



Department for  
Communities and  
Local Government

Mr Alastair McDonald  
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Our Ref: APP/Y3940/A/11/2166277

26 November 2012

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)  
APPEAL BY TAYLOR WIMPEY UK LIMITED, D. M. WEBB, C. A. LINDSEY, J.  
WEBB AND S. BALLARD. APPLICATION REF: 10/04575/OUT  
RIDGEWAY FARM, COMMON PLATT, PURTON, SWINDON, SN5 4JT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Katie Peerless Dip Arch MRTPI, who held a public local inquiry which opened on 9 May 2012 into your client's appeal under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission for residential development (up to 700 dwellings), 10.6Ha of green infrastructure including Public Open Space, associated works, up to 560 sqm of D1 (non-residential) floorspace, primary school and the demolition of existing buildings, on land at Ridgeway Farm, Common Platt, Purton, Swindon, SN5 4JT, in accordance with application Ref 10/04575/OUT, dated 6 December 2010.

2. The appeal was recovered for the Secretary of State's determination on 21 December 2011, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves residential development of over 150 units and is on a site of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

**Inspector's recommendation and summary of the decision**

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be allowed and outline planning permission be granted. For the reasons given in this letter, the Secretary of State agrees with the Inspector's recommendation. All paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR).

## **Procedural matters**

4. The Secretary of State notes those amendments made to the master plan at IR5 and has determined the appeal on that basis.

5. In reaching his decision, the Secretary of State has taken into account the Environmental Statement (ES) and supplementary ES submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (IR7-14). Like the Inspector (IR7 and IR14)), the Secretary of State considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

## **Policy Considerations**

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan (DP) unless material considerations indicate otherwise. In this case, the DP comprises the Regional Planning Guidance for the South West 2016 (RPG 10), adopted in 2001; the saved policies of the Wiltshire and Swindon Structure Plan 2016 (WSSP); and the North Wiltshire Local Plan 2011 (NWLP). Development plan policies most relevant to the appeal are set out at IR23-26.

7. Material considerations include the National Planning Policy Framework (the Framework); Circular 11/95: *Use of Conditions in Planning Permission*; and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. Other material considerations include the emerging Wiltshire Core Strategy (dWCS) and the emerging Swindon Core Strategy (dSCS). However, as these have yet to be adopted and are still subject to change, they have been afforded limited weight. The draft Regional Spatial Strategy (dRSS) and the saved policies of the Swindon Borough Local Plan to 2011 (SLP) have also been taken into account as material considerations (IR20), along with the non-statutory Swindon Small Scale Urban Extension Study (IR33).

8. The Localism Act 2011 provides for the abolition of Regional Strategies by Order. However, the Secretary of State has attributed limited weight to the proposed plan to revoke RPG10. Any decision to revoke the RPG10 will be subject to the environmental assessment which is in train.

## **Main Issues**

9. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR318.

### **Housing land requirements and the DP and the Framework**

10. The Secretary of State agrees with the Inspector's reasoning and conclusions on housing land requirements, the DP and the Framework, as set out in IR319-355, IR400 and IR402-403. He notes that Ridgeway Farm has previously been considered suitable for allocation and there is no objection from the Councils to the development of the site in terms of the sustainability of its location (IR400). He agrees that neither

of the Councils has a confirmed 5 year housing supply identified through an adopted and up-to-date local plan, and that the Framework gives strong support to the grant of planning permission for housing schemes on sites in a similar situation to the Appeal site (IR400).

#### Prematurity

11. The Secretary of State agrees with the Inspector's reasoning and conclusions on prematurity, as set out in IR356-359, IR400 and IR404. Like the Inspector, the Secretary of State has taken into account the level of local concern regarding the proposed development (IR359). However, he agrees that the weight to be given to objections on prematurity grounds is not so great as to indicate that this, alone, should result in a refusal of planning permission.

#### Highways issues

12. For the reasons given in IR360-368 and summarised in the 4<sup>th</sup> bullet point at IR399, the Secretary of State agrees with the Inspector that there would be some adverse highway impacts such as additional road noise, longer journey times and pressure on existing parking availability; that these would conflict with the DP; and, while not being sufficient alone to justify refusing planning permission on highway safety grounds, that they are factors which weigh against the proposal (IR368).

#### Other objections

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the other objections considered in IR369-374. He agrees that the visual impact on the Wiltshire villages would not be significant or contribute to an unacceptable coalescence between them and Swindon (IR371); that there is no conclusive evidence to suggest that the proposed development would cause an increased risk of flooding or that this should be a factor mitigating against the grant of planning permission (IR373); and that there is no justification on planning grounds for requiring land to be donated to the Swindon and Cricklade Railway for a new station (IR374).

#### Conditions and obligations

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions as set out at IR375-383. The Secretary of State is satisfied that the proposed conditions are reasonable, necessary and comply with Circular 11/95. With regard to the Planning Obligation (IR384-398), the Secretary of State agrees with the Inspector that the proposed contributions appear justified by local and national policy and/or guidance and can be considered to be compliant with CIL Regulation 122.

#### Overall conclusions

15. The Secretary of State agrees with the Inspector's summary of main points and overall conclusions as set out in IR399-405.

16. Having weighed up all of the material considerations, the Secretary of State concludes that, although there are material considerations weighing against the proposal, these are outweighed by those in its favour. In particular, he gives significant

weight to the fact that the Framework indicates that, in the absence of a 5 year housing land supply in an up-to-date, adopted DP, planning permission should be granted for the proposal. He is satisfied that the appeal site is in a sustainable location for housing development, and does not consider that there are any material considerations of sufficient weight to justify refusing planning permission.

### **Formal Decision**

17. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission for residential development (up to 700 dwellings), 10.6Ha of green infrastructure including Public Open Space, associated works, up to 560 sqm of D1 (non-residential) floorspace, primary school and the demolition of existing buildings, in accordance with application Ref 10/04575/OUT, dated 6 December 2010, subject to the conditions listed at Annex A of this letter.

18. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

19. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

20. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

### **Right to challenge the decision**

21. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

22. A copy of this letter has been sent to Wiltshire Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak  
Authorised by the Secretary of State to sign in that behalf

**CONDITIONS**

1. Applications for the approval of reserved matters shall be submitted before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. No development shall commence until a phasing plan for the delivery of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the phasing plan unless otherwise agreed in writing.
4. No phase of the development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) for that phase have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

5. No development shall take place until an urban design and framework plan for the development of the site has been submitted to and approved in writing by the local planning authority. The plan shall be substantially in accordance with Illustrative Masterplan C11112.09.SK803 Rev P and shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall include:
  - the arrangement of street blocks;
  - the overall level and location of car parking at the site;
  - surfacing materials of the spine roads;
  - the density and mix of dwellings;
  - the general location of affordable housing;
  - building heights and massing;
  - Frontages of plots along the Spine Road (as shown on dwg nos WSP0268/LE/05 revision B and WSP0268/LE/06 Revision B)

The development shall be carried out in accordance with the approved masterplan.

6. Prior to the commencement of any phase of the development, a scheme of hard and soft landscaping for that phase (as shown on the illustrative masterplan required in connection with condition 3 above) shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - (a) indications of all existing trees and hedgerows on the land;
  - (b) details of any to be retained, together with measures for their protection in the course of development;
  - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - (d) finished levels and contours of buildings and land;
  - (e) means of enclosure;
  - (f) car park, layouts;

- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artifacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, governing equipment (gas, electricity and other services), pipelines etc indicating lines, manholes, supports etc);
- (k) bin storage and recycling facilities , where relevant;
- (l) retained historic landscape features and proposed restoration, where relevant.

The development shall be carried out in accordance with the details approved.

7. No equipment, machinery or materials shall be brought onto the site for the purposes of any phase of the development until details of fencing to be erected for the protection of retained trees, hedges and/or shrubs within that phase have been submitted to and approved in writing by the local planning authority. No equipment, machinery or materials shall be brought onto any phase of the development for the purposes of the development until fencing for the protection of retained trees, hedges and/or shrubs has been erected in accordance with the approved details, and the fencing shall be retained in place until all equipment, machinery and surplus materials have been removed from a phase of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the local planning authority.
8. No development, including any phase of the development, shall commence on the site until:
  - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority in respect of the field located in south west corner, especially that area marked for further work in Figure 5 of the Archaeological Evaluation submitted within the application; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.
9. No development, including any phase of the development, shall commence on the site until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The CEMP will detail the following works with consideration given primarily to the protection of retained, enhanced and new habitats, and protected species (namely badgers, bats, breeding birds, reptiles and otter):
  - a) Contractor responsibilities, procedures and requirements;
  - b) Details of construction method statements with ecological review;
  - c) Precautionary Methods of Working (PMW) for works, such as tree felling and consideration to bats and the demolition of any buildings;
  - d) Details of protected species licences, where required (such as a bat licence for the demolition of buildings with known bat roosts);
  - e) Details of appropriate habitat and species surveys (pre and during-construction), and reviews where necessary;
  - f) Measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity during construction, including installation of protective fencing along hedgerows and around retained trees/woodland, consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced

habitat areas and minimise disturbance of existing features (badger setts for example);

- g) A summary work schedule table, confirming the relevant dates and/or periods that the prescriptions and protection measures shall be implemented or undertaken by a suitably qualified and experienced ecologist;
- h) A programme for Monitoring/Environmental Audits during the construction phase;
- i) Confirmation of suitably qualified personnel responsible for over-seeing implementation of measures detailed in the CEMP, as required, such as the appointment of an Ecological Clerk of Works, including a specification of the role.

Development shall be undertaken in accordance with the approved details.

- 10. Prior to the commencement of any phase of development, full details of bird and bat boxes including numbers of boxes of each type, locations, a timetable for their installation and a plan to demonstrate how the boxes shall be retained thereafter shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details and timings.
- 11. Prior to the submission of any application for reserved matters, an Ecological Management and Monitoring Plan (EMMP) shall be submitted to and approved in writing by the local planning authority. The EMMP shall include:
  - (i) details of any necessary updated ecological surveys;
  - (ii) drawings clearly showing the areas to be managed under the EMMP, including areas of grassland;
  - (iii) any capital works and ongoing management prescriptions for all relevant areas, as required by Chapter 10 of the Environmental Statement which accompanies the application, including schedules clearly setting out timescales and responsibilities; and
  - (iv) a schedule of ecological monitoring work.
- 12. Upon commencement of development all capital works shall be carried out to the agreed timescales and all areas identified in the EMMP shall be managed in full accordance with the agreed prescriptions in perpetuity. All monitoring reports shall also be made available to the local planning authority.
- 13. The Calcareous grassland as shown on Ecosulis drawing Phase 1 Survey Map Figure 5 contained in Chapter 10 Ecological Technical Appendix to the Environmental Statement dated December 2010 shall be permanently retained and protected in perpetuity as an ecological habitat.
- 14. Prior to the commencement of development, a detailed strategy for the protection, management and retention of the Calcareous grassland in perpetuity shall be submitted to and approved in writing by the local planning authority. Thereafter the strategy shall be implemented on site in accordance with the approved framework. The Strategy shall include:
  - a) a detailed plan identifying the exact boundaries of the Calcareous grassland and its relationship with the development parcel boundaries which is contained within the area labeled as nature conservation area on dwg no. C11112/11/SK905 Rev H. Illustrative adoptable and non-adoptable open space plan" attached to the legal agreement.
  - b) measures for its protection during construction phases
  - c) details of the long term management of the area
  - d) measures to control public accessibility to, the grassland
  - e) the timing of the implementation of any proposed works.

15. No structures, equipment, vehicles, machinery or materials shall at any time be stored on the area of Calcareous grassland identified in dwg no. C11112/11/SK905 revision H unless otherwise approved in connection with condition 14 above.
16. No phase of development shall take place until details of the estate roads including the realigned Purton Road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car-parking and street furniture for that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
17. No building shall be occupied until it has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and the existing highway.
18. No development shall take place until a highway phasing programme has been submitted to, and approved in writing by, the local planning authority in consultation with Swindon Borough Council. The phasing programme shall include a phasing plan that is linked to occupation numbers. The phasing programme shall include timings for the completion of the cyclepath/footway on Purton Road east, completion of the realigned Purton Road, extension of Swinley Drive, residential use of the realigned Purton Road. The phasing programme/plan shall also include a plan indicating the phase within which transport infrastructure shall be provided. The development shall be carried out in accordance with the approved details.
19. No development shall take place until a detailed design package for the upgrading of Sparcells/ Mead Way roundabout has been submitted to, and approved in writing by, the local planning authority in consultation with Swindon Borough Council. The design package shall accord with Design Manual for Roads and Bridges including full departure reports if appropriate.
20. The detailed design package for the upgrading of 'Sparcells' Mead Way roundabout is to be fully completed in accordance with the approved details and to the satisfaction of the Local Planning Authority in consultation with Swindon Borough Council, prior to the occupation of the 250<sup>th</sup> dwelling.
21. No development shall take place until a schedule of pedestrian and cycle crossings, broadly in accordance with highway drawings Road (as shown on dwg nos WSP0268/LE/05 revision B and WSP0268/LE/06 Revision B) has been submitted to and approved in writing by the Local Planning Authority in conjunction with Swindon Borough Council. The schedule will include the type of crossing and a programme of implementation and shall be fully implemented in accordance with the schedule to the satisfaction of the local planning authority.
22. Prior to the first occupation of any dwellings, details of the proposed measures to be introduced to facilitate the introduction of bus services for the development shall be submitted to and approved in writing by the local planning authority. Those measures shall include:
  - any proposed measures for temporary redirection during construction works prior to the completion of the road network through the development;
  - any temporary bus stops;
  - proposed permanent bus stops;
23. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 11210268 undertaken by WSP and dated 5/11/10 and WSP letter MJW/jc/0268/EA3 dated 14 March 2011, plan 0268/D/05 rev C and the following mitigation measures detailed within the FRA: Limiting the surface water run-off generated by the critical storm to 14.011/s/ha so that it will not exceed the



run-off from the undeveloped site and not increase the risk of flooding off-site.

24. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles based on surface water drainage strategy ref 0268/D/01 rev J and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before that phase of development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

25. No development shall take place on land to which reserved matters relate until details of all watercourse crossings within each parcel, plot or phase have been submitted to and agreed in writing by the local planning authority. Thereafter the crossings shall be implemented in accordance with the approved details.

26. No phase of development shall commence pursuant to any reserved matters until the following have been submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) shall be designed and implemented in order to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) An options appraisal and remediation strategy based on the results of the preliminary risk assessment and site investigation shall be produced. The remediation strategy shall provide full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 5) Should any unexpected contamination be encountered during the development, work shall cease until a revised scheme of remediation and validation has been agreed in writing with the local planning authority.
- 6) A verification report providing confirmation that all agreed remediation and mitigation measures (4)/(5) have been satisfactorily implemented.

The final discharge of this condition for any phase cannot take place until component (6) has also been submitted and approved in writing by the local planning authority.

If at any stage of the risk assessment, site investigation or options appraisal process it can be demonstrated to the written satisfaction of the local planning authority that further investigation is unnecessary the remaining parts of the condition will not apply.

The scheme shall be implemented as approved.

27. No phase of development shall take place until a Construction Environmental Method Statement has been submitted to and approved in writing by the local planning authority. All construction traffic shall access and egress the site from 'Sparcells' Mead Way roundabout on Mead Way, unless otherwise agreed in writing with the local

planning authority in consultation with Swindon Borough Council.

The approved Statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding;
  - wheel-washing facilities in order to prevent the deposit of mud on adjacent highways;
  - measures to control the emission of dust and dirt, during construction; and
  - a scheme for recycling/disposing of any waste resulting from construction works.
28. Dust suppression equipment, to include a water bowser capable of traversing the identified site topography, shall be provided at the commencement of development and used and maintained on the site throughout the duration of the works.
29. Prior to commencement of construction of an identified phase of development, a noise insulation scheme is to be submitted to, and approved in writing by, the local planning authority. The scheme shall demonstrate that the internal noise levels, from external noise sources, will not exceed (either of the following) 35 dB LAeq, 07:00-23:00 or 30 dB LAeq, 23:00-07:00 inside the habitable rooms of any dwelling. The scheme shall be implemented as approved.
30. Prior to commencement of construction of an identified phase of development, a noise mitigation scheme is to be submitted to, and approved in writing by, the local planning authority. The scheme shall demonstrate that noise levels due to the Spine Road or railway traffic will not exceed 55 dB LAeq (07:00-23:00) decibels within the main garden, balcony and outdoor amenity space of each dwelling adjoining the Spine Road and railway.
31. The construction of any part of the development hereby granted shall not include the use on site of machinery, powered vehicles or power tools before 07:30 hours or after 18:00 hours on any weekday, nor before 7:30 hours or after 13:00 hours on any Saturday nor at all on any Sunday or Bank or Public Holiday.

