaks down or is in an accident, follow the driver's instructions and stay with the bus until another one arrives.
- Always try and set a good example for younger passengers.
- If you see others behaving inappropriately tell the driver and your school.

Your Travel Pass:

- Carry your travel pass with you when you travel to and from school.
- Be ready to show your pass. If you are unable to show it you may not be able to travel.
- Only use your pass to travel on the route it is for.
- Do not use anyone else's pass or let them use yours or it may be confiscated.
- If you lose your pass contact the school office for a replacement for which a fee will be charged.

Your Pick Up Point:

- You and your parents or carers are responsible for making sure that you get to the pick-up point safely.
- Arrive at the pick-up point at least five minutes before the bus is due. It runs to a timetable and cannot wait if you are late,
- When waiting at the pick-up point do not go onto, or damage, private property
- You should always follow the Green Cross Code when you're walking to a bus stop or station.
- If a bus is late only wait at the pick-up point for 20 minutes and agree with your parents what to do if the bus doesn't arrive. This could be going home or going to a friend's house to arrange another way to get to school.
- If there is a storm or snow, listen to the local radio stations or phone your school for advice before setting out. If your parents or carers take you into school in the morning because they are not sure if the bus is running, they must also be prepared to collect you in the afternoon, if the weather is still bad.

Keeping Safe:

- Queue sensibly for the bus, and stand well away from the edge of the road.
- Don't push or trip others.
- Don't try to open the doors of the bus yourself.
- Let other passengers get off before you get on.

- Get on and off in a sensible way so you don't hurt yourself or other people. Do not try to get back on the bus once you have got off.
- Be careful not to get coats, bags or scarves caught in doors.
- If you need to cross the road once you have left the bus, wait until the bus has driven away so you can see other vehicles and their drivers can see you.
- Where a seatbelt is provided please wear it - as from September 2006 it is the law.

Younger Children:

- Ensure that young children are taken to the bus stop in good time and at least 5 minutes before the scheduled pick up time. Take and collect young children on the same side of the road as the bus collects and sets them down.
- Once the vehicle arrives please encourage your child to find a seat. Where seat belts are provided they must be worn
- Ensure that young children are met when the bus returns from school. It is not the bus driver or schools responsibility to ensure that the children return home safely after they have got off the bus.
- If an adult is not available to take care of the student the driver may take the child, for their own safety, to a local police station or social care establishment. It will be your responsibility to arrange for them to be collected.

Students picked up from home by small vehicles:

- Your child needs to be ready before the transport arrives so that others are not held up and made late for school/college, or late getting home.
- The drivers and passenger assistant are not able to leave the immediate vicinity of the vehicle as they have to supervise the passengers on board. Please ensure that you are watching for the vehicle.
- The student must not go near the vehicle until it has stopped, do not run towards it, or around it.
- Please ensure that the student puts their seatbelt on in the vehicle.
- The students must listen to the driver and passenger assistant where applicable and do as he or she says.
- Students must always, when they are in the vehicle, stay in their seats at all times when the vehicle is moving.

- The student must not engage in horseplay, or play silly games on the transport, as this is dangerous and could cause an accident.
- Must not eat and drink on the transport.
- Must not cause damage, including graffiti, must not spit, or interfere with doors or window mechanisms or leave litter in the vehicle.
- Must take care that their coats, scarves or bags are not caught in the door as they enter or leave the vehicle.
- Must make sure that they have all their belongings as they leave the vehicle, If they have forgotten something, telephone the taxi company that operates the vehicle

The Response to Students Who Fail to Observe this Policy:

- All reports of misconduct will be investigated and appropriate disciplinary action taken which might include:
 - a. Official warnings
 - b. Exclusion
 - c. Withdrawal of transport
 - d. Payment for any damage caused
- Criminal damage or behaviour will be reported to the Police.
- Parents/carers will be contacted if:
 - a. A student smokes on the bus
 - b. A student's behaviour falls below the standards required
 - c. A student's actions put the safety of other passengers and road users at risk
 - d. A student's actions cause the driver of the bus to become distracted
 - e. A student's bus pass is confiscated.
- You need to be aware that many bus operators monitor the behaviour of passengers using CCTV. CCTV footage will be used as evidence if drivers or passengers are hurt or the bus damaged.

What constitutes serious misbehaviour?

The list below is a guide to what would lead to an instant ban or a much longer ban than normal:

- Vandalism
- Arson

- Tampering with CCTV equipment
- Bullying both physical and verbal
- Carrying weapons
- Abusing the Driver
- Fighting
- Drug or solvent abuse
- Using derogatory, offensive language
- Anything liable to seriously endanger yourself or others

This list is not exhaustive, your school may have other ideas and they will guide us. Each incident reported to us will be dealt with in its individual merits.

Parents/Carers

- We would like you to encourage your child to behave well on school transport.
- We would like you to co-operate with the School, the LA and the Operator if your child is having any problems.
- We would like you to make other arrangements for your child to travel to school if transport is withdrawn, because of your child's conduct.
- If you move house please let us know in advance as this may affect your child's entitlement to transport or they may need to be on a different bus. If you have any queries about the area you are moving into please contact us and we will be able to tell you the catchment areas for the school your child attends.

Schools

- Make sure that children understand the rules for safety on buses and other transport.
- Ensure children understand the consequences of misbehaviour on transport and at bus stops.
- Work with parents/carers, drivers, passenger assistant and LA staff in cases of problem behaviour.
- Consider appointing transport prefects or assisting the operator to draw up a seating plan if needed.
- Provide adequate supervision at set down and pick-up points, and advise operators of any special parking arrangements at your school.
- Wherever possible, make sure that private cars do not obstruct bus stops outside schools.

- Agree contingency plans with the LA in case of bad weather or other emergencies, ensure that the LA is aware of inset, or early finish days.
- Should the school transport fail to arrive, contact the Passenger Transport Department. Keep children together wherever possible.
- Ensure that students understand that season tickets or passes, where issued, must be produced when requested by operators, drivers or LA Representatives.
- Notify the Passenger Transport Department of any changes to students circumstances, e.g. change of address, moving away from the area or leaving the school.

Special Needs Vehicles

Please refer also to the Special Educational Needs section of the Transport Policy.

- If a passenger assistant is provided on the vehicle they will work together with the driver and aim to provide an enjoyable journey to and from school.
- Any medication to be taken during the school day can be handed to the passenger assistant for safekeeping on the journey but must not ask the passenger assistant to administer medication.
- The driver and passenger assistant should not leave the vehicle when there is still a student on board. Unless otherwise specifically instructed the passenger assistant duties are restricted to the supervision of the students on the vehicle. They cannot be expected to take children across roads.
- Passenger assistants should have a Local Authority identification badge, which shows their picture and name.
- A parent, carer or other responsible adult must be at home at the times the transport calls to collect or deliver the student.
- You have to take your child to and from transport, if they need you to do this, the passenger assistant or driver cannot do this for you.
- Details of the child's special needs provided by the Local Authority Children's Services Directorate will be given to the passenger assistant, however please talk to them about anything important that we may not know about, such as any medication your child may be taking, or any medical conditions.
- If you are going to move house please inform Children's Services in advance in writing. This may affect your transport entitlement and we may not be able to make new arrangements in less than 10 working days notice.

- Wheelchairs are checked by Passenger Transport to see if they are safe to use on transport. If you know that your child is getting a new one you must phone 01793 466215 to ask for it to be checked. At least 5 working days notice is needed. Less notice could mean that it cannot be transported until it has been checked that it is safe.
- If your child has a special seat or harness provided by the Council then they must use it. These seats and harnesses belong to the LA and must not be removed from transport.
- Safety of your child and others may be affected if allowed to travel using other equipment. Passenger assistants and drivers have been told not to allow any changes without permission from Passenger Transport.

Appendix 3 – Drugs and Alcohol on Swindon School Transport

The Local Authority recognises its responsibility to provide a safe and healthy journey to and from our education establishments for students using our transport and that this can be put at risk by students or other passengers, who use illegal drugs, misuse other drugs or misuse alcohol.

- In accordance with the Misuse of Drugs Act 1971, use of illegal drugs will not be tolerated at any time.
- The Licensing Act 2003 states that it is an offence to sell alcohol to a young person under the age of 18, and to buy alcohol if you are less than eighteen years of age. The Confiscation of Alcohol (Young Persons) Act 1997 allows the police to confiscate alcohol from individuals less than eighteen years of age who are drinking in public and to contact their parents.
- If an individual is found using illegal drugs, alcohol or misusing drugs on any transport provided by the Local Authority, the following procedure will be followed:
 - a. The individual should be challenged, unless there are real concerns about personal safety of the driver, passenger assistant, individual or other passengers. In such a setting, the behaviour should be challenged at the earliest opportunity or the relevant school/college informed.
 - b. The individual should be instructed to cease the activity immediately. Where possible, the controlled drug or alcohol should be confiscated, but only in circumstances where personal safety is not put at risk.
 - c. If the individual refuses, the driver or passenger assistant should report to the senior member of staff at the school/college attended by the individual, who has designated responsibility for the management of drug and alcohol related incidents. This should be done immediately on arrival at the school/college premises or, if the incident occurs on a return journey, immediately the following day. The individual should be informed of this course of action, and reminded that the school/college may opt to involve the parents and the police in this matter.
 - d. Should any controlled drug or alcohol be found or seized on the transport by the driver or passenger assistant, these should be passed to the proprietor of the company operating as our contractor or in the case of the Local Authority Fleet Transport the Fleet Operations Manager who should place them in a sealed, lockable cabinet in the first instance. Alcohol should be stored on the premises and depending on what action is to be taken should be disposed of if it is no longer required for evidence, or returned to the owner if required to do so by the Police or Local Authority. Small quantities should not be destroyed, but placed in a sealed bag (preferably a self sealing evidence bag to be supplied by the Police) and placed in a lockable metal cabinet. This should be recorded and

witnessed by the person who found the substance and a member of the Companies or LA senior management team. At the earliest opportunity, Wiltshire Police should be contacted to arrange for the collection of the substance. If the contractor or the Local Authority Fleet Transport Operations Manager or their delegated representative takes the confiscated substance to Wiltshire Police, they should ring ahead to ensure the duty desk is aware of their intentions. The contractor and any Local Authority staff must not dispose of any substance themselves. Drugs should only be confiscated where possible, and if personal safety is not put at risk.

