

New Eastern Villages Planning Obligations SPD

Planning Committee

Date: 11th October 2016

Author: Head of Planning, Regulatory Services and Heritage

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

Purpose

- The New Eastern Villages (NEV) Planning Obligations Supplementary Planning Document (SPD) has undergone two recent periods of public consultation. The first public consultation period took place between 21st March 2016 and 4th May 2016, and the second between 21st July 2016 and 18th August 2016.
- This report summarises the comments received through the public consultation process and recommends adoption of the SPD by the Planning Committee, subject to changes made in response to comments received.
- The SPD seeks to provide further guidance on the adopted Swindon Borough Local Plan policies that relate to the NEV and in particular, Local Plan Policy SD3 which allows the Council to establish a tariff type section 106 Planning Obligations regime for the NEV to ensure the timely delivery of infrastructure, and a fair and equitable contributions between phases.
- Once adopted, The SPD comprising the Masterplan, the NEV Infrastructure Development Plan (IDP) and village proformas will be a material consideration for the determination of planning applications at the NEV. The SPD is in accord with the Council's Vision, pledges and priorities.

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Recommendation

That the Planning Committee resolves to:

1. Adopt the NEV Planning Obligations Supplementary Planning Document, (set out in Appendix 1 to this report) and to make it publically available in accordance with the arrangements detailed at paragraph 6.1 of this report;
2. Authorise the Head of Planning, Regulatory Services and Heritage, in consultation with the Director of Law and Democratic Services, the Chair of the Planning Committee and the Cabinet Member for Strategic Planning, to make any necessary minor amendments to the content to the documents, prior to publication;
3. Authorise the Head of Planning, Regulatory Services and Heritage to carry out any consultation that may be required for a future review of the SPD and bring a report in respect of the review to the Planning Committee for consideration.

1 Reasons

- 1.1 Policy NC3 of the adopted Swindon Borough Local Plan 2026 (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 New Eastern Villages (NEV) including Rowborough and the expansion of South Marston. The Supplementary Planning Document (SPD) expands upon this policy, and others in the Local Plan to support the delivery of infrastructure required for the NEV, including Policy RA3 which relates specifically to expansion of South Marston village.
- 1.2 It is anticipated that the NEV will deliver almost a third of the new homes required in the Borough over the Local Plan period to 2011, 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 (CIL) and the number of landowners and developers involved. 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 SPD includes a Masterplan, an Infrastructure Development Plan (IDP) and village proformas to provide further explanation and certainty to all stakeholders. The SPD 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 (NPPF).

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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2 Detail

Background

- 2.1 The Local Plan was adopted in March 2015. The SPD provides necessary guidance on the Plan's policies that relate to the NEV and in particular, Policy SD3 which allows the Council to establish a tariff type section 106 Planning Obligations regime and to enter into a Framework s106 Agreement for the NEV to ensure the timely delivery of infrastructure, maintenance and mitigation, and fair and equitable contributions between phases.

Public Consultation

- 2.2 A first draft of the SPD was put out to consultation between 21st March 2016 and 4th May 2016. A total of 378 responses were received, generating 892 comments. A Statement of Consultation (July 2016) setting out a summary of comments and Officer responses was made available at the revised draft SPD stage and can be found at **Appendix 2** of this report.
- 2.3 A revised draft of the SPD was put out to consultation between 21st July 2016 and 18th August 2016. A total of 147 responses were received (64% had commented previously) generating 575 comments. An additional Statement of Consultation (October 2016) setting out a summary of comments and Officer responses and can be found at **Appendix 3** of this report.
- 2.4 The final SPD for adoption takes account of the representations made and is attached at **Appendix 1** of this report.
- 2.5 The key changes made to the draft SPD include the removal of Table 2 which covered site-specific infrastructure requirements. Improvements were also made to the structure of the document and an updated section with regards to viability to provide further clarification and set out expectations for submitted viability assessments.
- 2.6 The SPD clarifies the role of the NEV IDP, and arrangements for monitoring and review. In particular, the Council will commit to an annual review of the NEV IDP costs and publish an updated appendix of costs on an annual basis that will remain fixed for a 12-month period. In addition, to maintain the real value of payments due to the Council over time, contributions will be index linked in s106 agreements to truly reflect development costs. This will be based on the BCIS All-In Tender Price Index to index from date of agreement to date of payment.
- 2.7 Where the cost of project delivery could reduce compared with the value that was used to calculate the proportionate contribution at the time the s106 planning obligation was entered into, the Council would incorporate an appropriate clause

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into the legal agreement to provide a mechanism for appropriate repayments or a reduction to future contributions made.

