



**SWINDON BOROUGH COUNCIL**  
**Municipal Year 2014/15**

**Thursday, 26 March 2015**

**COUNCIL CHAMBER  
CIVIC OFFICES  
SWINDON**

23 March 2015

Dear Councillor,

**Summons to attend an Extraordinary Council Meeting**

An EXTRAORDINARY MEETING of the **Council**, which you are requested to attend, is to be held at the CIVIC OFFICES, SWINDON, on **Thursday, 26 March 2015** at **6.00 p.m.**

The business to be transacted will be as follows:-

**AGENDA**

- 1. Apologies for Absence**
- 2. Communications**  
To receive any communications or letters which the Mayor or Chief Executive may have to bring before the Council.
- 3. Minutes** (Pages 5 - 16)  
To receive the minutes of the previous meeting.
- 4. 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.

**5. Public Question Time**

See explanatory note below.

**6. Appointment of Representatives to Dorset and Wiltshire Fire and Rescue Authority** (Pages 17 - 20)

To consider the appointment of Representatives to Dorset and Wiltshire Fire and Rescue Authority for the remainder of the Municipal Year, 2014/15.

**7. Motion - Superfast Broadband**

**Councillor Bob Wright will move and Councillor Steve Wakefield will second:**

“This Council notes Cabinet’s proposals to spend Council-taxpayers money to commission UK Broadband to install new broadband infrastructure in parts of the borough that does not currently have superfast broadband.

This Council calls on Cabinet to reconsider its current approach to increasing the coverage of superfast broadband across the Borough and consider alternative ways of achieving this goal.”

**8. Adoption of Swindon Borough Local Plan 2026** (Pages 21 - 32)

To consider the Adoption of the Swindon Borough Local Plan 2016. A copy of the report considered by the Cabinet is attached.

(A copy of the Cabinet Minute relating to this report will be circulated under separate cover.)

**(a) Minute for Confirmation** (Pages 33 - 42)

**9. Community Infrastructure Levy** (Pages 43 - 96)

To consider the Adoption of a Community Infrastructure Levy and Charging Schedule. A copy of the report considered by the Cabinet is attached.

(A copy of the Cabinet Minute relating to this report will be circulated under separate cover.)

**10. Councillors Question Time**

Questions (if any) of which notice has been given by Councillors in accordance with Standing Order 15.

Yours faithfully

Director of Law and Democratic Services

## **Questions by Members of the Public in accordance with Standing Order 11**

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 Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

**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.

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### COUNCIL

**MONDAY, 23 FEBRUARY 2015**

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Andrew Bennett, Alan Bishop, Roderick Bluh, Michael Bray, Wayne Crabbe, Mark Dempsey, Oliver Donachie, Mark Edwards, Toby Elliott, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Neil Heavens, Dale Heenan, Russell Holland, Fay Howard, Richard Hurley, Colin Lovell, Mary Martin, Nick Martin, Cindy Matthews, Brian Mattock, Gemma McCracken, Des Moffatt, Derique Montaut, Stan Pajak, Kevin Parry, Garry Perkins, David Renard, Ann Richards, James Robbins, Nicky Sewell, Eric Shaw, Carol Shelley, Kevin Small, Timothy Swinyard, Vera Tomlinson, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams, Robert Wright and Julie Wright.

#### **76. Apologies for Absence**

Apologies for absence were received from Councillors Paul Baker, Maureen Penny and Dave Wood.

#### **77. Communications**

The Chief Executive reported that no communications had been received.

#### **78. Minutes**

Resolved – That the minutes of the meeting held on 22<sup>nd</sup> January 2015, be confirmed and signed.

#### **79. Declarations of Interest**

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

The Director of Law and Democratic Services reported that all Members had been granted dispensations under Section 33 of the Localism Act 2011 in respect of the setting of the Council Tax.

#### **80. Public Question Time**

Mr Richard Symmonds asked a public question relating to Council savings. The Cabinet Member for Finance responded at the meeting.

Mr Richard Symmonds asked a supplemental question regarding duplicated Council correspondence relating to planning issues. The Cabinet Member for Finance responded at the meeting.

Mr Tim French asked a public question regarding the process required to be completed by companies who intended to undertake road works within the Borough.

The Cabinet Member for Strategic Planning, Sustainability, and Transport responded at the meeting.

Mr Tim French asked a supplemental question seeking clarification on the process required to be completed by companies who intended to undertake emergency road works within the Borough. The Cabinet Member for Strategic Planning, Sustainability, and Transport responded at the meeting.

## **81. Council Budget 2015/16**

The Council considered joint reports of the Cabinet Member for Finance and Board Director, Resources, considered by the Cabinet on 4<sup>th</sup> February 2015 relating to (i) Budget 2015/16 and Beyond, (ii) Capital Programme, (iii) Treasury Management Strategy 2015/16, (iv) Summary of Proposed Budget 2015/16 by Function Directorate, (v) Minutes 61 of the Cabinet (Budget 2015/16 and Beyond), 62 of the Cabinet (Capital Programme 2015/16 to 2017/18) and 63 of the Cabinet (Treasury Strategy Statement 2015/16).

Councillor Russell Holland moved and Councillor David Renard seconded:

(1) That, further to Cabinet Minute 61(10)(a) to append the following projects

Additional funding to address gully-cleaning backlog	£250,000
Increase the funding to repair potholes	£250,000

With the additional funding coming from New Homes Bonus money set aside in the Infrastructure and Regeneration Reserve to support Swindon's growth.

(2) That, in Cabinet Minute for confirmation 62, to insert new (n) that the following projects be included in the Capital programme.

New machine sweeper for Swindon Town Centre	£100,000
Improve access to shops and business on Commercial Road by slowing the traffic	£100,000
Additional works for Liden Village Centre	£70,000
Paving Works in Queens Park and drainage work in Town Gardens	£40,000
Improve the appearance of key roundabouts on the main thoroughfares and make them easier to maintain	£160,000
Allocate money to increase the pace of delivery of Highways Locality schemes	£40,000

With the additional funding coming from New Homes Bonus money set aside in the Infrastructure and Regeneration Reserve to support Swindon's growth.

That subject to this change the motions contained in Minutes 61 (Budget 2015/16 and Beyond), 62 (Capital Programme 2015/16 to 2017/18) and 63 (Treasury Strategy Statement 2015/16) of the Cabinet be confirmed and adopted.”

The meeting was adjourned for 10 minutes in order to allow Members to consider amendments to the Budget and tabled at the meeting.

Councillor Jim Grant moved and Councillor Kevin Small seconded that:

“That Council resolves to amend the Cabinet’s Revenue Budget proposals for 2015/16 as agreed at the February 4<sup>th</sup> Cabinet Meeting, as follows:

1. Save £250,000 from Forward Swindon
  - £50,000 saved by moving Forward Swindon’s Offices back within Council Premises
  - The remaining savings will be found through more integrated and efficient working arrangements
2. Save £32,000 from Members Allowances
  - £16,000 saved from the start of the 2015/16 Municipal Year, by reducing the maximum number of fully-funded Cabinet Member posts by 2 to leave a maximum of 8 available
  - £16,000 saved from a 10% cut in Special Responsibility Allowances
3. Save £17,000 from a complete cut in refreshments and bottled water costs.

**Additional Savings Total: £299,000**

4. Release £290,000 of Infrastructure and Regeneration Reserve originally funded from New Homes Bonus money to part-fund the one-off elements of points 2, 3 and 4 of the below spend.

Additional resources to be spent in the following areas:

1. £112,000 to be used to introduce the Living Wage for all staff directly employed by the Council (this being the general fund element)
2. £40,000 as administrative costs of commissioning and then coordinating a new work experience and apprenticeship scheme, based on the 1000 Club model operating in Plymouth
  - This money equates to £35,000 as a permanent dedicated officer post for this scheme and £5,000 in additional expenses (printing, event expenses)
  - This scheme would be dependent on funding from external agencies and for employers to commit to offer work experience and apprenticeship opportunities as part of this scheme and it is therefore proposed that dedicated officer support focusses on securing external funding and commitment from employers to this scheme
3. £162,000 to be used to employ 4 JNC qualified Youth Outreach Workers

- This would be a one year project which will work closely with existing youth service provision, the police and community leaders. The aim of these workers would be to support young people and reduce anti-social behaviour.
4. £250,000 to be used to commission additional street cleaners and vehicles for one year. This would be in addition to the Council's existing street cleaning programme. The new team would be concentrated within residential communities and would be there to tackle:
    - Litter that has been generated by the bin collection service.
    - Fly tipping that is becoming an eyesore and if not removed will encourage the further dumping of rubbish
    - Back alley sweeping
    - Gully Cleaning
    - And other Street cleaning issues.
  5. £25,000 as a one-off injection in to the Library Book Fund to replenish the library books stock."

The amendment was put to the vote and declared lost.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote on this amendment was recorded:

Councillors voting for the amendment were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Mark Dempsey, Jim Grant, Neil Heavens, Fay Howard, Cindy Matthews, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Ann Richards, James Robbins, Nicky Sewell, Carol Shelley, Kevin Small, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Bob Wright and Julie Wright.

Councillors voting against the amendment were: Councillors Andrew Bennett, Alan Bishop, Roderick Bluh, Mick Bray, Wayne Crabbe, Oliver Donachie, Mark Edwards, Toby Elliot, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Richard Hurley, Colin Lovell, Mary Martin, Nick Martin, Brian Mattock, Gemma McCracken, Kevin Parry, Garry Perkins, David Renard, Eric Shaw, Tim Swinyard, Vera Tomlinson, Steve Weisinger and Keith Williams.

Councillor Ann Richards moved and Councillor Nicky Sewell seconded that:

"That Council resolves to amend the Cabinet's Revenue Budget proposals for 2015/16 as agreed at the February 4<sup>th</sup> Cabinet Meeting, as follows:

- Non-implementation of 3% rise to Residents Parking Permit charge as stated in the December Cabinet papers - £7,500.
- 10% reduction in the price of Residents Parking Permits - £25,000.
- Creation of a Town Centre Engagement/Enforcement Officer post - £25,000.



Savings for these measures to be taken from reducing the size of the Communications Team (£43,000) and non-implementation of the budgeted 2.2% rise to Members' Allowances (£14,500)."

The amendment was put to the vote and declared lost.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote on this amendment was recorded:

Councillors voting for the amendment were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, Ray Ballman, Mark Dempsey, Jim Grant, Neil Heavens, Fay Howard, Cindy Matthews, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Ann Richards, James Robbins, Nicky Sewell, Carol Shelley, Kevin Small, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Bob Wright and Julie Wright.

Councillors voting against the amendment were: Councillors Andrew Bennett, Alan Bishop, Roderick Bluh, Mick Bray, Wayne Crabbe, Oliver Donachie, Mark Edwards, Toby Elliot, Emma Famarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Richard Hurley, Colin Lovell, Mary Martin, Nick Martin, Brian Mattock, Gemma McCracken, Kevin Parry, Garry Perkins, David Renard, Eric Shaw, Tim Swinyard, Vera Tomlinson, Steve Weisinger and Keith Williams.

Councillor John Ballman abstained during the vote.

Councillor Junab Ali moved and Councillor Steve Allsopp seconded:

"That Council resolves to amend the Cabinet's proposed Capital Programme as agreed at the February 4<sup>th</sup> Cabinet Meeting, by allocating £2.05m of the Infrastructure and Regeneration Reserve originally funded from New Homes Bonus Money, for spending in the following ways:

1. £600,000 for the Detailed Design Plan for the Thamesdown Drive Extension Road

- The £600,000 would be earmarked for this purpose and spent once there was government approval for the road.

2. £1.2million of additional monies for more road and footpath resurfacing supplementing the Highways Capital Programme.

3. £250,000 of additional monies for improving grass verges as part of the Highways Capital Programme.

- Improvements to grass verges will be determined following full consultation with Ward Councillors."

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote on this amendment was recorded:

Councillors voting for the amendment were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Mark Dempsey, Jim Grant, Neil

Heavens, Cindy Matthews, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Ann Richards, James Robbins, Nicky Sewell, Carol Shelley, Kevin Small, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Bob Wright and Julie Wright.

Councillors voting against the amendment were: Councillors Andrew Bennett, Alan Bishop, Roderick Bluh, Mick Bray, Wayne Crabbe, Oliver Donachie, Mark Edwards, Toby Elliot, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Richard Hurley, Colin Lovell, Mary Martin, Nick Martin, Brian Mattock, Gemma McCracken, Kevin Parry, Garry Perkins, David Renard, Eric Shaw, Tim Swinyard, Vera Tomlinson, Steve Weisinger and Keith Williams.

The Substantive Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote on this amendment was recorded:

Councillors voting for the Motion were: Councillors Andrew Bennett, Alan Bishop, Roderick Bluh, Mick Bray, Wayne Crabbe, Oliver Donachie, Mark Edwards, Toby Elliot, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Richard Hurley, Colin Lovell, Mary Martin, Nick Martin, Brian Mattock, Gemma McCracken, Kevin Parry, Garry Perkins, David Renard, Eric Shaw, Tim Swinyard, Vera Tomlinson, Steve Weisinger and Keith Williams.

Councillors abstaining during the vote: Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Mark Dempsey, Jim Grant, Neil Heavens, Des Moffatt, Derique Montaut, Stan Pajak, Teresa Page, Ann Richards, James Robbins, Nicky Sewell, Carol Shelley, Kevin Small, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Bob Wright and Julie Wright.

(In accordance with the Code of Conduct Councillors Roderick Bluh and Jim Robbins made personal declarations of interest in respect of the Liberal Democrat Amendment as they lived in Residents Parking Areas.)

## **82. Council Tax Setting, 2015/16**

The Council considered a joint report of the Cabinet Member for Finance and the Board Director, Resources concerning the amount of Council Tax for each Valuation Band for dwellings in each part of the Borough for 2015/16, and related matters including legal advice.

Councillor Russell Holland moved and Councillor David Renard seconded and the Council agreed:

“(1) That it be recorded that the advice of the Director of Law and Democratic Services’ has been taken into account when setting the level of Council Tax for 2015/16.

(2) That it be noted that the Council’s revenue budget is £136,740,217 as recommended by the Cabinet to this Council on 4<sup>th</sup> February 2014.

(3) That it be noted that in accordance with Section 31B of the Local Government Finance Act 1992 (as amended) the Council's Tax Base for 2015/16 is 67,660.0 in total with the breakdown by Parish set out in Appendix 3 to the report.

(4) That the following amounts be calculated by the Council in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended by the Localism Act 2011:-

- (a) Borough / Parish Gross Expenditure £470,444,716 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 Act taking into account all precepts issued to it by Parish Councils.
- (b) Borough Gross Income plus Collection Fund Balance £390,582,095 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) Borough/Parish Net Expenditure £79,862,621 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.
- (d) Basic Amount of Tax (including Average Parish Precepts) £1,175.36 being the amount at 4(c) above, less the amount at 4(d) above, all divided by the amount at 3 above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year. In accordance with Schedule 5 of the Localism Act 2011, this sum is not considered to be excessive.
- (e) Special Items £3,021,481 being the aggregate of Special Expenses and Parish Precepts and collectively known as special items and referred to in Section 34(1) of the Act.
- (f) Basic Amount of Tax (Unparished Area) £1,130.70 being the amount at 4(d) above less the result given by dividing the amount at 4(e) above by the amount at 3, calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- (g) Basic Amount of Tax (Special and Parished Areas) the amounts shown in Appendix 2 of the report, being the amounts given by adding to the amount at 4(f) above, the amounts of the special items relating to dwellings in the appropriate part of the Council's area - divided by the appropriate amount at 3 above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which a special item relates.
- (h) Borough/Parish Council Tax Rates the amounts shown in Appendix 1 of the report, being the amounts given by multiplying the amounts at 4(g) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in a particular valuation band, divided by valuation D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

(5) Police and Crime Commissioner for Wiltshire and Swindon That it be noted that for the year 2015/2016 the Police and Crime Commissioner for Wiltshire and Swindon has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£109.32	£127.54	£145.76	£163.98	£200.42	£236.86	£273.30	£327.96

(6) Swindon and Wiltshire Fire Authority That it be noted that for the year 2015/2016 the Swindon and Wiltshire Joint Fire Authority has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£43.25	£50.46	£57.67	£64.88	£79.30	£93.72	£108.13	£129.76

(7) That this Council note that there will be no increase in the Council Tax levels for the Borough element of the 2015/16 Council Tax bills in accordance with the budget proposed by Cabinet on 4<sup>th</sup> February 2015.

(8) That this Council determines that the Basic Amount of Council Tax for the Financial Year, 2015/16 is not excessive within the statutory definitions set out within Part 1 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011) and that therefore no referendum is required.

The Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the vote on this amendment was recorded:

Councillors voting for the Motion were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Andrew Bennett, Alan Bishop, Roderick Bluh, Mick Bray, Wayne Crabbe, Mark Dempsey, Oliver Donachie, Mark Edwards, Toby Elliot, Emma Famarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Neil Heavens, Dale Heenan, Russell Holland, Richard Hurley, Colin Lovell, Mary Martin, Nick Martin, Cindy Matthews, Brian Mattock, Gemma McCracken, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Garry Perkins, David Renard, Ann Richards, James Robbins, Nicky Sewell, Eric Shaw, Carol Shelley, Kevin Small, Tim Swinyard, Vera Tomlinson, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Steve Weisinger and Keith Williams Bob Wright and Julie Wright.

There were no Councillors voting against the Motion or abstaining.

### **83. Housing Revenue Account - Rents and Charges 2015/16**

The Council considered (a) a report of the Cabinet Member for Housing and Public Safety and the Board Director, Commissioning concerning the proposed Housing Revenue Account Housing Revenue Account – Rents and Charges 2015/16, and (b) Minute 64 of the Cabinet (Housing Revenue Account – Rents and Charges 2015/16).

Councillor Emma Famarzi moved and Councillor Russell Holland seconded:

- The proposed average rent for Housing Revenue Account (HRA) dwellings for 2015/16 of £81.34 per week (52 week basis), which is an increase of 2.2%, be approved. This will be an average increase of £1.96 per week (52 week basis). The range of increases is shown in paragraph 3.15 of the joint report.

- That the Board Director, Commissioning be authorised to seek authority from the Secretary of State to extend the permission for the use of the Housing Revenue Account for payments to the Council's tenants under the Discretionary Housing Payments scheme and provide a budget of £300,000 in 2015/16, as detailed at paragraph 3.23 of the joint report.
- The housing related support charges for 2015/16 and service charges for 2015/16 as outlined in Appendix 2 of the joint report are approved.
- Leaseholder service charges are set for 2015/16 as shown in Appendix 3 of the joint report.
- Based on the proposals set out within this report that the Housing Revenue Account (HRA) proposed budget 2015/16, shown in Appendix 4 of the joint report, be approved and that the HRA Capital Budget and Funding be approved as shown in Appendix 5 of the joint report.
- That a budget of £1 million be approved to acquire properties, as set out in paragraph 3.39 of the joint report, and that the Board Director, Commissioning in consultation with the Board Director, Resources be authorised to commit this expenditure.
- That the draft 3 year capital projects and planned maintenance programme be approved at an indicative funding level of £16.8million (2015/16 prices) per annum for each of the years 2015/16 through to 2017/18 as shown in Appendix 6 of the joint report.
- Rents charged on General Fund properties be increased by an average increase of 2.2% and the rents and charges for the David Murray John Apartments, as shown in Appendix 7 of the joint report be approved.
- Rents charged for plots at the Hay Lane Residential Gypsy Site be increased by £1.07 per week (2.2%) to £49.81 per week (52 week basis) and the rents for workpens, as shown in Appendix 7 of the joint report, be approved.
- The charges for Private Sector Leased accommodation for those accepted as homeless outlined in Appendix 7 of the joint report be approved.
- Any underspend on the 2014/15 Housing Revenue Account be added to revenue reserves."

Councillor Bob Wright moved and Councillor Steve Allsopp seconded:

Councillor Bob Wright moved and Councillor Steve Allsopp seconded:

"That Council resolves to amend the Cabinet's 2015/16 Housing Revenue Account Budget as agreed at the February 4<sup>th</sup> Cabinet Meeting, to set the average percentage rent increase for HRA dwellings at 1.2%, reducing the level of income for the HRA by £400K as compared to the Cabinet's proposed 2.2% average rent increase.

This will be paid for through reducing by £400K the £2.4m of revenue surplus proposed to be allocated within the HRA Capital Programme.”

The Amendment was put to the vote and declared lost.

The Substantive Motion was put to the vote and declared carried.

#### **84. Minutes for Confirmation**

(1) Councillor Fionuala Foley moved and Councillor David Renard seconded:

“That Minute 65 of the Cabinet (Strategy to Prevent Child Sexual Exploitation) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(2) Councillor Emma Faramarzi moved and Councillor David Renard seconded:

“That Minute 68 of the Cabinet (Anti-Social Behaviour Crime and Policing Act 2014) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(3) Councillor David Renard moved and Councillor Jim Grant seconded:

“That Minute 59 of the Cabinet (Motion at Council – Use of Community Support Officers in Supporting Council Parking Enforcement) be noted.

The Mayor reminded Members that information from the Police and Crime Commissioner in relation to this item has been received and tabled.

The Motion was put to the vote and declared carried.

#### **85. Motion - Road Works**

Councillor Bob Wright moved and Councillor Kevin Parry seconded:

“This Council:

- Recognises the disruption caused to local motorists because of utility companies commencing road works without any coordination or control.
- Believes that it needs to do more to address the lack of coordination and control on utility companies undertaking scheduled road works in the Borough.
- Notes that in order to address this problem in their area, the Greater Manchester local authorities have introduced the Greater Manchester Road Activities Permit Scheme which came in operation in April 2013, following the Secretary of State for Transport’s approval. This scheme introduced a new permitting regime that requires utility companies to apply for a chargeable



permit before undertaking any works on adopted roads.

- Notes that the Permit fee income has then been used by the 10 Highway Authorities of Greater Manchester for additional resources to better manage and coordinate these essential works and to minimise the congestion and disruption they cause.
- Requests the Cabinet for Strategic Planning, Sustainability, and Transport to submit a report to Cabinet detailing how this scheme could be applied in Swindon and to consider applying to the Secretary of State for Transport seeking approval for the adoption of this scheme in Swindon.”

With the agreement of the mover and seconder, and with the agreement of the Council, the Motion was amended to read:

“This Council:

Recognises the disruption caused to local motorists because of utility companies commencing road works without sufficient coordination or control.

Notes that:

(1) The Cabinet Member for Strategic Planning, Sustainability, and Transport proposed that a permit scheme is introduced in Swindon at the November meeting of the StreetSmart and Highways Overview and Scrutiny Committee, and reiterated this at the December Scrutiny Committee meeting.

(2) A taskgroup of StreetSmart and Highways Overview and Scrutiny Committee members was formed to consider the road works situation in Swindon, that happened in 2014, what lessons can be learnt and make recommendations for action. The task group is considering the issue of Permits and Code of Conducts.

(3) Bristol has implemented a new Code of Conduct in collaboration with Bristol Water, Wessex Water, Wales and West Utilities and Western Power Distribution to help minimise disruption to road users and pedestrians and is nationally recognised as best practice.

(4) The Greater Manchester local authorities introduced the Greater Manchester Road Activities Permit Scheme in April 2013 after completing a two-year process.

Requests that the Cabinet Member for Strategic Planning, Sustainability, and Transport present a report to Cabinet to consider the Task Group’s final recommendations.”