- e. If this is the first instance, the individual should be warned that future incidents will be dealt with more robustly e.g. immediate involvement of Wiltshire Police.
- f. Following the incident, other senior staff, drivers and passenger assistants should be informed and asked to be vigilant for reoccurrence.
- g. The individual may still be in illegal possession of controlled drugs. They should be reminded that this means that they are committing an offence under the Misuse of Drugs Act (1971), and informed of the legal risks this carries.
- h. If there is more than one incident while using education transport concerning an individual, then the Local Authority's Fleet Transport and Transport Contracts Teams may in conjunction with the Education Welfare Team instigate a behaviour contract between student, parents/carers, school/college and transport contractor. Failure to abide by this behaviour contract may lead to the child being permanently excluded from education transport. This would also include the situation if a student has been excluded permanently from one school and needs to travel to another using education transport
- i. Where quantities of drug or packaging suggest supply may be taking place, Wiltshire Police should be involved immediately.
- j. Any drug or alcohol-related incident must be recorded immediately on the Contractor/Local Authority Fleet Transport incident report form and reported to a line manager and supervisor and to the Passenger Transport Team who commission the transport on behalf of the Local Authority.
- k. If this is a recurring problem, more robust action should be taken, including direct involvement of Wiltshire Police where appropriate, but always in consultation with the school/college concerned.
- l. The contractor and Local Authority vehicle fleet will provide information and publicity about drugs and alcohol information and local treatment services through posters in buses and other transport provided by them on behalf of the Local Authority.

- m. The Local Authority reserve the right to seek and employ other enforcement and deterrent procedures including use of CCTV and police interventions (e.g. searches, use of passive drugs dogs etc) to identify persistent offenders, working with and on the advice of Wiltshire Police.
- n. The Local Authority and its contractors should ensure any incident relating to drugs, alcohol or other substances is addressed and managed in partnership with the school/college concerned (in conjunction with schools drugs policies) and with the appropriate Wiltshire Police School/College Liaison Officer, to ensure consistency of approach and clarity for students regarding drugs and alcohol incident procedures.

Appendix 4 – Designated transport areas

The maps outlining the designated transport areas are found in a separate document to be read in association with this document (this can be made available on request to educationtransport@swindon.gov.uk)

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Consideration of objections – Bristol Street Car Park

Cabinet

Date: 10th July 2019

Author: Cabinet Member for Highways and the Environment
Corporate Director of Communities and Housing

Wards: Central

Parishes Affected: Central Swindon South

1. Purpose and Reasons

- 1.1 To advise Cabinet of the objections received in response to the Public Notice advertising the amendment to the Borough of Swindon (Fee paying off-street parking places) Consolidation Order 2003 by adding a new car park at Bristol Street.
- 1.2 Such objections are dealt with through the Cabinet Member Decision Note process. As part of that process Ward Members and Opposition spokespersons are consulted on the proposed recommendations and have the option to request the matter is referred to Cabinet.
- 1.3 Having been referred to Cabinet by one of the Ward Members and an Opposition Spokesperson Cabinet is asked to consider the objections to the advertised amendment to the Order.

2. Recommendations

Cabinet is recommended to:

- 2.1 Note the objections received in respect of the advertised Public Notice (dated 1 March 2019) to add Bristol Street Car Park as a town centre, long stay, pay on foot car park, subject to the same tariff as other town centre, long stay car parks. (A copy of the advertised Public Notice is included as Appendix A and a copy of the summary of objections is included as Appendix B).
- 2.2 To authorise the Corporate Director of Communities and Housing to implement the Order as advertised subject to amending the tariff on Sundays to provide free parking in line with other town centre long stay car parks.
- 2.3 To authorise the Corporate Director of Communities and Housing to notify the objectors of the Cabinet decision on this matter.

3. Detail

Background

- 3.1 A 320 space public car park has operated on former railway works land at Bristol Street for many years. Although owned by Network Rail operations it was sub contracted to specialist car park operators. The car park was operated as long stay parking, aimed at town centre commuters. Although a longer walk from

Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, pmartlew@swindon.gov.uk.

Consideration of objections – Bristol Street Car Park

Cabinet

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major town centre employment sites than other Council operated long stay car parks it proved popular with commuters, being full most weekdays, as the tariff was significantly lower than equivalent long stay car parks operated by the Council or by Great Western Railway. Charges were £1 for up to 2 hours, £2 for 2 to 4 hours and £3.50 for up to 24 hours.

- 3.2 The Council has now entered into a “land swap” agreement with Network Rail as a result of development plans around former railway buildings on Bristol Street. As a result the Council became the owner of the car park from 1 May 2018. The Council will continue to operate the land as a public fee paying car park. However the intention is to bring the tariff in line with the charges that apply in other long stay car parks in the town centre. This will see a significant increase in charges for existing users. The tariff will be –

Up to 1 hour – £1.20

1 to 2 hours – £2.40

2 to 3 hours - £3.60

3 to 4 hours - £4.80

4 to 6 hours - £7.60

6 to 24 hours - £8.80

- 3.3 A special rate will apply at weekends in order to encourage use by visitors to the Outlet Village and the Steam Museum as a way of reducing congestion around the car parks on Rodbourne Road and Kemble Drive. The special tariff is £1 for up to 5 hours, £12 for 5 to 12 hours and £25 for 12 hours and over. This is aimed to be particularly attractive for shoppers and visitors to the museum and discourage use of spaces for longer term parking.

Consultation

- 3.4 On 1 March 2019 the Council issued a Public Notice advertising the amendment to the Borough of Swindon (Fee paying off-street parking places) Consolidation Order 2003 by adding a new car park at Bristol Street subject to the same tariff as other town centre, long stay car parks, (A copy of the advertised Public Notice is included as Appendix A).
- 3.5 In accordance with the Local Authorities Traffic Orders Procedure (England and Wales) Regulations 1996 the public notice was advertised in the local press, published on the Council website and copies were posted at Bristol Street Car Park.

Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, pmartlew@swindon.gov.uk.

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- 3.6 Objections or representations in respect of the proposals could be made to the Council until 21 March 2019. Any objections received by the Council would need to be considered before the proposals could be implemented.

Objections

- 3.7 Six objections have been received from existing users of the car park. Their objections can be summarised as follows;
- 3.7.1 New tariff represents too great an increase compared to previous tariff.
- 3.7.2 It should not be classed as a town centre car park as it is not in the centre.
- 3.7.3 Will have an adverse economic impact on current users.
- 3.7.4 Will hit commuters and rail users hard.

A summary of the objections raised are included in Appendix B.

- 3.8 As well as the objections received through the formal process as a result of the Public Notice the Council has also received a number of complaints by phone and e-mail from existing users regarding the new tariff proposed for Bristol Street car park.
- 3.9 In response to the objections raised consideration was given to each point and the following comments can be made:
- 3.9.1 It is fair to have a common tariff across all long stay car parks.
- 3.9.2 The Council cannot set the tariff of a new car park based on the previous landowners decisions. The Council does not have access to their economic model or to the details of their motivations, commercial or otherwise, for setting such a low tariff for all-day commuter parking.
- 3.9.3 Swindon Council car parks remain good value for all-day commuters compared to those operated in other towns and cities.
- 3.9.4 There are significant budget pressures on the Council and income generating assets such as car parks are required to make a significant contribution to supporting wider Council highways and transport services.
- 3.9.5 It is uneconomic to operate the car park at the previous tariff as there are on-going costs related to maintenance, security, lighting and business rates which must be met from the income generated.

Opposition spokespersons/Ward Members

- 3.10 Objections are dealt with through the Cabinet Member Decision Note process. As part of that process Ward Members and Opposition spokespersons are consulted

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on the proposed recommendations and have the option to request the matter is referred to Cabinet.

3.11 Councillor Allsopp (Labour Group Opposition Spokesperson) responded as follows –

3.12 “I do have significant reservations about the proposed uplift in fees for the above car park in the light of the comments received to date. In particular the scope for more pressure on parking in the area adjacent to the rail station. I already get anecdotal examples of people parking in Old Walcot, jumping on their fold up cycles to the rail station. I suggest this will become more the case with the uplift in fees. I note that the changes have been brought forward for economic reasons I would ask what modelling has been done to sustain the case that the increase in fees will be matched by the suggested increase in income. I am more than happy with the proposed weekend arrangements. In the light of the issues raised above I would request that the issue be decided by Cabinet.”

3.13 Councillor Bob Wright (Ward Member) responded as follows -

“This car park has not been used primarily for shopping but for work parking. This use supports the local economy and takes pressure off street parking. It has not been seen as Town centre provision until described this way in this decision note. I agree with the objections. I support a cheap weekend rate for other users. This proposal seems to contradict the idea that it is okay to lower charges at the weekend for Outlet shoppers but not in the week for Town centre? Low charge should be used to benefit all the economy and not give advantage to just one benefactor. Request Report be referred to Cabinet - Yes.”

3.14 Following receipt of these comments it is proposed that in order to match the current tariff of long stay car parks in the town centre there should be free parking on Sundays and that the proposal should be amended accordingly.

4. Alternative Options

4.1 There is an option to add the car park to the Order but to continue with the existing tariff. This option was considered and rejected on the grounds that the previous tariff was too low to be economic for the Council to operate and was out of line with other long stay charges in other car parks. The fact that the car park was full each week day suggested that the tariff was generating excess demand because of its low level.

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5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The cost of the legal process and associated costs for car park signing have been met from within the existing car park budget.
- 5.2 Failure to implement the proposed tariff will have a negative impact on potential revenue from this car park and its contribution to council income for 2019/20.
- 5.3 The income budget for this car park for 2019/20 has been set at £130,000 and this is based on information from the previous operator on occupancy levels and the previous tariff.

Legal and Human Rights Implications

- 5.4 Legal and Human Rights legislation have been considered in the preparation of this report and it is considered to be compatible with convention rights. In accordance with the principle of proportionality, any interference with the convention rights of individuals is justified by the overall benefit to the community.
- 5.5 In accordance with the Local Authorities Traffic Orders Procedure (England and Wales) Regulations 1996 the Council is required to consult through a Public Notice any proposed amendment to the Borough of Swindon (Fee paying off-street parking places) Consolidation Order 2003.
- 5.6 When objections are received they are dealt with through the Cabinet Member Decision Note process. As part of that process Ward Members and Opposition spokespersons are consulted on the proposed recommendations and have the option to request the matter is referred to Cabinet.
- 5.7 Having been referred to Cabinet by one of the Ward Members and an Opposition Spokesperson Cabinet is asked to consider the objections to the advertised amendment to the Order.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.8 No other direct implications have been identified.

Diversity Impact Assessment

- 5.9 A Diversity Impact Assessment has been completed in relation to these proposals and is available from the report author. It identified that Council management of this car park will have a positive impact on “blue badge” holders who will now be able to park in this car park without charge.

Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, pmartlew@swindon.gov.uk.

Consideration of objections – Bristol Street Car Park

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Risk Management

- 5.10 There is a risk to the Council's financial budget in not being able to agree the tariff for this new car park.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Chief Legal Officer are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix A – Public Notice
8.2 Appendix B – Summary of objections

9. Key Decision/Decision in Cabinet Work Programme

- 9.1 This is not a Key Decision and is included in the Cabinet Work Programme for July 2019.