The Masterplan

- 2.8 The Masterplan is an important part of the SPD and has been updated to reflect comments made as part of the public consultation process. It is in conformity with the Local Plan (Figure 11 – New Eastern Villages Inset Diagram). It does not allocate the use of land but provides further explanation in accordance with Policy NC3 and Figure 11 of the Local Plan. It is expected that the Masterplan will evolve as development proposals are brought forward and detailed site investigations undertaken.
- 2.9 The Masterplan aims 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 to inform their planning applications.
- 2.10 The key changes made to the Masterplan following the revised draft consultation include further amendments to South Marston footpath-cycleway network (cycleway from South Marston Farm to Rowborough Lane added); clarification of the legend on the Masterplan (District Centre uses/Strategic and Amenity Rights of Way); minor revisions to overall footpath-cycleway network; and minor amendment to South Marston housing parcel north of Bridleway No.4.

NEV IDP

- 2.11 The infrastructure items that relate directly to the delivery of the NEV are detailed in the NEV IDP and can be found within **Appendix B of the SPD, (Appendix 1 of this report)**. The NEV IDP includes strategic and local infrastructure items required as a result of the development. It includes both on and off-site provisions across the spectrum of services and facilities in order to deliver well-balanced and sustainable new communities from the outset.
- 2.12 The NEV is expected to deliver development over a long timeframe and therefore further detailed assessments in terms of viability and phasing will inevitably be required. The SPD will ensure that the controlled early phasing of development will be supported by necessary infrastructure.
- 2.13 Following revised draft consultation, no cost changes have been made to the NEV IDP. Additional text related to the justification and / or an update on projects to deliver the infrastructure has, however, been provided where appropriate.

Village Proformas - Infrastructure Requirements

- 2.14 A list of the infrastructure requirements for the NEV has been set out in a series of 'village proformas' that can be found at **Appendix C of the SPD, (Appendix 1 of this report)**. The proformas are intended to help identify the infrastructure

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requirements for each of the nine villages in a clear and succinct way. The village proformas have been informed by the NEV IDP, and must be read in conjunction with the Masterplan.

- 2.15 Following public consultation, presentation of the village proformas has been revised to provide more clarity and consistency in the referencing of the infrastructure items. Also in respect of the infrastructure requirements list (IDP) for clarity reference is made to all relevant policy documents.

3. Alternative Options

- 3.1 The Council could delay adoption of the SPD and choose to rely solely on the Swindon Borough Local Plan strategic allocation to guide the detailed delivery of the NEV. Whilst the Local Plan sets out the strategic policy framework for Swindon, the SPD provides further explanation and certainty as to the infrastructure needed to support the NEV development so as to ensure the timely delivery of infrastructure in a phased and co-ordinated manner and apportioning of the costs of delivery in a fair and equitable manner.
- 3.2 Delay to the adoption of the SPD 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.

4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 The financial implications arising from publishing and consulting on the NEV Planning Obligations SPD are to be met from 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.

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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 NEV.
- 5.2 The Council has a duty to ensure that the preparation of the SPD is in accordance with the sustainability principles of the NPPF.
- 5.3 The 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 NEV, including the expansion of South Marston village will make a significant contribution to the demographic and economic needs of the Borough

Diversity Impact Assessment

- 5.5 The SPD conforms to the policies in the Local Plan which has already undergone a DIA and no negative impacts were predicted. However, an additional DIA has accompanied the SPD throughout the consultation and has been amended to reflect the final SPD.

Risk Management

- 5.6 Delaying the process to 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 NEV.

Consultees

- 5.7 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 seek to adopt the SPD, it will be printed as soon as reasonably practical. Copies of the SPD will be distributed to the Borough's libraries and the Borough's Town and Parish Councils. The document would also be made available for inspection at the Civic Offices and will be available on the Council's website.

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7 Background Papers

- 7.1 Appendix 1 - New Eastern Villages Planning Obligations SPD including the Masterplan (**Appendix A**), NEV IDP (**Appendix B**) and Village Proformas and Infrastructure Requirements (**Appendix C**)
- 7.2 Appendix 2 - New Eastern Villages - Statement of Consultation (July 2016).
- 7.3 Appendix 3 - New Eastern Villages - Statement of Consultation (October 2016).

Colour copies of the Masterplan are available online and will be available at Planning Committee.

An electronic copy of all documents, including comments made and Officer Responses is 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.