The Motion, as amended, was put to the vote and declared carried.

## **86. Swindon Pay Policy Statement**

The Council considered (a) a report of the Cabinet Member for Corporate Services and the Head of People and Change on the requirement, under Section 38 of the Localism Act 2011, for the Council to agree and publish a Pay Policy Statement by 1<sup>st</sup> April each year, and setting out the Council’s proposed Pay Policy

Statement for consideration, (b) Minute 66 of the Cabinet (Pay Policy Statement), and (c) the Council's draft Pay Policy Statement.

Councillor Keith Williams moved and Councillor David Renard seconded:

"That the Council's Pay Policy Statement for 2015/16, as set out in Appendix A of the joint report be approved and adopted."

The Motion was put to the vote and declared carried.

## **87. Polling Districts and Places Review**

The Council considered a joint report of the Electoral Registration Officer and Returning Officer and the Leader of the Council updating Members on polling arrangements in respect of proposed changes to the WWE Polling District (Wroughton and Wichelstowe) following Council's consideration of a report on the Polling Districts and Places Review on 10<sup>th</sup> December 2014 (Minute 66(1) refers).

Councillor David Renard moved and Councillor Jim Grant seconded:

"That the amendments to the Polling Arrangements for the WWE Polling District (Wroughton and Wichelstowe) as set out in the joint report be approved."

The Motion was put to the vote and declared carried.

## **88. Councillors Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 questions had been received from Councillors Mark Dempsey, Fay Howard, Cindy Matthews, Steve Wakefield, Nadine Watts and Bob Wright.

Councillor Mark Dempsey asked a supplemental question asking the Cabinet Member regarding the percentage of vacant shops in Swindon Town Centre. The Cabinet Member for the Economy, Regeneration and Skills responded at the meeting.

Councillor Cindy Matthews asked a supplemental question seeking the Cabinet Member for Children's Services commitment to maintaining the current level of Children's Centres. The Cabinet Member for Children's Services responded at the meeting.

Councillor Bob Wright asked a supplemental question regarding the number of 1 or 2 bedroom social houses built in the Borough during the previous two years. The Cabinet Member for Housing and Public Safety indicated that a written answer would be provided.



## **Appointment of Representatives to the Dorset and Wiltshire Fire and Rescue Authority**

**Council**

**Date: 26<sup>th</sup> March 2015**

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Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 To approve the appointment of five Members to represent Swindon Borough Council on the Dorset and Wiltshire Fire and Rescue Authority which it is envisaged will be constituted with effect from 1<sup>st</sup> April 2015.
- 1.2 This report does not have direct links to the Corporate Strategy, One Swindon, Strategic Objectives, Plans and Policies but allows open and transparent decision making.

### **2. Recommendations**

Council is recommended to:

- 2.1 Appoint five Councillors to serve as Council appointed representatives on the Dorset and Wiltshire Fire and Rescue Authority for the remainder of the Municipal Year 2014/2015.

### **3. Detail**

- 3.1 Further to the decision by all the constituent Authorities to support the combining of the Wiltshire and Swindon Combined Fire Authority with the Dorset Combined Fire Authority, the Secretary of State has now made the necessary Combination Order which has been laid before Parliament.
- 3.2 The Combination Order is attached at Appendix 1 and states that the new Dorset and Wiltshire Fire and Rescue Authority will come into effect on 1st April 2015 for the purpose of making arrangements to bring it into full operation on 1st April 2016. The two existing Fire Authorities will continue in being until the 1st April 2016 in order to run the two current Fire Services, whilst the new Fire Authority puts in place over the next 12 months arrangements in readiness for the commencement of the new Fire Service. Swindon Borough Council will, therefore, need to make appointments in May 2015 to the existing Fire Authority and to the new Fire Authority for 2015/2016 as they will be separate legal entities.
- 3.3 As the new Fire Authority will be legally constituted from 1st April 2015, the first meeting can be held any time after that date for the purposes of progressing the combination of the two existing Fire Authorities. Accordingly, it is suggested that

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Further information on the subject of this report can be obtained from Stephen Taylor, Direct Dial (01793) 463012, email, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# **Appointment of Representatives to the Dorset and Wiltshire Fire and Rescue Authority**

**Council**

**Date: 26<sup>th</sup> March 2015**

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the appointments to the new Fire Authority for the remainder of 2014/2015 be made at the earliest opportunity rather than waiting until the Annual Meeting on 22nd May.

- 3.4 As members will be aware, Swindon Borough Council currently has 4 members on the Wiltshire and Swindon Combined Fire Authority and they are Cllrs Bennett, Nick Martin, Perkins and Tray. The Borough Council will have 5 members on the new Fire Authority. Although it would be sensible to have at least some overlap of members for the sake of consistency, that is a matter for Council.
- 3.5 Council is, therefore, recommended to appoint 5 members to the Dorset and Wiltshire Fire Authority for the remainder of the Municipal Year 2014/2105.

## **4. Alternative Options**

- 4.1 It is important that the Borough's interests are represented on the new Fire and Rescue Authority through the appointment of representatives and so no alternative option is proposed.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are no direct Financial or Procurement Implications as these will be addressed in reports to the new Fire and Rescue Authority.

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications were taken fully into account in the preparation of this report and it is believed the recommendations are compatible with Convention rights.

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

- 5.3 No other specific implications were identified during the preparation of this report.

### Diversity Impact Assessment

- 5.4 No Diversity Impact Assessment has been undertaken in preparing this report.

### Risk Management

- 5.5 No Diversity Impact Assessment has been undertaken in preparing this report. Risks arising from the decisions and work of the new authority will be addressed in its own reports.

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Further information on the subject of this report can be obtained from Stephen Taylor, Direct Dial (01793) 463012, email, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# **Appointment of Representatives to the Dorset and Wiltshire Fire and Rescue Authority**

**Council**

**Date: 26<sup>th</sup> March 2015**

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## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015: <http://www.legislation.gov.uk/id/uksi/2015/435>.

## **8. Appendices**

- 8.1 None

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## Adoption of the Swindon Borough Local Plan 2026

**Cabinet**

**Date: 18<sup>th</sup> March 2015**

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Author:	Cabinet Member for Strategic Planning and Sustainability and Transport Head of Planning, Regulatory Services, Heritage, and Libraries
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 When adopted, the Swindon Borough Local Plan 2026 and its accompanying Policies Map (the 'Local Plan') will be the principal development plan document for the Borough, identifying how much, new development will take place in Swindon Borough, and when, where and how it should occur.
- 1.2 The hearing sessions of the Examination of the Local Plan closed on May 22<sup>nd</sup> 2014 and the Inspector has recently issued his Report (attached at Appendix 1 to this Report). The Inspector has concluded that the Plan is sound and legally compliant subject to the incorporation of his modifications. This is a significant achievement for the Council, as other Councils have had their Plans fail at examination. For the Local Plan to have full weight in the determination of planning applications in the Borough, it must be formally adopted by the Council.
- 1.3 The Local Plan will have a key role in implementing many of the Corporate Plan's priorities and will be fundamental in delivering key elements of the themes of "One Swindon", including supporting accelerated economic growth and providing a means of ensuring that new development responds to the needs of all of the Borough's communities, such as elderly people.

### **2. Recommendations**

#### Cabinet is recommended to:

- 2.1 Advise Council to adopt the 'Swindon Borough Local Plan 2026' (set out in Appendices 2b and 4) and authorise the Head of Planning, Regulatory Services, Heritage and Libraries to make it publically available, together with the sustainability appraisal report (set out in Appendix 3) in accordance with the arrangements detailed at paragraph 3.15 of this report; and
- 2.2 Authorise the Head of Planning, Regulatory Services, Heritage and Libraries, in consultation with the Cabinet Member for Strategic Planning, Sustainability, and Transport, and the Director of Law and Democratic Services, to make minor non-material changes to the content of the Swindon Borough Local Plan 2026, in consultation prior to publication.

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

# Adoption of the Swindon Borough Local Plan 2026

Cabinet

Date: 18<sup>th</sup> March 2015

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## 3. Detail

- 3.1 The Local Plan includes a series of policies to ensure new development is of the right type, occurs in the right place, and meets high quality design and sustainable construction criteria. It contains policies that take account of flood risk, open space, and affordable housing provision, and ensures developers contribute to necessary infrastructure. It also protects green spaces, historic assets and important landscape features.
- 3.2 The existing Swindon Borough Local Plan was adopted in 2006. The provisions in the Localism Act 2011, the National Planning Policy Framework 2012 (NPPF) and more recent release of the Planning Practice Guidance (PPG, March 2014) make it important that an up-to-date Local Plan is in place as soon as possible, so that the Council has greater control over development.
- 3.3 With an up-to-date plan, the Council will have a clear strategy for the future growth within the Borough and will not be wholly reliant on the NPPF in determining planning applications. Furthermore, it supports the Community Infrastructure Levy (CIL) that will secure pooled developer contributions for infrastructure, and will assist the Council in bidding for future funding to deliver sustained economic growth.
- 3.4 The Local Plan, (called the Swindon Borough Core Strategy in earlier iterations), has progressed through a number of versions as it responded to changes in Government policy and economic circumstances. The Plan has progressed through a cross-party member local development plans working party and received cross-party support for pre-submission consultation. The final stages of the production of the Local Plan were as follows:
- Pre-Submission Public Consultation: 20th December 2012 until 21st Feb 2013;
  - Submission for Examination : 28<sup>th</sup> June 2013;
  - Examination Exploratory Meeting: 13<sup>th</sup> November 2013;
  - Examination Hearing Sessions: 29<sup>th</sup> April 2014 until 22<sup>nd</sup> May 2014.
- 3.5 In accordance with section 20(7C) of the Planning and Compulsory Purchase Act 2004, the Council requested that the Inspector make any modifications needed to make the Local Plan sound and/or legally compliant and thus capable of being adopted. The Inspector instructed the Council to undertake public consultation on a series of 'main modifications' which he felt were necessary for the Plan to be sound and legally compliant. This consultation was undertaken between 18<sup>th</sup> September 2014 to 30<sup>th</sup> October 2014, and responses received were sent to the Inspector for his consideration in early November 2014.
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Further information on the subject of this report can be obtained from Phil Smith, Direct Dial 01793 466443, psmith@swindon.gov.uk

# Adoption of the Swindon Borough Local Plan 2026

**Cabinet**

**Date: 18<sup>th</sup> March 2015**

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- 3.6 The Inspector has recently issued his Report of the Examination, in which he has found the Plan sound and legally compliant subject to certain modifications, which for the most part were suggested by the Council in response to the pre-submission consultation or in response to points raised by the Inspector before or during the hearing sessions of the Examination.
- 3.7 The Inspector's modifications do not alter the overall substance of the plan and its planning policies or undermine the conclusions of the Sustainability Appraisal and Habitats Regulations Assessment, both of which have been updated during the Examination and take into account the Council's proposed modifications to the Local Plan.
- 3.8 The most significant modifications made by the Inspector are:
- 3.8.1 A modification to Policy SD2 such that the strategy shall be reviewed by 2016 at the latest, to assess future levels of need for new homes and employment land over the period to 2031, so as to provide an appropriate basis for employment land and infrastructure provision.
  - 3.8.2 Revised inset diagrams to illustrate phasing and development, including significant infrastructure, at the strategic allocations.
  - 3.8.3 Revised wording to the High Quality Design Policy (DE1) with regards to design and safeguarding living conditions and clarify the protection of Heritage Assets in Policy (EN10).
  - 3.8.4 Clarification regarding the application of Supplementary Planning Documents (SPDs) to ensure conformity with the Local Plans regulations.
- 3.9 Within his report the Inspector acknowledges that the Council has proposed other (minor) modifications to the Local Plan, but he does not consider that they affect the soundness of the Plan. These minor modifications have been reviewed and incorporated into the Local Plan where necessary to improve accuracy, clarity and consistency of the document.

## Duty to Co-operate

- 3.10 Within his report the Inspector acknowledges the substantive written evidence submitted to the Examination relating to the Council's duty to co-operate (DTC). This work included 24 Statements of Common Ground between the Council and other agencies, bodies, adjacent authorities, local representative groups, landowners and developers. The Council's comprehensive list of all the organisations, bodies and groups that had been involved in the DTC process with all the prescribed bodies by the Regulations including the joint working with the Swindon and Wiltshire Local Enterprise Partnership (LEP) and Link2Nature, the Wiltshire and Swindon Local Nature Partnership (LNP).
- 3.11 And finally in the covering letter of the Inspector's Report,
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Further information on the subject of this report can be obtained from Phil Smith, Direct Dial 01793 466443, psmith@swindon.gov.uk

# Adoption of the Swindon Borough Local Plan 2026

Cabinet

Date: 18<sup>th</sup> March 2015

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*“The Inspector wishes to thank all the staff at Swindon Borough Council who worked so diligently and positively throughout the Examination process, including the thoroughness of their replies to all his requests for additional information; the high quality of the facilities provided at the venue for the Hearings; and for the pleasant and constructive way in which they conducted themselves during the Hearings. The Inspector also wishes put on the public record his thanks to the Programme Officer, Ian Kemp, whose assistance and expertise were invaluable in achieving such a well-run Examination.”*

- 3.12 Although the Inspector’s Report is not binding on the Council, in his briefing note to the hearing sessions of the Examination, the Inspector makes it clear the Council should amend the documents in the light of his recommendations and move swiftly to formal adoption.
- 3.13 A final draft of the Swindon Borough Local Plan and a copy of the Sustainability Appraisal Report can be found in the Members Room, and has been distributed to members electronically. A summary of the Local Plan (extract of the Policies) can be found at Appendix 2a of this report.

## Next Steps

- 3.14 The inspector’s modifications and other minor modifications have now been incorporated into the Local Plan and thus, is ready for due consideration by Cabinet.
- 3.15 If Cabinet recommends the Local Plan to Full Council and approval is subsequently endorsed, the Local Plan will be distributed to statutory consultees, including Parish and Town Councils. All consultees who responded during the consultation will also be notified. An adoption statement will also be sent to the Secretary of State and all consultees who responded during the Examination. The document will be made available to view at the offices of Swindon Borough Council (Wat Tyler House) and at all libraries located within the Borough. The document will also be made available to view on the Council’s website. A statutory notice and press release will be made available to local media.

## **4. Alternative Options**

- 4.1 The Council could continue to rely upon the saved policy framework contained within the Swindon Borough Local Plan 2011, and the National Planning Policy Framework, which does not appropriately reflect local issues. Rejection of the Inspector’s Report at this stage would result in a planning policy vacuum at a time when the Government has stated its intention (paragraph 14, National Planning Policy Framework) to ensure that there is a presumption in favour of sustainable development in the absence of up to date local planning policies, and which presumption would require the Council to grant planning permission in situations where it would not necessarily want to, or may allow Planning

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



# Adoption of the Swindon Borough Local Plan 2026

Cabinet

Date: 18<sup>th</sup> March 2015

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Inspector's on appeal to overturn decisions by the Council to refuse planning permission.

- 4.2 Additionally if the Local Plan is not adopted by April 2015 the Council would not be able to immediately adopt a Community Infrastructure Levy charging schedule, with the risk that that infrastructure funding from development may not be secured. The Local Plan also provides a means of supporting our aspirations for how the town should develop to 2026. Without a clear strategy the local authority will be at a disadvantage in bidding for infrastructure funding from Government.
- 4.3 If the Council does not adopt the Local Plan we would need to formally withdraw it and begin preparation of a new plan that would take a number of years to put in place. This would have severe repercussions for the housing land supply in Swindon Borough, paving the way for speculative rather than plan led development across the area.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 The financial implications arising from publishing the Local Plan are to be met from existing Forward Planning budgets for 2014/2015.
- 5.2 The increased housing provision permitted under the Plan will enable the Council to benefit from the Government's New Homes Bonus regime by increasing receipts and by a contribution to the Council's Council Tax base. This has been factored into the Medium Term Financial Plan.
- 5.3 In addition, Adoption of the Local Plan, as referred to above, will enable the Council to become a CIL Charging Authority. The funding raised through CIL, will in part replace Section 106 funding from development that could no longer be secured from early April 2015 due to the Regulations governing CIL.
- 5.4 The Swindon 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

- 5.5 Once adopted the Swindon Borough Local Plan 2026 will form part of the statutory development plan for the Borough and be used as such for the purpose of determining planning applications in the Borough. Its preparation has involved ensuring compliance with procedural requirements including: duty to cooperate, Sustainability Appraisal and Habitats Regulations Assessment being undertaken at key stages during the preparation of the Plan, and consultation statements

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

# Adoption of the Swindon Borough Local Plan 2026

Cabinet

Date: 18<sup>th</sup> March 2015

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summarising how the Council has engaged with communities and other stakeholders during the process.

- 5.6 There are legal implications associated with the adoption of the document. These are limited to the potential for judicial challenge in accordance with legislation. Any such challenge would be limited in terms of scope and could only challenge whether a procedural step in the process of preparing the document has been missed or not complied with fully.
- 5.7 The content of this report will not have a direct implication on human rights issues, in so far as greater opportunities will be available to individuals to partake in the planning process.

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

- 5.8 The Council has a duty to ensure that the preparation of the Local Plan is in accordance with the sustainability principles of the National Planning Policy Framework.
- 5.9 The Local Plan has been 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.

## Diversity Impact Assessment

- 5.10 The Local Plan has been subject to Diversity Impact Assessments (DIAs) throughout its production. All policies in the Local Plan have been assessed and any changes to policy will ensure future development promotes equality. A copy of the DIA can be obtained from the report author.

## Risk Management

- 5.11 Delay to the Local Plan could undermine the Council's vision to create and realise Swindon's aspirations for development.
- 5.12 Furthermore, without an up-to-date Local Plan, the NPPF will continue to serve as a material consideration. This could mean that the Borough has no defence in accepting development that may be in the wrong place at the wrong time and without essential infrastructure. If the Local Plan is not adopted by April 2015 we would be at risk of not having a development plan in place on which to base our Community Infrastructure Levy.

# Adoption of the Swindon Borough Local Plan 2026

Cabinet

Date: 18<sup>th</sup> March 2015

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## 6. Consultees

- 6.1 The Board Director of Resources (Section 151 Officer), and the Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## 7. Background Papers

- 7.1 Swindon Borough Core Strategy and Generic Development Control Policies Issues and Options, April 2007
- 7.2 Swindon Borough Core Strategy and Development Control Policies - Preferred Options, March 2008
- 7.3 Swindon Borough Core Strategy Proposed Submission, July 2009
- 7.4 Swindon Borough Core Strategy Revised Proposed Submission, March 2011
- 7.5 Swindon Borough Local Plan 2026 Pre-Submission, December 2012
- 7.6 Swindon Borough Local Plan 2026 Proposed Modifications, September 2014

## 8. Appendices (electronic copies are available on the Council's Website and hard copies of the documentation have been made available to the Political Groups and copies are also available in the Members' Room and Central Library)

- 8.1 Appendix 1 - Swindon Borough Local Plan 2026 - Inspector's Report
- 8.2 Appendix 2a - Swindon Borough Local Plan 2026 - Summary of planning policies
- 8.3 Appendix 2b - Swindon Borough Local Plan 2026 - full version for adoption
- 8.4 Appendix 3 - Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA), and Habitats Regulation Assessment (HRA).
- 8.5 Appendix 4 - Swindon Borough Local Plan 2026 – Policies Map (Urban / Borough and Village Insets) (final version to be displayed at Cabinet Meeting)

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

- 9.1 This is not a Key Decision as adoption of the Plan will be a matter for the Council and it is included in the Cabinet Work Programme and Forward Plan for March 2015.

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**COUNCIL**

**THURSDAY 26<sup>TH</sup> MARCH 2015**

**MINUTES FOR CONFIRMATION**

**CABINET**

**WEDNESDAY, 18 MARCH 2015**

**74. Capital Programme Monitoring - Third Quarter 2014/15 (Minute for Confirmation - Minute 74(3))**

The Cabinet Member for Finance and the Board Director, Resources submitted a joint report concerning (a) the 2014/15 Capital Programme position as at the end of December 2014, (b) proposed changes to the Capital Programme, (c) Thamesdown Transport Ltd., and (d) Wichelstowe Joint Venture.

Councillor Russell Holland, Cabinet Member for Finance, referred to the report and explained that it addressed the projected outturn position of the Council's Capital Budget for 2014/15, highlighted proposed changes to the current Capital Programme, including reference to proposed new lease arrangements with Thamesdown Transport Ltd., and a loan funding facility to support the Wichelstowe Joint Venture. He explained that both these proposals would be "low-risk" and beneficial to both the Council and the parties involved.

Resolved – (1) That the Capital Programme position for 2014/15, as set out in the joint report, be noted.

(2) That the changes to the Council's Capital Programme, as set out in paragraph 3.4 to 3.8 of the joint report, be approved.

**(3) That the Council be recommended that a loan facility of up to £15m be made available to support house building in Wichelstowe through the Joint Venture arrangement, as detailed in paragraphs 3.9 to 3.12 of the joint report, with the detailed terms to be agreed by the Director of Law and Democratic Services, in consultation with the Board Director Resources and the Lead Cabinet Members for Wichelstowe, that will best protect the Council's interests.**

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

**76. Adoption of the Swindon Borough Local Plan 2026 (Minute for Confirmation)**

The Cabinet Member for Strategic Planning, Sustainability, and Transport and the Head of Planning, Regulatory Services, Heritage and Libraries submitted a joint report concerning the Council's formal adoption of the Swindon Borough Local Plan for the period to 2026.

Councillor Dale Heenan, Cabinet Member for Strategic Planning, Sustainability, and Transport, explained that the Local Plan was the principal development plan document for the Borough, identifying how much, new development would take place, and when, where and how it should occur. He referred to the all-party working that had assisted in the preparation of the Plan and to the consensus that had been achieved with local developers on its contents. He explained the procedure associated with the preparation and approval of the Plan, and the process that would be followed following its formal adoption by the Council. A special Council meeting was to be held on 26<sup>th</sup> March 2015 for this purpose.

Councillor Garry Perkins, Cabinet Member for the Economy, Regeneration, and Skills welcomed the report and referred to its significance for Swindon and its future development. He commented on the allocation within the Plan of employment land and the flexibility that existed in how this might be used to support and grow the local economy.

Councillor Stan Pajak, Leader of the Minority Group on the Council, expressed his support for the Plan and welcomed the all-party approach that had assisted its preparation. He noted the way in which the proposed 9,000 house Eastern Villages project had been dealt with involving the Borough, local parishes, residents and developers, and believed that this was a demonstration of the Council's One Swindon principles in action.

Councillor Russell Holland, Cabinet Member for Finance, expressed his support for the Plan and referred to the collaborative working that had been undertaken to produce a Local Plan that had required few changes from the Planning Inspector.

**Resolved – That the Council be recommended to –**

**(a) Adopt the 'Swindon Borough Local Plan 2026', as set out in Appendices 2b and 4 to the joint report.**

**(b) Authorise the Head of Planning, Regulatory Services, Heritage and Libraries to make the 'Swindon Borough Local Plan 2026', publically available, together with the Sustainability Appraisal report, as set out in Appendix 3 to the joint report, in accordance with the arrangements detailed at paragraph 3.15 of that joint report.**

**(c) Authorise the Head of Planning, Regulatory Services, Heritage and Libraries, in consultation with the Cabinet Member for Strategic Planning, Sustainability, and Transport, and the Director of Law and Democratic Services, to make minor non-material changes to the content of the Swindon Borough Local Plan 2026, prior to publication.**

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

## **77. Community Infrastructure Levy (CIL) (Minute for Confirmation)**

The Cabinet Member for Strategic Planning, Sustainability, and Transport and the Board Director, Service Delivery submitted a joint report concerning the Council's

formal adoption of the Community Infrastructure Levy (CIL) Charging Schedule and associated documents.