End



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# Report to the Secretary of State for Communities and Local Government

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 27 July 2012

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**TOWN AND COUNTRY PLANNING ACT 1990**

**WILTSHIRE COUNCIL**

**APPEAL MADE BY**

**TAYLOR WIMPEY UK LIMITED, D. M. WEBB, C. A. LINDSEY, J. WEBB AND  
S. BALLARD**

Inquiry held on 9, 10, 15-18 & 22 May 2012  
Site Visits on 8, 18 May & 21 May 2012

Ridgeway Farm, Common Platt, Purton, Swindon, Wiltshire SN5 4JT

File Ref: APP/Y3940/A/111/2166277

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## GLOSSARY AND ABBREVIATIONS

<b>CAAP</b>	<b>Central Area Action Plan</b>
<b>CD</b>	<b>Core Document</b>
<b>CPRE</b>	<b>Campaign to Protect Rural England</b>
<b>DAS</b>	<b>Design and Access Statement</b>
<b>DCLG</b>	<b>Department for Communities and Local Government</b>
<b>DP</b>	<b>Development Plan</b>
<b>DPD</b>	<b>Development Plan Document</b>
<b>dCS</b>	<b>Draft Core Strategy</b>
<b>dRSS</b>	<b>Regional Spatial Strategy for the South West 2006 – 2026 – Secretary of State’s Proposed Changes (July 2008)</b>
<b>dSC</b>	<b>Draft Swindon Core Strategy</b>
<b>dWCS</b>	<b>Draft Wiltshire Core Strategy</b>
<b>EIA</b>	<b>Environmental Impact Assessment</b>
<b>ES</b>	<b>Environmental Statement</b>
<b>HMA</b>	<b>Housing Market Area</b>
<b>HGV</b>	<b>Heavy Goods Vehicle</b>
<b>ID</b>	<b>Inquiry Document</b>
<b>LA</b>	<b>Localism Act 2011</b>
<b>LDD</b>	<b>Local Development Document</b>
<b>LP</b>	<b>Local Plan</b>
<b>LPA</b>	<b>Local Planning Authority</b>
<b>The Framework</b>	<b>National Planning Policy Framework 2012</b>
<b>NWDC</b>	<b>North Wiltshire District Council</b>
<b>NWLP</b>	<b>North Wiltshire Local Plan</b>
<b>PCPA</b>	<b>Planning and Compulsory Purchase Act 2004</b>
<b>PPC</b>	<b>Purton Parish Council</b>
<b>PSD</b>	<b>Purton Oil Storage Depot</b>
<b>PUA</b>	<b>Principal Urban Area</b>
<b>RPG10</b>	<b>Regional Planning Guidance 10 for the South West 2016</b>
<b>RSS</b>	<b>Regional Spatial Strategy</b>
<b>SBC</b>	<b>Swindon Borough Council</b>
<b>SCR</b>	<b>Swindon &amp; Cricklade Railway</b>
<b>SCG E</b>	<b>Statement of Common Ground – Employment Land</b>
<b>SGC Ed</b>	<b>Statement of Common Ground – Education</b>
<b>SCG G</b>	<b>Statement of Common Ground – General</b>
<b>SCG H</b>	<b>Statement of Common Ground – Housing Matters</b>
<b>SCG HT</b>	<b>Statement of Common Ground – Highways &amp; Transport</b>
<b>SHLAA</b>	<b>Strategic Housing Land Availability Assessment</b>
<b>SLP</b>	<b>Swindon Local Plan</b>
<b>SPG</b>	<b>Supplementary Planning Guidance</b>
<b>SRA</b>	<b>Shaw Residents’ Association</b>
<b>SSUES</b>	<b>Swindon Small Scale Urban Extension Study</b>
<b>WC</b>	<b>Wiltshire Council</b>

**File Ref: APP/Y3940/A/11/2166277**

**Ridgeway Farm, Common Platt, Purton, Swindon, SN5 4JT**

- The Appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The Appeal is made by Taylor Wimpey UK Limited, D.M. Webb, C.A. Lindsey, J. Webb and S. Ballard against Wiltshire Council.
- The application Ref 10/04575/OUT is dated 6 December 2010.
- The development proposed is residential development (up to 700 dwellings), 10.6Ha of green infrastructure including Public Open Space, associated works, up to 560 sqm of D1 (non-residential) floorspace, primary school and the demolition of existing buildings.
- The Inquiry sat for 7 days on 9-10 May, 15 – 18 May and 22 May 2012.

**Summary of Recommendation: The Appeal be allowed**

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**PROCEDURAL MATTERS**

1. The Secretary of State has recovered this Appeal and directs that he shall determine it instead of an appointed Inspector. This is because it involves proposals for residential development over 150 units and is on a site of over 5 hectares and would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
2. On 21 December 2011, the Secretary of State issued a letter indicating that the main considerations upon which he wished to be informed in respect of this Appeal were:
  - a) the extent to which the proposed development would be in accordance with the development plan for the area;
  - b) the extent to which the proposed development is consistent with Government policies in Planning Policy Statement 1: Delivering Sustainable Development and accompanying guidance The Planning System: General Principles and Guidance with particular regard to:
    - i) the achievement of sustainable development and sustainable communities through an integrated approach to social cohesion, protection and enhancement of the environment, prudent use of natural resources and economic development;
    - ii) whether the design principles in relation to the site and its wider context, including the layout, scale, open space, visual appearance and landscaping, are appropriate in their context and take the opportunities available for improving the character and quality of the area and the way it functions, having regard to the advice in paragraphs 33 to 39 of PPS1;
    - iii) the extent to which the application takes into account the access needs of society, including people with disabilities – including access to and into buildings, having regard to the advice in paragraphs 36 and 39 of PPS1;
    - iv) advice on prematurity in paragraphs 17-19 of The Planning System: General Principles, having regard to progress towards adoption of any emerging development plan documents or saved policies under the transitional arrangements;

- c) the extent to which the proposed development is consistent with Government planning for housing policy objectives in Planning Policy Statement 3 (PPS3) Housing with particular regard towards delivering:
- i) high quality housing that is well designed and built to a high standard
  - ii) a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural;
  - iii) a sufficient quantity of housing taking into account need and demand and seeking to improve choice;
  - iv) housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure;
  - v) a flexible responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously developed land, where appropriate.
- d) the extent to which the proposed development is consistent with the advice in Planning Policy Guidance Note 13: Transport, in particular on the need to locate development in a way which helps to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; reduce the need to travel, especially by car and whether the proposal complies with local parking standards and the advice in paragraphs 52 to 56 of PPG13;
- e) whether the planning permission should be subject to any conditions and, if so, the form these should take;
- f) whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable;
- g) any other matters that the Inspector considers relevant.
3. Since that letter was issued, the National Planning Policy Framework (the Framework) has been published and PPS1, PPS3 and PPG13 have been revoked. The Appeal consequently falls to be determined in the light of this change in policy guidance.
4. The local planning authority for the Appeal site is Wiltshire Council (WC). However, in the submission draft of the emerging Regional Spatial Strategy for the South West 2006 - 2026<sup>1</sup> (dRSS), (which was never adopted), the site was considered for inclusion for residential development as part of an urban expansion to the west of the town of Swindon, for which Swindon Borough Council (SBC) is the local planning authority. As the outcome of the Appeal will affect both Councils, who are in agreement over the reasons for refusal of the proposal, their case was presented jointly to the Inquiry.
5. The Appellants have produced an illustrative master plan to accompany the application. This has since been revised and I have been asked to take the updated version into account when considering this Appeal. The Councils raised no objection to this and, for the avoidance of doubt, the version of the plan that I have considered is numbered C1112/09/SK803 Rev P<sup>2</sup>.

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<sup>1</sup> CD2.2 Regional Spatial Strategy for the South West 2006

<sup>2</sup> CD14.1

6. Since the Appeal was lodged, WC and the Appellants have reached agreement over a number of matters that were originally cited as reasons for which the application would have been refused. WC has consequently confirmed that it has withdrawn reasons 4, 5, 6 and 7 cited in its Rule 6 Statement. These relate to the sustainability of the site in relation to its distance from services and the availability of public transport provision, highway safety issues relating to the design of the roads into and across the site, the impact of the development on residential amenity in respect of highway matters and the impact on the strategic transport network and the absence of an acceptable signed S106 agreement to secure affordable housing and mitigate some of the impacts the development would have on local services and facilities. Interested parties have not, however, withdrawn their objections on these matters.

## ENVIRONMENTAL IMPACT ASSESSMENT

7. The proposal is Environmental Impact Assessment (EIA) development under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. An Environmental Statement<sup>3</sup> (ES) has been produced to examine and evaluate the likely environmental effects of the development as required by Schedule 4 Part 2 of the EIA Regulations. I carried out a review of the ES prior to the opening of the Inquiry and, in summary, found it to contain all the information necessary to enable a decision to be made on the adequacy of the document for the purpose of assessing the significant environmental effects of the development.
8. The ES includes a non-technical summary as required by the EIA Regulations; this explains that the effect the proposed development would be likely to have on the existing environmental conditions of the site have been examined and quantified. It states that, where appropriate, measures to reduce any adverse impacts (mitigation measures) have been identified and incorporated into the final master plan design. Any remaining impacts after these measures have been carried out are termed 'residual impacts'.
9. The environmental issues identified are given as contamination, landscape/visual impact, air quality, traffic/transport, agriculture, water quality/resources/drainage, archaeology, ecology/nature conservation and noise and vibration. It does not, however, address the socio-economics and local communities topic that is included in the wider report.
10. Since the ES was first prepared, the application scheme has changed and further information was requested from the Council on certain topics. The changes and the responses to the information requests have been included in a Supplementary ES submitted under Regulation 19 of the EIA Regulations. The Council queried whether this document should have referenced the revised Regulations that came into force in August 2011. However, the Appellants responded, referring to Regulation 65 which makes clear that the revocation of statutory instruments brought about by the new Regulations will not have effect on any application lodged before the commencement of the new Regulations. The Council has accepted that this clarifies the position.

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<sup>3</sup> CD13.3



11. A Scoping Report for the site was published in 2006 and comments were invited from relevant organisations. The comments were incorporated into a revised report that was updated again in 2010 and is now included in the ES. It explains the background to the proposal and the work that is necessary for completion of the EIA.
12. The ES is divided into the Scoping Report (Part A), the Context for the Proposed Development (Part B), the Environmental Impact Assessment (Part C) as well as further sections covering references (Part D), Glossary (Part E), the planning policy context (which is also covered further in Part B), (Part F), the Non-technical Summary (Part G) and technical appendices (Part H).
13. The Scoping Report identifies the general approach to satisfying the requirements of the EIA Regulations (Schedule 4 Part 1) and sets out the structure and content of the ES. The assessment methodology used is explained in each section of the ES and, in particular, details the response to statutory requirements and best practice, the definition of impact significance and the method of assessing environmental and social impacts.
14. The Councils have not raised any concerns about the adequacy of the ES, neither do they dispute any of the conclusions drawn in it, however, interested parties have queried the conclusions of some of the sections, particularly those concerned with traffic/transport and flooding. These matters and the objections raised in respect of them will therefore be considered in later sections of this report. However, there was no suggestion at the Inquiry that the ES was inadequate in respect of these matters, to the extent that it prevented a decision from being taken on them. The ES is therefore compliant with the Environmental Impact Regulations 1999.

## THE SITE AND SURROUNDINGS

15. The site and its surroundings are described in detail in the Design and Access Statement<sup>4</sup> (DAS) and the Statement of Common Ground - General<sup>5</sup> (SCG G). The site comprises 29.6 Ha of agricultural land in the countryside adjacent to the settlement of Peatmoor, to the west of the Swindon, but, as noted above, it is within the administrative area of WC. It is presently a farm and contains a farmhouse and a number of outbuildings.
16. At the time of the Inquiry, the undeveloped parts of the site were fields laid to grass with no evidence of any active use. The grass was long and interspersed with weeds and so did not appear to be cultivated for hay. I am told however that the fields have most recently been used for grazing livestock.
17. The site is bounded to the north east by the Swindon/London railway line, to the south by the B4553 Purton Road, to the west by the B4553 Washpool/Cricklade Road and to the north west by other agricultural land. The village of Purton lies about 2km as the crow flies to the west, the village of Lydiard Millicent is about the same distance to the south west and the town centre of Swindon is about 6 miles away. The site is crossed by two public footpaths; one passes under the railway bridge, crosses the River Ray and links to a footpath running adjacent to the canal to south of the Mouldon Hill Country Park. The other links to a path within the residential development to the south.

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<sup>4</sup> CD13.4

<sup>5</sup> ID40

18. The site has an undulating topography with the highest land to the west and south. It then falls towards the centre of the site, forming an 'L' shaped valley before rising again towards the railway line. High voltage electricity cables are carried on pylons across the north western corner of the site and there are lower level cables on poles running close to them. The Purton oil storage depot (PSD), which stores aviation fuel for local military airports, lies beyond and adjacent to the railway line, to the north of the site.

## **PLANNING POLICY**

19. National planning policy is now embedded in the National Planning Policy Framework<sup>6</sup> (the Framework). Alongside the Framework, the adopted Development Plan (DP) that applies to the area in which the Appeal site is located presently includes Regional Planning Guidance for the South West 2016<sup>7</sup> (RPG 10, the Regional Spatial Strategy (RSS)), adopted in 2001, the saved policies of the Wiltshire and Swindon Structure Plan 2016<sup>8</sup> (WSSP) and the North Wiltshire Local Plan 2011<sup>9</sup> (NWLP).
20. The emerging Wiltshire Core Strategy<sup>10</sup> (dWCS) is a material consideration in respect of the site, as is the emerging dRSS<sup>11</sup>, although the Government has announced its intention to abolish this layer of planning policy and it is therefore unlikely that the dRSS will ever proceed to adoption. As noted above, because the site has previously been considered in the dRSS as an urban extension to Swindon, the saved policies of the Swindon Borough Local Plan to 2011<sup>12</sup> (SLP) and the emerging Swindon Core Strategy<sup>13</sup> (dSCS) are also relevant.
21. Other policy documents and guidance referred to by the parties are set out in full in Section 4.0 of the SCG G.

### **RPG 10**

22. The parties do not rely on any specific policies within RPG 10. This document is now agreed to be out of date, having been adopted in 2001, and no longer reflects more recent national and local policy. Although RPG 10 is still part of the DP, there is little in its policy context that is relevant to this Appeal.

### **WSSP**

23. There are a number of saved policies within the WSSP that are agreed to be relevant to this Appeal. Policy DP2 requires the infrastructure, services and amenities made necessary by the development to be made available at the appropriate time. Policy DP3 seeks to focus development primarily at the Swindon Principal Urban Area (PUA) and limits housing development to settlements that have employment opportunities satisfying local need, facilities and services and access by public transport. The policy also encourages development on previously developed land.

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<sup>6</sup> CD1.1

<sup>7</sup> CD2.1

<sup>8</sup> CD3.2

<sup>9</sup> CD4.3

<sup>10</sup> Wiltshire Council Core Strategy Pre-Submission Draft Document 2012

<sup>11</sup> CD2.2

<sup>12</sup> CD4.4

<sup>13</sup> Swindon Core Strategy 2006-2026 Proposed Submission Document 2011

24. Policy DP4 sets the housing and employment land targets for the DP area and also notes that Local Development Documents (LDDs) should provide mechanisms for managing and reviewing the release of sites and phasing of development over the DP period. It includes 24,000 dwellings in the Swindon (PUA). It makes reference to policy DB10B, which in turn envisages that 1000 dwellings will be provided to the western side of the PUA. Specific sites will be identified through Development Plan Documents (DPDs) following a joint study by the local planning authorities. Policy DP10B also requires the provision of public transport links from the first phase of any new development, the protection of nature conservation interests and protection of the strategic landscape.
25. Policy DP13 requires rural buffers to be maintained to protect the separate identities of towns and villages that include Purton, Lydiard Millicent, Royal Wootton Bassett and Cricklade.

#### **NWLP**

26. Saved policy H4 from the NWLP restricts development in the open countryside except in particular circumstances. Although referred to by interested parties, policy NE2 relating to the designation of the rural buffer called for in the WSSP has not been saved, although the areas covered by the countryside designation are given similar protection against development to that in policy NE2. General design quality is controlled by policy C3.

#### **SLP**

27. Saved Policy DS1 permits development within the Swindon urban area, subject to compliance with other policies in the Plan, and in the countryside where it is provided for by other Local Plan policies. The SLP policy ENV13 which relates to the rural buffer was not saved.
28. The Swindon Central Area Action Plan 2009 (CAAP) sets out the strategy for development within the town centre and immediately surrounding area.

#### **Emerging policy**

29. Considerable work had been undertaken on the updated version of RPG10, the dRSS, prior to the Government's announcement that it intended to revoke this layer of DP policy. In the report of the Panel that followed the Examination in Public (EiP) into the dRSS, it was recommended that 3000 new houses should be provided as an urban extension to Swindon in North Wiltshire, rather than the 1000 included in the WSSP, and this recommendation was included the Secretary of State's Proposed Modifications to the dRSS published in 2008.

#### **dSCS**

30. Ridgeway Farm was included as a part of a potential urban extension in the SCS Preferred Options – March 2008. However, by the time the revised dSCS Proposed Submission Document was published in March 2011, the housing requirements had been reduced and were set at 25,000 homes for Swindon from 2006 to 2026, equating to about 850 dwellings per year for the period up to 2016.

31. This development strategy is dependent on, amongst other things, urban extensions of 1700 homes at Tadpole Farm and 900 houses at the Commonhead allocation to the south east of Swindon. This assessment was informed by an update to the Swindon Small Scale Urban Extension Study (SSSUES) Evidence Review Paper (February 2012)<sup>14</sup>.

### ***dWCS***

32. The dWCS was published for consultation from June – August 2011 and the pre-submission document that was approved by the Council in February 2012 includes only 200 dwellings to the west of Swindon (at Moredon Bridge). Following the changes to the SBC housing numbers, the dWCS concludes that no further housing development is necessary to the west of Swindon and therefore makes no allocation in respect of the Ridgeway Farm site. Since the closure of the Inquiry, WC has resolved to submit its dCS to the Secretary of State for EiP. The document has been slightly modified in response to the last round of consultation but there have been no changes that affect the policies relevant to this Appeal.

### ***Evidence base to support local policy***

33. In response to Policy DP10B, and later the dRSS, joint studies by the Councils evolved into the Swindon Small Scale Urban Extension Study<sup>15</sup> in which Ridgeway Farm and a nearby site at Moredon Bridge were identified as suitable locations for delivery of 1000 dwellings and a site at Tadpole Farm within the Borough of Swindon was suggested for 1500 dwellings. This study formed a technical evidence document supporting both the dWCS and the dSCS.

### **OTHER RELEVANT APPLICATIONS**

34. The application for 200 dwellings at Moredon Bridge (in Wiltshire) noted above was granted planning permission on Appeal<sup>16</sup> and these have now been built, with an application for another 50 presently under consideration.
35. Outline planning permission for up to 890 dwellings at the site known as 'Commonhead', to the south of Swindon (in SBC's area), was granted on Appeal<sup>17</sup> by the Secretary of State in March 2012.
36. Since the closure of the Inquiry, SBC has resolved to grant an application for outline planning permission for an urban extension of up to 1695 houses and other associated development at the Tadpole Farm site, subject to satisfactory completion of a S106 agreement and the imposition of suitable conditions.

### **THE APPEAL PROPOSALS**

37. The application is in outline with all matters apart from access reserved for future approval. A full description of the proposed development can be found in the SCG G but, in summary, it is for up to 700 houses, 10.6Ha of green infrastructure (which would include areas of Public Open Space), up to 560 sqm of D1 (non-residential) floorspace and a new primary school. As previously noted, the Appellants have produced an illustrative master plan (ref: C11112/09/SK803 rev P) which shows the access routes, the provisional site layout and the location of the various elements of the proposal.

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<sup>14</sup> CD6.15

<sup>15</sup> CD6.14

<sup>16</sup> CD12.7

<sup>17</sup> CD12.2

38. Three access points to the site are proposed. At the north western corner of the site the alignment of the B4553 would be altered to form a 'T' junction with a new spine road that would run north west to south east across the site and join the B4553 close to the existing Sparcells roundabout. The section of the B4553 Purton Road that runs along the southern boundary would be closed from the point of intersection with the spine road to the junction with Swinley Drive, which joins Purton Road from the south. Swinley Drive would then be extended into the centre of the site where it would meet the spine road at an intersection described as the 'Urban Square'.
39. The proposed site for the primary school and its playing fields are shown towards the centre of the site, to the south of the spine road and to the east of the extended Swinley Drive. The main areas of open space would be to the north and north west with a smaller area, containing 1 of the 2 play areas to be provided within the site lying to the south east.

