

New Eastern Villages Planning Obligations

Draft Supplementary Planning Document (SPD)

Planning Committee

Date: 8th March 2016

Author: Head of Planning, Regulatory Services and Heritage

Parish / Wards Affected: All, but particularly those in the east of the Borough

Purpose

- To update the Planning Committee on the preparation of the New Eastern Villages (NEV) Planning Obligations Draft Supplementary Planning Document (dSPD), and
- To seek approval from the Planning Committee for public consultation on the dSPD, and the accompanying update to the Infrastructure Delivery Plan (IDP) as it relates to the NEV.

Recommendation

That the Planning Committee agrees to:

1. a six week period of public consultation for the NEV Planning Obligations dSPD (attached at Appendix 1 of this report), and the accompanying update to the Infrastructure Delivery Plan (IDP) as relates to the NEV (attached at Appendix 2 of this report) as soon as reasonable practical, in accordance with the arrangements set out in paragraph 2.12.
2. Authorise the Head of Planning, Regulatory Services and Heritage, in consultation with the Director of Law and Democratic Services to make minor changes to the content of the document, if required, prior to carrying out the public consultation.

1. Reasons

- 1.1. Policy NC3 of the adopted Swindon Local Plan allocates a new mixed use development of about 8,000 new homes with associated employment, education, retail and leisure uses to the east of the A419. It sets out the overall requirements for the NEV including Rowborough and South Marston. The dSPD expands upon these policies to support the delivery of infrastructure required for the NEV, and accords with Local Plan Policy RA3 which relates specifically to expansion of South Marston village.

Further information on the subject of this report can be obtained from Angela Clack, New Eastern Villages Planning Team, Planning Department, Direct Dial 01793 466370, azclack@swindon.gov.uk.

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- 1.2. It is anticipated that the NEV will deliver almost a third of the new homes required in the Borough over the plan period, and is the largest of Swindon's strategic allocations. The co-ordination of infrastructure delivery is challenging at this scale, not least in the context of the Community Infrastructure Levy and the number of landowners and developers involved in the program. A mechanism is required to ensure infrastructure is delivered on a fair and equitable basis, without undermining the viability of individual elements of the comprehensive scheme.
- 1.3. The dSPD includes an updated illustrative NEV masterplan to provide further certainty to all stakeholders; and an update to the Infrastructure Delivery Plan as relates to the NEV accompanies the dSPD.
- 1.4. The dSPD supports the Council's Corporate vision and pledges, the core principles of the Local Plan, and the stated objectives of the National Planning Policy Framework.

2. Detail

Background

- 2.1 The Swindon Local Plan was adopted in March 2015. The dSPD seeks to provide further guidance on the Local Plan policies that relate to the NEV and in particular, Policy SD3 which allows the Council to establish a Framework s106 Agreement for the NEV to ensure the timely delivery of infrastructure, maintenance and mitigation, and fair and equitable contributions between phases.
- 2.2 The dSPD, which can be found at **Appendix 1** of this report, has been prepared following discussion with a range of stakeholders including delivery partners. It sets out how the Council will seek to reach agreement under section 106 of the Town and Country Planning Act 1990 with all parties that have a controlling interest in land within the NEV.
- 2.3 The Section 106 Agreement will serve to:
 - Capture all NEV development parcels to ensure a fair and equitable distribution of the necessary planning obligations,
 - Ensure effective delivery and maintenance of the required infrastructure,
 - Ensure that the triggers for infrastructure delivery are reasonable, and
 - Provide an effective mechanism for securing the land required for infrastructure within the NEV development area. This will provide certainty

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that land will be safeguarded for a specific purpose, and is intended to guarantee access across land at nil cost to facilitate the delivery of infrastructure that spans two or more different landownerships.

Illustrative Master Plan

- 2.4 The illustrative masterplan has been comprehensively updated to provide greater certainty for stakeholders about delivery of the NEV in accordance with Policy NC3. It seeks to ensure a comprehensive and coordinated approach to delivering development at the NEV, and should be used by developers in the preparation of development proposals and all planning applications.
- 2.5 The updated masterplan, which is contained within the dSPD, can be seen at **Appendix 2** of this report.

Infrastructure Delivery Plan (IDP)

- 2.6 The Swindon Infrastructure Delivery Plan (IDP) has been prepared to support delivery of the Swindon Local Plan. It was independently examined alongside the Local Plan.
- 2.7 The infrastructure items that relate directly to the delivery of the NEV are detailed in an update to the IDP. The update includes strategic and local infrastructure items required by the development that will need to be delivered both on and off site and across the spectrum of services and facilities expected to deliver well-balanced and sustainable new communities from the outset. The Infrastructure Delivery Plan - New Eastern Villages Update (March 2016) can be found at **Appendix 3 of this report**.
- 2.8 The NEV is expected to deliver development in the period to 2026 and therefore further detailed assessments in terms of viability and phasing will be required. However, the NEV IDP update, and dSPD including the Illustrative Masterplan, will ensure that the controlled early phasing of development will be supported by necessary infrastructure.
- 2.9 Inevitably infrastructure costs will change over time, and throughout lifetime of the development, the IDP as relates to the NEV will kept under review, updated as necessary, indexed as appropriate, and subjected to further public consultation as required.
- 2.10 Certain infrastructure costs have not yet been able to be finalised. This may mean that actual requirements may vary from current estimates as additional information becomes known. A 10% cost variance across each village is considered an acceptable tolerance which may mean further consultation on a

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specific item of infrastructure is not required. However, this will be assessed on a scheme by scheme basis, and any cost changes beyond 10% will be subject to bespoke and targeted consultation.