PUBLIC NOTICE

SWINDON BOROUGH COUNCIL (FEE PAYING OFF-STREET PARKING PLACES) CONSOLIDATION ORDER 2003 AMENDMENT ORDER No. 1 2019

Notice is HEREBY GIVEN that Swindon Borough Council proposes to make an Order under the provisions of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004, the effect of which will be: -

To amend The Borough of Swindon (Fee Paying Off-Street Parking Places) Consolidation Order 2003 (as amended) and hereafter referred to as the 2003 Order by:

The addition of **Bristol Street** as a Town Centre Long Stay Stay and Pay and Foot Car Park to be regulated under the provisions of the 2003 Order (as amended) which are applicable to car parks in Schedule 5.

Bristol Street Car Park will be subject to parking charges payable for Town Centre Long Stay Car Parks at the parking tariffs set for 2018/19 but a special rate will apply at the weekend which is as follow:

0 – 5 hours	£ 1.00
5 -12 hours	£12.00
12 hours and over	£25.00

North Star Car Park is to be deleted from the 2003 Order as a Town Centre Long Stay Car Park.

A copy of the 2003 Order and the parking tariffs for 2018/19 are available upon request.

A copy of the documents for the Order may be inspected online at www.swindon.gov.uk/trafficregulationorders

Objections or representations to the proposed Order should be made completing the consultation form which can be found at www.swindon.gov.uk/trafficregulationorders under 'proposed traffic regulation orders' under reference (H&T/TRO/Bristol Street Car Park) by no later than 21 March 2019. Any objection or representation received will form part of a public record which may be made publicly available.

Head of Highways and Transport, Civic Offices, Euclid Street,
Swindon, SN1 2JH
1 March 2019

For further information please call 01793 466401

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Appendix B

Bristol Street Car Park – Objections

Name	Objection
Gavin McDonald	Please confirm what you are providing beyond the current services got the substantial increase in price of this service?
Thomas Craigie	I object to the proposal for SBC to apply the standard long term tariff to Bristol Street car park. This is an important car park used by commuters as an alternative to the expensive rail station, costing over £8 p/d. By applying the SBC rate, the Council will be hitting commuters and local office workers hard, leading to a reduction in use and people seeking alternative sites. I cannot see any justification for SBC increasing the prices and suggest the rates remain at the present rate.
Derek Richards	This newly SBC acquired car park should not be considered a town centre car park for charging purposes. It takes about 15 minutes to walk from Bristol Street Car park to the centre of Swindon the Town Hall. It takes 11 mins to walk from Old Town to the same spot yet the Old Town car parks some of which are nearer than this point are not consider Town Centre car parks for charging. This is a workers long stay car park. I.e. for retail /office workers in town. These people are the lifeblood of the centre working and spending money there. This car park is also used by train commuters who normally need to park for at least 8 hours. The proposed charges for this car park are unreasonable.
Tracey Rose	Extortionate hike in price over double ! Pricing rail travellers out who are already struggling with rising train fares - nothing more than daylight robbery to cover a very small number of people who might use free Sunday parking - ridiculous!
Robert Leach	Unfair increase from £3.50 a day to £8.00 up 128% scandalous. The car park is a long way from the Train Station but was worth the walk to avoid the high cost of the railway car parks, Bristol Street is also too far from Town to walk with shopping and of no help to get to the Outlet. The car parks remote location should be reflected in a justifiable cost to make it attractive to use. £4 would be an acceptable day cost.
Tim Lamb	I accept that we should pay to park there. I would not accept any increase in price. This would make people park elsewhere, possibly unsociably.

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Swindon Borough Local Plan Review – 2nd Regulation 18 Consultation (Preferred & Emerging Options)

Cabinet

Date: 10th July 2019

Author: Cabinet Member for Strategic Planning /
Head of Planning, Regulatory Services and Heritage

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To seek approval to undertake public consultation on the preferred and 'emerging' options for the Swindon Borough Local Plan Review for a period of 8 weeks in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.2 Community engagement is an essential part of the Plan preparation. A specified period of public consultation enables the wider community to assess the work undertaken to date and help shape the final draft Plan to be submitted for examination in 2020.
- 1.3 The Local Plan Review will have a key role in implementing many of the Corporate Plan's priorities and will be fundamental in delivering key elements of the Priority One: Improve infrastructure and housing to support a growing, low-carbon economy.

2. Recommendations

Cabinet is recommended to submit to Council that it:

- 2.1 Authorises the Head of Planning, Regulatory Services, and Heritage to undertake public consultation on the preferred and 'emerging' options of the Swindon Borough Local Plan Review as attached at Appendix 1 and 2 and in accordance with the arrangements set out in paragraph 3.45.to 3.48.
- 2.2 Authorises the Head of Planning, Regulatory Services, and Heritage, in consultation with the Cabinet Member for Strategic Planning and Sustainability, and the Chief Legal Officer, to make minor non-material changes to the content of the documents if required, prior to publication.

3. Detail

- 3.1 The Council is required to have an up to date Local Plan to provide a planning framework to shape and guide future development through the determination of planning applications in the Borough.
- 3.2 The Swindon Borough Local Plan 2026 was adopted on March 26th 2015 (Council Minute 97, 2014/15 refers). The independent Local Plan Inspector in his

Further information on the subject of this report can be obtained from Phil Smith, 01793 466443, psmith@swindon.gov.uk.

Swindon Borough Local Plan Review – 2nd Regulation 18 Consultation (Preferred & Emerging Options)

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report recommended an early review of the Plan to update the housing and employment land requirements.

- 3.3 The revised Local Development Scheme was approved for publication in March 2019 (Cabinet Minute 76, 2019/20 refers). It sets out the timetable for the review of the Local Plan. In accordance with this timetable it is intended to undertake public consultation on the preferred and emerging options of the Local Plan review in the summer of 2019.
- 3.4 Public consultation on the Issues and Options for the Local Plan was undertaken between 6th November 2017 and 19th December 2017 in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), (Cabinet Minute 52, 2017/18 refers). These regulations do not limit the number of consultations to be undertaken before consultation on the final draft to be submitted for examination.
- 3.5 This additional consultation at this stage in the Plan preparation enables the public and other interested parties to comment on the emerging Plan and shape the final document thereby empowering ownership and reducing the scale of objections to the final draft plan and subsequent examination.

How many homes need to be planned for?

- 3.6 The Local Housing Need for Swindon Borough, calculated in accordance with the government's standard method as specified in the Planning Practice Guidance is 1,040 dwellings per annum.
- 3.7 The Local Housing Needs Assessment 2019 (attached at Appendix 3) suggests that in order to balance the number of homes to the number of jobs the Local Housing Needs could be uplifted to 1,080 homes per annum. This adjustment is based on an assumption that there will be no change to commuting patterns from the 2011 census.
- 3.8 Both figures are comparable to the average 1,071 net additional homes built per annum built over the last twenty years.
- 3.9 In its autumn 2018 consultation, the Ministry for Housing Communities and Local Government indicated that it is the Government's intention to review and propose a revised standard methodology for calculating local housing needs. Accordingly, there remains a risk that the scale of housing that will need to be planned for in the Borough will change. However, guidance requires that we must use the most recent guidance available to us in progressing with the Local Plan.
- 3.10 The Revised National Planning Policy Framework (NPPF 2019) identifies that on adoption the plan should identify a five year supply of deliverable housing sites. The plan should incorporate some flexibility to maximise the likelihood that it will

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be able to demonstrate a five year housing land supply. Additionally, flexibility should be built in to reflect the likelihood that not all existing commitments (sites with planning permission and site allocations) will come forward by 2036. By applying these assumptions there is a need to identify sites to accommodate at least 19,650 dwellings for the period 2018-2036.

Meeting identified needs

- 3.11 A very large number of new homes are already in the pipeline. Many of these new homes are planned within the large-scale new communities allocated for development in the Swindon Borough Local Plan 2026, including the New Eastern Villages and Kingsdown. In total 17,740 dwellings as at January 2019 are already committed by virtue of extant permission or allocations in the adopted local plan and made neighbourhood plans.
- 3.12 In addition to the planned housing identified in the table above, a windfall allowance of 57 dwellings per annum for new housing on small sites of fewer than 5 houses from 2021/22 onward has potential to deliver another 855 dwellings by 2036¹. In total, therefore, 18,595 homes are already accounted for through consents, allocations and windfall assumptions, meaning that the residual requirement is about 1,000 homes beyond existing commitments.

Reasonable alternatives for meeting residual housing requirements

- 3.13 The Strategic Housing and Employment Land Availability Assessment 2019 (SHELAA) report identifies 986 homes as developable on Borough Council owned land within settlement boundaries. Many of these sites are (as noted in the SHELAA report) currently public open space. In view of the uncertainty surrounding whether or not these sites will ever come forward, it is not considered reasonable to include them in an urban capacity figure. Also the number of non-constrained private sites within the settlement boundaries is limited. Therefore a precautionary approach is assumed to the contribution of urban capacity sites of 250 above the windfall allowance. Delivery on urban sites in excess of the 250 unit allowance would be additional supply which would contribute to the Borough being able to maintain a deliverable five year housing land supply. Additionally the consultation will consider those Council owned sites to be taken forward.
- 3.14 Paragraph 68 of the NPPF states that Plans should seek to accommodate at least 10% of the areas housing requirement on sites. About 70% of the planned housing is located in the urban extensions Taking this into account, planning a further strategic scale extension may not satisfy this requirement above in that:

¹ The basis for this windfall allowance is explained in the Swindon Borough Strategic Housing and Economic Land Availability Assessment 2019.

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lead-in times for a strategic site mean that it would be unable to contribute to the delivery of housing in the early part of the plan period when supply is likely to be lowest. For these reasons it is not considered that planning for a single additional strategic site or more than one strategic site to accommodate all of the residual housing need is a reasonable option. However, an additional strategic site could be planned alongside other options, perhaps extending beyond the 2036 plan horizon.

- 3.15 Paragraph 35 of the NPPF states that to be sound, a plan must be “an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence”.
- 3.16 The Planning Practice Guidance states “reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.”
- 3.17 Based on the SHELAA assessment, four strategic options for meeting the residual requirement have been identified and tested through the sustainability appraisal.
- 3.18 *Option 1 - A strategic scale expansion site at St Andrews/Blunsdon*
- 3.19 Strategic scale expansion at St Andrews/Blunsdon potentially combined with the allocation of land for some additional housing at the higher tier rural settlements of Highworth or Wroughton or with a dispersal approach.
- 3.20 *Option 2 – Graduated Dispersal*
- 3.21 Highworth and Wroughton are the largest rural settlements with the widest range of facilities and therefore it is reasonable to consider options in which they are the focus for some additional green field housebuilding.
- 3.22 The residual housing requirement could be delivered by allocating housing at Highworth, Wroughton and at some or all of the other villages in the Borough.
- 3.23 This ‘graduated dispersal’ approach would likely minimize the additional pressure on the problematic A419 Coldharbour junction which is highlighted in the SHELAA as a potential constraint to significant additional housebuilding at Broad Blunsdon or St Andrews.
- 3.24 *Option 3 - Broad Blunsdon focus*
- 3.25 Significant volumes of new housing are planned at Broad Blunsdon and further land is promoted for development, south, east and north of the village. This

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creates the option for a more significant but still non-strategic planned expansion to the village.