Councillor Dale Heenan, Cabinet Member for Strategic Planning, Sustainability, and Transport, explained that the Community Infrastructure Levy was a mandatory charge on planning developments within the Borough. The income arising would support infrastructure improvements required by planned growth to 2026. It would also support the delivery of the overarching objectives of the Swindon Borough Local Plan 2026. He commented on the procedure associated with the preparation of CIL, and the process that would be followed following its formal adoption by the Council at a special meeting on 26<sup>th</sup> March 2015.

Councillor Heenan drew attention to the definition of the term “Retail” that appeared in the Charging Schedule in Appendix 1 to the joint report and explained that he wished to see this term clarified in the final documentation. He proposed the deletion of the second use of the word “retail” on page 94 of Appendix 1 the report to read: “Retail: Is defined as any use falling within...”. He also wished to include within the brackets on that line reference to the classes A1 to A5. He explained that these were minor changes that would help to avoid any possible ambiguity arising and could be undertaken by officers under delegated powers. However, he thought it appropriate that the Cabinet and Council be advised of the intention to amend this wording.

Councillor Heenan expressed his appreciation for the hard work and commitment of the officer team involved in the process to prepare the CIL Charging Schedule and its associated documentation.

**Resolved –That the Council be recommended to –**

**(a) Subject to the deletion of the second use of the word “retail” on page 94 of Appendix 1 to read: “Retail: Is defined as any use falling within...”, and the inclusion within the brackets on that line of reference to the classes A1 to A5, adopt the Swindon Community Infrastructure Levy (CIL) Charging Schedule, as modified in accordance with the requirements of the Examiner’s Report, attached at Appendix 1 to the joint report, and that this be implemented from 6th April 2015.**

**(b) Adopt the Swindon Community Infrastructure Levy (CIL) Regulation 123 Infrastructure List, attached as Appendix 2, the Swindon Local Payment Instalment Policy, attached as Appendix 3, and the CIL Surcharges Policy, attached as Appendix 4 to the joint report, and that these be published alongside the CIL Charging schedule.**

**(c) Authorise the Head of Planning, Regulatory Services, Heritage and Libraries, in consultation with the Cabinet Member for Strategic Planning, Sustainability, and Transport, and the Director of Law and Democratic Services, to make minor non-material changes to the content of the documents listed in (a) and (b) above if required prior to publication.**

**(d) Authorise the Head of Planning, Regulatory Services, Heritage and Libraries, in consultation with the relevant Cabinet Member and Board Director, and the Director of Law and Democratic Services, to -**

**(i) Exercise the powers of the Council in relation to the Community Infrastructure Levy Charging Schedule and its accompanying documents: the Swindon CIL Regulation 123 Infrastructure List, attached as Appendix 2, the**

**Swindon Local Payment Instalment Policy, attached as Appendix 3, and the CIL Surcharges Policy, attached as Appendix 4 to the joint report, and**

**(ii) Implement Discretionary Relief for Exceptional Circumstances and for Social Housing and Charities, as set out under paragraph 3.12 of this report.**

**(e) Authorise the Director of Law and Democratic Services to amend the Council's Scheme of Delegations accordingly.**

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



## Capital Programme Monitoring 3rd Quarter 2014/15

**Cabinet**

**Date: 18 March 2015**

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Author: Cabinet Member for Finance  
Board Director, Resources

Wards: All

Locality Affected: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 This report sets out the 2014/15 Capital Programme position as at the end of December 2014.
- 1.2 The effective management of financial resources through robust financial management processes underpins the Council's ability to achieve its plans and priorities.

### **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the latest 2014/15 Capital Programme position.
- 2.2 Approve the changes to the Capital Programme detailed in paragraphs 3.4 to 3.8.
- 2.3 Advise Council to recommend that a loan facility of up to £15m be made available to support house building in Wichelstowe through the Joint Venture arrangement, as detailed at paragraphs 3.9 to 3.12, with the detailed terms to be agreed by the Director of Law and Democratic Services, in consultation with the Board Director Resources and the Lead Cabinet Members for Wichelstowe, that will best protect the Council's interests.

### **3. Detail**

Capital Programme 2014/15

- 3.1 Table 1 below provides a summary of the forecast out-turn position compared with the approved total scheme budgets, as at the end of December 2014. The projected out-turn position represents the expected total spend for the scheme to completion over all remaining years.

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Further information on the subject of this report can be obtained from Paul Smith on Direct Dial No.463976, or Email psmith2@swindon.gov.uk.

# Capital Programme Monitoring 3rd Quarter 2014/15

Cabinet

Date: 18 March 2015

Table 1 – Budget Forecasts and Variances

	Remaining Budget 14/15	Forecast Spend to completion	14/15 Spend to Date	Forecast Variance
Group	£'000's	£'000's	£'000's	£'000's
Schools	35,296	34,949	12,003	(347)
Social Care	2,743	2,743	804	0
Community Works	8,112	8,112	1,544	0
Corporate Projects	24,589	23,784	13,410	(805)
Transport	17,152	16,915	3,726	(237)
S106 funded projects	19,472	19,472	1,133	0
<b>GF Services</b>	<b>107,364</b>	<b>105,975</b>	<b>32,620</b>	<b>(1,389)</b>
Housing Revenue Account (HRA)	31,651	31,651	6,403	0
<b>Service Totals</b>	<b>139,015</b>	<b>137,626</b>	<b>39,023</b>	<b>(1,389)</b>

3.2 Appendix 1 provides a full scheme by scheme breakdown of variances by project, but the key ones relate to:

3.2.1 Savings across several school projects that have been completed under budget:

- £45k relating to the scheme at Red Oaks Primary School.
- £501k relating to the scheme at St Francis Primary School.
- £30k relating to the scheme at Rodbourne Cheney Primary School.
- £41k relating to the scheme at The Ridgeway School.
- £15k relating to the redesign works at Haydonleigh Primary School.

3.2.2 Over spend across several school projects:

- £200k for additional external works due to re- measurement of ground works & external works at Even Swindon Primary School.
- £25k for additional works at The Chalet School. These works had to be completed over the Christmas period which incurred additional cost, and adverse weather and ground conditions also contributed to further cost increases
- £30k due to some additional roof works required at Commonweal School.
- £30k to install Fire Doors at Ridgeway School.

Further information on the subject of this report can be obtained from Paul Smith on Direct Dial No.463976, or Email psmith2@swindon.gov.uk.

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3.2.3 Savings across several Corporate projects that are forecasting coming in under budget:

- Various net savings projected across a number of Wichelstowe capital contracts
- Disabled Facilities Grant which is demand led and not anticipated to be fully spent, and
- Savings of £227k relating to Davis Place Car Park, which is not proceeding.

3.3 Table 2 below shows how the current approved programme identified at Table 1 is being funded:

Table2: Capital Programme funding

	<u>Current Budget</u>	<u>Req uiri ng</u>	<u>Future Budge t</u>
<b>Expenditure</b>	<b>£'000s</b>	<b>£'000s</b>	<b>£'000s</b>
Budget	139,015	270	139,285
Contingency	3,279		3,279
<b>Balance to be financed:</b>	<b>142,294</b>	<b>270</b>	<b>142,564</b>
Capital Receipts	6,775		6,775
S106 Deposits	31,785		31,785
Grant Funding	50,917	270	51,187
Revenue Contributions	2,919		2,919
HRA balances	30,351		30,351
Borrowing Requirement – CFR increase	19,547		19,547
<b>Total</b>	<b>142,294</b>	<b>270</b>	<b>142,564</b>

## Changes to the Programme

- 3.4 Cabinet are asked to approve an increase of £270k in the budget for drainage works from £782,570 to £1,052,570 relating to additional work at Wanborough. This if fully funded from Environment Agency grant.
- 3.5 Although grant funding is not ring fenced specifically for Education, there is an expectation from the Department of Education that it will be used to support this area. It is recommended that the reported underspend in Table 1 on Schools schemes (£347k) is retained once related schemes have finished to offset either future budget pressures on existing approved schemes or new Education schemes. Use of the underspend will be identified in future reports as it is utilised.

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- 3.6 Cabinet is also asked to note the merging of cost centres in the new financial year for the budgets relating to Private Sector Homes Renewal Assistance (PSRG) and Decent Homes Assistance (DHA) grants. Combining these budgets will enable better management of outcomes.

## Thamesdown Transport

- 3.7 The Council has been discussing with its wholly owned company some potential, mutually beneficial arrangements that would provide additional liquidity to the company without placing further revenue pressures on the Council. This has been prompted by the company needing to adapt its commercial strategy in response to a combination of reducing public bus subsidies and a general slowdown in passenger growth related to the wider economic situation.
- 3.8 A preferred option has been reached whereby the Company will surrender its current ground lease with the Council and enter into a new arrangement to lease both the land and buildings at the depot site. The value of the lease will increase to reflect market value for the new arrangement, in return for which the Council will pay £2m for the Company's building. The value of the site has been independently assessed and it is considered that borrowing to fund the purchase of the site is appropriate because the increase in rental value will offset interest costs. Further, the site is in itself a strategic asset which would make it a secure investment. Cabinet is therefore recommended to approve the capital purchase through prudential borrowing, with no impact on the general fund revenue account.

## Wichelstowe Joint Venture

- 3.9 The Wichelstowe Joint Venture will comprise 2 legal entities, the Joint Venture Company and the Development Company. The Joint Venture Company is responsible for the Masterplanning of the site and securing funding for the cost of the infrastructure works required. The Council will have no financial involvement at this level other than to provide its un-serviced land to the Joint Venture Company to be developed, at an agreed market rate.
- 3.10 The Development Company will be responsible for delivering the house building, including "on plot" infrastructure. This will be funded from a variety of sources, the mix of which will be decided at the time as part of approval of a business plan by the Joint Venture Project Board (Council Officers and representatives of the Private Sector Provider (PSP)) and the Members of the Joint Venture (including the Lead Council Member and the Chief Executive from the Council side). The business plan will include assessments of key elements such as viability, delivery timescales, planning and quality of proposals. Options for funding will include:

3.10.1 retained profits from earlier phases,

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Further information on the subject of this report can be obtained from Paul Smith on Direct Dial No.463976, or Email [psmith2@swindon.gov.uk](mailto:psmith2@swindon.gov.uk).

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- 3.10.2 Senior Debt provided from banks and other lenders (this could possibly include the Council itself, but this is not being proposed at this stage); and
- 3.10.3 The Joint Venture partners (the PSP and the Council) providing funding on a 50/50 basis.
- 3.11 The principle of the Council providing funding for housebuilding in Wichelstowe to the Development Company has been discussed and agreed by the cross-party Cabinet Member Advisory Group for Wichelstowe. In order to provide certainty to PSPs of the scale of the Council's ability and commitment to providing a particular level of funding, Cabinet is asked to recommend to Council that a loan funding facility of up to £15m be made available for this purpose until at least 31 March 2020. The funding would be provided based on a formal legal agreement to be agreed by with the Director of Law and Democratic Services as a capped facility with a set interest rate and rules stipulating timescales for withdrawing and repaying funds.
- 3.12 Members are asked to note that this arrangement will be financially advantageous to the Council, as the return received will be significantly higher than can be secured through any alternative investment route for cash surpluses. The lending rate will also exceed that at which the Council is able to borrow. While there is some degree of risk associated with funding development, the Council will only be providing funding if a business case has been approved and will be matching the level of funding provided by the PSP, for whom such development is their core business. The Council as a 50/50 partner will also have full visibility and input into the progress of the works to which the funding relates and therefore the risk is therefore felt to be small.

## **4. Alternative Options**

- 4.1 Any alternative options for specific areas are set out within the report.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 These have been reflected in the body of the report.

### Legal and Human Rights Implications

- 5.2 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)

- 5.3 There are no such direct implications.

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## Diversity Impact Assessment (DIA)

- 5.4 A Diversity Impact Assessment (DIA) has not been completed as no new schemes requiring DIAs are included in this report.

## Risk Management

- 5.5 There are no direct risks arising from this report.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – Capital Monitoring scheme forecast detail.

## **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 / Forward Plan for March 2015.

Group	Scheme Name	14/15 Budget Remaining £	Projected Outturn for Report £	Projected Variance for Report £	Total 14/15 Spend
Schools	Aiming High Short Breaks	149,207	149,207	0	29,176
Schools	Catherine Wayte - infrastructure works 12/13	16,725	16,725	0	4,288
Schools	Chalet School ASC	69,670	99,670	30,000	105,394
Schools	Complex Needs 11-25 provision	50,000	50,000	0	0
Schools	Condition Works Identified within the Asset Map	1,213,497	1,213,497	0	513,164
Schools	Croft New 2FE School	0	0	0	46,717.68
Schools	Crowdy's refurbishment	1,750,000	1,750,000	0	16,287
Schools	Devolved Formula Capital	0	0	0	307,859
Schools	Disadvantaged 2-year old's Nursery at Tadpole	150,000	150,000	0	0
Schools	Early Years places - Tick Tock Nursery - Mobile	100,000	100,000	0	0
Schools	Early Years provision - Grow 2gether dis-advan	100,000	100,000	0	0
Schools	Even Swindon expansion	2,116,248	2,316,248	200,000	2,102,979
Schools	Expansion of the Chalet Special School	15,000	15,000	0	0
Schools	Haydonleigh School expansion	800,808	785,808	(15,000)	566,373
Schools	Headlands School	461,965	461,965	0	449
Schools	Infant Free School Meals	360,965	360,965	0	343,919
Schools	North Swindon Primary School 1FE - Orchid Va	2,999,040	2,999,040	0	2,702,842
Schools	North Swindon Primary School 2FE - New build	8,496,994	8,496,994	0	3,031,539
Schools	Orchid Vale - additional places 13/14	73,000	73,000	0	43,467.41
Schools	Physical Disabilities SRP Expansion at Commo	565,321	590,321	25,000	199,162
Schools	Plas Pencelli Lodge Extension	167,000	167,000	0	792
Schools	Post 16 provision at Crowdys Hill Special Scho	35,000	35,000	0	6,250
Schools	Primary and Early Years provision to serve Cor	3,203,500	3,203,500	0	0
Schools	Primary BESD	265,000	265,000	0	0
Schools	Primary Complex Needs SRP (Specialist Reso	636,500	636,500	0	0
Schools	Red Oaks Special Resource Provision	59,799	15,000	(44,799)	0
Schools	Ridgeway - urgent condition issues (subject to A	41,721	0	(41,721)	0
Schools	Ridgeway school ASC	1,159,952	1,189,952	30,000	1,150,282
Schools	Rodbourne Cheney - additional places 12/13 &	32,444	2,444	(30,000)	1,728
Schools	Ruskin Special Resource Provision - replaceme	70,000	70,000	0	69,289
Schools	Secondary School Places 1 - 6 FE by Sept 18	139,000	139,000	0	14,000
Schools	South Marston Primary School Expansion	3,203,500	3,203,500	0	5,000
Schools	St Francis School to become 2FE	550,955	50,000	(500,955)	31,775
Schools	Swindon Academy - DFE Loan Repayment	1,511,189	1,511,189	0	383,000
Schools	Tadpole Farm Primary School	153,000	153,000	0	0
Schools	Town Centre Primary School - Holy Cross 2FE	4,350,000	4,350,000	0	413,674
Schools	Town Centre Primary School Places	76,500	76,500	0	7,000
Schools	Wichelstowe Primary School - Middle Wichel	153,000	153,000	0	0
<b>Schools</b>	<b>Schools</b>	<b>35,296,499</b>	<b>34,949,025</b>	<b>- 347,474</b>	<b>12,002,972</b>
Social Care	ASC Equipment	318,000	318,000	0	322
Social Care	Assistive Technology	587,671	587,671	0	526,000
Social Care	Estate Rationalisation - CSS systems upgrade	420,545	420,545	0	82,678
Social Care	Extra care sheltered accommodation	152,891	152,891	0	0
Social Care	H&SC Joint Working Projects	681,596	681,596	0	96,591
Social Care	ICES reallocation	0	0	0	20,258.19
Social Care	Learning difficulties respite care reprovision (H	34,044	34,044	0	0
Social Care	On line care assessment tool	238,000	238,000	0	118,400
Social Care	SAP Equipment	74,171	74,171	0	0
Social Care	Wheelchairs & Other Equipment	236,200	236,200	0	0
<b>Social Care</b>	<b>Social Care</b>	<b>2,743,117</b>	<b>2,743,118</b>	<b>0</b>	<b>803,733</b>
Community Works	Asset Liability Management	128,381	128,381	0	15,925
Community Works	Clive Parade re-surfacing	172,309	172,309	0	139,152
Community Works	Crematorium Replace Cremators	1,175,849	1,175,849	0	755,135
Community Works	Cricklade Road Footway Reconstruction	202,541	202,541	0	0
Community Works	Dorcan Pool - new plant	37,005	37,005	0	0
Community Works	Dorcan sports centre - Netball funding	93,600	93,600	0	793
Community Works	East Wichel Community Centre	7,389	7,389	0	(3,506)
Community Works	Flood Defence Grant	141,343	141,343	0	17,296
Community Works	Hay lane Caravan Site	272,543	272,543	0	78,144
Community Works	Hodson Road embankment stabilisation	349,438	349,438	0	4,985
Community Works	Kingsdown Cemetery	11,133	11,133	0	0
Community Works	Kingsdown Crematorium - Replace Cremators	0	0	0	95,485.50
Community Works	Link Roof	0	0	0	8,488.54
Community Works	Lydiard Site traffic management	60,128	60,128	0	0
Community Works	Mechanics Institute	0	0	0	8,170.40
Community Works	Playground Refurb	630,038	630,038	0	11,698
Community Works	PRG Swindon Day Centre	0	0	0	0
Community Works	Private Sector Renewal Grants	284,867	284,867	0	69,351
Community Works	Reinvestment in Allotments	107,554	107,554	0	0
Community Works	Rodbourne Lagoon	3,126,504	3,126,504	0	123,789

Group	Scheme Name	14/15 Budget Remaining £	Projected Outturn for Report £	Projected Variance for Report £	Total 14/15 Spend
Community Works	S106 Haydon Brook Flood Alleviation	60,000	60,000	0	0
Community Works	S106 Redhouse Community Centre	843,481	843,481	0	125
Community Works	Safe & Warm	0	0	0	6,727.85
Community Works	Shaw Forest Park Restoration Works	0	0	0	1,276.97
Community Works	Street Smart IT	7,022	7,022	0	1,589
Community Works	Town Centre surplus street furniture removal	30,428	30,428	0	0
Community Works	UNION SQUARE HOUSING DEVELOPMENT	0	0	0	0
Community Works	Village Centres 13/14	356,362	356,362	0	224,769
Community Works	Westleaze Canal Emergency Works	14,172	14,172	0	621
	<b>Community Works</b>	<b>8,112,087</b>	<b>8,112,087</b>	<b>0</b>	<b>1,543,673</b>
Corporate Projects	Adapting Sanford House for 3rd Sector Advice	552,149	552,149	0	531,407
Corporate Projects	Asbestos Management	301,054	301,054	0	519
Corporate Projects	Aspen House Public Realm	500,000	500,000	0	0
Corporate Projects	Bowls Club	0	0	0	2,951.15
Corporate Projects	Capital Repairs and Maintenance	1,991,150	1,991,150	0	(70,303)
Corporate Projects	Compulsory Purchase 9 Deburgh Street	42,483	42,483	0	103
Corporate Projects	Contact point, Clarence House Refurbishment	1,403,222	1,403,222	0	346,294
Corporate Projects	Contribution to Superfast Broadband	240,000	240,000	0	85
Corporate Projects	Decent Homes Assistance	278,002	80,000	(198,002)	67,707
Corporate Projects	Disability Discrimination Act Related Works	117,659	117,659	0	18,384
Corporate Projects	Disabled Facilities Grant	975,373	690,700	(284,673)	508,230
Corporate Projects	Equity Share Properties	250,000	250,000	0	1,585
Corporate Projects	Estate Rationalisation Project - Buildings	0	0	0	569,724.88
Corporate Projects	Feasibility Studies	565,854	565,854	0	100,659
Corporate Projects	Growth Feasibility	1,000,000	1,000,000	0	0
Corporate Projects	Kimmerfields Compulsory purchase	1,663,000	1,663,000	0	50,418
Corporate Projects	Localities - buildings	64,890	64,890	0	0
Corporate Projects	Localities - IT element	188,642	188,642	0	0
Corporate Projects	Museum Artefacts Storage	300,000	300,000	0	6,027
Corporate Projects	New Growth Point Scheme Station Forecourt	0	0	0	6,914.65
Corporate Projects	Non Highways Structures (bridges within parks	230,000	230,000	0	18,605
Corporate Projects	NWOW IT	227,285	227,285	0	16,875
Corporate Projects	Oracle Upgrade	8,520	8,520	0	6,540
Corporate Projects	Pollution Control - Borough Farms	26,368	26,368	0	0
Corporate Projects	Private Sector Housing Renewal Assistance	0	0	0	0
Corporate Projects	Redevelopment of Dorcan House / Eldene Sho	500,000	500,000	0	122,997
Corporate Projects	'SCS Fleet' 7 Vehicles	645,227	645,227	0	640,969
Corporate Projects	Strategic Acquisition (Aspen)	813,284	813,284	0	575,803
Corporate Projects	Stronger Together	92,002	92,002	0	26,541
Corporate Projects	Swindon Health Centre	0	0	0	69,282.41
Corporate Projects	Town Gardens Footbridge	100,000	100,000	0	(7,660)
Corporate Projects	Universal Technical College	6,883,168	6,883,168	0	8,428,631
Corporate Projects	Waterside Depot - New Lift (DDA Requirement)	70,000	70,000	0	0
Corporate Projects	Waterside Depot - Proposed New Road Layout	800,000	800,000	0	0
Corporate Projects	Wellington Street	190,000	190,000	0	0
Corporate Projects	Wichelstowe - Contract 2,3,3A	0	0	0	11,192.00
Corporate Projects	Wichelstowe - Development Expenses/Mainten	0	0	0	198.19
Corporate Projects	Wichelstowe - District Centre associated works	1,434,933	1,532,046	97,113	972,715
Corporate Projects	Wichelstowe - East Wichel	377,744	334,057	(43,687)	0
Corporate Projects	Wichelstowe Infrastructure Expenditure	783,376	398,878	(384,498)	232,685
Corporate Projects	Wichelstowe J16 Improvements	945,000	953,600	8,600	153,940
Corporate Projects	Wichelstowe play area	28,600	28,600	0	0
	<b>Corporate Projects</b>	<b>24,588,986</b>	<b>23,783,838</b>	<b>-805,147</b>	<b>13,409,622</b>
Transport	Bus lane enforcement infrastructure	110,000	110,000	0	0
Transport	Car Park variable message signing - LTP	0	0	0	2,161.76
Transport	Car Parks - Major Maintenance of MSCP	511,558	511,558	(0)	279,269
Transport	Concrete Light Column replacement	426,013	426,013	0	158,805
Transport	Davis Place Car Park	283,828	46,744	(237,084)	19,591
Transport	Demolition of MSCP	900,000	900,000	0	52,936
Transport	DFT Emergency Winter Damage	0	0	0	5,000.00
Transport	Drainage Schemes	782,570	782,570	0	45,255
Transport	Gateway signage (incl car park directions)	400,000	400,000	0	7,450
Transport	Highways Asset Management Grant Elements	216,500	216,500	0	0
Transport	Local Sustainable Transport Fund - Access to S	470,000	470,000	0	136,316
Transport	LTP Bus Priority & Infrastructure 12/13	72,513	72,513	(0)	18,655
Transport	LTP Integrated - Traffic Management	479,000	479,000	0	0
Transport	LTP Maintenance	3,607,900	3,607,900	0	1,066,142
Transport	LTP Safety Schemes 12/13	1,090,486	1,090,486	(0)	12,300
Transport	LTP Sustainable Transport 12/13	161,213	161,213	0	4,697
Transport	NON LTP Bridge Maintenance	99,144	99,144	(0)	0