New Eastern Villages – Infrastructure Requirements

- 2.11 A list of the infrastructure requirements for the NEV has been set out in a series of 'village proformas' within the dSPD. The proformas are intended to help identify the infrastructure requirements for each of the nine villages in a clear and succinct way. The village proformas have been informed by the NEV update to the IDP, and must be read in conjunction with the illustrative masterplan. The infrastructure requirements for each of the new eastern villages can be found at **Appendix 4** of this report.

Consultation

- 2.12 The dSPD must be published for a period of public consultation. Developers have been made aware of the dSPD and initial proformas have been distributed. It is anticipated that the Council will receive a significant response to the dSPD from the development industry. Public consultation should take place for 6 weeks commencing as soon as practicable, when all interested parties can make representations. Copies of the dSPD will be sent to all affected Parish Councils and officers will be available to provide advice and respond to questions during the consultation period. Once responses have been evaluated officers will bring the final SPD before Committee with a recommendation to adopt.

3. Alternative Options

- 3.1 The Council could delay consultation on the dSPD and chose to rely solely on the Swindon Borough Local Plan allocation to guide the detailed delivery of the NEV. The Local Plan sets the strategic policy framework for Swindon but this alone is not considered adequate to ensure all aspects of the vision are delivered, managed and secured in a phased and co-ordinated manner.
- 3.2 Delay to the publication and future adoption of the dSPD is likely to prejudice the Council's ability to establish a comprehensive planning framework to guide development to the detriment of the proper planning of this strategic development. This would result in a missed opportunity to coordinate planning obligations at the strategic and local level and to secure the timely delivery of infrastructure across the development.

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4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 The financial implications arising from publishing and consulting on the Draft NEV Planning Obligations SPD are to be met from the Planning budgets for 2016/2017.
- 4.2 The financial implications of coordinating the Council's approach to securing planning obligations at the New Eastern Villages are significant. Identifying the costs of development in advance will ensure that the Council will not be required to fund infrastructure required by new developments from its own budgets.

Legal and Human Rights Implications

- 4.3 Human rights legislation has been considered in the preparation of this report and it is considered to be compatible with convention rights.
- 4.4 The preparation and adoption of the SPD is a process covered by the Planning and Compulsory Purchase Act 2004 and associated regulations and amendments.

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

- 5.1 There are no immediate staffing implications of such a document, which provide further guidance to policy NC3 and policy RA3 in assessing proposals for development at the New Eastern Villages.
- 5.2 The Council has a duty to ensure that the preparation of the SPD is in accordance with the sustainability principles of the National Planning Policy Framework.
- 5.3 The draft SPD conforms to the policies in the Local Plan which has already been subject to a Sustainability Appraisal (SA) incorporating SEA and Health Impact Assessment (HIA) to ensure that the impact of proposals can be minimised with the least negative impact possible.
- 5.4 The coordination of infrastructure to deliver proposals at the New Eastern Villages proposals, including the expansion of South Marston village will make a significant contribution to the demographic and economic needs of the Borough.

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Diversity Impact Assessment

- 5.5 The draft SPD conforms to the policies in the Local Plan which has already undergone a DIA and no negative impacts were predicted. However, it is proposed to conduct an additional DIA which will be made available at public consultation stage.

Risk Management

- 5.7 Delaying the process of consultation and eventual adoption of this SPD carries less risk in the short term, but much higher risk over the medium-long term, as it would result in the lack of adequate tools necessary through the Planning System to uphold the detailed aspects of the policy and the Council's strategic objective to deliver sustainable development at the New Eastern Villages.

Consultees

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

6. Next Steps

- 6.1 If Planning Committee approve the recommendations of this report, the draft SPD will be made available for public consultation for a period of six weeks as soon as reasonably practical in accordance with the Council's Statement of Community Involvement in Planning. Copies of the SPD, and accompanying documents, would be distributed to a wide range of statutory consultees, including Parishes and community councils and residents' associations.
- 6.2 The documents would be made available for inspection at the Civic Offices, at libraries in the Borough, and on the Council's website. Following completion of the public consultation period, all representations and suggested minor changes by the Council to the Plan will be submitted to a subsequent Planning Committee for adoption in under the Planning and Compulsory Purchase Act 2004 (as amended).

7. Background Papers

- 7.1 Appendix 1 - New Eastern Villages Planning Obligations Draft SPD (March 2016)
- 7.2 Appendix 2 - New Eastern Villages – Draft Illustrative Masterplan (Colour copies available online and will be available at Planning Committee) (March 2016)
- 7.3 Appendix 3 - Infrastructure Delivery Plan - New Eastern Villages Update (March 2016)

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- 7.4 Appendix 4 - New Eastern Villages - Village proformas and Infrastructure Requirements (March 2016)