3.26 *Option 4 - Wroughton focus*

3.27 Wroughton has the high number of sites promoted for non-strategic growth. As with Broad Blunsdon, this means that focussing on Wroughton is a potentially reasonable and deliverable broad housing distribution option.

3.28 The alternatives presented above are not at this stage site specific. There are a number of site options capable of delivering each spatial option, and there is not at this stage certainty regarding the exact sites that would be allocated.

3.29 No single option performs best across all of the sustainability topics and no option is necessarily unsustainable. The best performing option is option 2 (graduated dispersal). This option performs well on the housing topic, transport topic and landscapes. Option 2 also best aligns with delivery of small scale sites in the first five years of the Plan.

3.30 The next best performing options are options 1 (Strategic scale growth at St Andrews/Blunsdon) and 4 (Wroughton focus). The potential for significant negative transport effects, associated with the Coldharbour junction, are identified for option 1 and the potential for significant negative air quality effects are identified for option 4, in terms of potential impact on the Kingshill AQMA and on Devizes Road.

3.31 Option 3 (Broad Blunsdon focus) performed the least well across all SA topics. The option is ranked last for climatic factors, healthy and inclusive communities, and transport, although it ranks best for biodiversity. This option is identified as creating the potential for a significant negative effect on the transport topic related to capacity issues at the Broad Blunsdon/Coldharbour junction.

3.32 The public consultation will focus on these strategy options, particularly seeking an understanding of community aspirations including infrastructure requirements and assessment of those individual sites which should be allocated.

How much employment land needs to be planned?

3.33 The Swindon Employment Land Review 2017 provides a range of scenarios for 2016-2036 employment land requirements based on information supplied by the leading economic forecasting companies and past completion rates.

3.34 Based on this evidence in respect of office land requirements is considered that it is reasonable to consider an additional need of between 2.4ha and 10.2ha. This equates to a floor space requirement of 16,000sqm to 67,700sqm. As the quantum of land required to deliver office development depends on whether it is built at town centre or out-of-town plot ratios, it is clearer to present the

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requirement in terms of floor space. In respect of industrial land requirements it is considered that it is reasonable to plan for an additional need of 56.7 hectares.

Meeting future Employment Land Needs

- 3.35 Taking into account extant permissions and allocations, there is notionally sufficient land to meet the top-end of the forecast need indicated above.
- 3.36 The Employment Land Review identifies possible reasons for allocating additional land for development:
- 3.36.1 To provide short-term supply to guard against the potential that important allocations which are identified as being subject to delivery barriers (Wichelstowe and parts of New Eastern Villages) continue to be delayed in coming forward.
- 3.36.2 To meet 'qualitative demand' identified by local commercial land agents consulted as part of preparation of that report, in particular in the industrial market to provide choice to occupiers and allow existing local business to expand.
- 3.36.3 To support new inwards investment, for example through a strategic office/business park product and/or industrial land on the strategic road network to appeal to inwards investment inquiries.
- 3.37 The overall picture therefore is not one of quantitative need for employment space, but of indicators that the Council may wish to plan for additional employment land if, or where, suitable options exist.
- 3.38 The ELR was produced before the announced closure of the Honda Manufacturing Plant. The timetable for the Honda site becoming available and the land uses for which it would be made available, are not yet clear. At present only half the site is developed and could provide additional operational employment land, once potential impacts have been quantified.

Reasonable alternatives for meeting employment land requirements

- 3.39 In light of the above, it is considered that the reasonable strategy options for employment land are as follows:
- 3.39.1 In view of the fact that sufficient land is already identified to meet needs for employment floorspace in the period to 2036, it would be a reasonable option to allocate no further employment development land, particularly as the Honda site has the potential to accommodate additional employment beyond the current use.

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3.39.2 A number of smaller sites are identified within settlement boundaries and it would be a reasonable option to allocate one or more of these for employment uses to assist in meeting the qualitative demand identified in the ELR and to provide choice to local businesses.

3.39.3 Allocate a strategic scale employment site on greenfield land either within or outside of the Borough, in addition to smaller employment sites within existing settlement boundaries. This would represent a 'policy on' approach of seeking to allocate land to secure inwards investment to the Borough. The Borough Council has historically adopted that approach and the ELR recommends that it is considered going forward. This is therefore considered also to be a reasonable option.

3.40 Overall, Option 1 is the least well performing option in view of its poor performance on the economy, confidence in housing delivery and inclusive communities' objectives. There are pros and cons for options 2 and 3. Option 3 creates the greatest potential for positive economic effects, but also the greatest potential for negative sustainability effects, including potentially significant effects on the transport infrastructure.

Gypsy and Travelling Show People Need and Sites

3.41 The Gypsy and Travellers Accommodation Needs Assessment identifies a requirement in the Borough of an additional 11 to 23 gypsy/travellers pitches and 14 additional travelling show-people plots for the period 2018-36. Work is on-going to identify suitable sites.

Development Management Policies

3.42 The Local Plan Review is also an opportunity to refresh those policies used to determine planning applications in light of revisions to the NPPF, best practice and experience in their operation. Such policies include design, open space provision, affordable housing and infrastructure.

3.43 In addition new policies in the Local Plan are proposed to supersede the Swindon Central Area Action Plan (2019), including a more flexible approach to primary and secondary retail frontages recognising the changing nature of the town centre.

3.44 Additional policies are also proposed to limit the cumulative impact of 'unhealthy' uses such as betting shops and hot-food take-ways, and to meet the accommodation needs of an ageing population.

Next Steps

3.45 If agreed by Cabinet and Council, it is intended the public consultation would be undertaken for a period of eight weeks from 29th July 2019 to 23rd September

Further information on the subject of this report can be obtained from Phil Smith, 01793 466443, psmith@swindon.gov.uk.

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2019. For ease of reference it is intended to produce two documents, the first detailing the strategic options for meeting the identified needs and potential sites to achieve those options as presented in Appendix 1. The second would be a draft of the refreshed Development Management policies as presented at Appendix 2.

- 3.46 The consultation will be undertaken in accordance with Council's adopted Statement of Community Involvement in Planning and include:
- 3.46.1 Early notification of the consultation period to Parish and Town Councils following Cabinet and Council approval;
 - 3.46.2 Letter or email to consultees on the planning policy consultation database, providing notification of the consultation;
 - 3.46.3 Online publication of all consultation documents on the Council's website.
 - 3.46.4 Publication of advertisement in local newspapers; and
 - 3.46.5 Documents being made available for viewing at the Council's main office and at public libraries.
- 3.47 It is also proposed to hold specific events for representatives of parish and town councils and their communities, particularly those areas highlighted in the options appraisal.
- 3.48 Additional work will be undertaken leading up the submission draft version of the Plan particularly in relation to viability and updating of the Infrastructure Delivery Plan in the knowledge of the preferred options.

4. Alternative Options

- 4.1 The Borough Council could choose not to proceed to with the public consultation at this stage and rely on public consultation of the pre-submission draft Plan (Regulation 19). However this risks potential delay to the local plan if there are unresolved objections at that stage. Not proceeding as intended would lead to delay in producing an up-to-date Local Plan with associate risks, including a continuation of our lack of a 5 year housing land supply, the stifling of economic development and potential intervention by the Secretary of State

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The costs of preparing the review of the Local Plan will be met from the Forward Planning budget, which is determined annually based on likely spend.

Further information on the subject of this report can be obtained from Phil Smith, 01793 466443, psmith@swindon.gov.uk.

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- 5.2 The Swindon Borough Local Plan is a strategic planning policy document, and as such, it does not necessarily commit the Council itself to funding proposals contained within it. However, the Local Plan is a key document in securing Government funding for infrastructure and subsequent commitments on the Council for the expenditure of such funding.

Legal and Human Rights Implications

- 5.3 The preparation of the Local Plan Review have to be in accordance with relevant legislation, particularly the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011.
- 5.4 The content of this report will not have a direct implication on human rights issues.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.5 The Local Plan Review will be subject to a Sustainability Appraisal incorporating Strategic Environmental Assessment and Health Impact Assessment to ensure that the impact of proposals can be minimised with the least negative impact possible on the Plan area. Other planned development documents will be in accordance with the Local Plan.

Diversity Impact Assessment (DIA)

- 5.6 A DIA has been undertaken on the development plan documents and is available from Phil Smith (contact details at footnote). The DIA reveals that overall the Local Plan Review seeks to produce positive impacts for all those who live and work in the Borough by meeting identified housing and employment (land) needs to 2036 and through policies which seek to create an inclusive and accessible built environment, to engender positive health impacts and to provide suitable housing for specific equality groups such as older people, wheelchair users and gypsies and travellers

Risk Management

- 5.7 Delay to the Local Plan Review could undermine the Council's vision to create and realise Swindon's aspirations for development. Appendix 2 of the Local Development Scheme (March 2019) presents a detailed risk assessment to the Local Plan Review Production. Adequate resourcing and robust proportional evidence are identified as potential risks to the Local Plan Review.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and the Chief Legal Officer are consulted in respect of all reports.

Further information on the subject of this report can be obtained from Phil Smith, 01793 466443, psmith@swindon.gov.uk.

Swindon Borough Local Plan Review – 2nd Regulation 18 Consultation (Preferred & Emerging Options)

Cabinet

Date: 10th July 2019

7. Background Papers

7.1 None

8. Appendices

8.1 Appendix 1: Swindon Borough Local Plan Review Spatial Delivery Options and Site analysis. (The appendix is available online at the Council's website or on request from Committee and Member Services committeeservices@swindon.gov.uk)

8.2 Appendix 2: Swindon Borough Local Plan Review Development Management Policies (The appendix is available online at the Council's website or on request from Committee and Member Services committeeservices@swindon.gov.uk)

8.3 Appendix 3: Swindon Borough Council and Wiltshire Council Housing Needs Assessment 2019. (The appendix is available online at the Council's website or on request from Committee and Member Services committeeservices@swindon.gov.uk)

9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

9.1 This is not a Key Decision and is included in the Cabinet Work Programme and Forward Plan for June 2019.

Town Centre Movement Strategy - Draft for Consultation

Cabinet

Date: 10th July 2019

Author:	Cabinet Member for Highways and the Environment Service Manager – Transport Planning, Development & Street Works Management
Wards:	Central, Eastcott, Gorse Hill and Pinehurst, Mannington & Western, and Rodbourne Cheney
Parishes Affected:	Central Swindon South, Central Swindon North

1. Purpose and Reasons

- 1.1 The Swindon Central Area Action Plan (CAAP) forms part of the Local Development Plan for Swindon Borough and provides the planning framework to facilitate the delivery of the regeneration of Central Swindon. The Plan was adopted in February 2009 and is a key planning document against which planning applications in the Central Area are considered.
- 1.2 Chapter 6 of CAAP sets out a strategy for Transport & Movement. The strategy comprises a number of high level objectives for movement by all modes of transport and policies that seek to influence the form of new development.
- 1.3 The CAAP is proposed to be reviewed as part of the review of the Local Transport Plan and the Local Plan. A more focused review of the strategy for transport and movement is required in parallel to inform and support those statutory documents. Formulating an up-to-date and evidence-based strategy for movement will also support planning and funding decisions specific to transport schemes. The Town Centre Movement Strategy (TCMS) has emerged as a free-standing and independent strategy document that will inform and link to the Local Transport Plan and the Local Plan reviews.
- 1.4 This report seeks Cabinet authorisation to take a draft of the TCMS document to public consultation. The response to that consultation exercise will be collated and the outcome reported to Cabinet, when formal adoption of the final TCMS document will be requested.