## REASONS FOR REFUSAL

40. Had WC been able to determine the application, it initially resolved that it would have refused it for the reasons set out in paragraph 5.4 of the SCG G. Since reasons 4 – 7 have now been withdrawn, the remaining matters cited by WC relate only to the location of the site in the countryside and the lack of any specific allocation for it in any adopted or emerging DP documents and the view that the proposed development would be premature in relation to the progression of the CSs of both WC and SBC. WC considers that the scheme would consequently prejudice the plan-led approach to sustainable development and the spatial vision for the area.

## OTHER AGREED FACTS

41. The SCG G addresses the site description and the application proposals, the policy context and history and how this relates to the site, technical evidence as produced for the ES and the scope of the S106 obligation.
42. The Councils and the Appellants have produced further SCGs on housing matters<sup>18</sup> (SCG H), on employment land<sup>19</sup> (SCG E), education<sup>20</sup> (SCG Ed) and highway and transport matters<sup>21</sup> (SCG HT). The SCG H includes consideration of the availability of a 5 year land supply against the targets envisaged in the various adopted and emerging policy documents. It includes comparisons between the Councils' and the Appellants' assessments of requirements and supply and a detailed explanation of which sites are considered deliverable. It also highlights the areas of disagreement between the parties on these matters.
43. The SCG Ed explains that the development would generate the need for 210 additional primary school places and sets out in detail how these would be delivered through the S106 Obligation. It also addresses the contributions that will be made towards the provision of additional secondary school places. The SCG E sets out the employment land requirements as identified in the SBC area as included in the dSCS and highlights the area of disagreement between the parties on whether the reduction in the residual requirements is justified.

<sup>18</sup> ID10

<sup>19</sup> ID34

<sup>20</sup> ID39

<sup>21</sup> ID27

44. The SCG HT explains the circumstances that have led to the Councils withdrawing the objections on sustainability grounds relating to highway and transport matters. Although there is now no dispute between the main parties and consultees on this topic, it is the main focus of objectors to the proposals from local councillors and residents. The relevant witness for the Appellants therefore presented his evidence to the Inquiry and answered questions on it and the conclusions to be drawn from this are therefore considered in more detail in subsequent paragraphs. The appellants' witnesses on architecture and landscape also presented their evidence to the Inquiry and were questioned on it by interested parties.

## **THE CASE FOR THE WILTSHIRE COUNCIL AND SWINDON BOROUGH COUNCIL (THE COUNCILS)**

45. This Appeal provides an opportunity to create a paradigm for decision making under the new approach of localism as applied by the Framework. The reason for this is that the position of the principal parties is starkly and clearly delineated between the old system and the new. The Appellants present a case which, as was conceded in cross examination, is rooted in the administrative approach embodied in regional planning. The Councils, on the other hand, present a case which is rooted in the new approach of localism as directed by the Framework.
46. It is difficult to imagine an Appeal in which the position of the main parties more sharply diverges between the two systems so as to provide two alternative and mutually exclusive bases for the decision. Added to this is the fact that this is one of the first major housing Appeals to be decided in the context of the published framework and, as such, it provides a clear opportunity to announce a change with the past. The Appeal proposal suffers from all of the objectionable features inherent in regional planning which are identified in the Ministerial Forward to the Framework: the justification for this Appeal solely derives from targets imposed by an unaccountable regional apparatus, it excludes rather than includes people and communities and it derives no support at all from neighbourhood planning.
47. In rejecting this Appeal the Secretary of State is in a position to send an unambiguous signal that proposals brought forward in this way are no longer acceptable. In doing so he would consolidate and affirm the integrity of the Framework. This is the central, unifying submission which runs through all of the Councils' submissions below.
48. There has been a very high degree of cooperation between the two Councils and the Appellants which has led to a situation in which many of the issues identified by the Secretary of State in the letter 21st December 2011 have been resolved, at least so far as the principal parties are concerned. In this regard, the Councils point to the SCG G<sup>22</sup> as meeting the Secretary of State's interest in issues b (ii) and (iii) and c (i) and (ii).

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<sup>22</sup> ID40

49. In addition, the SCG HT expresses the main parties' consensus as to issue (d). An agreed list of conditions has been drawn up and agreed to satisfy issue (e) and a planning obligation has been agreed and signed by both parties. In the light of those matters the Councils do not oppose the grant of consent on the basis of any of the issues identified above and have withdrawn putative reasons for refusal 4-7 inclusive.
50. In the light of these matters the Councils submit there are four issues for determination as follows:
- (i) whether the proposals are in conformity with the DP;
  - (ii) whether the proposals are in conformity with the Framework;
  - (iii) whether any conflict with (i) or (ii) above is outweighed by housing need;
  - (iv) whether prematurity should prevail as a stand alone reason for refusal.

### ***The Development Plan***

51. The evidence reveals that there is no real conflict between the principal parties on this issue. The NWLP has saved policies under the arrangements made by the 2004 Act, Policy H4 is relevant to these proposals and the proposals are in breach of that policy specifically and, therefore, of the DP more generally. It follows, according to WC's evidence, that the presumption in S38(6) of the 2004 Act operates so as to restrict permission for these proposals '*...unless material considerations indicate otherwise*'.
52. It was agreed at the Inquiry that the Appeal proposals are for housing development on a greenfield site in the open countryside outside any defined urban boundary, in direct contradiction to saved Policy H4. It was therefore agreed that the proposals were in breach of the adopted DP and the S38(6) presumption applied against them.
53. That starting point is therefore agreed but the significance of it is not. Paragraph 12 of the Framework reaffirms the Government's commitment to a plan-led system and requires that '*...proposed development that conflicts should be refused unless material considerations indicate otherwise*'. The justification for adopting that approach is asserted at paragraph 150 of the Framework: '*Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities*'.
54. The presumption that planning decisions will accord with the DP is therefore strong and is not lightly to be set aside because doing so would have the effect of overriding local people's vision and aspirations for their area, which is contrary to the whole thrust of Localism. There was very little sign that the Appellants had taken this into account in their evidence to the Inquiry, which was largely based on the proposition that housing need automatically authorises a departure from the DP.
55. It was further agreed that housing need provided the only basis upon which the Appellants were inviting a decision contrary to the DP. It follows, as conceded in cross examination, that demonstrating an absence of a 5 year supply

is a condition which must be fulfilled in order to succeed at this Appeal and that a failure in that regard means it is inevitable that permission must be refused. However, it was further agreed that the reverse was not true, that at Hook Street<sup>23</sup>, Commonhead (1)<sup>24</sup> and Grantham<sup>25</sup> the Appellant had all demonstrated an absence of a 5 year supply but had still failed to obtain consent. Therefore, the parties agree that demonstrating an absence of a 5 year supply is a necessary but not a sufficient condition of success at this Appeal.

### **The Framework**

56. The Appeal proposals are in hopeless and irredeemable conflict with the Framework both as a matter of general approach and with regard to specific policies set out therein. They reduce public participation in the planning system to an incidental and trivial matter which may be dismissed in furtherance of the achievement of targets and objectives imposed by a remote regional apparatus. As such they conflict with the central idea of localism as applied by the Framework and, in particular, the relevant and important paragraph 1, which confirms the Framework *'...provides a framework within which local people...can...reflect the needs and priorities of their communities'*.
57. The fact that this proposition appears in paragraph 1 reflects the importance that the coalition Government attaches to it. It marks the transfer of power and authority from unaccountable regional bodies to local people who live, work and recreate in the areas affected by development. The Framework moves local people from the wings to the centre of the stage. This proposal opens the trapdoor so they disappear altogether. In this way, the Appeal proposals are in conflict with the whole approach of the Framework to give effect to the coalition Government's Localism Agenda.
58. As if to further reflect the high importance of this issue it reappears as the first of the core principles in paragraph 17: *'Planning should be genuinely plan led empowering local people to shape their surroundings...'*. In fact, this proposal rides rough shod over local people, denying them any effective say in the way land is brought forward for development in this part of Swindon and Wiltshire.
59. The Appeal proposals are not supported by the local community who have provided rational and well articulated evidence and submissions in opposition to them. The evidence also indicates that the public have been highly engaged in providing consultation responses to the dCSs and, in one case, the Parish Councils with the active co-operation of Wiltshire Council are pursuing the production of a pilot Neighbourhood Plan which includes the area of the Appeal site.
60. On this evidence, it is quite clear that people local to the areas affected by this proposal have understood that the Government wishes to encourage active participation in the planning process and have enthusiastically taken up that invitation in exactly the way the Government hoped and expected they might. It is plain from listening to local people and reading their submissions that the proposals sharply conflict with their wishes, priorities and aspirations in this area and, in that way, the Appeal proposals contravene the central idea of Localism as

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<sup>23</sup> CD12.5

<sup>24</sup> CD12.1

<sup>25</sup> CD12.15



expressed through the Framework. There is here though, a wider point concerning the integrity of the Framework. If permission is granted for a proposal which so conspicuously conflicts with local priorities and aspirations in order to achieve regional targets then doubt may arise about the seriousness of the Government's intention to reform the planning system.

61. In this regard, in the Malmesbury decision<sup>26</sup>, at paragraph 52, the Inspector notes that the grant of consent for 77 dwellings would: '*...seriously compromise the ability of the local community to determine where future housing growth should take place.*' This recognition of the prejudice caused to local participation and influence was found to be a significant material consideration against the grant of consent. The position is magnified in this case because the Framework has now been published and the proposal is for 700 dwellings as opposed to 77.
62. The Councils recognise that the Framework seeks to stimulate development and, in particular, increase the supply of housing land. However, this is not at any cost. Such development must be '*sustainable*' and must accord with the strategy of the plan. This proposal achieves neither of these things.
63. '*Sustainable development*' is defined in paragraph 6 of the Framework but that definition is too general to provide a workable basis for making submissions to the Secretary of State. The Inspector's approach to that issue in the Malmesbury decision<sup>27</sup> was to consider sustainable development to be that which '*...accords with the spatial vision for the area*'. The Appellants' agent agreed it was appropriate to apply that test in order to decide if the Appeal proposals were sustainable within the meaning of the Framework. However, at this Inquiry, there are two candidates for this spatial vision and these are in diametric conflict with each other.
64. The dRSS expresses the spatial vision of the unaccountable regional apparatus which requires land in Wiltshire to be made available to meet the needs of Swindon. The dWCS and dSCS express spatial visions derived from local public ownership of the plan-making process which excludes the possibility of a large housing site coming forward in this part of Wiltshire. The Appellant's case is that the Secretary of State should enforce the regional planning body's spatial vision notwithstanding the sharp conflict which thereby arises with the bottom up locally derived approach discussed above.
65. The Appellants' agent agreed that, under the Framework, the local spatial vision should prevail over the regional spatial vision. Looked at on this basis the proposals are in clear conflict with the spatial vision for the area and cannot therefore be regarded as sustainable. Thus the Appeal proposals receive no comfort from the general support for sustainable development which is the golden thread running through the Framework and neither do they receive any specific support from paragraph 49 for the same reason.
66. In this context it is also essential to consider the spatial vision for Swindon and, on a superficial analysis, against this the Appeal proposals fare better. This is because the dSCS carries forward a long established policy of promoting growth and expansion which specifically includes greenfield expansion at the periphery. The development strategy is explained in this way:

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<sup>26</sup> CD12.9

<sup>27</sup> Paragraph 38

*2.1 The development strategy aims to meet Swindon's development needs, whilst protecting the Borough's most important assets. Development is to be concentrated primarily at Swindon as the focal point for the economy, services and facilities and transport for the Borough and the wider-area. Urban concentration is the most sustainable development strategy because:*

*It will increase a better balance between job growth and housing, and*

*Critical mass and economies of scale can be more easily attained making the best use of existing and planned infrastructure and making the most efficient use of public resources and developer contributions.*

*2.2 The Council recognises that not all of Swindon's needs can be met within the existing urban area. Therefore Swindon is adopting a rational and responsible approach to town expansion in order to deliver the best and most sustainable outcomes for the town. Accordingly, development opportunities should be realistic and not compromise the existing or emerging longer term vision and strategy. To ensure that this takes place, due consideration has been given to constraints and advice received both from statutory and non-statutory bodies and organisations to ensure the allocations of the plan are realistically capable of being implemented.*

67. However, upon closer consideration it becomes clear that the Appeal proposals are not in accordance with that strategy. That is because the greenfield expansion sites are identified in DS1A of the dSCS. The Appeal site is not included in the list and is therefore outwith the strategy.
68. The evidence indicates that there has been a thorough, comprehensive and objective comparative assessment carried out over a number of years to consider which locations provide the most sustainable site to accommodate growth. It is clear from CD 6.15 paragraphs 7.8 and 8.1 that Commonhead and Tadpole Farm are the preferred options for growth following this exercise. That strategy is moving forward. Permission has now been granted for 800 units at Commonhead and the Council has evinced a clear intention to grant permission at Tadpole Farm.<sup>28</sup>
69. It was agreed that this proposal was not in accord with Swindon's strategy but the Appellants contend that the strategy was wrong to exclude the Appeal site. They say that the Appeal site represents only 4% of overall housing numbers and no harm to the strategy would arise by adding a further site to those already identified.
70. The fact that the Appellants disagree with the dSCS provides no basis for overturning it. The dSCS has been produced in direct consultation with local people and in indirect consultation via their elected representatives. The fact that a disappointed land owner disagrees with the order and distribution of priorities provides no basis for overturning them in contravention of the wishes of the public as expressed in the dSCS. To proceed on that basis would contravene the entire basis of the Framework and Localism Agenda.

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<sup>28</sup> ID1 paragraph 3.7

71. The contention that adding the Appeal site would cause no harm is also wrong. The addition of permission for 700 units at the Appeal site would cause harm to Tadpole Farm and to central Swindon.
72. The successful and early development of Tadpole Farm is an important part of the spatial vision for the area. The SCG H<sup>29</sup> records agreement that the Appeal site will deliver 570 units between 2011 and 2016. The Appeal site and Tadpole Farm are in a similar location, present a similar form of development, with a similar build-out rate and would attract a similar market. Just how similar they are can be seen in a comparison between the DASs for each site<sup>30</sup>. It is therefore inevitable that there would be some degree of market diversion from Tadpole Farm and it is equally inevitable that the effect of that would be to retard, inhibit or delay the early and successful completion of that development. It follows that the implementation of the development plan strategy will also suffer material harm.
73. The Appellants say there is no evidence of these effects but that is not the case. The agreed evidence of the build-out rate for the Appeal site, together with the agreed evidence about the similarity of market offer and location provides a proper evidential foundation for a judgment about this type of harm. In any event, some things are so obvious that specific evidence is not required. In the Grantham decision<sup>31</sup> the Secretary of State concluded, in the absence of any specific evidence, that *'...the development would give rise to a material risk to the early delivery of the sustainable urban extensions...'*. There is every reason to invite the Secretary of State to form a similar judgment in this Appeal.
74. The Grantham decision is also important in concluding on the distinction between deleting or frustrating a development and simply delaying it. As the Inspector pointed out, and the Secretary of State agreed<sup>32</sup>, material harm to the strategy can arise simply through delay.
75. The second aspect of harm concerns the regeneration of central Swindon. The Appellants' evidence included an extract from a study by the CPRE<sup>33</sup> and a fuller version was submitted by the Councils<sup>34</sup>. That document emphasises the vital role which statutory authorities can and should perform in urban place making in order to create rather than simply control development<sup>35</sup>. The Swindon CAAP<sup>36</sup> seeks to achieve precisely that. It provides: *'Regeneration is essential to enable central Swindon to develop to the level expected of a town of Swindon's status and to support the town's role as a regionally important centre'*<sup>37</sup>. The means by which the CAAP seeks to achieve that objective is by the promotion of a mix of housing, including family housing<sup>38</sup> which is then reflected in Policy CAAP19 which promotes a mix of dwelling sizes and types<sup>39</sup>.

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<sup>29</sup> ID10

<sup>30</sup> See CD 13.4 and ID29

<sup>31</sup> CD12.15 para 13

<sup>32</sup> CD 12.15 paragraph 255

<sup>33</sup> Mr McDonald's Supplementary Proof Appendix 4

<sup>34</sup> ID3 and ID18

<sup>35</sup> ID3, page 18

<sup>36</sup> CD4.15

<sup>37</sup> CD4.15 page 7

<sup>38</sup> CD4.15 page 28

<sup>39</sup> CD4.15 page 119

76. This document was overlooked in the Appellants' evidence but in cross examination it was agreed to be a relevant and important document because it reflects the plan strategy for encouraging regeneration and renewal by directing the housing market to brownfield land in the centre core. In so doing it exactly accords with the advice in paragraph 23 of the Framework: '*...recognise that residential development can play an important role in ensuring the vitality of centres...*'. The Appeal site provides the housing market with an alternative location. If, and to the extent, that the housing market is diverted from the centre to the Appeal site, the grant of consent will frustrate the achievement of the essential policy objectives which underlie the CAAP.
77. Whether it has that effect, or the extent to which it has that effect, is an area on which it is permissible to make a judgment. Any market diversion conflicts with the plan strategy and thereby causes harm. It is also axiomatic that diverting housing development from brownfield land to greenfield land is in conflict with the Framework 111.
78. The Councils invite two conclusions from this discussion. First, that the Appeal proposals conflict with the adopted strategy of the emerging development plans for both Wiltshire and Swindon and second, that in doing so, they are in conflict with the Framework. Particular regard must be paid to paragraph 47 because the injunction to boost significantly the supply of housing must only take place '*...as far as is consistent with the policies in this Framework*'. The policies in this framework require consensual planning which involves rather than excludes local communities and a plan led approach which respects rather than contradicts the adopted planning strategy for the area.
79. Paragraph 47 of the Framework also requires the identification of '*...key sites which are critical to the delivery of the housing strategy over the plan period*'. Tadpole Farm is such a site and, as discussed above, the grant of consent for the Appeal site would delay its early delivery and thereby further conflict with the housing strategy of the plan.
80. The Councils summarise their position on the second main issue in this way: the proposals are in conflict with the Localism Agenda and are thereby in conflict with paragraphs 1, 17 and 22 of the Framework. The proposals are in conflict with the DP and thereby paragraphs 12 and 150 of the Framework. The proposals are in conflict with the preference for brownfield land and thereby paragraphs 17, 100 and 111 of the Framework. The proposals are in conflict with the strategic policy of both plan making areas and thereby in conflict with paragraphs 16 and 47 of the Framework.
81. The conflict with strategic policy is very important in the wider decision making context of this Appeal. The Appellants have incorrectly approached the Appeal on the basis that all they have to do to win is demonstrate a negative 5 year supply. That, of course, is not so, as demonstrated by the decisions at Hook Street, Commonhead (1) and Grantham. In each of these cases a negative 5 year supply was demonstrated but permission was nevertheless refused because (in two of them) of conflict with plan strategy. By a parity of reasoning, if the Secretary of State agrees that the proposals are in conflict with the plan strategy then permission should be refused at this point without the need for any enquiry about whether there is a negative 5 year supply.