Group	Scheme Name	14/15 Budget Remaining £	Projected Outturn for Report £	Projected Variance for Report £	Total 14/15 Spend
Transport	NON LTP Maintenance	4,721,483	4,721,483	0	1,319,744
Transport	NON LTP Street Lighting	49,879	49,879	(0)	(15,892)
Transport	NON LTP Traffic Signals	304,960	304,960	(0)	17,478
Transport	Public Realm at Wyvern MSCP Site	48,817	48,817	0	0
Transport	School Safety Zone Signage	30,000	30,000	0	0
Transport	Strategic Highways Model update (£200k/£200k)	400,000	400,000	0	12,800
Transport	Transport	0	0	0	797.17
Transport	UNION SQUARE CAR PARK	1,155,797	1,155,797	0	0
Transport	Winter Damage Various Schemes	710,412	710,412	0	592,537
Transport	Wroughton Park and Ride bus entrance Traffic	120,000	120,000	0	0
	<b>Transport</b>	<b>17,152,074</b>	<b>16,914,989</b>	<b>-237,084</b>	<b>3,726,043</b>
S106	All Weather Grass Pitch at Stratton Leisure Ce	14,640	14,640	0	0
S106	Alley Gate Public Art	10,500	10,500	0	0
S106	Angel Ridge Public Open Space	413,431	413,431	0	236,520
S106	Boness Road - Wroughton	0	0	0	0
S106	Brimble Hill to Alexandra Park	106,029	106,029	0	640
S106	Bruce Street Bridges and Baileys Corner	5,353,691	5,353,691	0	445,967
S106	Bus Lane and Gate Enforcement in Swindon C	170,128	170,128	0	88,675
S106	Catalint UK Ltd Blagrove	21,735	21,735	0	4,800
S106	Cavendish Square - Public Open Space and P	310,832	310,832	0	134,921
S106	Christchurch Community Hall (contribution to)	313	313	0	0
S106	Comet Way Bus Stop Improvements	0	0	0	- 2,500.00
S106	Croft School Highways Works	500,000	500,000	0	0
S106	Diamond Jubilee Woodlands	115,454	115,454	0	0
S106	Drove Rd / Upham Rd Junction	13,844	13,844	0	0
S106	East Wichel Local Open Space	239,335	239,335	0	216,290
S106	East Wichel Major Open Space	391,422	391,422	0	897
S106	Eastrop Infants - Extension	50,000	50,000	0	50,000
S106	Enforcement of bus lanes at Mead	14,421	14,421	0	0
S106	Ermin Street Traffic Management	11,983	11,983	0	0
S106	Even Swindon School - Highway Works	14,421	14,421	0	0
S106	Great Eastern House Open space	16,361	16,361	0	0
S106	Great Western Community Forest	512,490	512,490	0	0
S106	Green Spine	10,000	10,000	0	3,514
S106	Havelock Square - Public Realm	822,906	822,906	0	5,911
S106	Hesketh Crescent play area improvements	158,946	158,946	0	5,562
S106	Highway works at Islington Street	48,435	48,435	0	406
S106	Highway works in the vicinity of Purton Road S	12,014	12,014	0	0
S106	Highway Works in the vicinity of Whalebridge P	200,000	200,000	0	0
S106	Jubilee Woods	0	0	0	1,960.81
S106	Lawn Park - Improvements to High St Entrance	55,020	55,020	0	0
S106	LSTF Work Package 4	50,214	50,214	0	0
S106	Mannington Recreation Ground - informal footp	57,717	57,717	0	57,554
S106	Mannington Roundabout Great Western Way f	20,511	20,511	0	1,894
S106	Mannington Subway Lighting	3,364	3,364	0	0
S106	Marshgate Link Improvements	25,454	25,454	0	0
S106	Mead Roundabout	982,749	982,749	0	946
S106	Moredon Rd Toucan Crossing	85,078	85,078	0	84,260
S106	Moulden Country Park - Provision of Car Park	9,900	9,900	0	0
S106	Mouldon Hill Country Park	234,644	234,644	0	1,152
S106	NDA - Management of Protected Species Rese	51,999	51,999	0	8,576
S106	Neighbourhood watch scheme signage	4,006	4,006	0	0
S106	New College 2001/02 Open Space and play ar	25,000	25,000	0	0
S106	North Star roundabout and Cocklebury Rounda	3,099,625	3,099,625	0	946
S106	Off Site Playground (Coleview) transfer to Stra	113,000	113,000	0	0
S106	Pre-adoption maintenance period for playgroun	67,414	67,414	0	0
S106	Queens Drive Amelioration	0	0	0	4,510.22
S106	Recreational Improvements at Dorcan College	12,265	12,265	0	0
S106	RTPI - Mannington Retail	11,260	11,260	0	0
S106	Shaw Road Traffic Regulation	10,551	10,551	0	3,780
S106	St Marks Recreation Ground	672,905	672,905	0	14,902
S106	St Michaels Ave Lighting	10,309	10,309	0	0
S106	Stanton & Stratton Woods	0	0	0	8,699.86
S106	Stratton & Stanton Woods Access Project	246,083	246,083	0	0
S106	Stratton Woods Public Art	75,421	75,421	0	6,994
S106	Subway at Great Western Way	10,500	10,500	0	8,697
S106	Swindon Railway Station Forecourt	0	0	0	- 238,105.09
S106	Swindon Urban tree planning programme	66,362	66,362	0	0
S106	Thamesdown Drive Extension	24,777	24,777	0	1,000
S106	Thamesdown Drive Speed Amelioration	109,500	109,500	0	5,654

Group	Scheme Name	14/15 Budget Remaining £	Projected Outturn for Report £	Projected Variance for Report £	Total 14/15 Spend
S106	Toothill Telford Way to Bodiam Subway Path U	43,916	43,916	0	(116,802)
S106	Town Centre Temporary Site uses	5,877	5,877	0	0
S106	Town Centre TV	14,849	14,849	0	20,702
S106	Transfer Bridges	3,186,630	3,186,630	0	19,952
S106	Tree and Landscape Improvements	40,000	40,000	0	0
S106	Union Sq Phase 1 Highways	0	0	0	3,608.55
S106	Westrop Primary School - Playground Extensio	40,000	40,000	0	40,000
S106	Whitehouse Road Cycling Scheme	3,846	3,846	0	0
S106	Whitworth Road safety scheme	130,000	130,000	0	0
S106	Wichelstowe Conservation Project	20,000	20,000	0	0
S106	Wichelstowe Off Site Landscape and Nature C	317,898	317,898	0	0
	<b>S106</b>	<b>19,471,976</b>	<b>19,471,975</b>	<b>0</b>	<b>1,132,483</b>
HRA	HRA - Aids & Adaptations (was contingency)	900,000	1,200,000	300,000	275,668
HRA	HRA - Bathrooms	740,000	740,000	0	147,753
HRA	HRA - Central heating	2,335,000	2,335,000	0	923,141
HRA	HRA - Contingent Major Repairs	1,075,000	775,000	(300,000)	52,328
HRA	HRA - Electricians	1,260,000	1,260,000	0	323,682
HRA	HRA - Environmental & Communal Areas	190,000	190,000	0	(72,398)
HRA	HRA - Exceptional Extensive	1,290,000	1,290,000	0	(97,160)
HRA	HRA - External/Entrance Doors	780,000	780,000	0	(261,823)
HRA	HRA - External Walls	90,000	90,000	0	(10,490)
HRA	HRA - Improvements	515,000	515,000	0	44,490
HRA	HRA - Kitchens	3,273,000	3,273,000	0	981,183
HRA	HRA - Planned Maintenance	3,956,278	3,956,278	0	1,911,616
HRA	HRA - Related assets	305,000	305,000	0	198,776
HRA	HRA - Roofs	1,585,000	1,585,000	0	216,666
HRA	HRA - Windows.	625,000	625,000	0	193,120
HRA	HRA - Regeneration and Acquisition Programm	1,283,719	1,283,719	0	273,555
HRA	HRA - Sussex Square	9,188,509	9,188,509	0	599,499
HRA	HRA - The Circle	800,795	800,795	0	475,694
HRA	HRA - Bourne Road - Bungalows	408,250	408,250	0	207,134
HRA	HRA - Upgrade St Ives Court	600,000	600,000	0	1,461
HRA	HRA - Conversion Baileys Farm Gardens	60,000	60,000	0	0
HRA	HRA - Scooter stores sheltered	390,000	390,000	0	875
HRA	HRA Vehicle Acquisitions				
HRA	Marlowe Ave Residential	0	0	0	18,017.92
	<b>HRA</b>	<b>31,650,551</b>	<b>31,650,551</b>	<b>0</b>	<b>6,402,789</b>

## Community Infrastructure Levy

**Cabinet**

**Date: 18<sup>th</sup> March 2015**

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Author: Cabinet Member for Strategic Planning, Sustainability and Transport; and Board Director, Service Delivery

Wards: All

Locality Affected: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 This report seeks Council support to adopt the Community Infrastructure Levy 'CIL' Charging Schedule and associated documents.
- 1.2 CIL income will help fund the delivery and maintenance of infrastructure in Swindon. This income will support the Council's Corporate Strategy and infrastructure improvements required by planned growth to 2026. It will support the delivery of the overarching objectives of the Swindon Borough Local Plan 2026 and of One Swindon.

### **2. Recommendations**

Cabinet is recommended to ask Council to adopt:

- 2.1 The Swindon CIL Charging Schedule, as modified in accordance with the requirements of the Examiner's Report attached at Appendix 1 and that this be implemented from 6th April 2015; and
- 2.2 The Swindon CIL Regulation 123 Infrastructure List (attached at Appendix 2), the Swindon Local Payment Instalment Policy (attached at Appendix 3), and the CIL Surcharges Policy (attached at Appendix 4) and that these be published alongside the CIL Charging schedule;

Cabinet is recommended to:

- 2.3 Authorise the Head of Planning, Regulatory Services, Heritage and Libraries, in consultation with the Cabinet Member for Strategic Planning, Sustainability and Transport, and the Director of Law and Democratic Services, to make minor non-material changes to the content of the documents listed in paragraphs 2.1 and 2.2 above if required prior to publication;
- 2.4 Authorise the Head of Planning, Regulatory Services, Heritage and Libraries, in consultation with the relevant Cabinet Member and Board Director, and the Director of Law and Democratic Services, to
  - 2.4.1 Exercise the powers of the Council in relation to the Community Infrastructure Levy Charging Schedule and its accompanying documents: the Swindon CIL Regulation 123 Infrastructure List (attached at Appendix

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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2), the Swindon Local Payment Instalment Policy (attached at Appendix 3), and the CIL Surcharges Policy (attached at Appendix 4), and

2.4.2 Implement Discretionary Relief for Exceptional Circumstances and for Social Housing and Charities, as set out under paragraph 3.12 of this report.

2.5 Authorise the Director of Law and Democratic Services to amend the Scheme of Delegation accordingly.

## **3. Detail**

### Background

3.1 The Council has been preparing a CIL for Swindon alongside the Local Plan. Cabinet has considered previous reports on CIL on 11<sup>th</sup> July 2012 and 6<sup>th</sup> February 2013. The Council is now in receipt of both the Local Plan Inspector's Report and the CIL Examiner's Report and is in a position to adopt the CIL Charging Schedule and accompanying documents.

3.2 CIL is a mandatory Charge on development to which it applies. An independent Examination of the Council's CIL Charging Schedule took place on 4<sup>th</sup> November 2014. The Inspector conducting the Examination has found the Council's overall approach to be sound, but has recommended some changes. Cabinet is required to address any necessary changes required by the Examiner's recommendations (attached at Appendix 5) and then adopt the Charging Schedule through Full Council.

3.3 Following enactment of the CIL Regulations in 2010 (as amended), from 6<sup>th</sup> April 2015 the ability of the Local Planning Authority to continue to use planning obligations under a standard charge/tariff approach to manage the cumulative impact of development has been curtailed. For this reason, it is necessary to adopt a CIL for Swindon to support infrastructure improvements required as a result of developments where s106 obligations can no longer be used.

### The Examiner's Report

3.4 The Examiner's Report concludes that subject to a modification to reduce the 'New Communities' (strategic urban extensions) retail rate to £0 per square metre (from the originally proposed £100 per square metre as examined), the CIL is sound and capable of adoption. The effect of this modification would be to alter the Charging Schedule set out in the table of rates below.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

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3.5 The final Charging Schedule table of rates is as follows:

Development type*	Proposed CIL rate per sq. m.
<b>Residential Zone 1:</b> Swindon's New Communities	<b>£0</b>
<b>Residential Zone 2:</b> Rest of Borough (excluding Swindon's New Communities)	<b>£55</b>
<b>Retail Zone 1: (<i>New Communities Added to Retail Zone 1 under Examiner Modification</i>)</b> Town Centre & Swindon's New Communities	<b>£0</b>
<b>Retail Zone 2: (<i>New Communities deleted from Zone 2 by Examiner Modification</i>)</b> Rest of Borough (excluding Town Centre & Swindon's New Communities)	<b>£100</b>
<b>All other uses</b>	<b>£0</b>

\*For an explanation of the Definitions of the development types see the final Charging Schedule at Appendix 4 of this report

- 3.6 Since the Examiner's report, some further non-material changes have been made to the supporting text to amend the guidance to the CIL charge calculation section and payment section in particular. In addition, the 'Supporting Documents' section has been brought up-to-date to include a list of all the Examination documents used to inform the CIL Examination. These additional changes are all non-material to the Charging Schedule of rates itself. The Final Version of the CIL Charging Schedule is attached as Appendix 1 to this report. If adopted, this document will comprise the Council's CIL Charging Schedule.
- 3.7 The Examiner's Report suggests that it may be appropriate to consider an early review of the Charging Schedule. Officers will propose a review to Members in the event that a material change in economic viability within the area is emerging, and/or the early review of the Local Plan triggers the need for such.

## Accompanying CIL Documents

- 3.8 The CIL Charging Schedule is accompanied by a CIL Regulation 123 Infrastructure Funding List; the CIL Payment Instalment policy; and a CIL Surcharges policy.
- 3.9 The '*Regulation 123*' *Infrastructure Funding List* (Appendix 2) is the published list of the types of infrastructure to which CIL receipts raised by the Council as CIL

Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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Charging Authority could be applied. The list enables the Council to differentiate between infrastructure that can continue to be secured by means of s106 planning obligation, and that which may be funded wholly or partly through CIL receipts. The CIL Regulations make provisions for this list to be amended at any time subject to an appropriate consultation process.

- 3.10 The Council's *CIL Payment Instalment policy* (Appendix 3) allows deferred payment of contributions subject to the financial scale of the CIL liability being levied. The CIL Regulations require that deferred payment can only be put in place if the Council publishes an instalment policy. It is recommended that the CIL Instalment Policy is adopted for publication alongside the Charging Schedule.
- 3.11 Enforcement of the CIL is controlled by the CIL Regulations. One element of enforcement relates to surcharging and Late Payment Interest 'LPI'. *The CIL Surcharges Policy* (Appendix 5) extracts the key information relating to surcharges from in the CIL Regulations. The Council will apply the Surcharges Policy when appropriate.
- 3.12 The Regulations also make provision for Discretionary Relief for Exceptional Circumstances, and for Social Housing and Charities to be made available. Whilst it is not proposed to make Discretionary Relief available from the outset, it is possible that it may become in the Council's interest to make certain types of discretionary relief available in certain circumstances. For this reason delegated authority is sought for the Head of Planning, Regulatory Services, Heritage and Libraries to set the parameters under which discretionary relief may be made available in Swindon at any point in time, and to publish and withdraw such relief as the Council considers appropriate.
- 3.13 In order to manage the allocation of the Neighbourhood Proportion of CIL receipts, it will be necessary for the Council to establish the boundary for the Neighbourhood Areas for those areas of the Borough not located within a Parish.

## 4. Alternative Options

- 4.1 The Council could decide not to adopt a CIL Charging Schedule. However, this would result in the loss of an income stream for the Council from CIL, which would impact on funding the delivery of infrastructure to support the growth planned for in the Local Plan to 2026. In such a circumstance, this is likely to make the application and use of planning obligations far more complex, and would be unlikely to achieve the necessary contributions to deliver the required infrastructure.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 It is not possible to make a direct comparison between the income that may have arisen from the currently adopted Standard Charge approach under the Guidance Note to the emerging CIL framework for the same scheme because the current approach is based on the number of bedrooms in a dwelling and a negotiated value for that unit, whereas CIL is calculated on the amount of floorspace in a unit at a set rate.

### Legal and Human Rights Implications

- 5.2 Legal and human rights implications have been fully taken into account in the preparation of this document. Officers do not believe the content of this report will give rise to human rights implications. The Council has extended its consultation process more widely than the statutory minimum requirements set out in the CIL Regulations to ensure maximum public involvement, both within the Council's administrative area, as well as neighbouring authorities.

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

- 5.3 The operation, monitoring and enforcement of CIL will be managed by Council officers in the relevant services areas that is likely to include Planning, Land Charges, Resources (Finance) and Law and Democratic Services, and Commissioning and Business Support.

### Diversity Impact Assessment

- 5.4 The implications of CIL are included within the Diversity Impact Assessment undertaken for the Swindon Borough Local Plan 2026. The Local Plan has been subject to Diversity Impact Assessments (DIAs) throughout its production. A copy of the DIA is available from the report author.

### Risk Management

- 5.5 It is important to ensure that charging is implemented at the earliest opportunity and by the 6<sup>th</sup> April 2015. The Council has incorporated the maximum time available between adoption and implementation that is achievable.
- 5.6 In acknowledgement of the limited timeframe between adoption of the Charging Schedule and implementation of charging, advance notification will be provided to all agents of the impact of transitional arrangements to CIL for all relevant planning applications validated since 1<sup>st</sup> January 2015. In addition agents of relevant planning applications that have received a Refusal Notice since 1<sup>st</sup> January 2015 have been notified of the CIL introduction date, should they wish to submit an appeal following refusal of planning permission for relevant

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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development as for certain types of development the appeal period extends to 6 months from date of Refusal or expiry of the time extension period.

## 6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer), and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 In addition the Board Director for Commissioning has been consulted in respect of this report.

## 7. Background Papers

- 7.1 The CIL Examiner's Report
- 7.2 The CIL Examination Documents listed of the CIL Examination webpage accessible via [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil)

## 8. Appendices (electronic copies are available on the Council's Website<sup>1</sup> and hard copies of the documentation have been made available to the Political Groups and copies are also available in the Members' Room and Central Library)

- 8.1 **Appendix 1:** Swindon Community Infrastructure Levy Charging Schedule for Adoption April 2015 (separate document to main report)
- 8.2 **Appendix 2:** Swindon Community Infrastructure Levy Regulation 123 Infrastructure List (separate document to main report)
- 8.3 **Appendix 3:** Swindon Community Infrastructure Levy Payment Instalment Policy (separate document to main report)
- 8.4 **Appendix 4:** Community Infrastructure Levy Surcharge Policy (separate document to main report)
- 8.5 **Appendix 5:** Swindon Community Infrastructure Levy Draft Charging Schedule Examiner's Report (separate document to main report)

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

- 9.1 This is not a Key Decision as the Council is responsible for the adoption of CIL and it is included in the Cabinet Work Programme and Forward Plan for March 2015.

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<sup>1</sup> uploaded electronically on the Council's Cabinet webpage  
<http://sbcvpwmmgv01:9070/ieListDocuments.aspx?CId=285&MId=6483&Ver=4>

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# **Community Infrastructure Levy**

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## **Appendix 1**

### **CIL Charging Schedule for Adoption**

# **Community Infrastructure Levy Charging Schedule for Swindon**

In accordance with Regulation 16 Community Infrastructure Levy  
Regulations 2010 (as amended)

**Date Charging Schedule Takes Effect: 6<sup>th</sup> April 2015**  
(Date Charging Schedule Approved: XXXX )

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# Community Infrastructure Levy

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## **Community Infrastructure Levy (CIL) Draft Charging Schedule dated 4<sup>th</sup> April 2013**

### **The Charging Authority**

This CIL Draft Charging Schedule has been published by Swindon Borough Council 'SBC' or 'The Council'. The Council is both the CIL Charging Authority 'CA' and Collecting Authority for its administrative area.

### **Statutory Compliance**

This CIL Draft Charging Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011) and the Community Infrastructure Levy Regulations 2010 (as amended), and in accordance with Meeting Minute XXXXX of Full Council Meeting on XXXXXXXXXXXX.

In setting CIL Rates SBC in accordance with Section 7A of the Localism Act 2011 has used appropriate available evidence to inform the preparation of this Draft Charging Schedule.

In addition, in accordance with Regulation 14 (1) of the Community Infrastructure Levy Regulations 2010 (as amended) SBC considers that it has aimed to strike an appropriate balance between

- The desirability of funding from CIL (in whole or part) the estimated total cost of infrastructure required to support development of Swindon taking into account other actual and expected sources of funding; and
- The potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across the Borough of Swindon.

### **Justification for Introducing CIL**

The initial justification for the introducing CIL was set out under the Council's Preliminary Draft Charging Schedule published for consultation on 30<sup>th</sup> July 2012. In December 2012 the Council's Infrastructure Delivery Plan (IDP) (December 2012) was updated and published to accompany consultation on the Swindon Borough Local Plan 2026 Pre-Submission Document (Dec 2012). The original justification has been superseded by the Swindon Borough Council Infrastructure Funding Gap Analysis (2013) that is informed by projects contained within the IDP 2012, and forms an evidence base to the CIL Draft Charging Schedule. As the adoption of the Swindon Borough Local Plan 2026 progressed, updated versions of both it and the IDP supported the CIL Charging Schedule adoption process.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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## Scope of CIL

The following development types may be liable to pay CIL locally (subject to the adopted Charging Schedule):

- Development comprising 100m<sup>2</sup> or more of new build floorspace;
- Development of less than 100m<sup>2</sup> of new build floorspace that results in the creation of one or more dwellings;
- The conversion of a building that is no longer in lawful use.

Where planning permission is granted for development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be calculated based on the net increase in floorspace only, provided that lawful use can be established at the time the CIL liability is to be calculated (this is not necessarily the date on which a decision notice is issued). Only in such circumstances would the existing floorspace be deducted from the total floorspace.

The type of floorspace chargeable and the rates set is directly informed by viability testing and adopted Charging Schedule rates.

## Mandatory Exemptions and Relief from CIL

Part 6 of the CIL Regulations 2010 (as amended) makes provision for certain types of development to be exempt or eligible for relief from CIL, as set out below:

### Development exempt from CIL

- Development of buildings and structures into which people do not normally go, or into which people go intermittently for the purposes of inspecting or maintaining fixed plant or machinery (e.g. electricity sub stations)
- Development of less than 100 sq.m of new build floorspace (gross internal area) including extensions, unless it results in the creation of one or more dwellings below this threshold
- The conversion of a building in lawful use\*, or the creation of additional floorspace within the existing structure of a building in lawful use\*
- A building for which planning permission was granted for a limited period

\* The definition of lawful use is contained in Regulation 40(11) of the Community Infrastructure Levy Regulations 2010 (as amended).