2. Recommendations

Cabinet is recommended to:

- 2.1 Agree to an 8 week public consultation exercise, seeking the opinions of a range of stakeholders on the draft Movement Strategy. The document proposed to be the subject of consultation is attached at Appendix 1.
- 2.2 Authorise the Service Manager – Transport Planning, Development & Street Works Management to make any minor or typographical and/or graphical changes as may be necessary prior to publication.

Further information on the subject of this report can be obtained from Gerry Prodöhl, 01793 466468, GProdohl@swindon.gov.uk.

Town Centre Movement Strategy - Draft for Consultation

Cabinet

Date: 10th July 2019

3. Policy Context

Council Aims and Objectives

- 3.1 The Council Plan 2019–2020 has four main priorities, of relevance to movement being:
- Improve infrastructure and housing to support a growing, low-carbon economy;
 - Ensure clean and safe streets and improve our public spaces and local culture;
- 3.2 More specifically, Pledge 3 is to ‘Refresh and implement the Masterplan for Swindon Town Centre, supporting our vision that Swindon is a vibrant, modern place.’ The TCMS will provide the framework for delivering improvements to the strategic town centre transport network under pledge 3c. The TCMS forms an element of the Town Centre Masterplan and is therefore a central element in delivering that Pledge.

Movement Strategy Derivation

- 3.3 It has been necessary from the outset to set a boundary to the ‘Town Centre’, specifically for the purpose of the Movement Strategy. The defined area is shown in Figure 1 and is effectively bounded by the Great Western Way to the north and the Kings Hill/Bath Road corridor to the south.

Town Centre Movement Strategy - Draft for Consultation

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Date: 10th July 2019



Figure 1: TCMS Area

- 3.4 The key stages in developing the Draft TCMS can be summarised as (a) mapping the existing transport system, its form, operation and associated issues, (b) identifying objectives for a future transport system and (c) selecting a package of measures that will facilitate progress from the existing to the future system.
- 3.5 Mapping the existing transport system, its strengths, weaknesses and opportunities, has involved both data based analysis and opinion and experience and was informed by a workshop with Members in February 2018. The evolving draft document has been presented to Cabinet Member Advisory Groups during January 2019.
- 3.6 The TCMS as currently drafted presents indicative interventions, which allow themselves to be refined and reshaped in response to evolving circumstances. In this way, the TCMS defines objectives and potential schemes that will deliver those objectives but without limiting the form of any particular intervention.
- 3.7 A comprehensive traffic model of the town centre is currently being developed in parallel with the TCMS. Once completed, the model will enable testing of highway improvement options, taking account of traffic impacts associated with

Further information on the subject of this report can be obtained from Gerry Prodöhl, 01793 466468, GProdohl@swindon.gov.uk.

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planned developments. The modelling works is anticipated to take 6 to 8 months and will inform the detailed implementation of the TCMS.

Strategy Content

- 3.8 The assessment of town centre movement issues has developed five overarching objectives for TCMS:
- Simplify movement within the Town Centre, including access to parking;
 - Increase the choice in travel options, with priority for pedestrians and cyclists;
 - Safe and convenient movement into and through the central area;
 - Improve the quality of the town centre experience;
 - Improve air quality;
- 3.9 These five overarching objectives for the town centre have been refined into six 'Priority Themes':
- Simplify movement by car into and within the town centre;
 - Improve the integration of buses into the Town Centre;
 - Better connected cycle networks and walkable streets;
 - Accommodate and manage key vehicle movements to protect the central area;
 - Maximise the car parking offer;
 - Complementary measures, such as Park & Ride and the strategic cycle route, which extend beyond the Town Centre;
- 3.10 In responding to the six Priority Themes, 13 indicative interventions have been identified. Covering all of the themes, these interventions have been chosen for the benefits they bring to all elements of movement into, through and within the Town Centre. Whilst equal weight is attributed to all modes of transport as part of a balanced movement system, priority will be given to those interventions that yield the most significant tangible benefit, in this case the management of potentially unnecessary traffic within the central area through initiatives to strengthen the role of the Great Western Way corridor as a town centre bypass. Those priority initiatives include improvements to key junctions on the corridor, the traffic management system (UTMS) to maximise the overall capacity of the corridor and the event management plans that will minimise impacts associated with events at the Outlet Centre and as STEAM.

Further information on the subject of this report can be obtained from Gerry Prodöhl, 01793 466468, GProdohl@swindon.gov.uk.

Town Centre Movement Strategy - Draft for Consultation

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- 3.11 The individual interventions are necessarily flexible in their detail, so that they can respond to changes in local circumstances and changes in the technological environment. This has meant that detailed costing the interventions has not been possible, though they have been highlighted as part of the ongoing capital bidding process.

4. Alternative Options

- 4.1 The alternative to the adoption of a new Movement Strategy for the Town Centre would be to 'refresh' the existing Transport & Movement element of the CAAP.
- 4.2 A simple refresh of the existing Transport & Movement Strategy of 2009 would not give adequate consideration to the updated strategy objectives as identified through the evidence gathering and Member consultation process.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The Movement Strategy defines ambitions for town centre mobility and indicative interventions that would achieve those ambitions. There are no defined schemes and at this stage, no budget allocated for scheme delivery. Any future requirements would form part of the agreement of the capital programme by Cabinet and Full Council.
- 5.2 The cost of the consultation will be met from existing service budgets.

Legal and Human Rights Implications

- 5.3 At this stage, authority is sought to go to consultation. Legal and Human Rights implications have been taken into account in preparing this report. The contents of this report are compatible with Human Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 The adoption of a more up-to-date movement strategy for the Town Centre will support more informed decision making by Officers and by Members. Impacts of individual schemes on Crime and Disorder will be assessed as part of their planning and design.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment (DIA) has been undertaken and has been reviewed by Officers within the Learning & Development team. The DIA has assessed the implications of the Movement Strategy for all those who might be affected and concluded that the policy document supports diversity by making mobility provisions for all sectors of the community.

Further information on the subject of this report can be obtained from Gerry Prodöhl, 01793 466468, GProdohl@swindon.gov.uk.

Town Centre Movement Strategy - Draft for Consultation

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Risk Management

- 5.6 The Movement Strategy document is a vision/ambition document with indicative interventions that would achieve the ambition. As and when specific schemes materialise, their planning and design will include appropriate provision for the assessment of associated risks.
- 5.7 There is currently no budget assigned to the Strategy and a risk therefore that in the absence of other funding sources, the initiatives defined within the strategy will not be delivered.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Town Centre Movement Strategy (Draft June 2019) (The appendix is available online at the Council's website or on request from Committee and Member Services committeeservices@swindon.gov.uk)

New Eastern Villages (NEV): Strategic Transport Schemes

Cabinet **Date: 10th July 2019**

Author:	Cabinet Member for Strategic Planning, Cabinet Member for Highways and Environment, and Corporate Director of Communities and Housing
Wards:	Covingham and Dorcan, St Margaret and South Marston, and Ridgeway
Parishes Affected:	Covingham, Stratton St Margaret, South Marston and Wanborough

1. Purpose and Reasons

- 1.1 The purpose of this report is to provide an update on delivery of the strategic transport schemes required to enable sustainable delivery of development at the New Eastern Villages (NEV), to seek budgetary and land assembly approval, and to provide further detail on the scheme programmes in line with grant funding and housing delivery.
- 1.2 Delivery of the NEV is identified in the Council's Priority and Pledges: Priority 1, Pledge 6 (a).

2. Recommendations

Cabinet is recommended to:

- 2.1 Authorise the Director for Communities and Housing, in consultation with the Cabinet Member for Strategic Planning and Cabinet Member for Highways and the Environment, to progress the detailed design and construction for White Hart Junction, Gablecross Junction, Nythe Road Junction, Piccadilly Roundabout and the Southern Connector Road schemes, subject to confirmation of grant funding, as detailed in Section 3;
- 2.2 Authorise the Head of Property Assets, in consultation with the Director for Communities and Housing and the Chief Legal Officer to undertake the necessary land assembly through voluntary and/or Compulsory Purchase of land necessary for the delivery of the White Hart Junction and Gablecross Junction improvement schemes as detailed in paragraphs 3.3 to 3.16;
- 2.3 Approve the budgets detailed at paragraphs 3.31 and 3.32.

3. Detail

- 3.1 On 19 March 2014 Cabinet agreed to;

“Request the Special Committee, on behalf of Council, to approve the Swindon proposed areas of Investment set out in paragraphs 3.11 - 3.13 as items for inclusion in the Swindon and Wiltshire Strategic Economic Plan to be submitted by the Swindon and Wiltshire Local Economic Partnership on 31st March 2014.”

Further information on the subject of this report can be obtained from Steve Jorden
Direct Dial Telephone Number (01793) 464377, sjorden@swindon.gov.uk.