82. In contrast to this analysis, the Appellants rely on WSSP Policy DP10B but this policy is yesterday's strategy. It bears no relationship to contemporary wishes, ideas or aspirations on areas for housing development in this part of Swindon. It is hanging by a thread and may be abolished before the Secretary of State determines this Appeal. In any event, it is not an allocation policy and provides no specific support for this proposal.

### **Housing Need**

83. The Appellants planning witness, in his written evidence, has tried to establish that Swindon will be required to provide a 20% supplement because it is an area with a record of persistent under-delivery in the context of the Framework paragraph 47. However, he immediately conceded that the 20% issue was for forward planning and plan making and that for development control purposes the issue was whether a 5 year supply could be demonstrated<sup>40</sup>. The whole question of whether the 20% or 5% supplement applied was therefore agreed to be irrelevant in this development control context.
84. Nevertheless, for the sake of completeness, the Councils point to the SCG H<sup>41</sup>. It was agreed that it was reasonable to look back over a period of ten years to assess the question of persistent under-delivery raised in paragraph 47 and that, for five of the ten years, both authorities had a record of over supply. In Swindon's case this evidence is reinforced by a remark in the CPRE study: *'Apart from Corby, Swindon registered the most noticeable increase in house building of any case study location in the first decade of this century, with over 2000 completions recorded in 2007, a figure over 5 times that in 2001'*.<sup>42</sup>
85. Therefore the agreed position is that, for development control purposes, the target is a 5 year supply. The SCG H<sup>43</sup> also describes a further area of important agreement. The Councils agree that rows (a) to (g) inclusive reveal a negative 5 year supply based on various permutations of the RSS and WSSP. Equally, the Appellants agree that the Annual Monitoring Review reveals a positive 5 year supply when measured against the dCSs and that the position increases when the updated revised figures are considered. That is true of Wiltshire and Swindon with phasing. Housing land is released in Swindon in line with expectations of a recovery from recession because it is recognised that harm would arise if there were an over-supply of housing land provided in advance of the necessary infrastructure to service it.
86. The Appellants had a residual point about excluding large sites from the supply so as to bring the supply slightly below 5 years but that approach is nonsensical and was not pursued with any enthusiasm by the Appellants.
87. In broad terms this leaves the Secretary of State with a stark choice; if the dRSS/WSSP are to be applied there is not a 5 year supply. If the dCSs are to be applied there is a 5 year supply. The dRSS/WSSP approach should not be applied because those documents represent the worst aspects of regional planning as discussed above.

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<sup>40</sup> The Framework paragraph 49

<sup>41</sup> Table 3 page 5

<sup>42</sup> ID18 page 14

<sup>43</sup> Table 11 page 14

88. That submission is made shortly but its consequences for this Appeal, if it is accepted, are profound. It would mean that the only strategic policies in play for deciding this Appeal are the dCSSs which do not support the Appeal site as a location for housing development and which do reveal a 5 year supply. It would mean the Appellants have not succeeded on their 'must win' issue, with the consequence that the Appeal must be dismissed.
89. It is therefore vital for the Appellants to persuade the Secretary of State to apply the approach in the dRSS/WSSP. The obvious problem for them is that both of these documents may be abolished before a decision is made on this Appeal. The Appellants have anticipated this and suggested that the figures which provide the evidential basis for the dRSS should be used to justify the grant of consent even if the RSS has been abolished.
90. The suggestion here is that the figures have a separate and independent life from the plan whose policies they inform and may provide a basis for granting permission even if those policies and the plan itself are abolished. The idea just has to be articulated in that way to reveal how ludicrous it is.
91. There is, however, a different basis for rejecting the Appellants' approach. Their evidence is presented on the explicit basis that the dRSS figures are the most recently examined figures and are therefore to be preferred to the more contemporary but unexamined figures which support the dCSSs. That argument collapsed upon examination at the Inquiry.
92. The report on the EiP of the South Wiltshire Core Strategy<sup>44</sup> examines the reliability of the RSS figures as a basis for plan making as at October 2011. The Report is a comprehensive rejection of the idea that the RSS figures may provide a reliable basis for assessing anything. At paragraph 36 the Report points out that the RSS figures, based as they were on a 3.2% economic growth rate, were now *'...so aspirational as to be unrealistic'*. At paragraph 43 the Inspector explicitly considered the RSS figures and found they were based on *'...the now outdated 2004 projections...'*. The position was then summarised by the Inspector at paragraph 48 in this way: *'Drawing together the findings of this section of the report, the housing figures contained in the emerging Regional Strategy, and hence the SCS, are based on household projection figures which later evidence indicates are too high, an economic growth rate that events have proved to be unrealistic and annual house building rates that past building rates indicate are too optimistic.'*
93. All of these matters were put to the Appellants' witnesses on the subject, who also agreed with the EiP Inspector that the dRSS figures were outdated. The Appellants' agent tried to recover the position by contending that his approach was based instead on the latest Department for Communities and Local Government (DCLG) 2008 household projections. He did, however, also agree that, if the RSS figures were so aspirational as to be unrealistic, the same criticism applied to DCLG figures, which provided a broadly similar output. It is to be noted that this line of analysis was fully endorsed by the Inspector in the Malmesbury Appeal<sup>45</sup>.

<sup>44</sup> ID36

<sup>45</sup> CD12.9 paragraph 14

94. The Councils therefore submit that the dRSS figures have no independent life apart from the policy document they inform. Even if that is wrong, the dRSS figures are outdated and cannot be relied upon. That is the professional consensus of the Councils' witnesses, those of the Appellants, the Malmesbury Inspector and the EiP Inspector. The panel report is dated December 2007<sup>46</sup> and applies its findings to a base date of 2004. The consensus is plainly correct. No reliance may be placed on the dRSS figures.
95. When the decision for this Appeal is made, the RSS may or may not be in existence. If the latter it cannot be relied upon for anything at all. If the former, it should not be relied upon because it is inimical to national policy in the way discussed above. The '*figures*' within it have no independent relevance and are, in any event, out of date.
96. If these submissions are accepted then all that remains for strategic planning in these two administrative areas are the dCSs. In that situation there is no point in embarking on a discussion about weight in the context of paragraph 216 of the Framework. That is because weight is a comparative context between different scenarios. The policy may operate in that way when an emerging plan is superseding an adopted one. But in the situation described above, paragraph 216 of the Framework is irrelevant. Even if the dCS is accorded only little weight it provides the only strategic policy for decision making at this Appeal.
97. It was agreed that the Inspector and the Secretary of State are not being invited through this Appeal to provide any definitive resolution of the Appellants' objections to the soundness of the dCSs. It was also conceded by the witness on housing figures that the only value of his evidence to the Inquiry was to identify the existence of unresolved objections into both dCSs so as to call in to question their weight in the context of paragraph 216 of the Framework.
98. The Councils submit that makes no difference because, whether the Secretary of State accords some or little or great weight to the dCSs, there is nowhere else to turn absent the dRSS/WSSP and paragraph 216 of the Framework does not preclude weight being accorded to an emerging plan even where there are unresolved objections, as found by the Inspector in the Malmesbury Appeal.<sup>47</sup>
99. The conclusion which the Councils invite from this discussion is that the Appellants have failed to demonstrate a negative 5 year supply and, as agreed by their witness, the Appeal must consequently fail.

### **Prematurity**

100. The Planning System: General Principles is still extant advice and paragraphs 17-19 provide the policy basis for determining the issue.
101. The Councils refer to the Grantham Appeal<sup>48</sup> and submit:
  - (i) that the proposal is of a scale large enough to engage the policy;
  - (ii) that the similarities with the basis of the decision in Grantham are stark; and
  - (iii) that rejecting this proposal for reasons of prematurity is a rational and appropriate response given the stage at which the dCSs have reached and the manifest prejudice which a grant of consent here would cause to the process.

<sup>46</sup> CD2.3

<sup>47</sup> CD12.9 paragraph 12

<sup>48</sup> CD12.15 paragraphs 252-256 inclusive

## THE CASE FOR THE APPELLANTS

102. There is a stark issue for resolution by the Secretary of State. Given the announcements from the Coalition Government that the purpose of abolition of the RSSs was to avoid the dead hand of 'top down' policy and to do better than the 1924 house building rates, is it acceptable to allow SBC to use the abolition to avoid making appropriate provision, thereby infecting the historical approach to housing adjoining Swindon, but in Wiltshire? If it is wrong for SBC to avoid their responsibilities, then planning permission should follow for the Appeal site according to the 5 year housing supply analysis. If not, then the abolition of the RSSs is reduced to a sham and the housing numbers delivered locally and nationally will substantially reduce. It is as simple as that.

### **The Framework**

103. That submission is supported by the Framework: *'... we must house a rising population which is living longer and wants to make new choices'*<sup>49</sup>. Swindon is no different. The Framework identifies, as a dimension of sustainable development, the social role of *'supporting strong, vibrant and healthy communities by providing the supply of housing to meet the needs of present and future generations'*.<sup>50</sup>

104. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life including but not limited to *'...widening the choice of high quality homes'*.<sup>51</sup> So a supply of good quality and quantity of housing in Swindon and Wiltshire is sustainable.

105. There is a *'presumption in favour of sustainable development'*<sup>52</sup> which means for decision-taking *'approving development proposals that accord with the development plan without delay'*; and *'where the DP is absent, silent, or relevant policies out of date, grant permission unless any adverse impacts outweigh the benefits taking the Framework as a whole or specific Framework policies indicate the development should be restricted'*.

106. The Framework is not passive as to the quantity of homes. Paragraph 47 *'Delivering a wide choice of high quality homes'* is prefaced with the objective *'To boost significantly the supply of housing....'*. That is consistent with the concern about 1924 house building rates in the abolition of the RSS.

107. Given there is agreement with the Councils as to the (lack of) site specific impacts, early issues for examination are to identify what comprises the development plan, whether relevant policies within it are up to date and to be followed, or out of date and to be set aside, and what the implications are either way according to the Framework.

108. Additionally *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'*<sup>53</sup>.

<sup>49</sup> Ministerial foreword.

<sup>50</sup> Paragraph 7

<sup>51</sup> Paragraph 9

<sup>52</sup> Paragraph 14

<sup>53</sup> Paragraph 49



So a conclusion is required on which are the appropriate policies for examination. There is a range from the Wiltshire DP: RPG 10, WSSP, and NWLP through to the dRSS and then the dWCS. Although not the DP, fundamental to the understanding of the Councils' position is the dSCS, which has infected the approach to provision of housing by both.

***Draft Core Strategies.***

109. The Appellants' case is to challenge the efficacy of the dWCS and dSCS as aids to decision and the Councils' position that they allow housing numbers to be substantially reduced.
110. The dWCS, in the elements germane to this Appeal, fails to address fundamental elements that go to soundness - firstly, why it is no longer appropriate for land adjoining the west of Swindon, but in Wiltshire, to be used to meet the Swindon housing need; secondly, what is the consequence for Wiltshire of that failure in terms of out-commuting and thirdly, whether the dWCS is light on housing figures going forward.
111. The EiP will be concerned to examine those as issues for North East Wiltshire and it is not for this Appeal to conclude other than that they are substantial and go to soundness.
112. It should be noted that the Swindon response to dWCS Pre-Submission Consultation (2nd April 2012) supported the objective of reducing out-commuting and reducing Wiltshire's reliance on Swindon for job growth<sup>54</sup>. Support is given in this response to the conclusion that development west of Swindon is unnecessary as consistent with the 'current' version of the dSCS and with the SBC case at the Ridgeway Farm inquiry. It is thus conceded that the currency of the dSCS is not permanent.
113. The Appellants' evidence gives a basis for concern about the soundness of both plans: SBC has been overly pessimistic in its view of economic growth which is at odds with the projection recently produced by Experian for the SW Regional Observatory. The result will be net out migration and increased housing stress as an insufficient level of housing is available to meet the needs of the existing population.
114. In turn WC's derivation of the housing provision for the dWCS from the range of scenarios examined is not transparent and is predicated on unrealistic assumptions about changes to commuting patterns that can be brought about through planning policy. It has pursued a housing target at the lower end of the range and below that to meet past demographic trends. Using the Chelmer model, higher levels of housebuilding will be required in both CSs to support a more optimistic strategy for economic growth.
115. The Central Government Projections for future housing requirements for Swindon and Wiltshire are 30,900 dwellings Swindon and 44,700 for Wiltshire, totalling 75,600. The dRSS Panel Report recommended figure was 78,600. The reduction in the 2 Council areas is stark at 62,000, comprising 25,000 for SBC and 37,000 for WC. This is fundamentally against the notion of '*boosting significantly*' the supply of housing<sup>55</sup>.

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<sup>54</sup> ID16 and comment ref 'id 1667' last page

<sup>55</sup> The Framework paragraph 47

116. On the basis of the Chelmer Model runs produced by the Appellants, the SBC figure should be 31,500 for the Plan period and for WC it should be 43,900. The notion of backloading in SBC is predicated on their pessimistic view of when the economy will begin to recover and fails locally to meet the short term needs of the population of Swindon and more generally the Government's ambition to energise the economy by more house building. Clearly there is a substantial issue on soundness for both dCSs and it would be wrong to place any significant weight on them.

#### *WC on dSCS*

117. Thus the dWCS approach in this area is to be dictated by the dSCS purported policy direction of travel. WC has expressed concerns (which have not publicly been withdrawn) about the soundness of the dSCS<sup>56</sup> inter alia that: (i) in the North Wiltshire area there are clear functional relationships with Swindon as evidenced by commuting patterns and public transport services; (ii) without an adequate supply of deliverable housing during the plan period there will be significant pressure on the North Wiltshire and Kennet areas and as a result other Housing Market Areas (HMA) within Wiltshire; (iii) there is concern expressed that job forecasts are lower than other comparable data sources, potentially leading to a low level of housing growth and the strategy for the town as a major economic and service centre within the sub - region. The concern is summarised that the results of the job-led household growth may not go far enough in terms of addressing existing and future imbalances between jobs and housing and therefore address current net commuting inflows into Swindon.

118. For the avoidance of doubt, the conclusion that the Malmesbury Appeal Inspector came to that the dWCS could be given some weight does not exclude a different conclusion here. Not least because it is an informal plan and may have different implications for different areas of Wiltshire arising from its informality. For example, that Appeal dealt with the narrow issue of Malmesbury and did not need to deal with the cross border issues at west Swindon. DP10B was not mentioned and there was no need to do so. The pressures arising from SBC were irrelevant. Similarly the Appellants in that case appeared to have given no update of the demographic analysis such as has been given to this Inquiry<sup>57</sup>. It should be noted that for the debate at this Appeal WC and SBC 'readily acknowledged' a lack of 5 year supply of housing<sup>58</sup> after they told the Appellants in Malmesbury they were relying on the dWCS. The inexorable conclusion is that they too recognise that here is a different position in this cross border analysis. The Grantham decision is of even less guidance to this decision. That proposal placed allocated sites at risk in a formal CS, added to which there were site specific heritage and highways harm. It is no precedent.

119. For completeness, the South Wiltshire CS adds nothing to the debate here other than to illustrate the increase in housing in that area, in contrast to the dWCS reduction. South Wiltshire and the Inspector at that EIP were not faced with the west of Swindon issue.

<sup>56</sup> Mr. Macdonald's App 6

<sup>57</sup> The only material for contrast was the emerging regional strategy or the emerging Core Strategy [CD12.9 para 9]. There was no reason to consider the 1000 or 3000 units proposed at the west of Swindon in Wiltshire.

<sup>58</sup> Rule 6 Statement CD15.2

*Vale of White Horse on dSCS.*

120. The Vale of the White Horse DC also consider the dSCS unsound because in summary *'it is not justified as the most appropriate when considered against reasonable alternatives, such as the sites west of Swindon, have been discarded without a transparent process demonstrating the alternatives assessment that led to them not being brought forward'*<sup>59</sup>.
121. Thus, in summary, the dWCS is predicated so far as is relevant to this Appeal, on input from the dSCS, with which document WC and Vale of White Horse have issues as to soundness. That concern is underlined by the reality that the dSCS is not in a form that can be relied upon as having any material weight because it is likely to be changed.
122. The approach of SBC to housing numbers is stark. Reduce the numbers to figures below past achievement and a less demanding policy is created. It is self-fulfilling and specious, doubly so when the first 5 years' supply is further reduced. It is clear that there has been inactivity on the dSCS for about a year. SBC's witness advised in cross examination that the dSCS will go back to Cabinet in June and that it was fair to say that SBC were investigating whether the housing numbers should increase. He agreed that if the housing numbers were to go up (or down) there would have to be re-consultation. He also agreed that the Appellants exposition of the imbalance between high employment ambitions and lower housing was a valid point of potential concern going towards soundness.
123. So the decision maker is in this position: the stage of preparation of the dSCS is pre-consultation on a different format addressing housing numbers; there had been substantial objection to the previous version and there can be expected to be significant objection in the next format on the housing numbers and the balance with employment and the role of Swindon, whether the numbers go up (which is the most likely scenario) or down. The dWCS followed the previous version of dSCS with misgivings, but is driven in north east Wiltshire by the Swindon input. As a result the dWCS is flawed to the extent that there are issues which will have to be examined at the EiP which are capable of rendering it unsound.
124. The suggestion that these flawed drafts can be relied upon as articulated 'spatial visions' is flawed. They are untested and manifestly unsound. The only spatial vision at the moment that has been tested is the formal DP including WSSP which has the strategy of expanding Swindon housing west of Swindon in Wiltshire. Any Neighbourhood Plan is dependent on the soundness of the parent CS document, therefore no weight should be given to any emerging Neighbourhood Plan. The decision maker is not in a position of having to declare on the unsoundness of either draft CS, but must deal with a shortfall of housing as required by the Framework.
125. Nor does there have to be a decision as to whether or not Tadpole Farm should have planning permission or whether Ridgeway Farm will compete with it. Both sites are needed to meet the 5 year shortfall. There is no cogent evidence that Tadpole Farm will not go ahead or will be compromised if Ridgeway Farm is given planning permission. The choice and competition that both sites will provide are the essence of what the Framework seeks at paragraph 47 (bullet 2).

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<sup>59</sup> Mr. McDonald's App 7

126. The timescale is unlikely to see both dCS examined within 6 months. SBC are starting again in June 2012 according to its planning witness. There is a firm risk that the drafts will be found unsound jointly and severally not least because of the failure of SBC adequately to address housing numbers. Given it is conceded by both Council witnesses that the two CSs are interlinked, the earlier hearing of the dWCS EiP will have to address what will be coming forward from SBC, whether the figures are lower or higher. In itself that will cause a logistical problem to identification of soundness.
127. WCS Topic Paper 15<sup>60</sup> excludes from the 37,000 Wiltshire housing figures any Swindon related housing development west of Swindon (including further development at Moredon Bridge). The Appeal proposal, if permitted, may therefore be excluded from the 37,000 and is a matter for later resolution by WC and not a matter for the Secretary of State on this Appeal. It may, however, be seen by WC as a mechanism for retaining their argument for soundness before the EiP Inspector – namely that housing development to the west of Swindon which meets, for instance, the needs set out in policy DP10B, is set apart from, and additional to, the general Wiltshire housing figures.
128. As the Appellant's evidence shows, there are substantial imbalances in the evidence base for the dSCS which will require resolution before soundness can be found.