### Development entitled to claim Mandatory Relief from CIL

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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- Development by Charitable Institutions where they are the owner/leaseholder<sup>1</sup> of the land and the development is to be occupied wholly or mainly for charitable purposes (subject to the restrictions set out in Regulation 43 of the Community Infrastructure Levy Regulations 2010 (as amended))
- Those parts of a development which are to be used as social housing, as defined by Regulation 49, 49A and 49C of the Community Infrastructure Levy Regulations 2010 (as amended)
- Development that falls within the definition of residential annexes or extensions, as set out in Regulation 42A of the Community Infrastructure Levy Regulations 2010 (as amended) if the correct procedure as set out in Regulation 42B is followed and no disqualifying event occurs in accordance with Regulation 42C.
- Development that falls within the definition of self-build housing as set out in Regulation 54A of the Community Infrastructure Levy Regulations 2010 (as amended) if the correct procedure as set out in Regulation 54B and 54C is followed and no disqualifying event occurs in accordance with Regulation 54D.

## Discretionary Relief for Charities, Social Housing or Exceptional Circumstances

For information on whether Discretionary Relief for Charities, Social Housing, or Exceptional Circumstances is available in the Charging Authority's administrative area please see the Council's website ([www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil)).

Any reference to the Scope of CIL, Mandatory Exemptions and Relief, or Discretionary Relief in the overview contained in this section was in accordance with legislative requirements in place up to and including changes imposed by Statutory Instrument 2014/385 (23<sup>rd</sup> February 2014). In all instances this information should be read in the context of the main CIL Regulations document. For any subsequent changes to regulatory requirements enforced after adoption of the Charging Schedule the reader should refer directly to the CIL Regulations and any additional supporting local information located on the Council's website ([www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil)).

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<sup>1</sup> In accordance with the definitions contained in Regulation 4

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## CIL Rates

CIL will be levied in £s per sq.m on net additional increase in floor space for qualifying development in accordance with the provisions of the Community Infrastructure Levy Regulations 2010 (as amended).

The CIL rates charged by Swindon Borough Council are set out in the following table:

<b>Development type</b>	<b>Proposed CIL rate per sq. m.</b>
<b>Residential Zone 1:</b> Swindon's New Communities	<b>£0</b>
<b>Residential Zone 2:</b> Rest of Borough (excluding Swindon's New Communities)	<b>£55</b>
<b>Retail Zone 1:</b> Town Centre and Swindon's New Communities	<b>£0</b>
<b>Retail Zone 2:</b> Rest of Borough (excluding Town Centre and Swindon's New Communities)	<b>£100</b>
<b>All other uses</b>	<b>£0</b>

**Residential:** Is defined as any use falling within Class C3 of the Town & Country Planning Use Classes Order 1987 (as amended) including ancillary development e.g. garages.

**Retail:** Is defined as any retail use falling within Class A of the Town & Country Planning Use Classes Order 1987 (as amended) including sui-generis uses i.e. Shops selling and/or displaying motor vehicles, retail warehouse clubs, launderettes, taxi or vehicle hire businesses, amusement centres, petrol filling stations.

**Swindon's New Communities:** Are defined as the communities of Wichelstowe, Commonhead, Tadpole Farm, New Eastern Villages and Kingsdown as specified in the Local Plan

**Zoning Maps:** The Residential Zones 1 & 2 and Retail Zones 1 & 2 are shown on the Ordnance Survey Map extracts contained within this Charging Schedule.

Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

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## Calculation of the CIL Charge

CIL charges will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 as amended by Regulation 7 of the Community Infrastructure Levy (Amendment) Regulations 2011 and Regulation 6 of the Community Infrastructure Levy (Amendment) Regulations 2012, as substituted by Regulation 6 of the Community Infrastructure Levy (Amendment) Regulations 2014 (or any subsequent amendments to these Regulations as may apply from time to time whilst this Charging Schedule is in effect).

All CIL Liability will be index linked to the Building Cost Information Service (BCIS) All-in Tender Price Index or any other Price Index in accordance with the CIL Regulations (Regulation 40)

Failure to comply with the CIL Regulations 2010 (as amended) in respect of payment may result in the total CIL charge becoming payable on commencement or with immediate effect and financial surcharges to be applied.

## Payment of CIL and Payment by Instalment Policy

CIL liability becomes payable in full on commencement of development unless an Instalment Policy is adopted in a Charging Authority's area. Section 69B of the Community Infrastructure Levy (Amendment) Regulations 2011 sets out the procedure under which an Instalment policy can be adopted.

An instalment policy can only reflect payments by instalment over time calculated from the commencement of development. Information on whether a CIL Instalment Policy is operational within Swindon Borough can be found on the Council's website Community Infrastructure Levy pages ([www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil))

In the event an Instalment Policy is in effect, failure to comply with an adopted Instalment Policy or any of the requirements of the CIL Regulations 2010 (as amended) in respect of such, at any stage, will result in the total unpaid balance becoming payable immediately and the potential for surcharges to be applied.

## Supporting Information and Evidence

This Draft Charging Schedule is informed by a comprehensive evidence base, the content of which is listed after the Charging Zone Maps at the back of this document.

## Further Information

Further Community Infrastructure Levy related information is available on the Council's website [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil) by email from [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk) or by contacting the S106/CIL Project Management Team on 01793 466397/ 01793 466289 or Planning Business Support on 01793 466340.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

## **Charging Schedule Maps**

The Maps attached identify in detail the geographical boundary between Charging Zones within the relevant categories

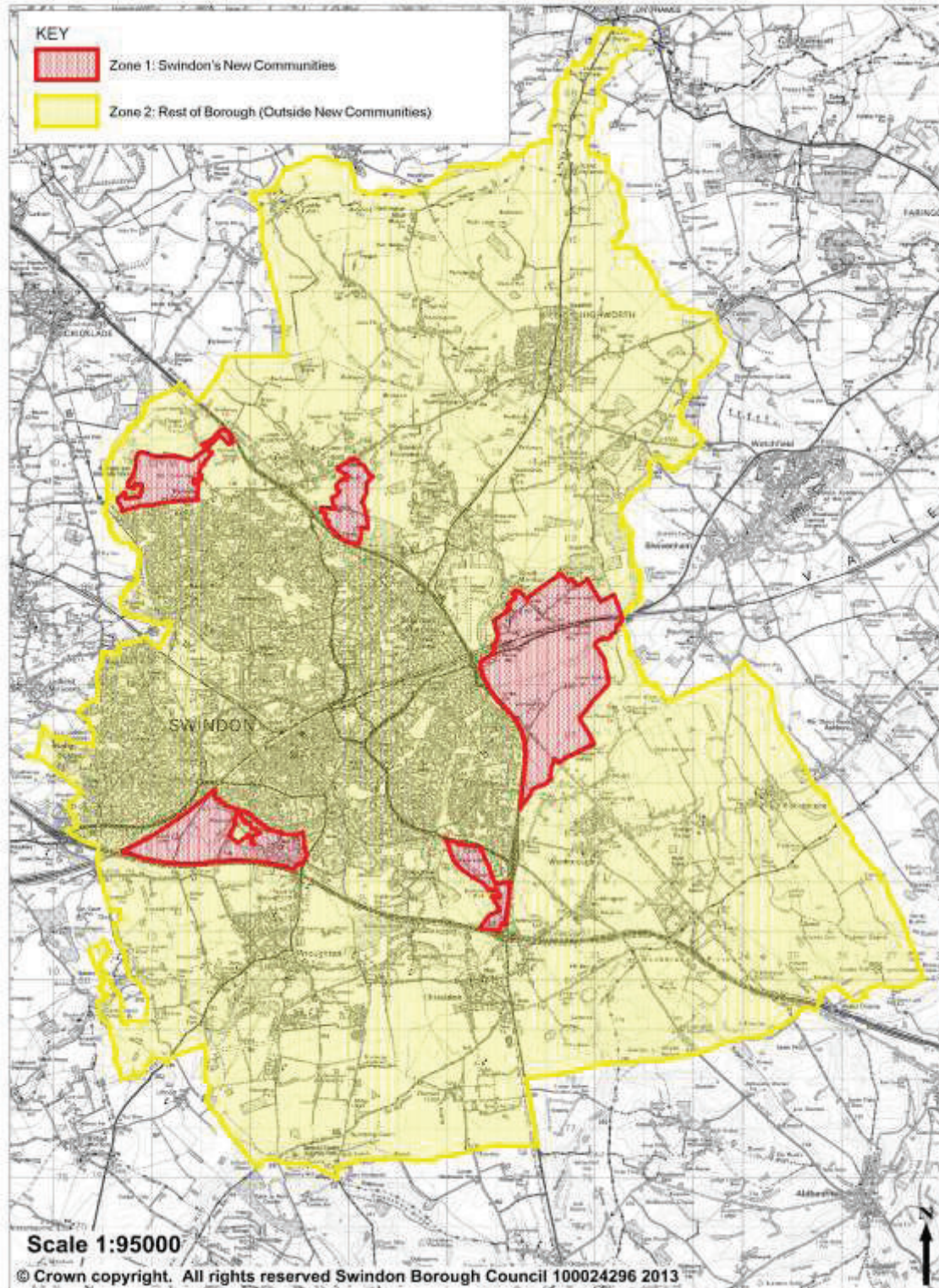


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## Swindon Community Infrastructure Levy Charging Schedule: Residential Zoning



Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

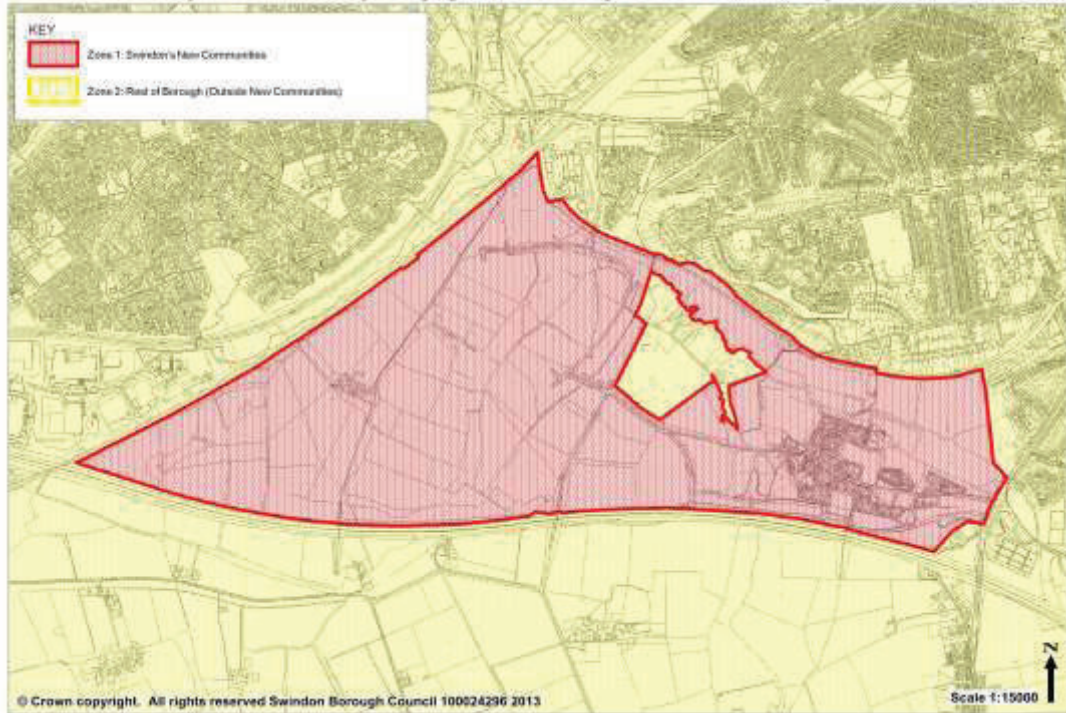


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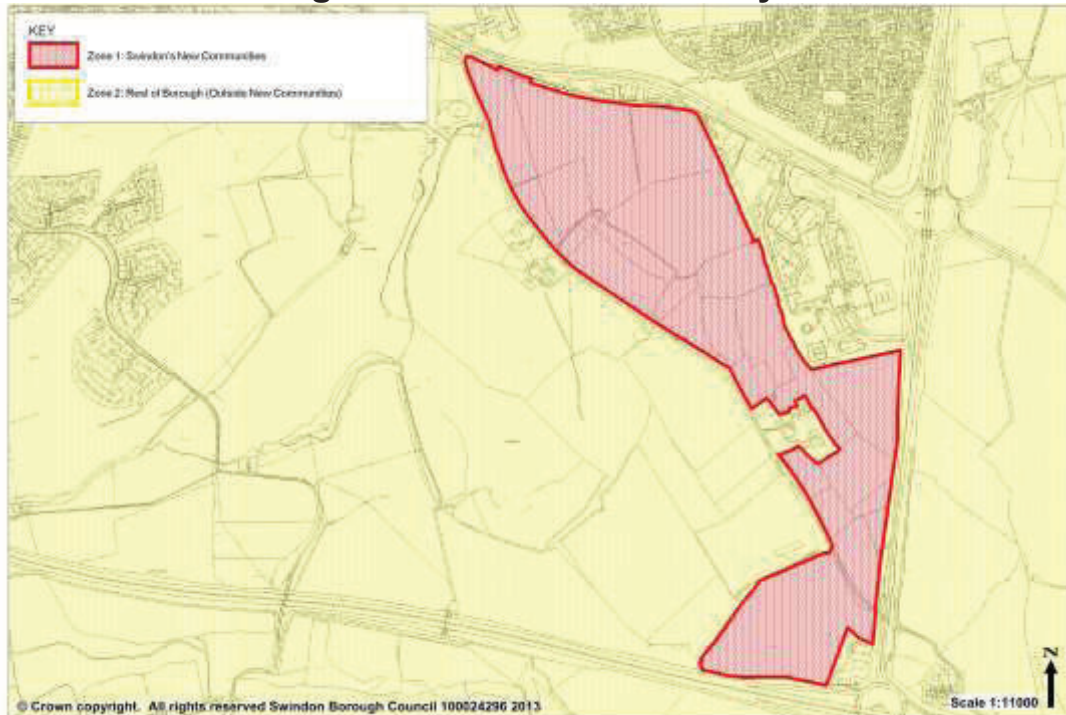
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## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at Wichelstowe



## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at Commonhead



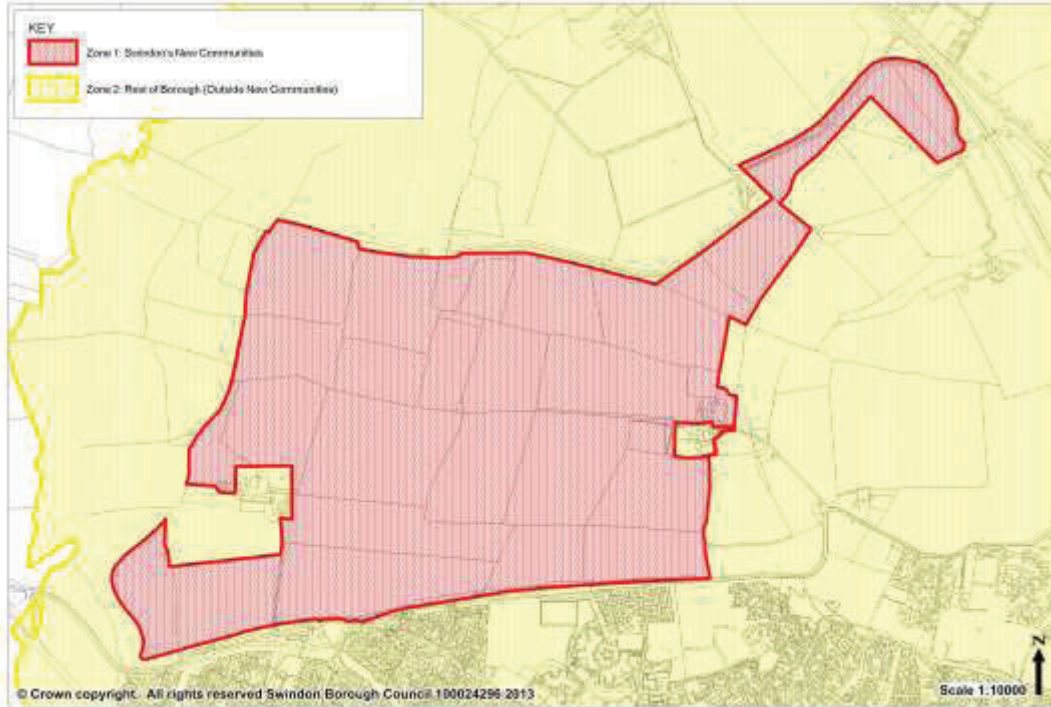
Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

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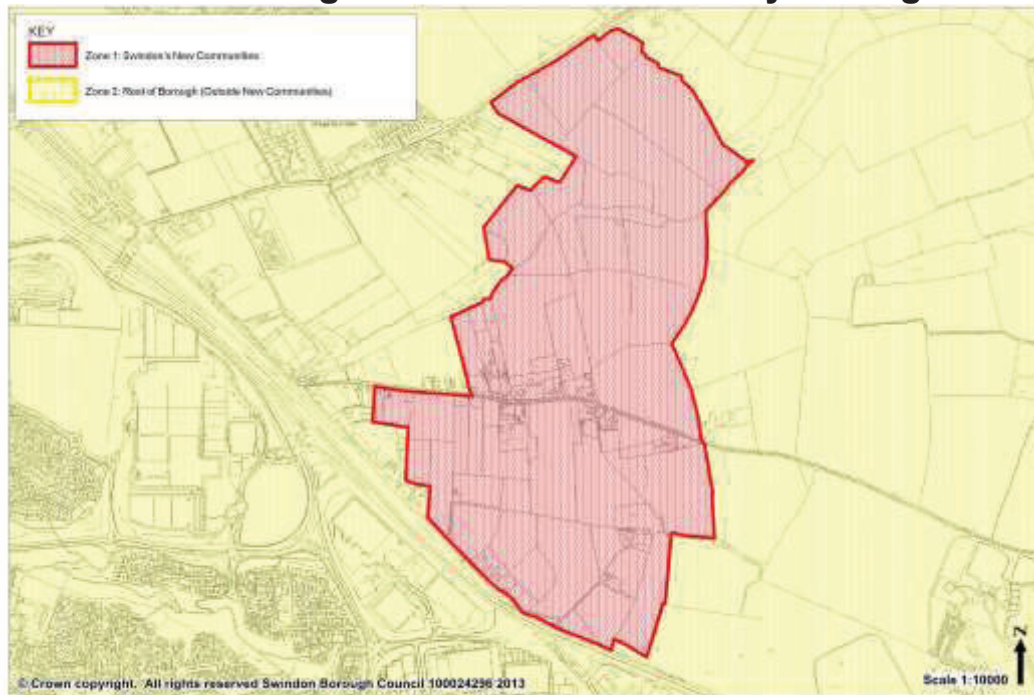
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Date: 18<sup>th</sup> March 2015

## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at Tadpole Farm



## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at Kingsdown



Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

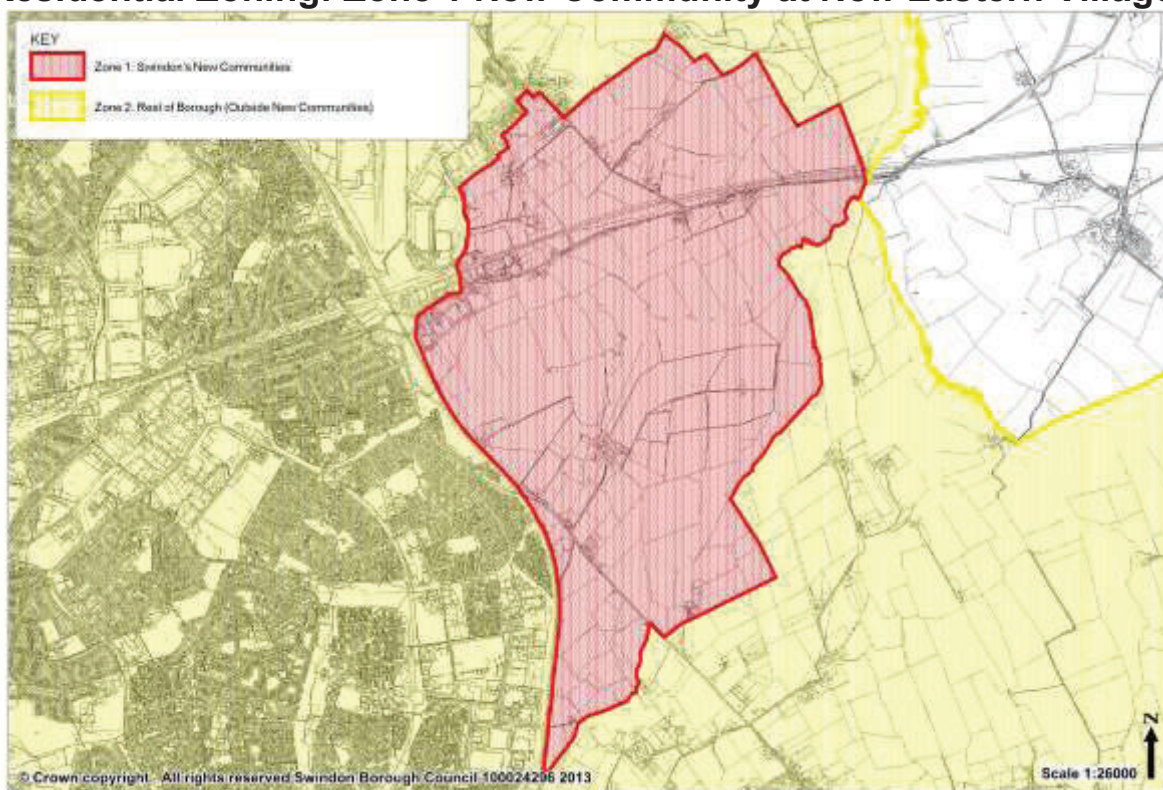


# Community Infrastructure Levy

Cabinet

Date: 18<sup>th</sup> March 2015

## Swindon Community Infrastructure Levy Charging Schedule Residential Zoning: Zone 1 New Community at New Eastern Villages