New Eastern Villages (NEV): Strategic Transport Schemes

Cabinet

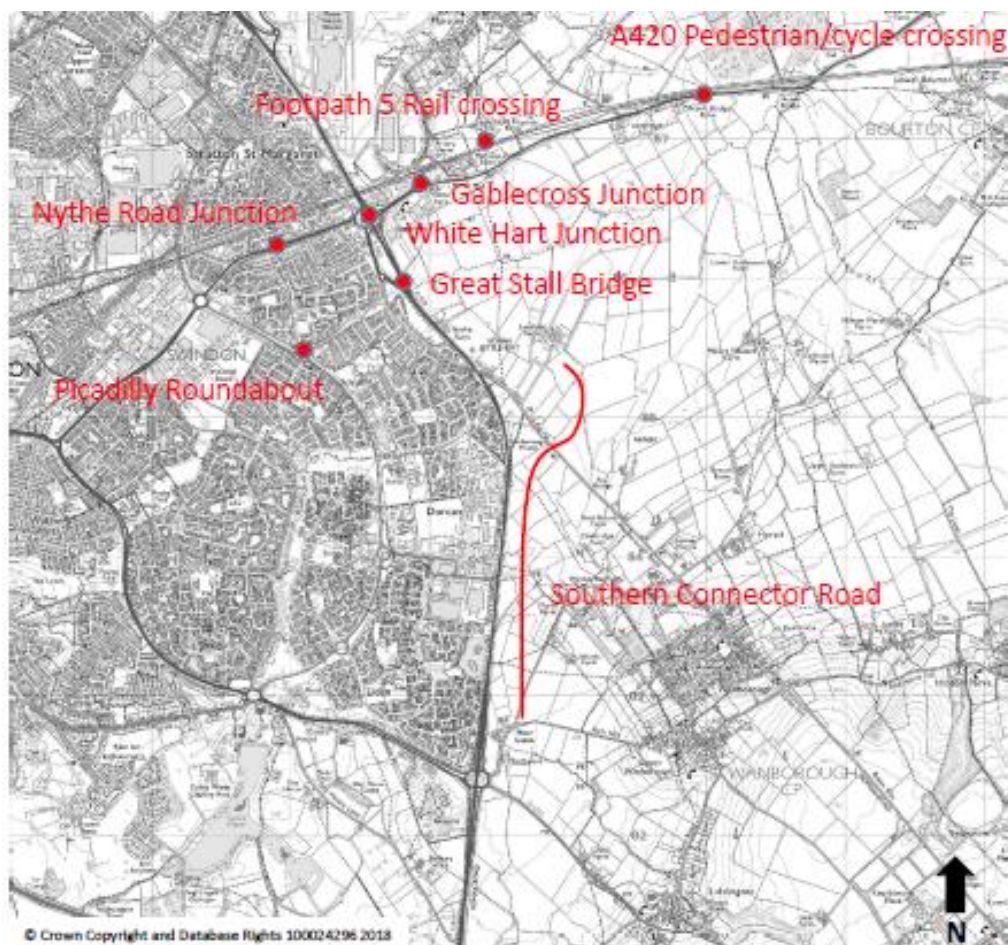
Date: 10th July 2019

One of the three proposed areas of investment was 'Eastern Villages', now known as New Eastern Villages (NEV).

3.2 The NEV is the largest of Swindon's New Communities identified in the Swindon Local Plan (March 2015), and one of the largest planned greenfield urban extensions in the country. It is important that development comes forward within a comprehensive strategic framework, including the timely provision of strategic infrastructure including transport improvements, to minimise adverse impacts on local communities. The NEV strategic transport schemes comprise:

- White Hart Junction
- Southern Connector Road
- Gablecross Junction
- West of A419 Transport Package – Nythe Road junction and Piccadilly Roundabout
- Great Stall Bridge
- A420 Pedestrian / Cyclist Crossing (East).

Figure 1: NEV Transport Schemes



Further information on the subject of this report can be obtained from Steve Jorden
Direct Dial Telephone Number (01793) 464377, sjorden@swindon.gov.uk.

New Eastern Villages (NEV): Strategic Transport Schemes

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- 3.3 These strategic transport improvements are essential elements of a comprehensive access strategy for the NEV. They are identified in the adopted Swindon Local Plan (March 2015), and the adopted NEV Planning Obligations SPD (October 2016). They are necessary to enable the NEV to come forward to deliver our adopted housing and employment needs, and mitigate the impact of growth on the existing highway network. The transport schemes have been subject to independent examination in public through the Local Plan preparation process, and subsequent public consultation as design work has continued.
- 3.4 A provisional allocation of grant funding through the Local Growth Fund (LGF) has been awarded to deliver the strategic transport improvements (£48.7m); the first scheme funded through LGF has been completed at Greenbridge Roundabout.
- 3.5 The remaining LGF allocation is subject to the submission of Full Business Cases (FBC) to the Department of Transport and the Swindon and Wiltshire Local Enterprise Partnership. The Full Business Case for WHJ is programmed for approval in September 2019; the Full Business Cases for the remaining schemes are programmed for approval in October 2019.
- 3.6 A Housing Infrastructure Fund (HIF) grant has been provisionally awarded for the delivery of the Southern Connector Road (£18.972m). The HIF award is subject to funding clarifications requested by Homes England, and a final decision is expected shortly.
- 3.7 The NEV access strategy also includes additional junctions and multi-modal transport improvements that will be delivered by developers in line with new development, and managed through the development management and financial contribution (S106) framework. These include a junction to the A420 at the Symmetry Park employment site which was completed last year, an access under the railway line to serve Rowborough to the north of the A420, a junction on the A420 in the vicinity of Acorn Bridge to serve Great Stall East and areas to the south of the A420, and an improved access at Redlands.
- 3.8 A location plan of proposed developer interventions on the existing highway network is attached at Appendix 1.

White Hart Junction

- 3.9 White Hart Junction is located 5.7km north of M4 Junction 15, and provides the interchange between the A419 and A420 along with access towards Swindon Town Centre (A4312 Oxford Road), and the residential areas of Stratton (via Ermin Street) and Covingham (via Merlin Way). It includes a flyover for A419 mainline traffic, but is of an unconventional layout. Northbound slip roads (on and off the A419) connect to a separate, smaller roundabout to the south of WHJ, on Merlin Way. This increases travel distances and journey times, especially for traffic accessing the A419 northbound from Swindon. In its current form, the

Further information on the subject of this report can be obtained from Steve Jorden
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White Hart Junction would be unable to cope with the significant increase in travel demand that will be generated by the NEV development and would therefore become a major impediment to road vehicles travelling between the NEV and the rest of Swindon, A419 and the M4 motorway. It requires improvement.

- 3.10 Preliminary design work has been prioritised for a signalised roundabout at White Hart Junction with detailed design progressed for works associated with Network Rail, as the northern part of the junction crosses the railway line. The key elements of the design are:
- A new northbound on-slip road from White Hart junction onto the A419 replacing the existing unconventional and below-standard on-slip. It will be built to the north of the White Hart roundabout requiring the construction of a new bridge over the railway;
 - Widened south-bound off-slip from the A419 onto White Hart Junction;
 - Existing entry onto Ermin Street to be closed and replaced by a new priority junction on Oxford Road - this will require Ermin Street to be partially Stopped Up;
 - Signalisation of the roundabout;
 - Increase in circulatory lanes;
 - Retention of the existing footbridge.
- 3.11 The majority of the scheme will be constructed on existing highway. However, some additional land will need to be acquired to enable the new northbound on-slip and diversion of Ermin Street. Negotiations with landowners are currently ongoing. The Council has been working closely with Network Rail and negotiations have secured weekend overnight possessions from October 2019 to December 2019, a 52 hour possession at Christmas 2019 and subsequent weekend possessions in 2020 for construction of the additional on-slip across the railway line.
- 3.12 The improvement scheme comprises works for which there is a deemed planning permission under Class A of Part 9 of the General Permitted Development Order.

Gablecross Junction

- 3.13 Gablecross junction is a four arm roundabout on the A420, with an additional egress from St Margaret's Retail Park. In addition to accommodating A420 through traffic, the junction also provides access to Sainsbury's Supermarket, Swindon Truckstop, St Margaret's Retail Park, South Marston village and Honda Logistics/South Marston via Thornhill Road.

New Eastern Villages (NEV): Strategic Transport Schemes

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- 3.14 The Swindon Eastern Villages Transport Study (2011) identified that current capacity is insufficient for forecast NEV traffic and proposed a four arm signal controlled crossroads contained mostly (but not entirely) within the adopted highway boundary. Subsequent analysis of this option identified constraints which may not be catered for in such a scheme: these included current u-turn demands which are generated by the Police Station Headquarters access which does not cater for right turn access to the Police Station Headquarters site, and egress from St Margaret's Retail Park onto the existing Gablecross Roundabout which needed to be addressed without conceding capacity. Accordingly, the signalised roundabout design has been further progressed and subject to public consultation.
- 3.15 In order to provide the required capacity, some additional land is required and negotiations with landowners are currently ongoing. Wiltshire Police has agreed to the principle of land sale. Discussions with Ramheath Properties Ltd (a Sainsburys subsidiary) and Pickering Developments (Sainsburys landlord) are nearing completion. However, land acquisitions costs are currently subject to continued negotiation and this report seeks authority to make a Compulsory Purchase Order (CPO) in parallel with these negotiations to avoid unnecessary delay and manage risk within the delivery programme, in the event that voluntary acquisition is not achievable. A plan showing land to be included in the CPO is attached at Appendix 2.
- 3.16 The improvement scheme comprises works for which there is a deemed planning permission under Class A of Part 9 of the General Permitted Development Order
- Nythe Road Junction and Piccadilly Roundabout
- 3.17 The West of A419 Transport Study (2014) identified concept designs for a series of transport improvements to junctions west of the A419 at Nythe Road / Oxford Road, Piccadilly roundabout and Coate Water roundabout. Design of the Nythe Road / Oxford Road and Piccadilly junctions has been accelerated to ensure delivery prior to March 2021 with preliminary design completed in early 2019. This will ensure reliable journey times along the A420/Oxford Road Corridor in line with improvements at Greenbridge Roundabout (completed in 2017), White Hart Junction and Gablecross Junction. The Coate Water improvements were funded through developer contributions in relation to the Badbury Park development and delivered by the Council. The scheme is designed to accommodate demand from NEV as well as the Badbury Park development.
- Southern Connector Road
- 3.18 The requirement for a link between Commonhead roundabout (A419) and the NEV was identified in the Swindon Eastern Villages Transport Study (2011). Transport modelling has indicated that a 7.3m wide 2-way single carriageway would be technically sufficient to accommodate forecast demand. The feasibility
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New Eastern Villages (NEV): Strategic Transport Schemes

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of providing a dual carriageway / bus lane was assessed and the additional cost estimated at £10.1 million.

- 3.19 As part of the scheme a footway will be provided on one side and a shared footway / cycleway on the other. The alignment of the road has been defined by a number of factors, most notably highly significant archaeology in the middle and northern sections, areas of flood zone protection, a strategic Thames Water pipeline and a protected corridor retained for the potential future implementation of a canal.
- 3.20 A T-junction and roundabout designs at the Southern Connector Road / Pack Hill junction have been assessed and only a roundabout was shown to provide adequate capacity. At Commonhead roundabout modelling has shown that the existing Pack Hill approach arm has insufficient capacity to accommodate NEV traffic and therefore signalisation of the roundabout is proposed.
- 3.21 The Southern Connector Road / Wanborough Road junction has been designed to minimise rat-running through local villages. The need for traffic calming in surrounding villages will continue to be assessed as development proposals come forward and where necessary, additional mitigation will be provided through developer contributions (£106).
- 3.22 The Southern Connector Road will bisect The Marsh and provide an alternative route between Pack Hill and Wanborough Road. Design options have been assessed and subject to public consultation, and the proposal is to retain access between The Marsh and the Southern Connector Road. Once implemented, the scheme will be monitored.
- 3.23 The majority of the scheme will be delivered on privately-owned land and negotiations with landowners to acquire this land are advanced. In March 2018 Cabinet authorised Officers to make a Compulsory Purchase Order (CPO) to run in parallel with land negotiations as part of a comprehensive land assembly strategy, and a further report detailing the area of land required for a CPO was approved in October 2018. The CPO was made in June 2019, and a planning application submitted on 25th April 2019.
- 3.24 The delivery programme identified in Table 1 is subject to successful award of £18.972m from the HIF programme. A detailed business case has been developed in partnership with Homes England, and funding clarifications requested and addressed. If successful, the HIF grant would reduce the overall requirement for interim Council borrowing. Should HIF not be forthcoming, further analysis of delivery options will be undertaken and reported to Cabinet utilising developer contributions to fund the scheme.