### ***SBC Central Area Action Plan***

129. For completeness it has become necessary to address the Swindon CAAP as invoked by SBC as an afterthought by its witness. It was not included in the officers' advice neither to Committee, nor in the Councils' Rule 6 Statement, or in the text of the SCG G. This is unsurprising, as it is of little weight in the context of this decision. The performance of the town centre housing provision has been excellent. The dSCS looks to provide 1000 units in the town centre, and already 442 of those have been completed in the period 2006 - 2011. Another 450 have been granted permission at Union Square.
130. It appears to be unchallenged that SBC is doing extremely well for the town centre against targets. It is unsurprising there is no objection to the Appeal proposal from town centre interests. Indeed residents of the Ridgeway Farm site will work, shop and resort there. Similarly it is unsurprising there is apparently no bar to Tadpole Farm founded on the CAAP.
131. The CAAP was relevant at Commonhead 1 because that scheme purported to remove the proposed university from the town centre. The CAAP did not create a bar to the out of centre Greenfield development permitted by the Secretary of State on Appeal at Commonhead 2. It is to be noted also that the Secretary of State afforded the dSCS '*limited weight*'<sup>61</sup>. SBC's late invocation of the CAAP against the proposal is ill conceived opportunism. It should be dismissed as a diversion.

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<sup>60</sup> CD6.6

<sup>61</sup> CD12.5 DL para 8

### ***The Housing Shortfall.***

132. As above, the justification of this scheme on the basis of a shortage of a 5 year supply of housing is up to date with the Framework<sup>62</sup> and advised by the historical impetus from the DPs and the dRSS.
133. Indeed, the Councils concede a shortfall *'Both Councils readily acknowledge a lack of 5 year supply of housing...'*<sup>63</sup> from the beginning of their case, and now up to date in the SCG H<sup>64</sup> a five year shortfall on all aspects save the dCS about which there are fundamental concerns on these figures<sup>65</sup>. As above the CS approaches are compromised and are not sources for decision.
134. It is perhaps not necessary to descend to analysis of the 5% and 20% buffer of paragraph 47 of the Framework. The Appellants' witness invokes it to say that the housing number delivery position is so bad in recent years that the 20% should apply. However SCG H<sup>66</sup> is, perhaps wisely, pragmatic in declaring that the supply outcomes are either significantly in excess (WSSP North Wilts) or in deficit (WSSP Swindon and Policy DP10B) against the straight five year requirements such that the disagreement between the parties is not critical.
135. The best evidence is found in a trace back to the elements of the DP which set a process and location for supply, accommodating both Council areas and including west Swindon. Extra material is found in the dRSS which contains the most up to date numbers tempered by independent examination, and found persuasive in recent decisions such as Highworth<sup>67</sup> which was decided in December 2011. There has been no justification given for saying that this was the wrong approach.
136. The WSSP implemented the RPG 10, and this document was under a review which was almost complete when the Coalition Government decided to revoke the RSS. WSSP concentrates development at the Swindon PUA<sup>68</sup> and looks for 1000 dwellings at the PUA at the western side of Swindon in accordance with policy DP10B. In turn DP10B identifies that provision will be made in a Local Development Document following a joint study, and policies in the LDD will ensure public transport links, protection of nature conservation interests and strategic landscape. Those subsidiary elements of the Appeal scheme are not criticised by the Councils<sup>69</sup>.
137. The LDDs have not emerged pursuant to DP10B, but the joint studies have been undertaken<sup>70</sup>. The conclusion of the SSSUES, for example, recommends

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<sup>62</sup> Para 47

<sup>63</sup> Councils' Rule 6 Statement para 5.7

<sup>64</sup> Table 11 page 14

<sup>65</sup> No-one says the WSSP North Wiltshire figures in Table 11 should drive the decision. It is silent on the WSSP requirement in Policy DP10B

<sup>66</sup> ID10 para 20.

<sup>67</sup> Mr McDonald's APP 8 para 5.1 : *'the level of housing land supply on district wide or on a disaggregated basis is proposed to be calculated in two ways, either on the basis of the Structure Plan or on the basis of the draft Regional Spatial Strategy figures. It has been agreed by the Council and the Appellants that the emerging Core Strategy will not be used as a basis to calculate housing land supply for the purposes of this Appeal.'*

<sup>68</sup> DP3

<sup>69</sup> ID40 8.5.1 no reason for refusal specifically on ecological/biodiversity grounds; 8.6.1 : no reason for refusal on landscape or visual impact grounds in terms of the wider rural countryside and the adjacent residential environment subject to suitable conditions. Public Transport links are achieved through the S106

<sup>70</sup> CD 5.9, CD6.14, CD 6.13, and CD 6.9.

Ridgeway Farm/Moredon Bridge as appropriate to meet the west of Swindon demands for 1000 or the 3000 dRSS<sup>71</sup>. Where the parties agree that policy justification derives from the WSSP and the dRSS, they leave the decision maker with no other reliable/sound source for housing numbers assessment. The studies are material and can be given weight.

138. Adopted policy indicates that Ridgeway Farm at the west of Swindon should be used for housing, as was accepted when Moredon Bridge was allowed on Appeal. The housing numbers are the only reliable evidence upon which a decision can be based. The Swindon dCS approach is flawed and will be changed imminently. It follows that Wiltshire emerging policy cannot drive a decision against the historical development plan direction.
139. Applying that conclusion to the last 2 bullet points of paragraph 14 of the Framework, either the proposal is to be treated as compliant with the DP and therefore should be approved without delay, or there is an absence of up to date direction forthcoming from the plan and no adverse impacts, so planning permission is to be granted. Doubly so given the impetus of the paragraph 49 presumption in favour of sustainable development.
140. The invocation of the countryside protection policy H4 in NWLP as a purported policy objection to allowing the Framework paragraph 14 to bite is therefore flawed. Paragraphs 14 and 49 must be read in tandem. There is a presumption in favour of sustainable development and relevant policies for the supply of housing cannot be considered up to date if the planning authorities cannot demonstrate a five year supply of deliverable housing sites. That guidance is a material consideration.
141. Added to that, the DP must be read as a whole. H4 countryside policy is presumed to be set aside when a policy such as WSSP DP10B brings forward development inevitably in the countryside. It is facile to suggest that H4 operates to exclude the presumption in paragraph 14, when the very basis of decision taking is either to apply the DP as a whole (therefore apply DP10B) or reject the DP and weigh both the general presumption (golden thread) and paragraph 49 (lack of numbers). Planning permission is inevitable if either scenario is found.

### **Prematurity.**

142. The Appeal scheme in context is of insufficient scale and of no significance for the dCS, with the result that no prematurity issue properly arises for either. The advice of policy<sup>72</sup> is that refusal of planning permission on the grounds of prematurity may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting of permission could prejudice an emerging Development Plan Document by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. In any view therefore, the proposal must result in the objectives/aspirations of emerging

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<sup>71</sup> ID40 6.21

<sup>72</sup> CD11.23 paras 17 to 19

policy being nullified or blunted to the extent they no longer have the effect intended.

143. It cannot be said here that the DPD is predetermined. The scale is comparatively small at 1.9% of the additional 36,000 houses required in, or immediately adjacent, to the Swindon urban area to satisfy the dRSS to 2026. Even on the flawed approach of SBC the figures are 3.8% of the 18,600 houses to be provided in urban extensions to Swindon under the dSCS.
144. As above, the proposal will bring forward WSSP 2016 policy DP10B which forms the extant Development Plan for the area but is yet to be satisfied with 4 years of the plan period remaining. Similarly, neither dCS has any reliable degree of formality; they are interdependent and not least are tainted as to their efficacy by the failure to address the issues required to be addressed namely an appropriate employment, population and housing balance. There are major issues in consequence about soundness.
145. The whole tenor of the Framework and the Planning System: General Principles document is to prevent planning authorities from prevaricating further in their duty to deliver adequate quantities of housing. There is no basis whatsoever upon which they should be allowed to do so here.

#### **Other Matters.**

##### *Rural Buffer.*

146. For the avoidance of doubt there is no issue with the Councils over and above the housing numbers and policy approach arising thereby. If that debate is decided against them, planning permission is to be granted so far as they put their cases.
147. However issue of Rural Buffers has been raised by third parties despite it not featuring in the Councils' case. The Rural Buffer had its strategic basis in policy DP13 of the WSSP and was intended to protect the separate identities of specified settlements within the county. The WSSP is clear at paragraph 4.107 that *'The actual extent of the Rural Buffer appropriate to each settlement will need to be defined and detailed during the review of the North Wiltshire District and Swindon Local Plans to 2011, and in subsequent Local Development Documents.'*
148. Furthermore paragraph 4.108 specifies that the extent of a settlement's buffer will need to allow for the completion of a number of future urban extensions, including those proposed on the western side of Swindon as required in policy DP10B. (emphasis added).
149. Policy NE2 of the NWLP established the local policy on the Swindon Rural Buffer with the stated intention of restricting development that would lead to the coalescence of settlements. Accordingly, the NWLP inset maps could do no more than identify the extent of this broad brush policy. However, NE2 was not saved and therefore it, and the inset map notation, no longer form part of the development plan – the Appeal site is not therefore within an identified Rural Buffer.
150. Whilst the defined Rural Buffer no longer exists, it is acknowledged that the objectives of policy DP13 of the WSSP were to protect the separate identities of various settlements around Swindon, and to prevent their coalescence with Swindon. The accompanying policy text notes that this should be *'an area for*

*each settlement that is essential to maintaining its physical separate identity and distinctive character'. (emphasis added)*

151. The Appellants' landscape witness addressed this within his proof<sup>73</sup> and concluded that: *'the location and scale of the Appeal proposals at Ridgeway Farm do not compromise the separate identity of the village of Purton nor the perception of its physical separation from Swindon.'* This view was of course supported previously by the analysis and findings of both the SSUES (2008) and the West of Swindon Study Update (2009) reports.

152. It was further supported by the absence of any objections on rural buffer or related grounds from the professional officers of both Councils and the Councils' position at the inquiry<sup>74</sup>. Site visits will have confirmed what is the area of intrinsic value to the setting of Purton and the correctness of the consensus, i.e. that the proposal does not compromise the intentions of Policy DP13.

### *Highways*

153. Similarly, highways implications have been rigorously addressed by the responsible bodies. There has to be continuity of approach on the implications for development on the highway infrastructure and that is ensured by the Highway Authorities' supervision. It is those bodies, of course, which bear the ultimate responsibility for the performance of the roads and are presumed to have knowledge of and implications for them<sup>75</sup>. Any unacceptable elements would have led to a recommendation for refusal of planning permission.

154. Here the several Highway Authorities of WC, SBC and the Highways Agency have been assiduous to make sure the proposal is appropriate and any requirements have been met. Although there is no highways reason for refusal as far as those authorities are concerned, the Appellants' highways witness addressed the Inquiry to explain the proposed highway regime. The opportunity was given to test the transportation work and there was no aspect which had not been covered by the Appellants and the Highway Authorities. There is no highway basis for refusal.

155. For completeness there is no other basis for criticism such as flooding, archaeology, ecology, etc., that has not been addressed to the satisfaction of the relevant agency. The Appeal site is perhaps remarkable in how little site specific objection legitimately arises. For the avoidance of doubt the fine tuning of the 'Urban Square' is pre-eminently a matter for reserved matters. The planning and highway authority consider it is achievable.

### **Conclusions**

156. Because it is at the border with Swindon but in Wiltshire, the application has fallen between the two stools of the WC and SBC jurisdictions. It is self evident that this site proposal is directed towards meeting the Swindon housing needs in Wiltshire. That was the historical direction of policy.

157. Now by a surprising volte face on their housing numbers assessment in their dCS, SBC have caused WC to remove Ridgeway Farm from consideration for development. That does not stop it being needed immediately according to the

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<sup>73</sup> Para 4.4

<sup>74</sup> ID 40 paras 20, 28, 35.

<sup>75</sup> For example the Parkgate Waste site



proper application of housing numbers analysis and application of the Framework.

158. The applicants case in consequence is summarised thus:

- (i) The site is justified in extant planning policy;
- (ii) It is a sustainable location;
- (iii) There is clear objective evidence of need in the demographic evidence and 5 year supply of housing, not least in the undisputed affordable housing need;
- (iv) Appropriate design and infrastructure is agreed to be achievable.
- (v) There is no issue as to any special landscape, ecological, or other designation;
- (vi) There are no statutory objections;
- (vii) Third party objections are all contradicted by the approbation of the relevant authorities;
- (viii) All the appropriate matters have been agreed through S106, so the development meets its responsibilities with no disproportionate burden on the public purse; and
- (ix) The site is deliverable with no extra constraints.

159. For the above reasons planning permission should be granted. Permissions such as this are the mechanism that will deliver housing rates above 1924.

## THE CASE FOR INTERESTED PARTIES

*Cllr. John Harmer - Cricklade Town Council- representative on the Neighbourhood Planning Steering Group*

160. The Neighbourhood Planning Steering Group is one of the four Frontrunner schemes in Wiltshire approved prior to the Localism Act becoming law. I am also one of two Town Council representatives on the community led Town Plan Steering Group in Cricklade. We have to deal with the problems and the fall out from new development as amateurs and volunteers, long after the well resourced developer with his trail of professional experts has taken his profit and moved on.

161. The expansion west of Swindon imposed by the RSS was resented and angrily resisted, as public meeting after public meeting testified. This was a significant local issue which undoubtedly influenced voters at the last General Election. So when the Appellant asks what has changed since the statistics underpinning the discredited RSS were published, the answer is a change of national Government, the worst economic climate for over a century, and a credit crunch unparalleled in recent history.

162. Cricklade is an active and lively historic market town with a truly sustainable functioning mixed community of a size and geography where all residents live within a ten minute walk of the town centre. Yet this community is under threat by increased through traffic, which is the issue of major concern to most of Cricklade's residents. The B4553 from the south and the B4040 from the west converge at Cricklade and significant volumes of traffic pass along its High Street to reach the A419 trunk road. Traffic affects not just the lives of those who live along those roads, who suffer the increasing noise and vibration day and night. It also deters those who use its shops, pubs and community facilities – not just residents but the tourist footfall upon which the local economy in Cricklade depends. Traffic levels in Cricklade are destroying its sustainability as residents

choose to use their cars to reach the local shops and schools rather than subject themselves to the danger of fast moving cars and lorries whizzing by past narrow pavements.

163. At issue for Cricklade is therefore the incremental effect of further development west of Swindon. The effects of previous western and northern developments on Cricklade appear to have been totally ignored. In this case, yet again, the traffic study appears to consider traffic flows only until they reach the study boundary. The traffic study chooses to focus on only a part of the wider picture.
164. The reality is that additional traffic from this development will add to an already intolerable position experienced by many Cricklade residents. Traffic calming measures have been introduced to control speed on the southern entry to the town, but local feedback on these is decidedly mixed. They increase the frustration of motorists and, at peak times, the tailbacks they cause create an incentive for vehicles to use alternative lanes or other residential roads unsuitable for through traffic. We are seeking development solutions to reduce traffic volumes on these residential roads, not increase it.
165. The vast majority of Cricklade residents want the long term solution of a southern bypass. It would deal with the increased volumes of traffic created directly or indirectly by Swindon's continuing expansion. Since this bypass would cost several million pounds, it is possibly unreasonable to expect any one development to fund this cost, but some material contribution towards such a solution from each new development in the locality which incrementally increases traffic through their community should be sought. Realistically a proposal like Ridgeway Farm should contribute well over a million pounds towards such a scheme. Otherwise it cannot be right that decisions made for supposedly sustainable development elsewhere in the locality are actually driving the sustainability of Cricklade in the opposite direction.
166. This issue around sustainability also applies regarding the critical issue of flooding. With the recent rain, the River Thames in Cricklade has risen several feet and its tributary rivers Ray and Key burst their banks. This is normal in such periods of high rainfall and is the primary reason why Cricklade cannot expand to its east or north. North Meadow is a National Nature Reserve and a SSSI because it acts as active flood plain, typically being under water at least once each year.
167. There is a real and well founded fear that further development upstream in north and west Swindon will force more water more quickly into the Thames and its tributaries, without seeing the problems this creates downstream. This would mean more flooding in Cricklade more regularly, changing the fragile balance of places like North Meadow and putting older properties in Cricklade on the edge of the flood plain at greater risk of flooding.
168. Although the installation of Sustainable Urban Drainage Systems would supposedly act exactly like the sponge of the open fields that have been replaced by concrete foundations and tarmac roads, two recent examples do not confirm this to be the case. In a recent small infill development of 10 homes in Cricklade huge pipes have been put under a road already congested with existing services to take surface water away from that development and there is supposed to be

an Aquacell – an underwater crate to take further flash flood water - integrated into the development.

169. This will need maintenance over the long term, but this obligation falls on residents who are not directly affected by any failure to maintain it. Further, those new residents have been given absolutely no information or guidance on what lies beneath their estate roads and the Town Council has no information on what drainage solution has been implemented and how it works and where it takes the water. So, when the problems arrive, as they already have, and other residents come to the Town Council to complain, we are not just powerless, we are ignorant.
170. A local pedestrian was absolutely swamped on a narrow pavement by a speeding motorist ploughing through standing water by the roadside, a problem that has appeared after the recent drainage solution has been supposedly implemented. Such problems would be exacerbated if the problem was created several miles upstream in an area managed by a different local authority.
171. The second example is of a development of 28 homes completed over 10 years ago to the south of Cricklade. In 2007 adjacent older existing properties flooded. In the investigation after it was found that a pumping station implemented as part of the new development had not been properly operational. Five years on local residents are still waiting for this issue to be rectified by the developer, who is attempting to shift responsibility to Thames Water. Yet again it is left to volunteers and an overstretched Council enforcement team to spend their time unpaid to sort out a mess which they didn't cause but was discovered the hard way, the developer having left long since after the houses had been built and sold.
172. Cricklade is not anti-development and has embraced the opportunity given in the Localism Act for Neighbourhood Planning with enthusiasm. The community led Town Plan Group has finished its first round of consultation on a draft Town Plan and the initial findings demonstrate an overwhelming majority support for a level of new housing development in the Town consistent with the emerging Wiltshire Core Strategy.
173. The community also welcomes the opportunity to shape the type of development proposed. Instead of larger family houses priced out of the range of most local buyers, support is for smaller homes aimed at first time buyers and the elderly who want to downsize. In preference to building on green fields the support is to make better use of what we have inside the existing built up area. There is some way to go, but general areas which appear suitable for such redevelopment have already been identified. There is also majority support for a new extra care home to be located in the Town, providing the opportunity for long term residents to remain in their community as they become unable to look after themselves. The local Area Board of Wiltshire Council has set up a Working Party to deliver this facility. Housing need for families will therefore naturally be satisfied as older people move out of properties too large for their current needs.
174. As part of the Frontrunner scheme for Neighbourhood Planning, we are facing challenges with the process. Specifically, as the Area in Wiltshire that is trialling a multi-parish approach to Neighbourhood Planning, we have to find a way of working and an approach that will deliver. Identifying and resolving such issues is the primary purpose of the Frontrunner scheme. We are one of the guinea pigs

testing out what works and what doesn't in Neighbourhood Planning for the benefit not just of other parishes in Wiltshire, but nationally.