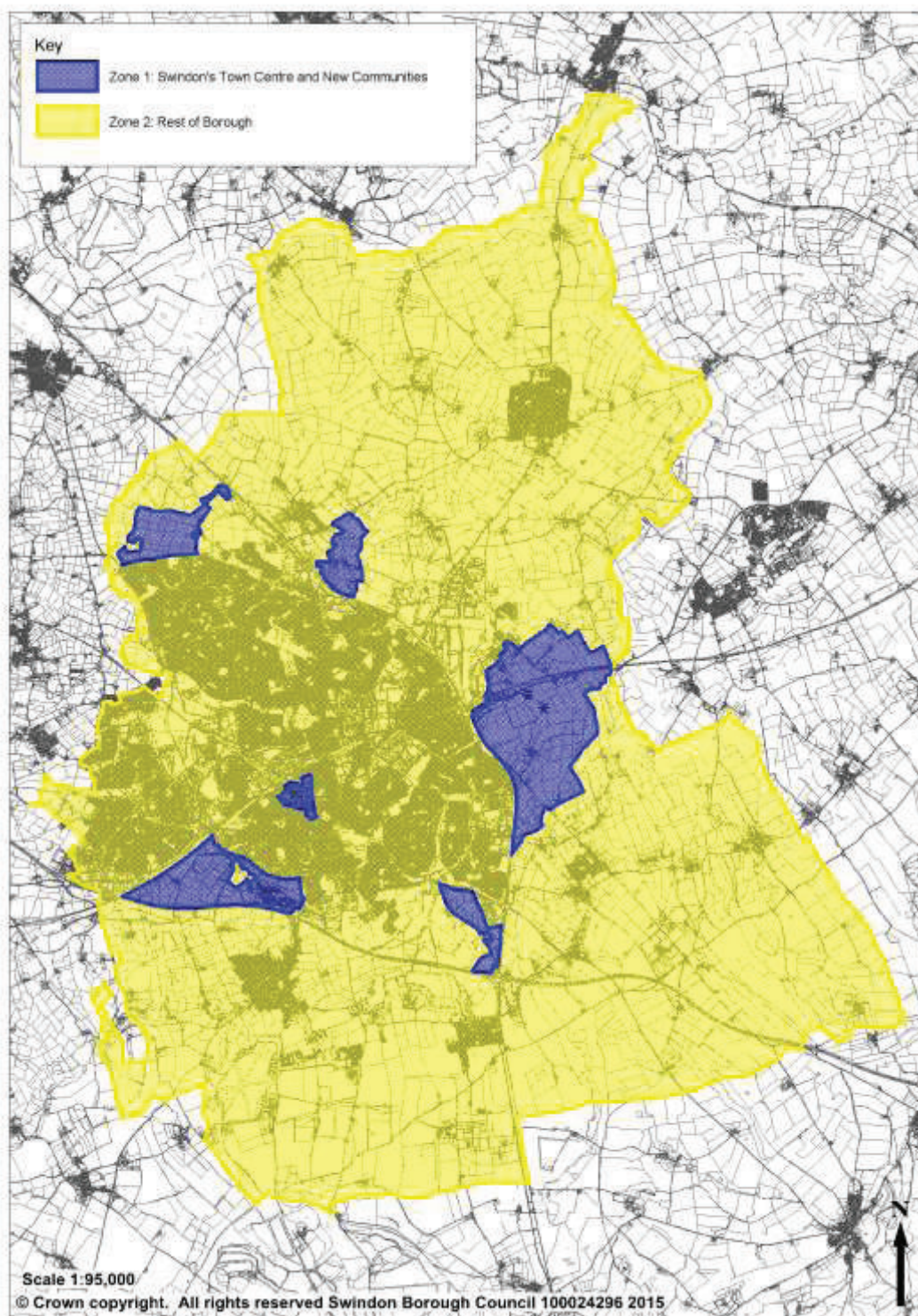
Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

Cabinet

Date: 18<sup>th</sup> March 2015

## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning



Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

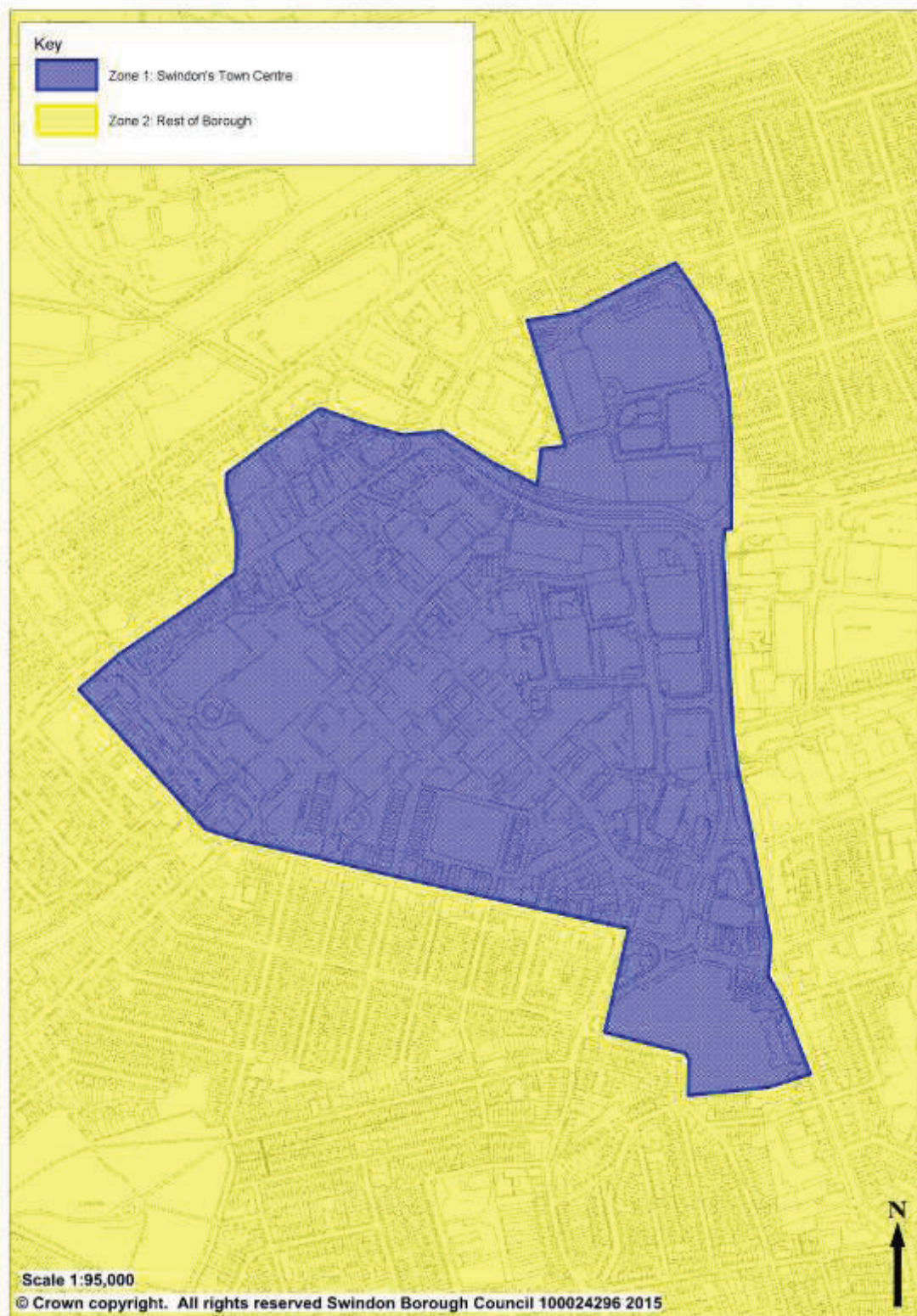


# Community Infrastructure Levy

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Date: 18<sup>th</sup> March 2015

## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 Town Centre



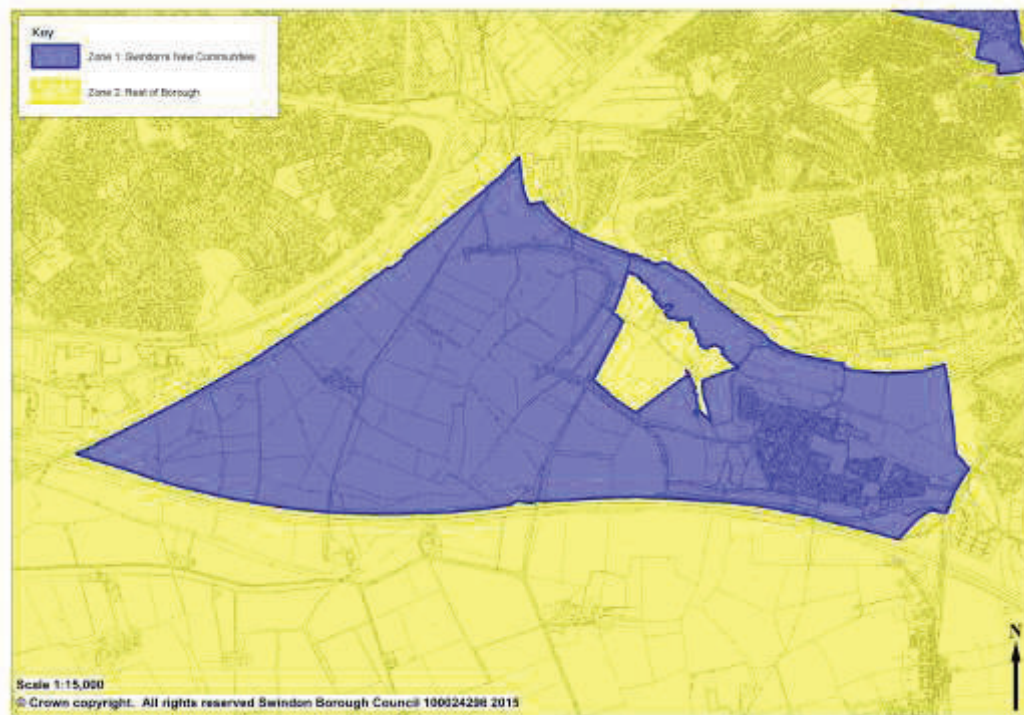
Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

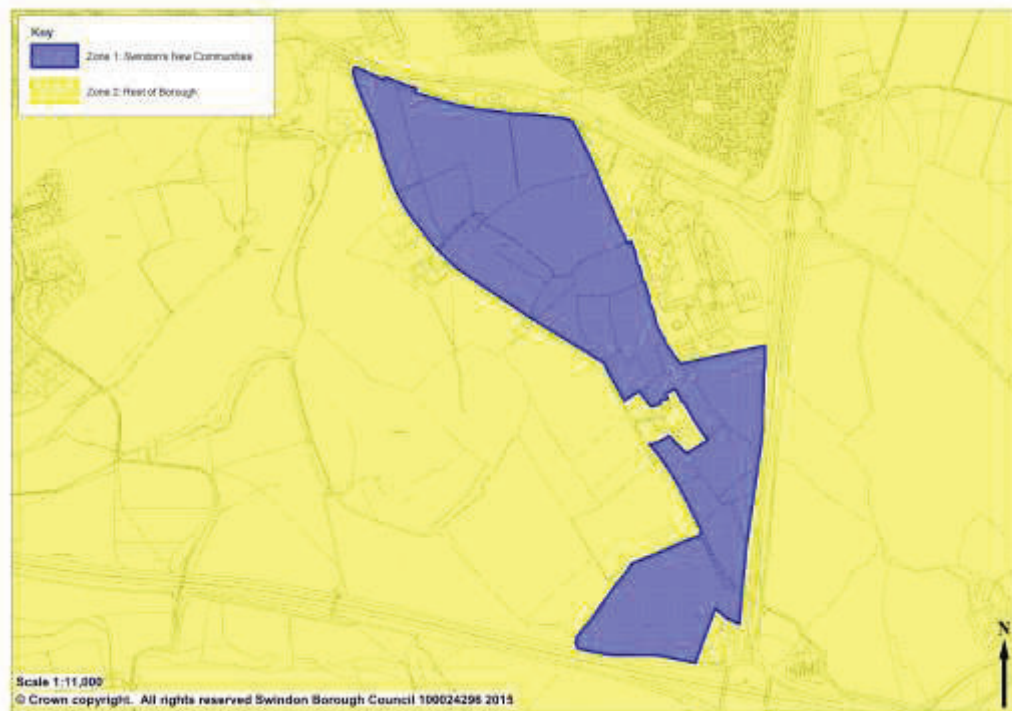
Cabinet

Date: 18<sup>th</sup> March 2015

## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at Wichelstowe



## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at Commonhead



Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

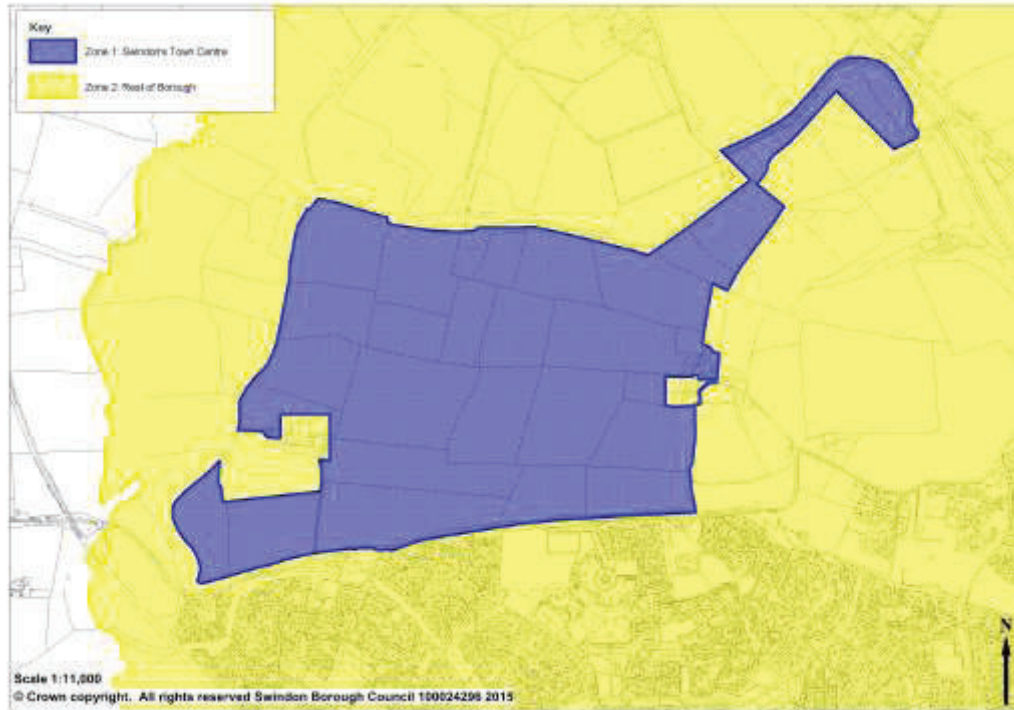


# Community Infrastructure Levy

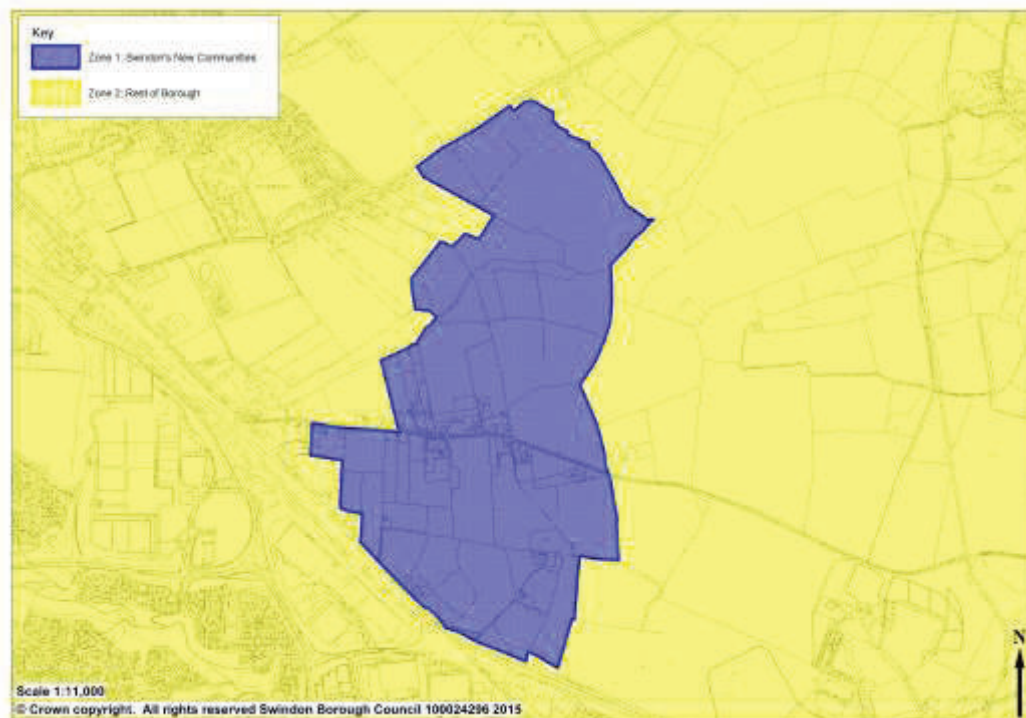
Cabinet

Date: 18<sup>th</sup> March 2015

## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at Tadpole Farm



## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at Kingsdown



Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

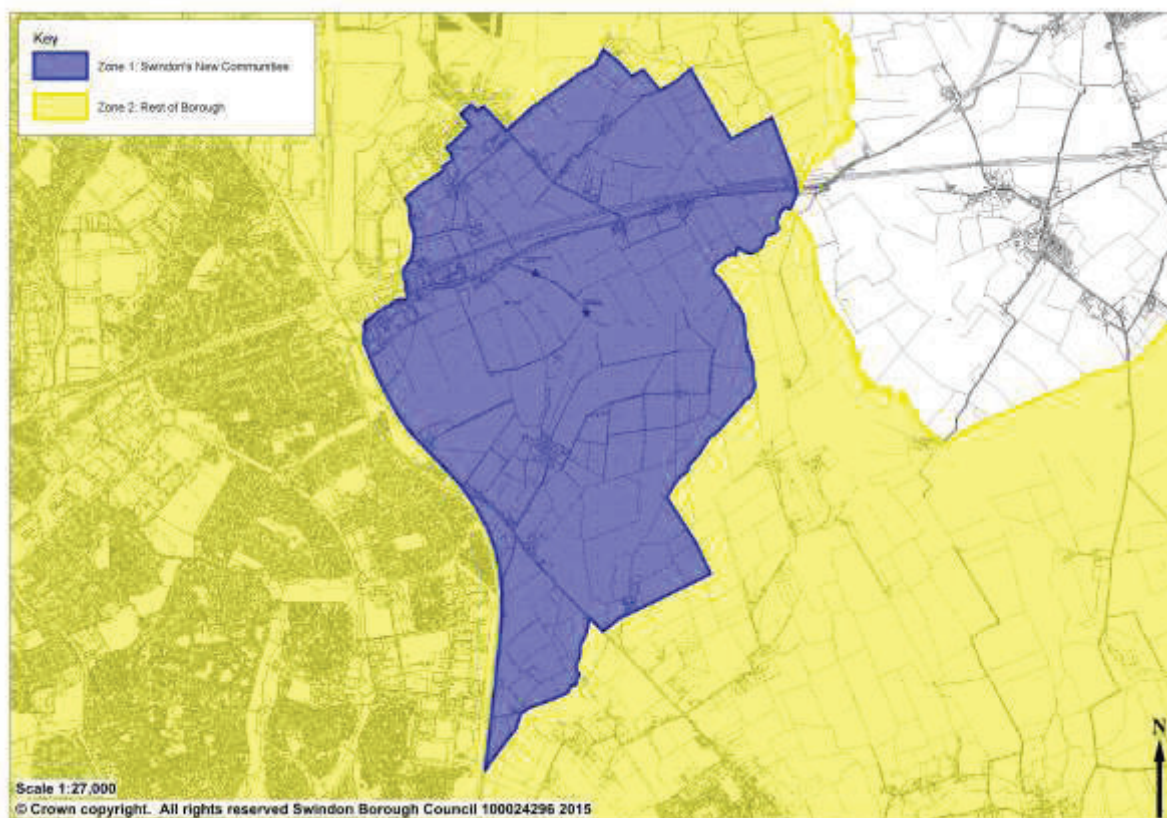


# Community Infrastructure Levy

Cabinet

Date: 18<sup>th</sup> March 2015

## Swindon Community Infrastructure Levy Charging Schedule Retail Zoning: Zone 1 New Community at New Eastern Villages



Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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Date: 18<sup>th</sup> March 2015

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## Evidence to support the Charging Schedule

This Charging Schedule and its Examination was informed by the following documents:

### Hearing Documents:

- Examiners Extra Question Letter
- Examiner Additional Questions
- SBC Examiner's Additional Questions Response
- GVA District Centre Testing Letter
- Hallam Land Management Letter
  
- Hearing Statement Issue 1
- Hearing Statement Issue 2
- Hearing Statement Issue 3
  
- Written Statement English Heritage
- Hearing Statement Wroughton Parish Council
- Hearing Statement WYG
- Hearing Statement DLA by Rock Associates

### National Law, Planning Policy and Guidance

- ED 1-01 - CIL Regulations 2010
- ED 1-02 - CIL Amendment Regulations 2011
- ED 1-03 - CIL Amendment Regulations 2012
- ED 1-04 - CIL Amendment Regulations 2013
- ED 1-05 - CIL - An Overview May 2011
- ED 1-06 - CIL Guidance Charge Setting and Charging Schedule Procedures 2010
- ED 1-07 - CIL Guidance Dec 2012
- ED 1-08 - CIL Guidance Apr 2013
- ED 1-09 - Planning Act 2008 - Chapter 29 - Part 11
- ED 1-10 - Localism Act Chapter 20 - Part 6 - Chapter 2
- ED 1-11 - CIL Amendment Regulations 2014
- ED 1-12 - CIL Guidance June 2014

### CIL Submission Documents

- ED 2-01a - Draft Charging Schedule (submission copy 10 July 2013)
- ED 2-01b - Draft Charging Schedule (consultation copy 4 April 2013)

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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**Date: 18<sup>th</sup> March 2015**

- 
- ED 2-01c - Draft Charging Schedule (Examination copy 16 October 2014)
  - SBC Letter 16 October 2014 - DCS and Reg. 123 List updates
  - ED 2-02 - Local Plan Pre-Submission Document Dec 2012
  - ED 2-03 - IDP Pre-Submission Draft Dec 2012
  - ED 2-04 - Regulation 19(b) Statement (July 2013)
  - ED 2-05 - Swindon Borough Council Clarification Statement July 2013
  - ED 2-06 - GVA Clarification Statement (5th July 2013)
  - ED 2-07 - CIL Statement of Consultation Addendum (July 2013)
  - ED 2-08 - Draft Regulation 123 List (March 2013)
  - ED 2-08a - Draft Regulation 123 List (October 2104 - track changed)
  - ED 2-09 - Draft Instalment Policy
  - ED 2-10 - CIL Statement of Consultation
  - ED 2-11 - SBC DCS Representations Overview (July 2013)
  - ED 2-12 - DCS Representations (1-23)
  - ED 2-13 - Swindon CIL Development Viability Study June 2012 GVA
  - ED 2-14 - CIL Charging Zones Schedule Potential for Additional Charging Zones June 2012 GVA
  - ED 2-15 - PDCS Schedule 2012
  - ED 2-16 - PDCS Public Consultation Document July 2012
  - ED 2-17 - PDCS Representations Schedule
  - ED 2-18 - PDCS Representations Overview March 2013
  - ED 2-19 - PDCS Representations (01-37)
  - ED 2-20 - Residential Development SBC S106 Package Review and Policy Requirements Feb 2013
  - ED 2-21 - Additional Residential Testing and Analysis April 2013 GVA
  - ED 2-22 - Additional Retail Testing and Analysis March 2013 GVA
  - ED 2-23 - Swindon Borough Council Local Retail Market Review and Policy Overview March 2013
  - ED 2-24 - Swindon Infrastructure Funding Gap Analysis March 2013
  - ED 2-25 - SBC Cabinet Report extract 11th July 2012
  - ED 2-26 - SBC Cabinet Minutes 11 July 2012
  - ED 2-27 - SBC Cabinet Report extract 6th Feb 2013
  - ED 2-28 - SBC Cabinet Minutes 6th Feb 2013
  - ED 2-29a - SBC Reg 22 letter to PINS 18th April 2013
  - ED 2-29b - PINs Reg 22 Response 18th April 2013
  - ED 2-30 - DCS Statement of Representations Procedure
  - ED 2-31 - Examination Public Notice