Further information on the subject of this report can be obtained from Steve Jorden
Direct Dial Telephone Number (01793) 464377, sjorden@swindon.gov.uk.

Great Stall Bridge

- 3.25 The Swindon Eastern Villages Transport Study (2011) identified the need for a new link across the A419 to mitigate the impact of the NEV on the existing highway network and to provide connectivity between the new and existing community. The delivery of the bridge must be aligned to the new services and facilities that will be developed as part of the NEV District Centre. Accordingly, construction of the bridge is planned in the period beyond 2021.

A420 Pedestrian / Cyclist Crossing

- 3.26 Additional pedestrian and cyclist crossing opportunities are required to facilitate safe and convenient access from development north of the A420 to the south of the NEV, including the District Centre and Learning Campus.
- 3.27 During 2018 Network Rail constructed a new footbridge over the railway at South Marston. The Council contributed towards design and construction costs to future-proof the bridge and accommodate future requirements of development at the NEV. A second phase of work is to construct 'Equality Act compliant' ramps either side of the bridge to provide improved access. Network Rail were not obliged to these ramps because the bridge replaced a level crossing which was only accessible by foot and they were able to demonstrate other legislation that removed this obligation.
- 3.28 A feasibility study by the Council's transport consultant estimated costs ranging from £1.3m to £2.9m to implement the ramps. Authorisation is required at this stage to proceed with consultation and commission preliminary design of the ramps. Delivery of the ramps will be funded by developer contributions.
- 3.29 The Council's transport consultant is also assessing the feasibility of an additional pedestrian crossing of the A420, east of the junction with Old Vicarage Lane. The purpose of the crossing would be to provide safe routes between the proposed village of Rowborough (north of A420) and the new secondary school campus (south of A420). Two possible locations have been identified which are adjacent to existing agricultural tunnels beneath the railway, and the feasibility study will consider at-grade and grade separated options.

Eastern Access at Rowborough

- 3.30 A new road will be delivered under the railway line in the vicinity of Acorn Bridge as identified on the plan at Appendix 1. This is a site specific requirement to facilitate access from the A420 to development at Rowborough, and will be delivered by developers in line with housing delivery. A provisional allocation of £5m has been made from the Housing Infrastructure Fund; this is subject to funding clarifications with the remaining cost to be funded through developer contributions.

New Eastern Villages (NEV): Strategic Transport Schemes

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Delivery Programme and Costs

- 3.31 This report seeks budgetary approval of £72.518m in order to progress with improvement schemes at White Hart Junction, Southern Connector Road, Gablecross Junction, Nythe Road Junction and Piccadilly Roundabout. There is Local Growth Funding of £47.63m available to support this.
- 3.32 In addition approval is required for a budget of £195,000 for design work on Footpath 5 ramps and £26,000 for a feasibility study of an additional A420 Pedestrian / Cyclist crossing. Both are funded from Homes and Communities Agency grant.
- 3.33 The current delivery programme is outlined in Table 1 below:

Table 1: Delivery Programme

Scheme	Start Date	Completion Date
White Hart Junction	October 2019	March 2021
Southern Connector Road*	January 2020	June 2021
Gablecross Junction	January 2020	March 2021
Nythe Road Junction & Piccadilly Roundabout	March 2020	March 2021
Great Stall Bridge	Post 2021	
A420 Pedestrian / Cyclist Crossing	Subject to phased completion of housing at South Marston and Rowborough	

*subject to Housing Infrastructure Fund award of up to £18.972m

- 3.34 Cabinet have previously approved an element of budget in relation to the Local Growth Fund element of each scheme only whilst the full costs were developed. Approval for the full expected scheme cost is now required.
- 3.35 It should be noted that the developer contributions are subject to, and paid in line with, house completion triggers and there is therefore significant risk around both the timing and amount of contributions likely to be received. As costs will be incurred in advance of developer receipts (the vast majority of which are not projected to be payable until 2023/24 to 2028/29) there is a requirement for the Council to fund the schemes from borrowing in the interim period. Based on current projections, there is a borrowing requirement of £21.1m between 20/21 to 22/23 which increases significantly from 23/24 as investment is required in further site infrastructure (schools, local transport and community facilities). Unless alternative funding mechanisms are identified, there is a further borrowing

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Direct Dial Telephone Number (01793) 464377, sjorden@swindon.gov.uk.

New Eastern Villages (NEV): Strategic Transport Schemes

Cabinet **Date: 10th July 2019**

requirement of £38.3m between 2023/24 and 2025/26 with debt peaking at £59.4m in 2025/26 before reducing over time as further developer contributions are received from 2026/27.

- 3.36 This report does not seek approval for the period beyond March 2023; it seeks approval for the strategic transport schemes being delivered by the Council. The wider infrastructure necessary for the NEV is being reviewed and will be reported to Cabinet for future approval as part of NEV IDP review in line with the review of the Local Plan. The remaining essential infrastructure identified as necessary to mitigate the impact of development at the NEV including schools, healthcare and green infrastructure is a direct requirement of development and will need to be addressed through the planning development process. The Council's approach will therefore be for Developers to directly deliver these items which will remove the need for Council borrowing.
- 3.37 This approach is in accordance with the Swindon Local Plan (March 2015) and NEV Planning Obligations Supplementary Planning Documents (October 2016).
- 3.38 The following table sets out this position and includes all site infrastructure costs (strategic transport, local transport, health facilities and green infrastructure). Income relates to Local Growth Fund grant and developer contributions. The table excludes the £18.972m grant income subject to a bid through the Housing Infrastructure Fund for the Southern Connector Road as well as the costs of Great Stall Bridge (estimated at £15.2m). The award of Housing Infrastructure Fund grant would reduce borrowing by £18.9m.

Table 2: NEV Infrastructure Assessment

	20/21	21/22	22/23	23/24	24/25	25/26	26/27
	£m	£m	£m	£m	£m	£m	£m
Expenditure	44.9	8.8	13.3	53.3	33.9	26.6	5.5
Income (LGF & Developer)	(28.1)	(3.6)	(14.1)	(23.4)	(27.5)	(24.5)	(30.9)
Annual (Surplus)/Deficit	16.8	5.1	(0.8)	29.9	6.3	2.1	(25.5)
Cumulative (Surplus)/Deficit	16.8	21.9	21.1	50.9	57.3	59.4	33.9
Annual debt charge	0.7	0.9	0.9	2.2	2.4	2.5	1.4
	27/28	28/29	29/30	30/31	31/32	32/33	Total
	£m	£m	£m	£m	£m	£m	£m
Expenditure	5.5	0.6	0.3	0.2	0.1	0.0	192.8
Income (LGF & Developer)	(21.0)	(15.7)	(9.9)	(3.7)	(8.1)	(5.8)	(216.3)
Annual (Surplus)/Deficit	(15.6)	(15.1)	(9.5)	(3.6)	(7.9)	(5.8)	(23.6)
Cumulative (Surplus)/Deficit	18.4	3.3	(6.3)	(9.9)	(17.8)	(23.6)	
Annual debt charge	0.8	0.1	0.0	0.0	0.0	0.0	12.0

Further information on the subject of this report can be obtained from Steve Jorden
Direct Dial Telephone Number (01793) 464377, sjorden@swindon.gov.uk.

4. Alternative Options

- 4.1 The Council could decide not to progress the NEV transport schemes as detailed in this report. However, this would not enable the delivery of about 8,000 homes identified in the Swindon Local Plan and this would exacerbate Swindon's housing, skills and accessibility problems.
- 4.2 Placing additional development pressure on the urban area, risks piecemeal development which does not provide necessary essential infrastructure and community facilities. Further, given the number of planning applications that are being progressed this would risk piecemeal improvements to the highway network which carries reputational and economic risk. Failure to deliver these schemes by March 2021 would also mean releasing the Local Growth Fund allocation of £47.63m to the Swindon and Wiltshire Local Enterprise Partnership for reallocation.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Budget approval of £72.518m is required to fund the 4 scheme packages detailed at paragraph 3.31 and 3.32. There is funding available to support this of £47.63m from the LEP through Local Growth Fund grant with the balance due in S106 developer contributions which will become payable based on future house completion triggers.
- 5.2 S106 contributions are projected to be received up to 2032/33 although the majority of these are projected to be paid between 2023/24 and 2028/29. The developer contributions are subject to agreements being reached with developers and housing numbers being built out as expected and there is therefore significant risk and impact on Council finances if these are not received in full, or paid later than expected
- 5.3 In the interim periods before the developer contributions are paid, the Council will be required to fund the gap through borrowing of which £21.1m is estimated as required between 2020/21 and 2022/23 at a revenue cost of around £2.5m over the 3 years. Beyond 2022/23 debt peaks at £59.4m before reducing over time as developer contributions are due to be received. Debt charges from 2023/24 to 2032/33 are estimated at £9.5m (£12m over the whole period from 2020/21 to 2032/33).

Legal and Human Rights Implications

The Compulsory Purchase Order Powers and Process

- 5.4 It is proposed to make a Compulsory Purchase Order under Section 226 (1)(a) of the Town and Country Planning Act 1990 (as amended), and/or any other relevant statutory provisions that may be appropriate.