175. We are making tangible progress. We have agreed a framework for delivery that gives every parish its voice and its focus, but will also draw together issues of common interest or effect into a consistent coherent plan for delivery. Already we have improved the lines of communication across parish boundaries on planning issues. We have a timetable for delivery of our Plan, led by an external project manager who is now actively collecting the information necessary for the scoping phase.
176. In summary, we are demonstrating that the national political rhetoric that gives communities a real say in planning can work and will work. The dWCS has been developed in a consensual way and so has strong local support. The local community has produced its own local plan in harmony with the overarching CS. This is the planning process working as it should, with local people identifying appropriate solutions to properly identified local needs. It contrasts starkly with the approach adopted by the Appellants, who seek to impose inappropriate development on local people from outside.
177. The apparently accepted assumption that Wiltshire land should be appropriated to satisfy Swindon's housing need should be challenged and cannot be considered reasonable.
178. Economic growth does not have to mean increasing physical size and the continuing conversion of green fields to concrete. Indeed the reverse is true – growth in our quality of life depends on us as a human community having the right balance between our own desires for homes and access to the wider natural environment. The regeneration of Swindon town centre is the development corollary – economic growth arising through an improvement of historically tired development, rather than destroying yet more of the rural setting that makes this area such an attractive place to live.

*Dr Richard Pagett – Chair Ps and Qs Community Group (Purton's Qualities)*

179. Many written objections have been lodged against this application over the years. Many of these are based on policy and have been articulated by both SBC and WC. Based on their evidence, there should be no doubt as to the legitimacy of those policy arguments.
180. We believe that our considerable evidence submitted during last year, indicates that Ridgeway Farm is not sustainable, and cannot be demonstrated as such. Both local planning authorities have made the same statement. Indeed all objectors, local parish councils, unitary councillors for the area, Swindon MPs and the north Wiltshire MP have also said as much. There is overwhelming opinion, based on local knowledge, that this site is not a good place for growth. And, of course, both the dWCS and dSCS, which are based on significant research, find no need for this development, either to support local economic growth or local housing needs.
181. The Appellants ask us to ignore the latest South West Observatory growth forecasts, which say that growth is expected to resume from 2017 and, instead, submit that growth will resume from 2013. There have been no recent indications of impending growth. If there was a general anticipation of growth

then the Northern Development and Front Garden developments would be further advanced.

182. The Appellants suggest that documents from several years ago (e.g. the WSSP) should be relied on to bolster arguments in favour of this application, when economic and demographic conditions have changed and are no longer relevant. Instead more up-to-date work should be relied on, particularly in relation to the five-year housing land supply. Of particular note, is that at a recent Appeal in Malmesbury<sup>76</sup> where the Inspector stated that in terms of establishing the housing requirement for the next five years, the figures in RPG 10 and the WSSP are out of date. If they are not applicable in one Appeal they cannot be applicable in another.
183. The Appellants cite the Chelmer Model outputs as indicating that both SBC and WC have under-estimated the amount of housing necessary to satisfy their housing needs, identified in their dCSs. The Appellants do not appear to have compensated for the findings of the Economic and Social Research Council Working Paper No. 18<sup>77</sup> which has identified three separate areas where the Chelmer model under-performs and over- estimates population and, consequently, housing requirements.
184. The Framework clearly indicates that, if a proposed development is in conflict with an up-to-date LP, that development should be refused. There is significant evidence through consultation, research and the stage in the planning process to indicate that the LPs (the dCSs) are up-to-date.
185. The Framework also permits a refusal of planning permission on grounds of prematurity where a LP is being prepared or is under review, although not adopted. This is particularly important where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the LP. Given the advanced stages of both dCSs, it would seem that this is just such a case where a proposal is premature, and therefore should be refused.
186. It is quite dear that, if this proposal went ahead, it would undermine both the dCSs and negate the point of all the up-to-date consultation and research. It would undermine the intention to adopt a plan-led and economic-led approach to local development, and would seem to tug at the very roots of local democracy itself.
187. A significant requirement of the Framework is co-operation between local planning authorities. SBC and WC are both saying that this site is not a strategic site within their dCSs and that should be a significant, material consideration under the Framework.
188. Referring to policy H4, from the NWLP, which is retained within the dWCS, it is clear that new dwellings should only be allowed if in connection with the essential needs of agriculture or forestry or other rural-based enterprise, or as a replacement for an existing dwelling. None of these conditions applies to this proposed development of several hundred dwellings. The existing development

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<sup>76</sup> CD12.9

<sup>77</sup> Integrating estimates and targets within a population projection

boundary has been retained within the dWCS and this proposed development lies outside that boundary. In summary, there are overwhelming objections on policy and we request that this Appeal is not allowed.

189. In addition, there are concerns on some specific highways issues. WC's Planning Committee would have recommended refusal on three areas related to highways. It is submitted that these reasons are not satisfactorily resolved and it was inappropriate to withdraw them.
190. Although it is noted that the Highways Authority seems to have no objection to the impact of the development, the wider area of the highway network comes under the management of Highway Maintenance who are not involved in the consultation process and have not therefore communicated the condition and capabilities of the rural network to cope with the existing, and potential increase in, traffic volumes. It is essential that a true picture of the condition of all the roads, their structure, their limitations and the maintenance issues should be part of any consultation on a development of this scale.
191. Table 4.1, Walking Distances to Facilities, based on the range of guidance documents, appears to consider that people only walk in one direction. With few exceptions, most people who go to the food shop, primary school or leisure facility will also return. Thus the actual walking distance is twice that given in the Table. Therefore, the food shop and primary school, which are basic requirements, are actually a 1200 m round trip. The reality is different from the theory of Table 4.1.
192. Table 4.2, which gives walking distances to actual facilities from the Urban Square, indicates that the food shop is not 600m away as stated in Table 4.1 but rather 700m away thus falling outside the distance that most people are apparently comfortable to walk. The surgery is 760m from the Urban Square. It is not unreasonable to expect that those going to the surgery may not be fully fit. Thus, to anticipate that patients would still be capable of walking 1520 m is not really credible. Again, the reality is different from the theory of Table 4.2.
193. The question actually is not how far is it reasonable to expect people to walk, which is typically only 400m but, rather, how far are people willing to walk. Although the common standard is 400m or ¼ mile, this cannot possibly be a hard boundary. The relationship between distance and willingness to walk is a continuous curve without sharp breaks. In fact, willingness to walk is complex and rests heavily on the presence or absence of good alternatives (e.g. a car). Looking at similar recent developments in Swindon it can be anticipated that most householders will have alternatives.
194. An interesting dimension, completely ignored by the Appellants, is that for rural pursuits (to include dog walking) Swindon residents tend to look to the west and because of poor road infrastructure (narrow B4553 with HGV traffic) and the lack of public bus services this is accessed by car, initially, into the villages for the footpath networks.
195. The proposed development relies on a single, diverted bus service. The Appellants cannot ensure that a diverted service would remain diverted, or would continue to take an average time of 30 minutes to town. These matters would be decided by the commercial bus providers. The Appellants also indicate that the development would support the existing bus service 19 from the additional revenue generated by the new residents. However, there are no predictions of

- income or revenue stream attributable to new residents to substantiate this, and it is highly unlikely that any additional revenue from the new residents would meet the functioning of the diverted commercial service.
196. The Appellants note that the proposed primary school is located in *'the heart of the development'* providing the very best access to all residents by foot and thus reducing the need to drive. St Mary's School in Purton is in the very heart of our community but nevertheless large numbers of cars deliver able-bodied children to and from the school and create considerable congestion. Practical reality differs from the Appellants' theory.
197. The summary statement that the development site meets all the required guidance on walking and accessibility is too glib. It meets none of the reality and, in practice, all the local facilities will attract a great deal of car traffic. People already drive to the facilities in Purton and they also drive to those further afield, as would the residents of the proposed development.
198. Purton experiences huge volumes of traffic entering the village and passing through it from the existing new developments of Swindon. Therefore, it is incredulous that the Appellants openly admit that *'... No detailed assessment has been undertaken in order to understand the impact of the development on the residential amenity'*. The Appellants have conveniently confined the meaning of *'residential amenity of those residents living in the vicinity of the site'* to Swinley Drive. Yet Purton Village would be heavily impacted not only from this development but also from new similar developments nearby.
199. Any local person would understand the illogicality of applying *'residential amenity'* impact only to that of one road. This should be a reason for refusal. It is quite clear that the impact on residential amenity in Purton has not been fully or even partly tested. This is a fatal flaw, since one of the greatest impacts of any new development is traffic-related, and this has been the case in every single one of Swindon's new developments.
200. The Strategic Planning Committee Report of February 2012 indicates that SBC received letters of concerns from residents about the usual traffic-related concerns, prior to the submission of the application. The Appellants then state that *'we assume that all these letters refer to Swinley Drive only'*. This ignores the letters from Wiltshire residents.
201. Referring to the traffic modelling, SATURN is about Simulation and Assignment of Traffic in Urban Road Networks. Not rural environments. There is no modelling relating to traffic flows to and within Purton village. It is simply counterintuitive to suppose that the 700 home development producing at least 1000 cars would not have some measurable negative impact upon Purton village. In practice, looking at similar sort of developments (e.g. Tadpole Farm) it is likely that most households would have two cars, so in practice there would be 1000 - 1500 cars moving off the development site.
202. Further evidence for this is that the Appellants have undertaken a thorough review of third-party evidence and have done site visits to Mead Way and to Swinley Drive, none of which are at all similar to the High Street in Purton. So the developer's professional opinion that the *'residential cumulative impact of development will be slight'* is disingenuous.

203. There are also concerns about the Comprehensive Travel Plan. This is a typical urban-style travel plan, with the usual short-term Site Travel Plan Coordinator, the usual residents' welcome packs, some travel planning, and a limited-time travel pass or bus ticket. Experience has shown that this is not sustainable in a rural environment when travel-to-work is off-site. It is well known that persuading drivers to change their behaviour and not use their cars has not been successful in a rural context when travelling into an urban area. The travel plan is purely cosmetic, lacks substance and lacks reality.
204. The statement that *'...it has been agreed with both WC and SBC that the site is acceptable in transport sustainability in terms of the provision of an excellent walking and cycling network and a 30 minute bus service which is accessible by all residential dwellings...'* is again misleading and a fragile concept because commercial cuts to bus services have already occurred in February of 2011, one of which impacted the new development at Moredon Bridge.
205. Although the LPAs and Appellants have reached an agreement that the highways issues are not of concern, and are not a basis for refusal, local people take a different view based on local knowledge, commonsense and the simple observations of what has happened in practice with nearby recent developments.
206. In addition to the extensive grounds on policy non-compliance, this Appeal should also be refused on the grounds that Purton will be highly impacted by traffic and that the developer has made no attempt to estimate any negative cumulative impacts on Purton village. Such impacts undermine a critical part of the sustainability case and we conclude that the development location is not sustainable.
207. There is a robust neighbourhood planning process in place (a report on this was lodged with the Area Board in March) into which the parish plan, which is also underway, will feed and so it is premature for the Appellants to propose any houses outside the development boundary until the neighbourhood plan has determined where any housing should be. The Appeal, if allowed, would take away the rights of local people, as provided under the Localism Act, to determine the future shape and growth of Purton via our own neighbourhood plan. The Appellants interest is simply not in the interest of Purton and its villagers.
208. In summary, there is overwhelming objection on policy, technical grounds related to traffic, and because the application is premature in terms of the Neighbourhood Plan and this Appeal should therefore be dismissed.

*Mr Adrian Crafer – Company Secretary - Swindon and Cricklade Railway(SCR)*

209. The SCR consists of two organisations, - The Swindon and Cricklade Railway, a Registered Charity, and S&CR Ltd the Trading Company and the Lease holder of the Railway. The landlord is Swindon Borough Council.
210. The SCR is run entirely by volunteers, with a higher than average active participation from its membership. When fully developed, it is anticipated that it will employ a number of people in administration, engineering and catering sectors. It has developed most of the railway from resources generated by trading, trains and a certain amount of commercial sponsorship and grants, as well as private donations. The development into Mouldon Hill Country Park is part funded by S106 monies from, and work done by, the Northern Sector



- Developers, and a grant from SBC. The later funds will see the platforms for the Mouldon Hill station constructed, with a work start anticipated before the end of the year. A temporary station will provide access from Mouldon Hill Country Park. This should open late Summer 2012.
211. The land between Swindon and Cricklade is currently a well documented buffer zone, often referred to as the Cricklade Country Way, bounded on one side by the railway corridor, and the route of the North Wilts canal on the other. It is a green corridor that provides a recreational link from Swindon to Cricklade and beyond to the Cotswold Water Park. It will be possible to travel the length of this corridor using vintage trains. Cycle way 25 passes the length of this corridor.
212. The SCR companies believe that the proposed development will cut into the buffer zone between the towns and villages, which also keeps them separate from Swindon. The development if approved would see proposals for more development along the Pry corridor being brought forward, so destroying this green buffer zone. SCR believe that the development should not be proceeded with, in order to protect this amenity.
213. However if the Secretary of State does give permission for the development, the SCR is anxious that the railway is not placed at a disadvantage. In these circumstances, SCR would look for the Appellants to be required to help the railway. The SCR's submission to the planning application asked that the Appellants should provide the proposed station known as either Sparcells or Moredon Bridge and all the infrastructure for the route from Mouldon Hill Country Park. This station will provide an interchange between the Heritage Railway and the National Network. The Station would also provide improved sustainable transport links for the development and the area as a whole.
214. SCR's representations in respect of this Appeal quoted from minutes of SBC and Hansard, showing that the station was widely supported. SCR has since received a letter from Robert Buckland MP enclosing a letter from the Secretary of State for Transport which, in essence, supports the station, but looks for contribution from the LPAs. They in turn no doubt would look for monies from developers and, in this case, presumably from the developer at Ridgeway Farm.
215. Subsequent to these submissions, SCR was verbally advised by planning officers that it had been suggested to the developers that they should have a discussion with the railway on its aspirations. Despite a chase up email no discussions took place. Our proposals, in so far as they relate to the Heritage Railway is compliant with the dWCS and, following assurances given after the consultation process with SBC, corrections will be made to the dSCS to support the development of the railway.
216. SCR has proposed in the submission to the Inquiry, that rather than the original concept where the developer would provided the full station, they should be required to provide the land for the station, the approach to the station, and the rail route to Mouldon Hill Country Park.
217. The railway could lose out because of the changes in the S106 arrangements, and the failure, as yet, of the Councils to introduce the CIL charging regime. It has been suggested that the proposals are not compliant with Regulation 122. SCR has looked at the regulation carefully and the guidance, and believes they are, in fact, compliant and hence eligible for S106 support. SCR looks for the Secretary of State to agree with our assessment and award accordingly.

*Robert Buckland MP*

218. The development would have a significant detrimental impact on local residents and the quality of life in Swindon and beyond and their objections are supported. There are problems with the infrastructure and in particular the road network is congested. This has been exacerbated by the development of the Northern Development Area and no link to the Westway has yet been provided. The proposed new estate would only worsen the situation. The partial closure of Purton Road would involve heavier use of Swinley Drive and make things worse for the residents of Purton and Peatmoor.
219. Clear lines of access to the countryside around Swindon have been maintained and this green space is vital. The Appeal proposal would be unacceptable encroachment into valuable countryside. The site is not allocated for development by the local planning authority and is not proposed to be so. There is a potential impact on the future development of the railway to the west of the main road which would be a welcome longer term development to serve the vicinity. There is concern that this development would put paid to a station in the Sparcells area.
220. Ridgeway Farm epitomises the struggle between the need for development and the quality of life of residents. This development does not strike the correct balance between these considerations and would not enhance the surrounding area.

*Cllr. Peter Doyle – Wiltshire Council – Wootton Bassett South - Chairman, Royal Wootton Bassett and Cricklade Area Board*

221. The published minutes of the committee report for WC's Strategic Planning Committee (15 February 2012) when the planning application was considered and which would have been refused had the committee been able to determine the application correctly recorded the Area Board opposed the proposed development on account of its impact on the rural buffer between the rural villages of North Wiltshire and Swindon.
222. The full published minutes of Royal Wootton Bassett and Cricklade Area Board (2 February 2011) formally recorded the underlying decision of the Area Board as follows:

*Wootton Bassett & Cricklade Area Board opposes the proposed development of up to 800 houses on the site at Ridgeway Farm, as the proposal distinctly impacts on the rural buffer between the rural villages of North Wiltshire and the urban town of Swindon. The proposed development will have a further detrimental impact on the currently overloaded infrastructure in the villages in close proximity of the application, particularly with regard to roads and potential flooding impact.*

*Furthermore, reference to the Wiltshire and Swindon Structure Plan 2016 (which is the current planning guidance as a result of the demise of the Regional Spatial Strategy), which clearly states (DP13) that 'rural buffers should be maintained to protect the separate identities of the villages and prevent their coalescence with Swindon' (explicitly named are Cricklade, Lydiard Millicent, Purton and Wootton Bassett).*

223. While there is no formal recorded decision of the position of the Area Board in respect of this Appeal, the previous decision can be taken as indicative of the support of the Area Board for the position of both WC and SBC in opposing this application. This is emphasised by the attendance of a majority of the unitary councillor area board members at this inquiry.
224. The Area Board has fully supported the establishment of a Neighbourhood Planning process under the DCLG Front Runners (second tranche) scheme to pilot the development of a neighbourhood plan for the entire community area in conformity with the dWCS. This neighbourhood planning process is now fully underway with a working group encompassing the full participation of parish/town councillors from each of the 2 market towns (Cricklade and Royal Wootton Bassett) and 10 other parishes (including Purton, Lydiard Millicent and Lydiard Tregoze) in the community area. The working group also includes wider community representation from each of the separate community led planning groups which exist across the community area.
225. The working group, which is independent of the Area Board, has now appointed a project manager to guide the neighbourhood planning process and is working to a 12 month timetable — the clear intention being that a neighbourhood plan for the community area will be available following shortly after adoption of the Wiltshire Core Strategy. Against this background, any grant of permission at Appeal for this application would:
- (i) be premature;
  - (ii) undermine the plan led planning process whereby there is no provision within the WCS for strategic development of this scale at this location;
  - (iii) also undermine the whole principle inherent in the granting by the DCLG of approval for the pilot neighbourhood planning process now actively underway in the Royal Wootton Bassett and Cricklade Community Area.