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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**Date: 18<sup>th</sup> March 2015**

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## Supporting Documents

- ED 3-01 - Swindon Borough Local Plan Submission Document (June 2013)
- ED3-01a Swindon Borough Local Plan Post Submission Document Incorporating Proposed Modifications (September 2014)
- ED3-01b Schedule of Proposed Modifications Consultation Document Schedule A (Inspector Modifications)
- ED3-01c Schedule of Proposed Modifications Consultation Document Schedule B (Minor Modifications)
- ED3-01d Swindon Borough Local Plan 2026 Proposed Modifications Appendix 1 Inset Maps
- ED3-01e Swindon Borough Local Plan 2026 Proposed Modifications Appendix 2 Map Modifications
- ED 3-02 - Infrastructure Delivery Plan Submission Document (June 2013)
- ED3-02a – Infrastructure Delivery Plan (March 2014) (CD4.7)
- ED 3-03 - Local Plan Core Documents Library
- ED 3-03a – Local Plan Core Documents Library August 2014
- ED 3-04 - Swindon Central Area Action Plan Feb 2009
- ED 3-05 - Development Control Developer Contributions Guidance Note 2010 update
- ED 3-06 - Planning Swindon Together - A Masterplan for Swindon (March 2013)
- ED 3-07a - Cabinet Extract 10 September 2014 Agenda Item 9 (with Appendix 1 and 2)
- ED 3-07b - Housing Strategy 2015-2026 (Appendix 3)
- ED 3-07c - Cabinet Extract 10 September 2014 Printed Minutes
- ED 3-08 - Housing Standards Review Technical Consultation
- CD 8.36 Swindon Water Cycle Study January 2014
- CD 8.42 Thames Water Resources Management Plan 2015-2040
- CD 11.17 Cost of Building Code for Sustainable Homes (September 2013)
- CD 25.67 SBC Response to MF7
- Local Plan Examination Statement by SBC Theme 1
- Local Plan Examination Statement of Common Ground SBC and Thames Water

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# **Community Infrastructure Levy**

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## **Appendix 2**

### **Community Infrastructure Levy Regulation 123 Infrastructure List**

**In accordance with  
Planning Act 2008 as amended by the Localism Act 2011  
and  
Community Infrastructure Levy Regulations 2010 (as amended)**

Set out below is the list of types of infrastructure and/or specific infrastructure projects to which CIL receipts raised by Swindon Borough Council as the Charging Authority could be applied:

- Early Years provision (excluding the initial provision required for the New Communities\*)
- Primary school provision (excluding the initial provision required for the New Communities\*)
- Secondary school provision (excluding the initial provision required for the New Communities\*)
- Post-16 participation in learning
- Specialist educational provision (for pupils whose needs cannot be met by mainstream early years, primary, secondary, post-16 provision alone)

\*The initial provision relates only to the permanent education provision first constructed on site

- Intelligent Transport Systems for the existing network including Automated Traffic Counters; Vehicle Activated Speed signs; Variable Message Signs; Traffic management data integration between existing systems and enhanced dissemination through additional outlets; Improving the operational efficiency of traffic signals junctions; Installation of new traffic signals at junctions and for controlled crossings for pedestrians and cyclists (all elements excluding site-specific requirements)
- Web based journey planning in support of travel planning for all modes, to include continued development and maintenance.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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**Date: 18<sup>th</sup> March 2015**

- 
- Upgrades and improvements to the existing cycle track network as set out with the Cycle Strategy.
  - Improvement/enhancement of the existing local drainage network including management and maintenance (excluding site specific flood risk management)
  - Upgrade of Swindon Transport Planning and Highways IT systems used by the Council for the purpose of transport modelling
  - Existing Strategic Parks and Gardens, Town Parks and strategic Green corridors, Parkways and watercourses (enhancement and management) and new Eastern Villages Landmark Park
  - Existing leisure centres/sports complexes/sports halls (enhancement and management)
  - Upgrade and management of existing strategic outdoor sports and recreation provision and creation of new provision and associated facilities (excluding the implementation and establishment of specific on-site requirements in Swindon's New Communities)
  - Delivery of the objectives of the Community Forest Plan (excluding the implementation and establishment of specific on-site requirements in Swindon's New Communities)
  - Museums storage and display (and relevant associated object conservation)
  - Deliver the objectives of the Library Strategy (excluding for the New Communities of Wichelstowe and Eastern Villages)
  - Delivery of the objectives of the Swindon Heritage Strategy (with the exception of any site specific heritage or archaeology requirements)
  - A Theatre
  - Air quality monitoring and management (excluding specific on-site requirements required for Swindon's New Communities of Kingsdown and Eastern Villages during development)
  - Cemetery/Burial Grounds (provision, improvement and maintenance)
  - Waste Management
  - Fire Stations and associated facilities and requirements and all matters associated with the delivery of fire station services

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).



# Community Infrastructure Levy

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- 
- Public Realm improvements within the Central Area Action Plan area and also to include the area covered by The Old Town Hall & Corn Exchange Planning Brief
  - Public Realm improvements to the Strategic Transport Corridors
  - Public Art Projects (excluding provision for the New Communities)
  - Delivery of the CCTV Strategy
  - Community Safety Projects to reduce crime and the fear of crime in accordance with the Community Safety Partnership Business Plan.

**NOTE:**

Swindon's New Communities are identified as Commonhead, Wichelstowe, Tadpole Farm, Kingsdown and New Eastern Villages as set out in the adopted Swindon Borough Local Plan 2026

**This Regulation 123 List takes effect on: 6<sup>th</sup> April 2015**

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# Community Infrastructure Levy

Cabinet

Date: 18<sup>th</sup> March 2015

## Appendix 3

### CIL Payment Instalment Policy

## Swindon Borough Council Community Infrastructure Levy (CIL) Instalment Policy

Takes effect on 6<sup>th</sup> April 2015

Swindon Borough Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with its published Instalment Policy as set out in the following table. This Instalment Policy is published in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011) 'The CIL Regulations'.

Level of CIL Payable	Number of Instalments	Potential Instalment Policy
Under £20,000	1	No instalments - full amount payable within 60 days of commencement
£20,000 or greater but less than £75,000	1	No instalments - full amount payable within 180 days of commencement
£75,000 or greater but less than £250,000	2	25% within 120 days of commencement, and 75% within 210 days of commencement
£250,000 or greater but less than £500,000	3	25% within 120 days of commencement, 35% within 360 days of commencement, and 40% within 540 days of commencement
£500,000 or more	4	10% within 120 days of commencement, 30% within 360 days of commencement, 40% within 720 days of commencement, and 20% within 900 days of commencement

Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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Date: 18<sup>th</sup> March 2015

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## CIL Instalment Policy Advice

The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

This Instalment Policy only applies where:

1. A person has assumed liability to pay CIL in respect of a specific chargeable development and the Council as collecting authority has received a CIL Assumption of Liability form prior to commencement of the chargeable development (Regulation 70(1) (a)); and
2. The Council as collecting authority has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1) (b)); and
3. The Council as collecting authority does not challenge the date of commencement specified or has not determined a deemed commencement date for the development (Regulation 70 (1) (c)).

If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all payments thereafter must be made in accordance with the Demand Notice informed by this CIL Instalment Policy and Regulatory requirements.

In the event of any breach, Surcharges may be applied to outstanding payments. For more information please view the Surcharges Policy.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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Date: 18<sup>th</sup> March 2015

## Appendix 4

### Surcharges Policy

## Swindon Borough Council Community Infrastructure Levy (CIL) Surcharges and Interest Policy

Takes effect on 6<sup>th</sup> April 2015

The following surcharges and interest are in accordance with Part 9, Chapter 1 of the CIL Regulations 2010 (as amended) as at the date the policy takes effect.

The Council will apply the Surcharges Policy where appropriate

<b>Surcharge Matter</b>	<b>Circumstance under which Surcharge can be applied and cost £</b>
Failure to Assume Liability to pay CIL (Regulation 80)	Where nobody has assumed liability to pay CIL and development has commenced, Swindon Borough Council may impose a £50 surcharge on each person liable to pay CIL.
Apportionment of CIL Liability (Regulation 81)	When Swindon Borough Council is required to apportion liability between each material interest in the relevant land it may impose a surcharge of £500 in respect of each of those interests.
Failure to submit a Notice of Chargeable Development 'NCD' (Regulation 82)	If development has commenced and a Notice of Chargeable Development has not been submitted, Swindon Borough Council may impose a surcharge equal to 20% of the chargeable amount payable in respect of the development or £2,500, whichever is the lower amount.
Failure to submit a Commencement Notice (Regulation 83)	If development has commenced and a Commencement Notice has not been submitted, Swindon Borough Council may impose a surcharge equal to 20% of the chargeable amount payable in respect of the development or £2,500, whichever is the lower amount.

Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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Date: 18<sup>th</sup> March 2015

<b>Surcharge Matter</b>	<b>Circumstance under which Surcharge can be applied and cost £</b>
Disqualifying Events (Regulation 84)	If a person fails to notify Swindon Borough Council of a disqualifying event before the end of the period of 14 days with the day being the date on which the disqualifying event occurs, the Council may impose a surcharge of equal to 20% of the chargeable amount payable in respect of the chargeable development to which the disqualifying event relates, or £2,500, whichever is the lower amount.
Late payment (Regulation 85)	<p>When the CIL liability is not received in full after the end of the period of 30 days beginning with the day on which the payment is due, Swindon Borough Council may impose a surcharge equal to 5% of the amount payable or £200, whichever is the greater amount.</p> <p>If any part of A is not received after the end of the period of 6 months beginning with the day on which the payment is due, Swindon Borough Council may impose a surcharge equal to 5% of the unpaid amount or £200, whichever is the greater amount.</p> <p>If any part of A is not received after the end of the period of 12 months beginning with the day on which the payment is due, Swindon Borough Council may impose a surcharge equal to 5% of the unpaid amount or £200, whichever is the greater amount.</p>
Failure to comply with a CIL Information Notice (Regulation 86)	When a person fails to comply with an information notice before the end of the period of 14 days beginning with day on which notice is served, Swindon Borough Council may impose a surcharge equal to 20% of the CIL liability or £1,000, whichever is the lower amount.
Late Payment Interest (Regulation 87)	When the CIL liability is not received (in whole or in part) on the day payment is due, late payment interest will become payable on the unpaid amount. Late payment interest is calculated for the period starting on the day after the day payment was due and ending on the day the unpaid amount is received at an annual rate of 2.5 percentage points above the Bank of England base rate.

Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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Date: 18<sup>th</sup> March 2015

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## Appendix 5

### CIL Examiner's Report



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## Report to Swindon Borough Council

**by Mike Fox**

**an Examiner appointed by the Council**

**Date: 5 February 2015**

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PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

### **REPORT ON THE EXAMINATION OF THE DRAFT SWINDON COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

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Further information on the subject of this report can be obtained from Sarah Screen,  
01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

Cabinet

Date: 18<sup>th</sup> March 2015

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Charging Schedule submitted for Examination on 10 July 2013

Examination Hearings held on 4 November 2014

File Ref: PINS/U3935/429/7

## Non-Technical Summary

This report concludes that the Swindon Borough Council Community Infrastructure Levy (CIL) Charging Schedule provides an appropriate basis for the collection of the levy in the area, subject to the modification set out below. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

One modification is needed to meet the statutory requirements. This can be summarised as follows:

- Reduce the Retail CIL charge in the New Communities from £100 psm (per square metre) to £0 psm

In addition, the Council's Examination Copy containing supporting text amendments relating to clarifying the scope of the CIL and mandatory exemptions and relief from CIL, is endorsed.

The specified modification recommended in this report is based on matters discussed during the public Hearing sessions and subsequent written representations at my request, and does not significantly alter the basis of the Council's overall approach or the appropriate balance achieved.

## Introduction

1. This report contains my assessment of the Swindon Borough Council Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance in the PPG<sup>1</sup>.

2. To comply with the relevant legislation the local charging authority has to submit what it considers to be a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the Borough. The basis for the Examination, on which Hearings sessions were held on 4 November 2014, is the submitted schedule of 10 July 2013, which is effectively the same as the document published for public consultation on 4 April 2013, the principal additions being further clarification on the scope of the CIL, and exemptions and relief from CIL. The scale of CIL charges and the definition of the CIL charging zones, however, remain the same.
3. The Council proposes two rates for residential development: zone 1, which includes the proposed New Communities at Wichelstowe, Commonhead, Tadpole Farm, Kingsdown and the New Eastern Villages (NEV), has a zero charge psm; and zone 2, which comprises the rest of the Borough, has a charge of £55 psm. The Council also proposes two rates for retail development: zone 1, which covers the town centre, has a zero charge psm; and zone 2, which covers the rest of the Borough, has a charge of £100 psm. In addition to those charges listed above, all the other uses are proposed to be charged at £0 psm.

## **Is the charging schedule supported by background documents containing appropriate available evidence?**

### ***Infrastructure planning evidence***

#### *Overview*

4. The Swindon Borough Local Plan (LP)<sup>2</sup> which is about to be adopted, has been examined slightly ahead of the charging schedule. The Examination Hearings were held between 29 April and 22 May 2014, and the consultation period for the main modifications expired on 30 October 2014. The LP sets out the main elements of growth that will need to be supported by further infrastructure in the Borough to 2026.
5. The LP makes provision for about 22,000 dwellings and around 119.5 hectares (ha) of employment land in Swindon, between 2011 and 2026. The majority of the Borough's new homes (16,299 or about 74%) and employment land (72 ha or about 61%) are located within the five urban extensions, or proposed New Communities, of which one, the New Eastern Villages (NEV), including

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<sup>1</sup> DCLG: Planning Practice Guidance (PPG); first issued in March 2014 and updated from time to time (Section 25 deals with CIL).

<sup>2</sup> Swindon Borough Local Plan 2026 – Submission Document; June 2013.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

# Community Infrastructure Levy

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Rowborough and South Marston Village Expansion, accounts for about 8,000 new homes, or 36% of the LP total and 40 ha of employment land, or 33.5% of the LP total.

6. Strategic Objective 2 of the LP is to meet the infrastructure needs for and arising from the growth of Swindon (including health and community needs) in a timely and coordinated manner and to ensure they are adequately funded. This important LP objective is supported by the Swindon Infrastructure Delivery Plan (IDP) of December 2012, which has been updated in June 2013, and further updated in March 2014<sup>3</sup>. The IDP outlines the needs of the local community and the infrastructure requirements which the LP addresses in its policies and land allocations. The IDP is divided into 'critical' schemes and projects and those which are classified as 'necessary'. The largest elements in the 'critical' list are education, transport, flood risk and waste water treatment (this latter element has an anticipated zero funding shortfall).

## *The funding gap*

7. The Council's 2012 IDP identified a funding gap over the plan period of around £345 million for community and infrastructure requirements, which has been refined and reduced through securing new funding opportunities, to around £209.44 million in the latest (March 2014) IDP. The anticipated CIL income to address these requirements, after taking out a 15% deduction for local neighbourhood funding, would be about £9.6 million, or about 4.6% of the funding gap. However, even more recent data, provided by the Council in response to my request at the Hearing<sup>4</sup>, shows that the funding gap has been further reduced to around £105 million as a consequence of successful Local Growth Fund (LGF) assumed allocation for transport projects. The CIL could therefore be in the region of 9% of the Council's funding gap.
8. The relatively small size of the CIL contribution has to be seen in the context of the Council's strategy to continue funding its major expansion areas through Section (S) 106 contributions. Swindon's S 106 receipts have averaged £7.38 million per annum (pa) over the previous five years, and are projected to continue over the next five years at around £4.64 million pa. The CIL would therefore be providing less than the current S 106 regime, even at the reduced rate over the next 5 years. Another important consideration is the use of LGF funding administered by the Local Enterprise Partnership (LEP) for Swindon and Wiltshire. The Council has been successful in securing £95 million for projects such as the Express Bus Links (Rapid Transit), and I note the Council's evidence at the Hearing which stated that there is a commitment from the main political parties to continue with LEP funding through the Local Growth

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<sup>3</sup> Swindon Infrastructure Delivery Plan (IDP); March 2014 [Examination Document ED3-2a].

<sup>4</sup> Swindon Borough Council: Post-Examination Statement – Response to Examiner's Additional Questions; 28 November 2014.

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).



# Community Infrastructure Levy

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**Date: 18<sup>th</sup> March 2015**

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Fund after the General Election.

9. Although the CIL would make only a modest contribution towards Swindon's estimated funding gap, at least in the next few years, the relevant figures clearly demonstrate the need to introduce the CIL.

## *Regulation 123 List*

10. The CIL is focused on the list of infrastructure requirements included within the current Regulation 123 list of spending priorities<sup>5</sup>, which reflect the development priorities of the LP as set out in the IDP. Many of these schemes are already firm commitments by the Council or other relevant agencies or bodies, and the list is considered to be reasonable and realistic. However, the contents of the CIL spending will need to be reconsidered on an annual basis bearing in mind the dynamics of the development scene in Swindon, based on continuous monitoring and public involvement and consultation
11. It is not the role of this Examination to question the Council's specific spending proposals, either geographically or by topic/project/proposal, beyond confirming in general terms that the listed projects would clearly assist in the delivery of the LP as a whole. In my view, the Regulation 123 List would achieve this, and there is no undue inconsistency between the LP, the Council's current Regulation 123 List and/or the CIL rates proposed.

## ***Economic viability evidence***

### *CIL Viability Study (VS)*

12. The Council commissioned a CIL Viability Study (VS), dated June 2012<sup>6</sup>, which has been updated in March 2013<sup>7</sup>. The VS uses a residual valuation approach, using reasonable standard assumptions across a range of 19 hypothetical development typologies, which the Council considered broadly represented the scale, nature and characteristics of current and future development envisaged to come forward across the Borough over the plan period. Eight of these typologies covered residential schemes, ranging from a small, 3 dwelling scheme through medium sized developments to a large scheme of 2,000 dwellings. A further 11 non-residential typologies included office, retail and industrial uses, a hotel, care home and leisure centre, with additional testing covering health, education and community uses. These typologies cover the main range of uses that are proposed in the LP.

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<sup>5</sup> Community Infrastructure Levy (CIL) Regulation 123 Infrastructure List (Final Draft) [Examination Document ED 2-08a].

<sup>6</sup> GVA: CIL Development Viability Study for Swindon Borough Council; June 2012 [Examination Document ED 2-13].

<sup>7</sup> GVA: CIL Development Viability Study: Additional Residential Testing & Analysis for Swindon Borough Council; 2 April 2013 [Examination Document ED 2-21].

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13. These typologies were complemented by a number of model assumptions, which the Council considered aligned with the actual figures expected in the majority of developments. These assumptions relate closely to other well-used models, including the Three Dragons Toolkit and the Economic Appraisal Toolkit developed for the Housing Corporation and now used by the Homes and Communities Agency (HCA). The VS also drew upon Land Registry data for two years (2011 and 2012) showing details of all residential transactions over the last two years and information from local agents, developers and other stakeholders. The VS also assessed the commercial market, and drew upon data from sources such as EGi, Focus and PROMIS, in addition to information from stakeholders and in-house Agency teams.
14. Several additional assumptions were fed into the VS and in particular the sensitivity analyses tables. These included: build costs; enabling costs; Code for Sustainable Homes (CSH) (at level 4 for affordable housing and CSH3 for private market housing); affordable housing (AH), over a range of 20%-40% of total housing and including varying tenure ratios (over a range of 60:40 social rent: intermediate; and 70:30 affordable rent: intermediate); fees, contingencies; and reasonable profit levels (20% for market housing and 6% for affordable housing, where the risk is significantly less). Although this is not an exhaustive list of parameters, it is sufficiently thorough to provide a robust economic viability basis for the Swindon CIL, and none of the VS assumptions were seriously questioned at the Examination Hearing.
15. Although the scenarios in the VS cannot address all possible eventualities surrounding new development projects in Swindon, overall, I am satisfied that the methodology of the VS is in line with the guidance in the *Harman Report*<sup>8</sup>.
16. It is also material that the CIL evidence was produced in the context of a significant downturn in the national and local housing and commercial markets, coupled with a sustained economic recession. There has also been a background of public sector capital and revenue funding cuts. This is especially relevant for Swindon which has a programme of significant proposed urban extensions which require major infrastructure provision.

## *New Communities infrastructure funding*

17. A key consideration is whether Swindon's proposed urban extensions or 'New Communities' should be seen as bespoke cases which continue to rely on the existing S 106 funding route, which has been effective in the past – and

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<sup>8</sup> Viability Testing Local Plans (known as the *Harman Report*); June 2012.

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present - in ensuring an ambitious rate of new housing delivery together with employment, infrastructure and other supporting development. Linked to this consideration are two critical questions, the answers to which determine whether charging a £0 psm CIL rate for the New Communities is appropriate. The first of these questions relates to a key requirement in the PPG: *"Differences in rates need to be justified by reference to the economic viability of development"*<sup>9</sup>.

18. The Council's viability evidence<sup>10</sup> demonstrates that, in addition to the substantial scale of anticipated site-specific S 106 packages and all other policy requirements under the Local Plan, a CIL cannot be afforded on top, as this would render sites unviable against the residential element. In the residential sensitivity testing analysis, hypothetical examples were tested, of schemes of 1,000 and 2,000 units. I agree with the Council that the parameters of the sensitivity analyses are broadly representative of schemes likely to be developed within the New Communities.
19. These analyses, in the form of tables, show that in general, the residential land values generated by these appraisals do not show sufficient margins compared to the baseline land values to provide a CIL rate on top of the (site specific) S 106 obligations and other assumed costs. The sensitivity analyses show that even in the highest adopted sales values area, there is only marginal viability, and the Council rightly makes the point that separating these high-value schemes from the rest of the area in the New Communities would be impracticable, and also that PPG guidance cautions against undue complexity in its differential rates<sup>11</sup>. Whilst I would not rule out multiple charging zones in all circumstances, I am not persuaded by any of the evidence before me in relation to the Swindon CIL that this approach would be appropriate here.
20. The second critical question is whether the limitations of the S 106 regime after April 2015, when the use of pooled contributions will be restricted to a maximum of 5 obligations for a specific project, would limit the current system to a point where it was no longer fit for purpose.
21. The Council defended its emphasis on S 106 funding within the New Communities on a number of grounds. Firstly, there appears to be broad support from the development community for this approach (although not from some parish councils and others), as it is considered to be tried and tested with a good track record. Secondly, there is an easily understood audit trail between the funding secured by the S 106 Agreement and the physical

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<sup>9</sup> PPG, paragraph 25-021-20140612 – Can differential rates be set?

<sup>10</sup> *CIL Development Viability Study: Additional Residential Testing & Analysis*; 2 April 2013 [Examination Document ED 2.21] - see in particular the results on pages 9-12 and Conclusions on page 13.

<sup>11</sup> PPG, paragraph 21-021-20140612 – Can differential rates be set?

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implementation of infrastructure, which is clearly related to specific needs. Thirdly, there is no likelihood of funds for essential infrastructure getting 'lost' within the overall CIL pot. Fourthly, the S 106 regime requires the necessary funds for a much needed project, such as a secondary school, which will be key to the marketability of new housing schemes, to be made available quickly and up front, to enable rapid implementation. In short, the Council and many developers claim that the S 106 method provides more certainty and is more appropriate to Swindon's special circumstances than the CIL approach.