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- 5.5 Section 226(1)(a) of the Town and Country Planning Act enables the compulsory acquisition of land where the Council thinks the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the CPO land where the Council thinks the development, redevelopment, or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of its area.
- 5.6 The Guidance on Compulsory Purchase Process and the Crichel Down Rules, February 2018 provides guidelines for acquiring authorities on the use of compulsory purchase powers. The Council will take full account of the guidelines in making the proposed CPO. The Council Will be making the CPO on the basis that it facilitates the improvement of the economic, social and environmental wellbeing of its area. The proposed scheme supports the NEV which is a significant strategic urban extension that provides economic, social and environmental benefits.
- 5.7 The guidance states that a CPO should only be made where there is a compelling case in the public interest and that regard should be had in particular to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and Article 8 of the Convention. A balanced view has to be taken between the intentions of the Council and concerns of those whose interest in land it is proposed to acquire. There must be clear evidence that the public benefit will outweigh the private loss.
- 5.8 Article 1 of the First Protocol states as follows - Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principals of international law.
- 5.9 In considering Article 1 of the First Protocol, the Courts have held that whilst individuals are entitled to the peaceful enjoyment of their property and possessions, the state can deprive and control the use of them where its actions are in accordance with law, necessary and legitimate, in the general interest and proportionate
- 5.10 Article 8 – (1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 5.11 These rights are qualified and do not preclude the Council from exercising its statutory powers that are deemed necessary in relation to the CPO land in accordance with the law and in public interest.
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- 5.12 In reaching its decision, Cabinet needs to consider the extent to which the decision may affect the Human Rights of landowners of the CPO Land and to balance these against the overall community benefits of the NEV scheme. Cabinet will need to be satisfied that interference with the rights is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest. Officers consider that this would be the case in this instance

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

Diversity Impact Assessment

- 5.13 A Diversity Impact Assessment (DIA) for the NEV has been undertaken and published for the Swindon Local Plan, and is available on request from Phil Smith, Strategic Planning Policy Manager. The assessment concluded that the majority of policies are unlikely to have negative impacts as previous recommendations were integrated into the Local Plan. Many of the policies will provide positive impacts and benefits for all of the population. There are some uncertain impacts relating to the new community policies, due to the scale of the development, as the impacts were assessed as unknown. A subsequent DIA was undertaken on the NEV Planning Obligations SPD, and is available on request from Angela Clack, NEV Infrastructure Coordinator. The DIA concluded negligible effect taking into account the principles of inclusive design and the requirements of sustainable development with minor positive effect in comparison to infrastructure coming forward in a piecemeal fashion.

Risk Management

- 5.14 By enabling the transport improvements required as a result of development at the NEV, the Council is seeking to maximise the use of external funding sources to ensure that infrastructure is delivered in line with sustainable housing and job growth, and that a sustainable new community can be achieved at the largest of Swindon's strategic allocations
- 5.15 A risk of the schemes not being delivered in a timely manner is that the loss of grant funding would compromise the sustainable delivery of the NEV, particularly in regards to policy compliant infrastructure including affordable housing and green infrastructure. Further, it would detrimental affect the ability of the Council to deliver homes in line with the adopted development strategy placing additional pressure on unallocated and inappropriate sites around the Borough.
- 5.16 The Council's NEV Programme Governance Framework ensures that all risks are appropriately managed through the delivery process in line with Council objectives.

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- 5.17 A significant element of funding is through developer contributions which are dependent on house completions and agreeing a contribution schedule with each of the developers. There is therefore the risk of delay to house completions which would delay the payment of contributions or developers not fully building out altogether which would result in lost contributions. Either of these would have an adverse financial impact on the Council.

6. Consultees

- 6.1 As part of the NEV Communication Plan a number of public consultations have been undertaken from 2015 to date. Targeted consultations with specific stakeholders have also been undertaken, including with government agencies, statutory undertakers, local businesses, developers, emergency services, Wilts & Berks Canal Trust, landowners, libraries, neighbouring authorities, parish councils, schools, and transport providers.
- 6.2 The Director of Finance (Section 151 Officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Eastern Villages Transport Study, 2011
- 7.2 NEV Mitigation Works West of A419, 2014
- 7.3 Swindon Borough Local Plan 2026, 2015
- 7.4 Gablecross Options Report, 2018
- 7.5 White Hart Junction Options Report, 2018

8. Appendices

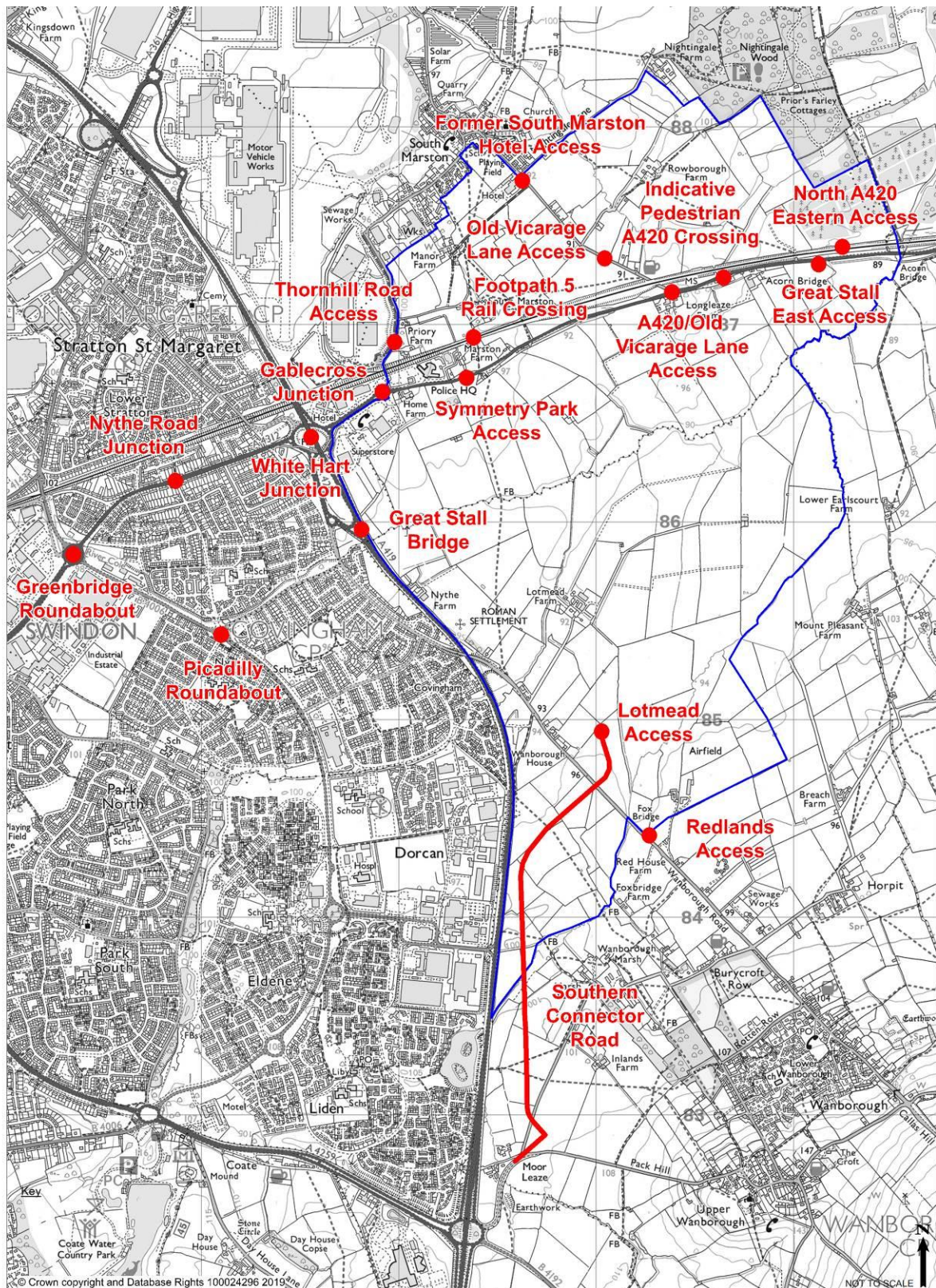
- 8.1 Appendix 1 – NEV Access Strategy including Developer Schemes
9. Appendix 2 – Gablecross Junction Land Assembly and Compulsory Acquisition Area
10. Key Decision/Decision in Cabinet Work Programme and Forward Plan
- 10.1 This is a key decision, and is included on the Forward Plan for July 2019.

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Appendix 1: NEV Access Strategy including Developer Schemes



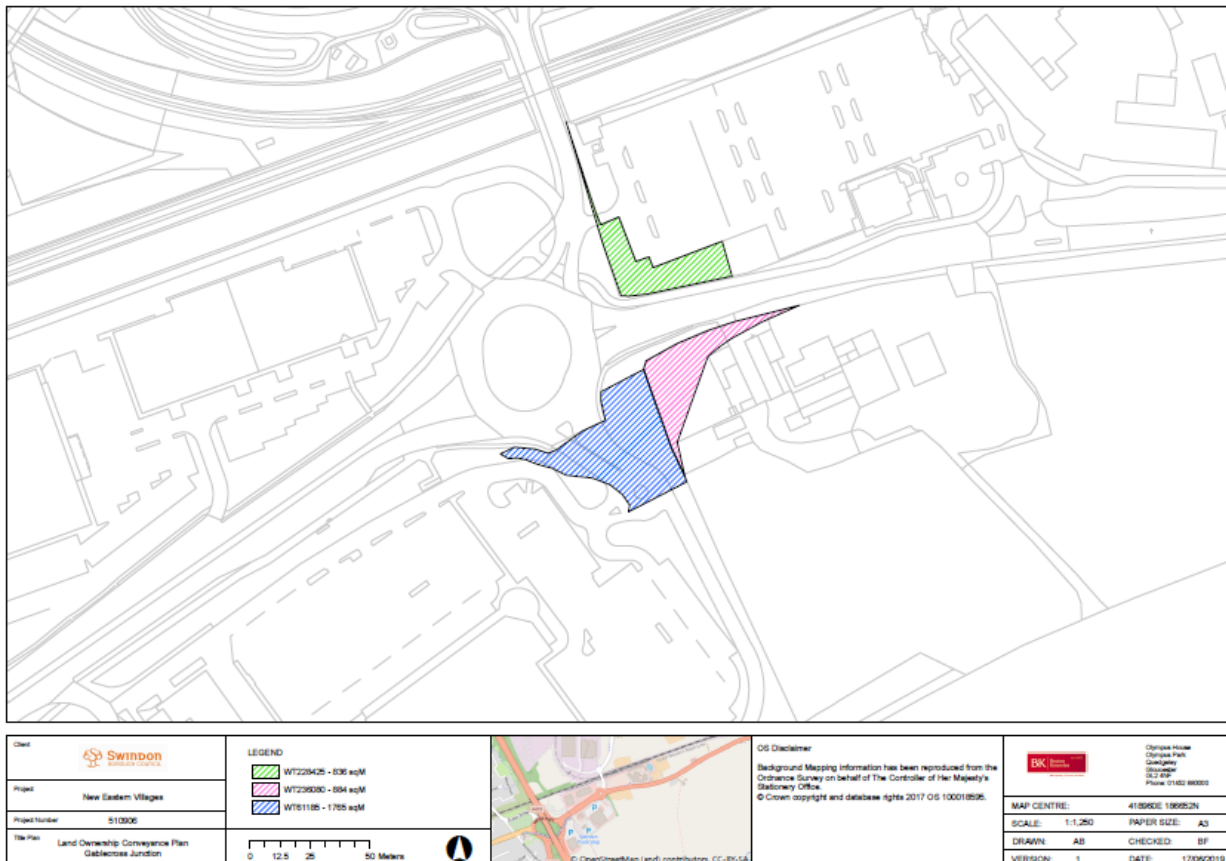
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Appendix 2: Gablecross Junction Land Assembly and Compulsory Acquisition Area



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