*Cllr. Steph Excell - Hayden Wick Parish Council*

226. Supports everyone else who has spoken against the Ridgeway Farm Development.

*Mr Kevin Fisher – Shaw Residents Association (SRA)*

227. The SRA believes this Appeal should be rejected. To approve it would be undemocratic and result in a significant negative impact on the quality of life of local residents now and for generations to come. The receipt of 665 emails of objection to the scheme primarily initiated by an article in a free monthly publication (The Link) demonstrates the considerable public opposition to this proposal. Furthermore, it is rare to witness cross party agreement on any issues and yet the SRA received letters of support from the leaders of all three main political parties within SBC.
228. The SRA evidence was accompanied by a print out of all 665 emails. Respondents were simply asked to provide their names and addresses and yet, the majority chose to provide their justifications for refusal of this Appeal, with virtually all comments focusing on issues surrounding West Swindon's current road infrastructure. During the inquiry, members of the public, eight councillors from both Wiltshire and Swindon and a Swindon MP spoke against the development using arguments based on policy and the impact on the quality of life for existing residents.

229. Not a single third party spoke in favour of the Appeal despite the obvious business benefits local shops, pubs and restaurants would enjoy from this development. Indeed one local business even sent an email of support to the SRA.
230. The appellant advised the inquiry that their consultations with the local community resulted in changes to the proposal in order to satisfy any concerns; in so doing they attempted to lead the Inquiry to believe significant issues had been resolved. Since the SRA has an in-depth knowledge of the community, as evidenced in the 665 emails received, we find this hard to believe. Nothing short of withdrawal of the application or the construction of the Thamesdown Drive to Great Western Way relief road would satisfy many of the communities' concerns.
231. The concept of placing a spine road through the centre of the development and 'shared space' at the Urban Square was criticised by third parties. The Appellants contend that the severance created for communities either side of the spine road would be within acceptable norms and yet proposes to place seven pedestrian crossings along its length.
232. A play area for children is proposed for the south east corner of the site which is the closest point to Sparcells. The Appellants' transport witness agreed that unaccompanied children from Sparcells may choose to walk the short distance from their homes to this new play area. He also agreed the road they would need to cross has poor visibility to the east for pedestrians and carries about 3000 vehicles in one direction during peak times. The SRA concludes this will create serious safety concerns for these children as they cross this very busy road.
233. There was much discussion about the impact of this development on roads in both West Swindon and Wiltshire. The Appellants claimed the impact would be minimal, thereby justifying their decision not to carry out a detailed assessment in order to understand the impact on the residential amenity. The Inquiry was told that for such an assessment to take place the existing road must be 'at capacity' and be expected to increase by a further 30%. Whilst this may be the official guidance, the SRA contends that most members of the public will be appalled by this revelation.
234. The Appellants' traffic numbers were brought into scrutiny by a number of third parties. A task I personally found difficult given my minimal experience and knowledge of these matters. However, logic, common sense and local knowledge are on the side of the SRA. Despite my lack of technical expertise in this area, I was able to highlight that the data used by the Appellants for Swinley Drive was erroneous in two critical measurements. Firstly, the morning peak time south bound volumes were noted as 80 pcu's whereas the SRA physical counts revealed about 250 vehicles, a number the Appellants' witness agreed was more realistic. Secondly, he advised the road width was 7.3m when in fact it is 6.75m. Since this research only focused on one road it is not unreasonable to take a position that many other modelled numbers provided by the Appellants, particularly for minor roads, may also be incorrect.

235. The Appellants' traffic model<sup>78</sup> shows three Swinley Drives. Line items 10 and 11 are clearly in error and should read Peatmoor Way. These line items show a vehicle number reduction half way along the road which can be accounted for by the access to Hillmead Industrial Estate. However, the Appellants' witness was unable to answer whether the modelling was based on a fully utilised industrial area or one at about 40% capacity (which is currently the situation for this estate). He could only advise the numbers came from SBC.
236. The Appellants' witness agreed that, in general terms, extending a straight part of a road would lead to higher speeds. He contended that although the northern relatively straight part of Swinley Drive would be extended by about 300m, the design with side roads, bus stops and the slight kink to the right on the existing road would serve to reduce speed. However, he also agreed that Swinley Drive today has all these features and yet speed activated 30 mph warnings are placed at both ends of the road. It therefore seems logical that vehicle speeds on Swinley Drive will increase as a result of this development, heightening the risk of a tragic accident.
237. Much debate occurred about the impact Ridgeway Farm would have on volumes of traffic along Swinley Drive and other West Swindon residential roads with the Appellants submitting that the roads have capacity; however since Swinley Drive is now narrower than their data suggests, its capacity is 190 vehicles fewer. Whilst the SRA cannot provide conclusive evidence to suggest Swinley Drive traffic will approach capacity or indeed offer a percentage increase from Ridgeway Farm, we can list some observations which would indicate the increase in traffic on this road will be substantial.
- (i) Both parties agreed Mead Way is over capacity today at certain times. Rat run traffic as a result of this congestion is already significant as demonstrated in the content of the 665 emails sent to the SRA.
  - (ii) The Swinley Drive extension runs only slightly to the west of the north to south centre line of Ridgeway Farm. Therefore the majority of new homes will be closer to Swinley Drive than they are to Mead Way meaning these new residents will be more likely to use Swinley Drive as the southern exit simply based on geographic location. Ridgeway Farm will generate 567 vehicles in the morning peak period using SRA data and 311 vehicles using the Appellants' data.
  - (iii) The numbers of vehicles today that would enter the new development from the north is over 500 in the morning peak period. Given that pedestrian crossings do cause some delay to motorists, drivers will be faced with a choice of seven pedestrian crossings and one 'shared space' if they keep to the spine road towards Mead Way or fewer pedestrian crossings with no 'shared space' if they turn right onto the extended Swinley Drive. Alternatively, by turning right before entering the new spine road, drivers can follow the existing B4553 past the Casa Paolo Restaurant and join Swinley Drive and in so doing avoid all pedestrian crossings.
  - (iv) HGV's entering from the north will have the same choices as in point (iii) above

<sup>78</sup> ID45 (table 1)

238. The SRA advocated in its evidence that crossing Swinley Drive is a dangerous activity today and will get worse should this development come on line. Whilst the Appellants witness did not agree entirely with this statement, the only substantial comments he made was that one hedge at the point of the Nightwood Copse crossing needs to be removed to improve visibility.
239. We can analyse official data on 'severance' and from this conclude there is no problem with Swinley Drive. However, this theoretical evidence is massively outweighed by the factual evidence portrayed in many of the 665 emails sent to the SRA. Parents are worried for their children's safety already, the road is crossed at every single point along its length today and children from the west side of Swinley Drive do walk to both Peatmoor and Brook Field primary schools.
240. As noted earlier there has been no modelling to measure the impact on the residential amenity and no review of the additional traffic this development would bring to Cartwright Drive. This is a residential road running through Shaw, it has a primary school at its western edge and is even more winding than Swinley Drive. The Appellants' witness was unable to advise how many vehicles turn onto Roughmoor Way towards Cartwright Drive on reaching the southern end of Swinley Drive. I consider it is about 70% and it is therefore reasonable to postulate that Cartwright Drive will see a similar increase in traffic volumes, including HGVs, as Swinley Drive.
241. Whilst a part of one of the SRA's surveys provided in its proof was flawed in as much as it did not define peak times, the follow up data<sup>79</sup> representing 427 homes clearly shows a peak hour (08:00 – 09:00) departure level of 0.81 representing a figure almost double that suggested by the Appellants.
242. It was argued that, whilst the new survey was better, it still did not give the 'right' answer since it asked *'on an average day (Monday to Friday and excluding holidays), how many cars leave your household during the 07:00 – 08:00 period and how many during the 08:00 – 09:00 period'*. The Appellants witness suggests that since the words *'on average'* were used the responses could include double counting. I countered that where residents told me they were not on the road at these peak times for some of the days of the week, some were discounted and some included. Additionally, many residents stated zero cars during these periods citing the words *'on average'*.
243. The appellant agreed that across the country departure rates for the 07:00 – 08:00 period are approaching those of the 08:00 – 09:00 period. Given that the SRA survey in document ID46 shows the departure rate for the earlier period is 89% of that of the later, the credibility of the data is further enhanced. It also shows factual evidence that a significant percentage of West Swindon residents are leaving earlier than the official peak hour due, in part, to existing congestion problems.
244. Given the flaws in the appellant's data for Swinley Drive and the credibility of the SRA data based on the relationship of the 07:00 - 08:00 and 08:00 - 09:00 departure rates noted above, there is doubt as to whether the Appellants' departure rate (0.445) should carry the most weight or whether it should be the

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<sup>79</sup> ID46

SRA's (0.81) or a number somewhere in between. There is consequent doubt about the impact this would have on the Appellants' traffic predictions for Swindon's existing residents.

245. The Appellants witness offered no additional evidence to counter predictions that visits to Peatmoor Village centre would increase by 46% and vehicle volumes would increase by 59%. He did agree that the car park at the centre today is very busy and, when commenting on the photographs in the SRA proof, stated that he could not dispute them. The only comments he made on the SRA evidence was that the facilities were designed to take more people and that as the car park becomes more constrained, people will be encouraged to walk. This is a mantra that rarely survives the test of reality.
246. No explanation was offered as to why parents choose to drive their children to school during the school run even when there are no parking spaces provided and the appellant agreed that someone is unlikely to walk for 15 minutes on a wet winter evening to buy their fish and chips. The SRA remains convinced this development would result in a catastrophic break down in the ability of traffic to operate safely within Peatmoor Village Centre. To re-quote Greg Clarke MP it would leave '*. . . people 'done to' and imposed upon – the very opposite of the sense of participation and involvement on which a healthy democracy thrives*'.
247. The appellant suggests building new homes on Ridgeway Farm over and above a democratically derived CS will encourage additional jobs to come to Swindon. The SRA has an opposite opinion. Ridgeway Farm would lead to the further destruction of Swindon's crown jewels i.e. the open countryside that surrounds it, demoralise existing residents by the manner in which they would be '*done to*' by the system and burden the travel infrastructure in the west beyond breaking point. This would perpetuate the poor image Swindon has in the wider community as a place to live and discourage employers from moving to the town.
248. The term 'sustainable' has been widely used throughout the inquiry without any proper definition of its meaning. However, the Appellants' witness stated the traffic modelling shows that, as West Swindon's roads and Junction 16 of the M4 become more congested, many drivers coming from the west on the M4 seeking to reach the A419 will choose to remain on the M4 until junction 15 rather than travelling through West Swindon, thus resulting in a reduction of traffic through West Swindon. Given that this represents a doubling in the distance these vehicles will need to travel (as measured to the junction with the A419 to the north of Cricklade), it is very clear this scenario paints an unsustainable picture under any definition of the word.
249. The SRA proof of evidence suggested a definition of sustainability as '*adding to growth in the economy whilst not negatively impacting the quality of life for the majority of people in and around the development area*', and submits that it is clear this development will be contrary to both principles since poor travel infrastructure leads to both lower productivity and a poorer quality of life for existing and future generations.
250. The SRA proof of evidence provided to this inquiry has been derived from:
- (i) 1346 residents sending the SRA 665 emails from 660 households with, in many cases, substantial commentary

(ii) 274 households who provided responses to a survey asking about their choice of transport to Peatmoor Village centre, their choice should the weather be poor and their choice during the after dark hours

(iii) 304 households who provided responses to a survey asking about their peak time travel behaviours and their understanding of the problems with finding a parking space at Peatmoor Village centre

(iv) 427 households provided responses to a survey asking about their travel choices during the 07:00 — 08:00 and the 08:00 — 09:00 weekday periods

251. This substantial data clearly indicates the evidence the SRA has provided to this inquiry is based on informed factual information about how people travel in the very area of the proposed development. As such, the SRA ask that due consideration is given to its traffic analysis when assessing the validity of 'official' traffic information.

252. The SRA believes it has presented compelling evidence to support the rejection of this Appeal and respectfully asks that it is taken into account, along with all of the other evidence, and that a conclusion is reached that the Appeal must be rejected.

*Cllr. Nick Martin – Swindon Borough Council – Shaw Ward*

253. West Swindon is a unique and identifiable community on the West of the Unitary Authority of Swindon. West Swindon sits on the Great Western Way between the Junction 16 of the M4 and Mead Way a road that runs between Thamesdown Drive and Meads Roundabout on the Great Western Way.

254. The area has 12,000 houses, 4 village centres and 20,000 electors. The West Swindon area is currently surrounded by a green belt made up of narrow country lanes and farm land. The Ridgeway Farm application seeks to piggyback onto the Peatmoor part of West Swindon, extending Swindon into Wiltshire while hacking into Swindon roads, water supplies and utilities to make this Wiltshire development viable. The planning application is 50m outside the Swindon border but seeks to build 700 houses that cannot function without connecting onto the West Swindon Roads of Swinley Drive and Mead Way. Peatmoor Village Centre, the nearest West Swindon Village Centre to the Ridgeway Farm Development, is already at full capacity and would be disadvantaged by this development.

255. West Swindon was built from 1975 to 1985 and was designed to be self sustaining. For many years the development worked but the North Swindon development has since been constructed without a ring road to the Junction 16 of the M4 or a link road to the Great Western Way (the road that leads to the Swindon town centre). As a result, rush hour traffic jams occur on the Mead Way road to the Great Western Way and on the Tewksbury Way and Whitehill Way roads as traffic flushes through West Swindon to get to J16 of the M4.

256. The residents of the Shaw Ward and West Swindon as a whole have been and are intimidated by the quantity of external traffic cutting its way through West Swindon during the rush hour. The development of North Swindon was approved on Appeal and never funded the road network that it required. West Swindon has fallen victim to through traffic from this development.



257. In addition we now have a constant flow of traffic from North Wiltshire using Tewksbury Way and Whitehill Way to access the M4. Wiltshire developments use Swindon roads because most Wiltshire Roads outside the perimeter of West Swindon are single lane and many like Hook Street have cattle grids on them as well as being single lane roads.
258. SBC does not wish to extend the West Swindon development into North Wiltshire and desires to keep the Wiltshire green belt around West Swindon.
259. To provide a ring road to the M4 junction 16 would probably cost £200 million and at no point has the developer offered such a sum for road development. Further, SBC has created the Wichelstowe development just north of the M4. £50 million has been invested and has created infrastructure for a 4000 house development of which 400 homes are now built. This gives some weight to the SBC commitment to house building within its own boundaries.
260. The Ridgeway Farm application is not in accord with any Swindon development plan or any plan developed by NWDC or its successor WC. The development is not sustainable without linking onto Swinley Drive and Mead Way, roads that were designed to service the West Swindon development and not develop North Wiltshire. The site quality is poor, it is overlooked and overpowered by the Swindon to Gloucester railway line and has no amenities unless it leaches onto West Swindon services, the West Swindon development that ended in 1985. The site is only accessed by narrow country lanes unless it hacks into roads and utilities in an adjacent Unitary Authority.
261. The SCS is emerging and this development is premature and unlikely to be part of the SCS when completed. Swindon has a proven record of building 1000 houses per year over the last 30 years. The application is in no way special and the quality and mix of the houses suggested are little different from others already being built in Swindon. The development will generate no extra jobs or services for the community of West Swindon. Rather it will diminish the amenity of local residents. The planning application cuts into the green belt that surrounds West Swindon and makes no use of any brown field land. In fact the application would compete directly with the town centre development at Union Square.
262. The application for Ridgeway Farm will require all residents to have a car. Even if a bus service is subsidised in the short term by developer contributions, the bus service like others before it, will end when the grant funding is withdrawn.
263. The only acceptable planning conditions are that the development does not access Swinley Drive or Mead Way and becomes, if it must be built at all, part of WC, the local planning authority in which it is located.

*Cllr. Tom Pepperall – Chairman Lydiard Millicent Parish Council*

264. The Parish Council and Parishioners are very opposed to this development. We suffer badly from rat run traffic on our rural roads. This is partly due to the fact that the promised Iffley Road from the Northern expansion area to Mannington was never built and partly from traffic from the north and west avoiding delays at Junction 16 of the M4. This severely affects Stone Lane which has the second highest collision rate in the community area. We also suffer badly from HGV traffic from Nine Elms to Common Platt accessing West Swindon and Purton,

which has been exacerbated by the recent permission for green waste at Purton Landfill site. The roads cannot take greater volumes of traffic; there is a consequent danger to parishioners on the roads that have no pavements and the continued erosion of verges and damage to properties.

265. The parish also strongly resists development in what was part of the Rural Buffer Zone. The Parish Plan 2005 and its update of 2011 both call for the re-introduction of better protection from development such as this. The new Localism Act gives Parishes greater powers to direct development to where they see the need and our Parish Plan Housing Group is currently working on such needs and opportunities. This application threatens not only this initiative but also creates the potential for coalescence between Lydiard Millicent with both Purton and Swindon.

266. Flooding is also a problem in and around the Parish. Springs cause seasonal problems and there are areas where the pipework cannot cope with heavy rain. Floods have damaged a local property and the area around Common Platt also suffers badly. SBC has spent significant resources trying to rectify this problem. The proposed development, which would slope down towards West Swindon and Common Platt would aggravate the problem.

267. The separate identities of our local villages and settlements are well worth preserving and the parish strongly supports WC and SBC in their reasons for refusal of this application.

*Cllr. Mollie Groom – Wiltshire Council – Royal Wootton Bassett East, Lydiard Millicent, Lydiard Tregoz and Broad Town*

268. This proposal would undoubtedly result in the direct loss of more rural countryside. The plans have failed to address the protection of the rural character and, in focusing on the immediate site area and the large number of houses in developing the proposal, the wider impact of the scheme does not appear to have been identified. The visible impact of the scheme would change the character of the site to such an extent that the whole area around the site would be influenced forever. Houses would, because of site constraints, be built on a high elevation, and would be apparent from a very wide area. Rural walks enjoyed by many Swindon and Purton residents would be significantly changed forever.