22. Regarding the second consideration, relating to the limitations of the Section 106 regime after April 2015, the Council explained that its policy of seeking the signing one Section 106 obligation with the major landowners in the New Communities as its preferred option, could capture in a single sweep the contributions to various types of infrastructure, thus reducing the risk of the S 106 pooling restriction being breached. The ability to use Grampian style conditions to encompass infrastructure could also occasionally be used. These considerations were discussed at the Hearing, and there was support for the Council's view from the developers on several elements of this approach.
23. On the balance of the evidence before me, I accept the Council's arguments that continued use of S 106 funding for the New Communities is appropriate, whilst the post-April 2015 regime need not limit the implementation of key infrastructure projects to an unacceptable level.

## *Conclusion*

24. The draft Charging Schedule is supported by detailed evidence of community infrastructure needs, including the Council's Regulation 123 List, whilst the Council's continued use of S 106 funding in the New Communities is an appropriate way forward, and is justified by the viability evidence and would be implementable post April 2015. On this basis, the evidence which has been used to inform the Charging Schedule is robust, proportionate and appropriate.

## **Is the charging rate informed by and consistent with the evidence?**

### ***CIL rates for residential development***

#### *The Basis for the Residential Charge*

25. Unlike the situation in many other charging areas, Swindon's housing provision over the plan period is primarily focused on five new urban extensions, or New Communities, which are programmed to deliver the lion's share of housing, employment and supporting community facilities and infrastructure for the Borough over the LP period. Three of these already benefit from outline planning permission. The proposed CIL rate for zone 2 applies to the remaining 5,701 new dwellings which are expected to come forward over the plan period within the rest of the Borough. This relatively low proportion

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(about 26%) of Swindon's housing total to come from these remaining areas explains the low level of estimated CIL receipts when compared against the approved CILs of similar sized authorities.

26. The VS, whilst not exhaustive, considered a sufficient range of locations, sizes and types of residential developments across that part of the Borough which is proposed to be covered by the CIL for residential development. Moreover, the evidence was complemented by examples of housing developments within one of the New Communities at Wichelstowe, where a significant number of dwellings has already been built. In the proposed CIL residential zone 2, i.e. everywhere outside the New Communities, the VS sets out the percentage of CIL liability in relation to the gross development value (GDV), based on an analysis of three sales value categories and with further sensitivity testing around affordable housing percentages (where the size of scheme is appropriate).

## *Affordable Housing*

27. The VS shows that in CIL residential zone 2, the proposed CIL rate of £55 psm can satisfactorily accommodate the delivery of 30% affordable housing (AH), giving a range of between 2.1% - 2.6% of GDV in high value sales areas to 2.8% to 4.3% of gross development value (GDV) in low value sales areas<sup>12</sup>. This range of percentages of GDV provides sufficient capacity for all the Council's policy requirements in relation to infrastructure provision and AH delivery at 30% to be implemented in all the value areas across the Borough, in accordance with LP policy HA2. The data provided by the Land Registry and the BCIS<sup>13</sup> show that the increases in sales prices are generally keeping up with the increases in build costs, so that their impacts on viability are broadly neutralised. In accordance with the guidance in the *Harman Report*, the CIL is based on the use of current costs and values<sup>14</sup>.
28. The VS evidence therefore shows that the proposed residential CIL, incorporating a 30% AH rate, would be a lesser financial burden than the existing S106 approach to securing developer contributions, as set out in the Council's adopted Developer Contributions Guidance Note (2010). The Council has been successful in achieving almost 30% AH over the period from 2008, and the evidence before me demonstrates that this rate of AH provision is unlikely to be compromised by the proposed CIL rate.
29. Within the New Communities, the evidence also shows that the continued use of S 106 Agreements to achieve a 30% AH target would be maintained, and I therefore consider that the Council's approach is justified.

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<sup>12</sup> Document ED2-21, Table 15, page 14, and Table 22, page 15].

<sup>13</sup> The Building Cost Information Service (BCIS) is a leading provider of cost and price information in the UK construction industry. It is part of the Royal Institute of Chartered Surveyors.

<sup>14</sup> *Harman Report*, page 26, 6<sup>th</sup> paragraph.

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*Whether Residential CIL should be increased in zone 1 to cover education requirements*

30. Several concerns were raised over the proposed CIL residential rate in zone 1 in relation to education provision, which I summarise below: Firstly, there was concern whether the proposed CIL rate would be sufficient to cover education costs, which are likely to be considerable. In a worked example, it was argued that an additional rate of £25 psm levied on a strategic site of 8,000 houses would bring in a potential amount of £22.5 million, which would be sufficient to pay for a new secondary school.
31. Secondly, the point was made that developments outside the NEV may benefit from secondary school provision within the NEV. For this reason it would be unfair to expect the schools to be 100% funded by NEV developers. Therefore a CIL contribution would be more appropriate as it would enable developers outside the NEV to contribute to these schools. The Council, however, pointed out at the Hearing that the NEV alone generated the need for a full 8 form entry secondary school.
32. The third concern was the doubt that was expressed as to how likely the key stakeholders were to sign a single S 106 obligation to capture in a single sweep the contributions to all the strategic infrastructure needed for a major development, such as in the NEV. It was pointed out that no overall agreement had been brokered yet, with the April 2015 deadline fast approaching. Fourthly, the use of Grampian conditions to secure longer term/off-site funding was criticised. Finally, concern was expressed from another representor that mixing CIL with S 106 was unfair and could result in double counting.
33. The Council pointed out, in response to point (1), *whether the CIL rate would be sufficient to cover education costs*, that the worked example was inaccurate, as no allowance had been made for AH or the neighbourhood proportion, and that there was little detail regarding other elements in the equation. The Council also stated that whereas the CIL receipts go into general funds, the S 106 education contributions are focused on exactly that. This gives a strong measure of certainty, which is a critical consideration where large sites are struggling to get off the ground, with the need for a high proportion of front-loaded financial input. Certainty of delivery is especially important for schools, which generally have to be committed at an early phase in the development; any element of uncertainty around school provision is likely to have significantly adverse consequences on the marketability, and hence viability, of major residential developments.
34. Although some developers appear to accept that £25 psm CIL was to be in lieu of a reduction in S 106 contributions, this alternative approach was not supported by any viability evidence. The evidence before me points to the NEV

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generating the need for the full 8 form entry secondary school alone.

35. In response to point (2), *it would be inappropriate for developments outside the New Communities to be expected to contribute towards any new secondary schools within the New Communities*, the Council agreed that resources would have to be found for new/expanded/improved schools outside the New Communities. It is clear, however, that Swindon has a good track record for attracting education expenditure; the Borough has been successful, for example in securing funding from the Targeted Basic Needs Programme, which has resulted in two new primary schools due to open in September 2014<sup>15</sup>.
36. The Council is also supporting a bid for an eight form entry free school on a site in the north of Swindon, and a second free school development on a site in central/south Swindon, both of which are also included in the IDP<sup>16</sup>. The Council stated that the right mechanisms were in place for new educational provision, and I consider that the evidence points to this conclusion.
37. In response to point (3), *doubt was expressed as to how likely the key stakeholders were to sign a single S 106 obligation to capture in a single sweep the contributions to all the strategic infrastructure needed for a major development*, the Council explained that it was making progress to secure stakeholder agreement in the NEV for securing the delivery of the strategic infrastructure, and the note of a recent meeting (28 October 2014) with the NEV landowners and other interested parties appeared to confirm this.
38. The note of that meeting and the comments made by the Council at the Hearing sessions indicated that despite some disagreements among the key players, there is commitment to work together to progress the S 106 Agreement in the near future<sup>17</sup>. From the evidence I have seen and heard I agree with the Council's comments.
39. The Council pointed out, in response to point (4) *criticism of the use of Grampian conditions to secure longer term/off-site infrastructure funding*, that the use of Grampian conditions to require landowners to enter into planning obligations is provided for in the PPG<sup>18</sup>, as long as there are prospects of the action in question being performed within the time limit imposed by the permission. The Council explained that it was working on securing a series of 'framework' or model agreements and the intention was not to flatly apply Grampian conditions in all circumstances. This strikes me as a balanced and

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<sup>15</sup> IDP, paragraph 5.26, pages 19-20 [Examination Document ED3-2AQa].

<sup>16</sup> IDP, page 37 and at bottom of table, page 45 [Examination Document ED3-2AQ]. £8.3 million of the estimated £21.5 million costs has been secured, which has reduced the shortfall to £12.8 million.

<sup>17</sup> Swindon BC Post-Examination Statement – Response to Examiner's Additional Questions – Appendix 3A; 28 November 2014.

<sup>18</sup> National Planning Practice Guidance (PPG), paragraph ID 21a-009-20140308 – When can conditions be used relating to land not in control of the applicant?; updated 06 March 2014.

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reasonable approach, although it will need to be reviewed, possibly as a matter of urgency, should the parameters change.

40. In relation to point (5) *mixing CIL with S 106 was unfair and could result in double counting*, I agree that it is necessary and fair that double counting should be avoided. The Council has stated that it is committed to preventing this from happening, and it will be for its monitoring regime to ensure that unfairness does not occur.

## *Older persons' housing*

41. The Council acknowledged that there will be an increase in the over 65 years' age population in the Borough, which will increase demand for older persons' accommodation and services. I note that the Council has a significant over-supply of sheltered housing, with 2,500 units available against a current requirement for 1,400 units. Most old peoples' housing falls under Use Class C3 (Dwelling houses), which is therefore caught by the requirements of the CIL within Residential Zone 2.
42. It will be for applicants who consider that their proposed developments for age-specific occupation schemes contain floor spaces that would fall under Use Class C2 (Residential Institutions) or C2a (Secure Residential Institutions) both of which are zero rated for CIL purposes, to persuade the Council that they fall into one of these use classes. The Council's evidence revealed that a recent C3 older persons' housing scheme achieved permission with a S 106 package that equated to £81 psm, i.e. significantly higher than the proposed CIL rate for £55 psm for Residential Zone 2.
43. From the evidence before me, I am satisfied that setting a zero CIL rate for Use Classes C2 and C2a is justified on viability grounds, whilst the inclusion within Use Class C3 for the majority of older persons' housing is also appropriate.

## *Geographical CIL charging zones*

44. The CIL establishes two charging zones for Swindon for residential development. Residential Zone 1 covers the five New Communities, where the existing S 106 regime is to be continued. On this basis, the CIL levy in these areas is set at £0 psm. I have already commented on the reasons why I consider the viability evidence supports this approach and why I consider that such a regime would be fit for purpose post April 2015.
45. The remainder of the Borough is included within Residential Zone 2, where the CIL charge is set at £55 psm. The potential for the establishment of a set of distinct geographical areas within the remainder of the Borough, i.e. for subdivisions to Residential Zone 2, for the Swindon CIL, each with separate residential charge, was debated at the Hearing.

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46. At a superficial level, the 'heat maps'<sup>19</sup> in the Council's evidence show geographical patterns of the spread of house sales by high, medium and low value transactions. However, on closer inspection, it became apparent that the boundaries between these three value clusters were not clearly definable in Swindon, and did not run along enumeration district boundaries or clear physical boundaries, such as main roads or railways. Any such demarcation would therefore run the risk of being both convoluted and as such would be contrary to the advice in the CIL Guidance to avoid undue complexity<sup>20</sup>.

## *Conclusion*

47. I therefore conclude that the residential CIL rates of £0 psm within the New Communities and £55 psm elsewhere within the Borough are justified by the available evidence and strike the appropriate balance between helping to fund necessary new infrastructure and the effect on the economic viability of residential development across the Borough. I am not persuaded on the evidence before me that the imposition of an additional £25 psm CIL for education purposes in certain areas would be practicable, achievable or effective; rather, I consider that the continuation of the S 106 system within the New Communities for all developments will continue to be straightforward, justified and effective. I also consider that the relatively simple geographic zoning across the Borough is appropriate and in accordance with the CIL Guidance.

## ***CIL rates for Retail Development***

### *Retail scenarios*

48. The updated retail VS<sup>21</sup> assessed a number of retail scenarios. Town centre retailing in Swindon is in some difficulty, and has been for a number of years. The town's principal shopping area – the Brunel Centre – went into receivership in December 2011. In common with many town centres, Swindon has seen a reduction in letting activity and rental values as vacancy rates have risen since 2008. Much of the recent demand for retail comparison goods has and is likely to continue to be met by edge-of-centre retailing, such as the Swindon Designer Outlet (which is to be refurbished and extended), and out-of-town/edge-of-town stores which are relatively plentiful in the Borough.

### *Town centre retailing*

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<sup>19</sup> CIL Development Viability Study Additional Residential Testing & Analysis, by GVA for Swindon BC; 2 April 2013 – see maps (known as heat maps) of Land Registry Sales pages 17-19 [Examination Document ED 2-21].

<sup>20</sup> DCLG: Community Infrastructure Levy Guidance; February 2014 – see paragraph 2:2:2:6 Can differential rates be set?

<sup>21</sup> GVA: CIL Development Viability Study (VS): Additional Retail Testing for Swindon Borough Council; 22 March 2013 [Examination Document ED 2-22].

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49. Current town centre retail projects, such as Regent Circus and Kimmerfields, are planned to be mixed use developments which typically require an anchor store. This brownfield redevelopment would involve significant costs and a heavy financial burden on scheme viability. For all these reasons, the retail CIL rate has been set at £0 psm within the town centre, the boundary of which is defined in the Draft CIL Schedule. In contrast to the comparison sector, the food retailing sector has been relatively buoyant over recent years, and has withstood the recession.

## *Retailing outside the town centre*

50. The scenarios set out in the retail VS update demonstrate that, outside the town centre, there is adequate scope to deliver CIL at £100 psm as sought by the Council; this would fall generally in the range of 3-5% of the costs, including land for a range of convenience retail, from 1,000 to 5,000 sq m (gross), and for 6,000 sq m (gross) for comparison goods retail. It is also considered that the application of a zero rate CIL to these sites would lead to an inappropriate and unreasonable "cross subsidy" effect on suburban sites in relation to the town centre, which would be unsustainable and contrary to the aims of the LP. It would also result in a potentially significant reduction in likely CIL income.
51. The Council, however, has applied a standard retail CIL rate to all sites outside the town centre, including sites within the New Communities, which are to continue with the existing S 106 regime. This would mean a significant additional level of receipts required from retail developments in these areas, which in some cases are expected to act as anchor stores to larger, mixed use developments. The retail VS update warns that in these situations: *"to impose a high CIL charge would in effect lessen the financial support they could provide to other uses within a scheme as a whole"*<sup>22</sup>.
52. Moreover, the evidence shows that the Council based its retail CIL rate for convenience retail in areas such as the New Communities at a hypothetical level, with no allowance made for the role of such stores as anchors to district centres. These stores are seen in the LP as being of a high quality with strong connectivity to the adjacent residential areas with high quality public realm and complementary community uses. My view is that this is a very important consideration which attracts significant weight.
53. I consider that the deletion of the £100 psm retail CIL within the New Communities is justified for several reasons: Firstly, the hypothetical evidence in the VS and retail VS update seems to bear little resemblance to the likely retail development within these areas, which would function as anchors and be integrated with other district/local centres uses. The proposed redevelopment

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<sup>22</sup> Retail VS update, paragraph 5.6, page 11. [Examination Document ED 2-22].

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of the existing superstore on Oxford Road into the anchor store to the District Centre to serve the NEV is a case in point; in addition to its anchor role for the District Centre, it would also incur the added costs of demolition of the existing, smaller superstore, on the site.

54. Secondly, such schemes would still be expected to make S 106 contributions towards a range of infrastructure schemes. In the case of the District Centre for the NEV, a retail scheme could be expected to contribute to schemes such as the Express Bus Link, White Hart Junction improvements, Gablecross Junction, Green Bridge and green infrastructure, and it is estimated that these contributions, added to the 'anchor' implications considered above, could profoundly affect the viability, not only of the store, but of the District Centre, which in turn would be potentially harmful to the success of the New Communities as a whole and especially the NEV.
55. Furthermore, a separate CIL rate for retail development would add unjustified complication to the CIL geographic zoning, contrary to the advice of the CIL Guidance. Also, the additional CIL receipts from the inclusion of the £100 psm rated within Retail Zone 2 would be a relatively minor contribution towards the overall CIL total for Swindon.
56. Finally, at the Hearing, I requested the parties to carry out further testing of the proposed retail centre within the NEV, and as a result several scenarios were tested. The consultants acting on behalf of the Council submitted a response<sup>23</sup> which tested the following three scenarios:
- Scenario 1: Demolition of existing store and redevelopment to provide a new Sainsbury store of c. 11,278 sq m;
  - Scenario 2: Demolition of existing store and redevelopment to provide a new Sainsbury store of c. 11,278 sq m plus a District Centre; and
  - Scenario 3: a) District Centre with discount food retailer c. 1,500 sq m (not on Sainsbury site); or  
b) District Centre with discount food retailer c. 3,252 sq m (not on Sainsbury site)
57. The results of this testing showed that any extension or reconfiguration of the main store that is linked to the provision of a District Centre, i.e. in accordance with the LP, cannot afford a retail charge, whilst the development of a new District Centre on other land cannot afford a CIL charge either. These findings point strongly to need to avoid a retail CIL charge in the New Communities. There is no strong rebuttal from the Council to this additional evidence in its

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<sup>23</sup> GVA: Swindon CIL Viability Eastern Villages – Examiner's Questions; 28 November 2014.

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response to the Examiner's questions on this issue<sup>24</sup>.

## *Conclusion*

58. I therefore conclude on the retail issue that the local CIL retail rate for the New Communities, based on the available evidence and reasonable assumptions, should be modified by a reduction from £100 psm to £0 psm in order to provide a more realistic and appropriate balance between helping to fund new infrastructure and the effect on the economic viability of retail development across the Borough **[EM1]**. The town centre retail CIL should also remain at £0 psm for the town centre, whilst the remaining part of the Borough outside the New Communities should be levied at £100 psm, as in the Draft Charging Schedule.

## ***CIL rates for other development***

59. The Council has commissioned the testing of a range of other uses, including various employment uses (office, industrial and warehousing); hotels; leisure; health; education; and community facilities. Whilst the evidence shows that there are early signs of recovery in the employment and leisure sectors<sup>25</sup>, the information also shows that this recovery is not yet sufficient to justify applying a rate above £0 psm.

## *Employment land*

60. Private sector evidence, which ties in with the conclusions of *Forward Swindon Limited*, the Council's arm's length development company, shows that the employment land sector remains fragile. The latest BCIS data shows that average build costs for offices, factories, warehouses and shops are up by about 18.6% from the first quarter of 2012 to the fourth quarter of 2014, which indicates that this increase is likely to neutralise any increase in yield for the foreseeable future, and evidence from *Forward Swindon* shows that the local picture broadly reflects the national scene.
61. Although Swindon experiences high levels of employment, I note from professional opinions expressed at the Hearing that it is also true that land values are significantly lower than at competing locations along the M4 corridor. The imposition of a CIL charge on employment uses would probably take away that advantage, at least during the current economic conditions, and the viability evidence justifies the £0 psm rate proposed.

## *Hotels*

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<sup>24</sup> Swindon BC Post-Examination Statement – Response to examiner's Additional Questions – see Response to Question 4 and in particular paragraph 4.5 (i.e. the second paragraph 4.5 on page 12); 28 November 2014.

<sup>25</sup> Swindon BC Statement for Issue 1 – Appendix 3.

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62. The hotel sector is even more problematical than the employment land sector. Since the submission of the Draft Charging Schedule, two hotels have closed in the town centre and one planning permission for a town centre hotel expired in October 2013 with no realistic proposals submitted. Furthermore, planning permission for a hotel at the Outlet Trading Centre has been resubmitted to include the removal of the hotel element from the mixed scheme, primarily on the grounds of viability. Any fragile recovery could easily be thwarted by the imposition of CIL.

## *Leisure development*

63. LP policy SC1 supports the delivery of a new regional leisure facility at North Star, just to the north of the railway station. Although there is currently a developer interest, the Council still awaits the submission of a planning application. The VS<sup>26</sup> demonstrated that leisure uses have little potential for a CIL charge.

## *Water supply and waste water treatment*

64. In response to questioning on water supply and waste water treatment, the evidence, including the Swindon Water Cycle Study and the Statement of Common Ground between Swindon Borough Council and Thames Water Utilities Ltd (April 2014)<sup>27</sup> shows that, subject to a couple of modifications to the LP, the increased demand for water supply and waste water treatment will be delivered in time to service planned new development. S 106 planning obligations will not be used to fund these improvements, and they will not be affected by a CIL charge.

## *Conclusion*

65. I therefore conclude on the other uses outside residential and retail that the CIL based on the available evidence and reasonable assumptions should be £0 psm, as set out in the Draft Charging Schedule.

## **Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?**

66. The Council's decision to continue with the S 106 regime within the New Communities and to set modest CIL rates for development elsewhere is based on reasonable assumptions about development values and likely costs. The evidence suggests that residential development will remain viable across most of the remaining area if the charge is applied. Only if development sales values are at the lowest end of the predicted spectrum would development in

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<sup>26</sup> VS, page 35 [Examination Document ED 2-13].

<sup>27</sup> Statement of Common Ground between Swindon Borough Council and Thames water Utilities Ltd; April 2014 – see in particular Paragraphs 6-9.

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some parts of the Borough be at risk.

67. The imposition of a retail CIL of £100 psm within the New Communities would put at risk the overall development of the District Centres and possibly other development. However, with the continuation of the S 106 regime it is likely that the District Centres would be viable and that the overall development in the New Communities would also remain viable if the CIL charge of £0 psm is applied.

## **Other matters**

68. The Council submitted an Examination Copy of the Draft Charging Schedule<sup>28</sup> which contains a number of text amendments. These primarily relate to clarification on the scope of the CIL, and Mandatory Exemptions and relief from CIL. I endorse all these text changes. Matters relating to instalment rates and exemptions are completely within the Council's discretion.

## **Conclusion**

69. In setting the CIL charging rate the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in Swindon. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the Borough. The Examination of the LP is almost complete. However, one of the main provisions of the LP is for an early review, and it may be an appropriate time to consider any revision to the CIL schedule of charges after it has been in place for 12 months.

<b>LEGAL REQUIREMENTS</b>	
National Policy/Guidance	The Charging Schedule complies with national policy/guidance.
2008 Planning Act and 2010 Regulations (as amended)	The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the Local Plan that I have examined and Infrastructure Delivery Plan and is supported by an adequate financial appraisal.

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<sup>28</sup> Community Infrastructure Levy: Draft Charging Schedule for Swindon – Examination Copy dated October 2014 (containing supporting text amendments) [Examination Document ED2 – 01c].

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70. I conclude that, subject to the modification set out in Appendix A, the Swindon Borough Council Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the Charging Schedule, as amended, be approved.

*Mike Fox*

EXAMINER

This report is accompanied by:

Appendix A (below) – Modification that the Examiner specifies so that the Charging Schedule may be approved.

## **Appendix A – Modification that the Examiner specifies so that the Charging Schedule may be approved**

Examiner Mod. No.	Rate/Figure/Column	Modification
<b>EM1</b>	Retail	Reduce from £100 psm to £0 psm within the New Communities

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Further information on the subject of this report can be obtained from Sarah Screen, 01793 466397, [sscreen@swindon.gov.uk](mailto:sscreen@swindon.gov.uk).

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