269. The proposal introduces an inappropriate urban intrusion into open countryside, at variance with:

- (i) Eric Pickles' statement that such areas of expressed interest important to local people would be protected; and
- (ii) Greg Clarke's statement on 27 March 2012 that said:

*Our reforms to planning policy have 3 fundamental objectives:*

- 1. To put unprecedented power in the hands of communities to shape the places in which they live;*
- 2. To better support growth to give the next generation the chance that our generation has had to have a decent home, and to allow the jobs to be created on which our prosperity depends; and*
- 3. To ensure that the places we cherish - our countryside, towns and cities - are bequeathed to the next generation in a better condition than they are now.*

270. The Framework recognises the intrinsic value and beauty of the countryside (whether specifically designated or not) and makes clear that weight can be given to emerging plans. Greg Clarke also stated *'Local communities, through local and neighbourhood plans, should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.'*
271. The Royal Wootton Bassett and Cricklade Neighbourhood Plan is one of the pilot schemes for Neighbourhood Plans in Wiltshire and is the only plan to include a whole community area. There is strong public support for this Plan, given the history of the Rural Buffer in this part of North Wiltshire to the West of Swindon and the strong desire among local people to retain the separate identities of ancient settlements. The appointed manager is working to a firm schedule; help has been given by WC and the steering group believes that the Plan is progressing well.
272. The current development proposal does not appear to accord with Ministerial directives; also the scale of the development proposed is contrary to Core Policies in the North Wiltshire Local Plan 2011 relating to: sustainability (C1), community infrastructure (C2), development control (C3), the landscape character of the countryside and features contributing to local distinctiveness (NE15) and residential development in open countryside (H4).
273. This proposal would be sited in the narrowest section of the rural buffer, where it would introduce an inappropriate urban intrusion into rich open countryside. It would undoubtedly lead to the coalescence of Swindon and the rural villages of North Wiltshire. This rich open countryside provides a green lung for thousands of residents to the West and North of Swindon.
- Cllr. Mike Bell – Purton Parish Council (PPC)*
274. PPC objects to this proposed development at the eastern edge of the parish. Ridgeway Farm is in the open countryside and any development there would be outside development boundaries and therefore contrary to policy H4 in the NWLP.
275. Whilst it was suggested that this site is within the Urban Fringe, due to the presence of overhead electricity pylons and underground fuel pipe lines and thus might be considered differently, the land however is in active use for rearing livestock, and of recent times grazing sheep. This is a clear indication that the site is indeed in open countryside and is still actively used. Thus it cannot be considered to be part of the Urban Fringe of Swindon.
276. The development at Ridgeway Farm would irrevocably change the character of the countryside and reduce access to it for the local residents at Sparcells and Peatmoor. It would have an adverse impact on the adjoining towns and villages, particularly in regard to increased traffic volumes.
277. The photographic evidence provided by PPC demonstrates how congested the roads have become in the village at peak times and also on the roads around Ridgeway Farm and across West Swindon. Whilst these are in conflict with the photographs provided by the Appellants' transport witness, the volumes of traffic they show conform with the data from the SATURN Traffic Model and also with the photographs provided by Mr Fisher of the SRA in his statement to the Inquiry.

278. Logic dictates that a development of 700 dwellings would create a significant amount of additional of traffic on the already overcrowded roads in and around West Swindon and on the rural roads that connect the surrounding villages of Purton, Lydiard Millicent, Hook and the market town of Cricklade to West Swindon. However, the original Transport Assessment from November 2010 claimed that the impact of the development would be minor with some roads experiencing a decrease in traffic with drivers choosing alternative routes on the wider highway network. However, these were not identified during the course of the Inquiry.
279. It was suggested that drivers on the M4 might, instead of exiting at Junction 16, carry on to Junction 15 and onto the A419 to access Swindon. The SATURN Traffic Model for Junction 16 does not support this and shows there would be little impact on the roads around Ridgeway Farm. However it was agreed that for some drivers there would not be any suitable alternative routes and they would have to continue to commute along the same roads around Ridgeway Farm irrespective of the development.
280. This would not just apply to people from the villages of Purton and Lydiard Millicent and the market town of Cricklade who commute to work via West Swindon, but also to the wider communities further west such as Minety, Charlton and Malmesbury.
281. The revised Supplementary Transport Evidence<sup>80</sup> shows a significantly less rosy picture than that provided in the original Transport Assessment. It shows in table 1 that the two way traffic volumes in the Pry at morning peak hour would increase by 32% as a result of the development.
282. There is also an omission in this document. Neither the traffic flows for the current B4553 Purton Road nor the Spine Road, which would replace it, are provided in the document. Without this information, it is not possible to know what level of traffic would be on the Spine Road that would run the complete length of the proposed development.
283. However the SCG HT Appendices<sup>81</sup> do give revised SATURN modelling flows and these include the volume of traffic forecast for the B4553 Purton Road/Spine Road. It shows that the traffic volumes eastbound would increase by some 40% at the morning peak hour. This is a significant increase. These revised figures give a two-way traffic flow (based on actuals) of 1,201 vehicles during the morning peak hour on the Spine Road. This volume of traffic would make it hazardous particularly for young children walking to the school.
284. Whilst it was agreed that Mead Way was over capacity during the peak hours, the SCG HT shows that there are a number of other sites across West Swindon, including up to the Bruce Street Bridges, which are already suffering capacity issues. Of the nine sites identified in the SGC HT, six are already over capacity and this will be further exacerbated by the proposed development. There is a similar picture for the evening peak hour. Clearly the impact of this development on traffic volumes in the west of Swindon would have a very significant impact on many of the major roads and junctions in and around West Swindon.

<sup>80</sup> ID14.2

<sup>81</sup> ID27

285. No traffic flow information has been provided in the SCG HT for any of the rural roads to the west of the site in the administrative area of Wiltshire. They are conspicuous by their absence. Whilst it is understood the SCG HT has been agreed by all parties, it cannot be assumed this means there is agreement that there is no problem with the traffic on the rural roads to the west of Ridgeway Farm, only that there is agreement that the data has not been provided.
286. It is our contention that this development for 700 dwellings would cause a significant increase in the volume of traffic both on the rural roads to the west of Ridgeway Farm and on the major arterial roads in and around Swindon resulting in increased traffic congestion, longer journey times and increased carbon footprint at peak hours.
287. With regard to the proposed use of shared space at the junction of the Urban Square, whilst the concept that shared space increases the element of uncertainty is understood, making drivers more aware of their surroundings, we are nevertheless concerned with the suitability of such a system in the light of the volume of traffic forecast for this junction in the SCG HT. It also runs counter to the provision of the proposed pedestrian crossings at the three arms of the Urban Square. Pedestrian crossings are about separating people crossing the road from the traffic, whereas shared space is about combining pedestrians and traffic.
288. Further the impact of volume of heavy vehicles, HGVs, Refuse Trucks and BP's Butane tankers that currently have to traverse this junction to get to Mopes Lane or Chelworth Industrial Estate must be considered. The majority of Wiltshire's green waste will go to Parkgate Farm via Mopes Lanes for composting and the volume of large 40 ton HGV and Biomass Lorries is likely to increase. The number of school buses that would be required to take pupils to Bradon Forest School at peak hours must also be taken into account. There are also concerns about the safety of residents and pedestrians who have visual or hearing impairment being able to avoid traffic, particularly cyclists and hybrid cars that make little or no noise when travelling this shared space.
289. There have been over a thousand objections raised by the residents of the surrounding towns and villages and from the communities immediately joining Ridgeway Farm in West Swindon. Purton Parish Council respectfully requests that this Appeal for 700 dwellings at Ridgeway Farm is dismissed by the Secretary of State.

*Cllr Jaqui Lay – Wiltshire Council – Purton and Bradon Parishes*

290. Ridgeway Farm is an important site to many communities around Swindon and is their open lung. It provides a break between the urban and rural areas. Development of the site will bring the noise and bustle of urban life nearer to the communities of Purton and Lydiard Millicent.
291. It also protects the wild communities in that the land is relatively undisturbed by human presence. The current footpath 78 does not appear to be used and the second path 77 is not easily accessed as it is off the bend of the road on the west side of the site. Neither path creates a high level of foot traffic so there is a level of peace for the wildlife on the site.

292. The importance of the countryside along the urban edge is not just having access onto it but also having a spacious feeling. Having countryside near ones home is very important especially for those who do not have access to transport. Not everyone can walk the footpaths or drive to the viewpoints but we should all have access to enjoy the countryside even if just to look at. Enjoyment of and access to the countryside is not just about going into it but also by allowing somewhere for bees and insects to be undisturbed, which then visit and pollinate our gardens. To take away this buffer would push some of the larger wildlife further towards the settlements which could bring problems to human lifestyles.
293. Ridgeway Farm lies in the rural buffer zone NE2 which, together with NE3, are the rural buffer policies in the NWLP and are identified on map sheet 10A. These policies were not extended as they were in conflict with Planning Policy Statement 7 and the same applies to WSSP policy C7.
294. Policy C7 is about the protection of the New Forest. The conflict is surely about all three policies NE2, NE3 and C7 being protected by PPS7 as all three have areas which are important areas of land locally and that the LDDs provide sufficient protection. In the case of NE2 and NE3, policy DP13 in the SP still exists and was a saved policy in March 2009. The question is whether these buffers still exist and what is their extent? Within the WSSP policy DP13 is clear that rural buffers should be maintained 'to protect the separate identities' of a group of towns and villages to prevent their coalescence with Swindon. Both Purton and Lydiard Millicent are listed as settlements that warrant that protection.
295. Development on Ridgeway Farm and would not protect the separate identity of these two settlements. Therefore keeping the area as Rural Buffer is extremely important for all the communities around the site.
296. The policies and strategies in any LDD's plan are set for a time period especially for the deliverance housing numbers. To bring forward applications at the end of a plan period runs the danger that trends and recommendations of a requirement will have changed and further plans may be in the process of coming forward to address any shortfall or over supply.
297. Delivering a plan needs to be balanced and if only some of the plan is delivered then it becomes unbalanced and puts pressure on communities. Hence is likely to be addressed in any emerging plans. The emerging Wiltshire Core Strategy addresses some of the imbalance, putting pressure on developers and investors to now deliver what is required in the next plan period, where in the past more housing has been delivered than employment. The housing numbers in the emerging plan have been put at a minimal delivery of 37,000 to allow the opportunities for further housing to come forward via the community led planning – which is engaging the public in shaping their futures. It will also mean that developers will need to work with communities to bring forward any additional housing.
298. Ridgeway Farm seems to have been shown for development, as part of Cell D, in a series of studies over a number of years; however the application has only come forward as the DP is due to expire or be replaced by the emerging CSs. Cell D is a much larger area than just Ridgeway Farm, as shown on the map taken from the SSSUES. If Ridgeway Farm is given permission the remaining land

within the cell may then fall under the same criteria and may also be allowed to be developed with a consequent impact on Lydiard Millicent and Purton. Cell D seems to be identified with Cell E to provide 1000 houses. Cell E includes Moredon Bridge which has 200 houses plus a further application being considered for another 50. Therefore what is the number for Cell D and should all of the remaining allocation be only on one third of the Cell D?

299. Although the Tadpole Farm site has been mentioned in the same plans as Ridgeway Farm, the difference is that it continues to be identified for development in the DP whereas Ridgeway Farm is not. If both sites are granted permission then this would be in conflict with the emerging CSs. The Tadpole Farm site is likely to be judged on the weight of the incoming plans and not on its position in the old plans.
300. Development at this moment in time is more than adequate and it includes the unfinished Taylor Wimpy site at the Front Garden. Therefore new applications need to be considered on the emerging CSs – even if these are challenged they still have to come forward in the near future to ensure that an up to date DP is in place. The emerging DPs must also take into account non-deliverance of previous plans, as they cross over each other. Therefore, if sites are granted permissions on the old plans, then the housing numbers would need to be adjusted on the emerging plans.
301. The Councils are trying to encourage development where it is wanted and needed for economic growth. It is no good having Swindon as a thriving community (although development there doesn't necessarily create a thriving community if the employment market is to a few large employers – who subsequently lay off large numbers of workers creating hardships and problems to the economy of the area as in the case of Honda in recent years) and taking large numbers of housing if it beggars the other towns in the county.
302. We have heard a lot from the Appellants expert witnesses but all we heard was an argument to develop their land. Of course they will use their professional opinion to say the dCSs are not sound as they have a huge interest in questioning the strategies as these strategies may not favour their land banks.
303. The Appellants refer to the public consultation they carried but not to what the public said. The purpose of going to consultation is to listen and act upon what is said. However, the Inquiry has heard the local view, and that is that Ridgeway Farm is important as an open rural site that is part of a rural buffer intended to prevent coalescence between several settlements and mark the boundary between the two authorities.
304. This application would not add to the communities, but would cause huge impacts to local adjoining communities and potentially also to the wider area. The site would have its own issues to cope with as it would become part of the 'rat run', it would have a HGV route through the centre of a new estate, it would be close to a COMAH site, a railway line and a flood plain with a fast flowing river. It would not be a self-contained community but would have to rely on services from elsewhere. Commuting to work would still occur. Bus services are only sustainable if they run to where the people want to go to – to work – and when they want to go there. Bus services on other new estates have been cut, reduced or stopped and there is no reason why this site would be any different.

305. It cannot be stressed enough that there are huge issues with existing traffic. The proposal is likely to add conflict to existing traffic flows, push problems onto other areas with traffic trying to avoid a potentially difficult route. The added flows from 700 new homes, whether on foot, by bike, car, bus or commercial deliveries, to and from the site, will only exacerbate an existing local issue.
306. The Inquiry was told that one minor route closure for bridge repairs in Tadpole Lane is causing mayhem. Any interference in flows, from accidents, road works, broken down vehicles, flooded roads, poor weather, etc. will have the same effect.
307. Numerous photos evidencing the extent of flooding have been submitted. These show the extent and speed of water flows to the River Ray. The EA floods maps show the extent of flooding in the river basin, yet the DAS states that public access is to be encouraged, to include bicycles, along the current rural footpath network down into the river basin and across to Mouldon Hill. Although this may well be a safe route in dry weather, it will not be in times of wet weather. Also encouraging bicycles onto public footpaths is contrary to public rights over the footpath networks and an upgrade from footpath to bridleway will be required.
308. The application does not address the provision of leisure for older children and adults. There is no youth club or community facility. The youth will need to look to the adjoining area for their recreation – potentially creating conflicts with existing provision and overloading such facilities. There is little or no provision of accommodation and needs for older people. Wiltshire Council has a strategy for providing care in the future for older people within their own homes (Older Peoples' Strategy and Accommodation 2007- 2016) and this should be reflected in the design.
309. The design of this site is misleading and gives the impression of a safe place to live but having the spine road running through the urban square, a shared area where children will be going to school, is a major design flaw. Drivers of through traffic, especially those not knowing the area, will be confused and wonder why a through route suddenly ends up in an urban square with shared space. Regular users of the highway will end up looking for alternative routes putting pressure on elsewhere.
310. Shared space designs may work in urban areas, but not on the edge of an urban area where traffic comes in from a very rural road network. The designs shown on the plan, the layout of the road, the housing numbers and many other aspects of this application would not provide a good long term development.
311. The site has in the past been subjected to quarrying from early Iron Age, through Roman occupation and in the modern past. The open space and tree planting on the north west, west and south west of the site would appear all to be on the land that has been quarried and infilled. To the north the open space is close to the pylons, railway and fuel storage depot. The area to the north west has a much poorer quality of grass growth and levels of poor drainage. These areas will not create a safe and pleasant place to be. It would not, therefore, be a sustainable design or a sustainable development. The Framework is clear on what is expected for future developments. The ministerial forward by Greg Clark MP says it all – *'sustainable means ensuring that better lives for ourselves doesn't mean worse lives for future generations'*.



312. The local view is that this application does not support three dimensions to sustainable development: economic, social, and environmental. The Localism Act is clear that communities must be part of the decision making and there has been a clear message from the communities on what this decision needs to be.
313. The site is currently a pleasant rural area in Wiltshire, beyond the town of Swindon and between the settlements along the boundary, providing a clear demarcation between the two Authorities. It is hoped that all of the points of concern have been taken on board and it is submitted that the evidence supports a decision of dismissal of this Appeal by the Secretary of State.

## **WRITTEN REPRESENTATIONS**

314. The Planning Inspectorate received 55 letters of objection to the proposals resulting from the notification of the Appeal from individuals and organisations. There were no letters of support.
315. The issues of most concern to the greatest number of correspondents were almost all raised and discussed in detail by the interested parties who attended the Inquiry and are noted in preceding paragraphs. These can be summarised as follows:
- the impact of the additional traffic from the proposed development on the local roads with particular emphasis on highway safety and the living conditions of residents
  - the need to retain the Appeal site as a 'green buffer' between Swindon and the villages of Wiltshire
  - the cumulative impact of other development that is presently coming forward
  - the likelihood that the proposed development would increase the risk of flooding in Common Platt and Peatmoor and the impact of the proposed development on the existing water/sewage disposal infrastructure
  - the absence of any local support for the scheme and the concern that planning permission for it would undermine the localism agenda and the emerging neighbourhood plans
  - the pressure that the development would put on local facilities and services
  - the proximity of the railway to the Appeal site and the possible impact on the future development of the Swindon and Cricklade Railway
  - the presence of the oil storage depot and electricity cables
316. Other matters raised in correspondence cover submissions on:
- a lack of employment opportunities in the area that have resulted in some existing housing remaining empty, resulting in a lack of need for further additional housing
  - the potential effect of the proposal on the setting of Lydiard Park in that development on the Appeal site could make it more difficult for the Council to resist pressure to develop on sites closer to the Park

## CONCLUSIONS

317. The numbers in square brackets in this section are references to previous paragraphs in this report upon which these conclusions are based.

### Main considerations

318. Having regard to the matters on which the Secretary of State wishes to be informed, the reasons for which WC would have refused the application had it been in a position to do so and the concerns raised by interested parties, the main considerations that need to be addressed are as follows:

- (i) how the proposal relates to the extant and emerging DPs and the Framework in terms of the sustainability of the scheme, with particular reference to the requirements for housing land in Wiltshire and Swindon and the location of such development;
- (ii) whether the proposal would be premature in respect of the emerging CSs for Wiltshire and Swindon and thereby compromise the ability of the DPs to set the spatial vision for these areas;
- (iii) the effect of the proposed development on highway safety, the free flow of traffic on local roads and any consequent impact of the proposed development on residential amenity;
- (iv) other objections;
- (v) whether the proposed development should be subject to planning conditions and
- (vi) whether the proposed mitigation measures set out in the S106 Planning Obligation are reasonable and necessary to allow the development to proceed.

#### ***(i) Housing land requirements and the DP and the Framework***

319. The parties have indicated that they consider this case to be the first major housing application to be considered at Appeal since the adoption of the Framework and the decision will have implications on how the Framework will be interpreted in relation to the weight that the localism agenda should be given when it conflicts with the aim of boosting house building. [45, 99] However, despite the publication of the Framework, S38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA) still requires the application to be determined in accordance with the adopted DP unless material considerations indicate otherwise. The Framework is such a material consideration and all parties agree that it attracts significant weight.

#### *Adopted DP policy*

320. There is also no dispute that the extant RSS (RPG10) is out of date [93] and does not provide any up to date guidance in respect of current housing land requirements or how the number of new dwellings that will be needed for Wiltshire and Swindon should be calculated. In such circumstances, other adopted and emerging policies and the Framework will carry more weight than the figures included in RPG 10. The WSSP is still current but the housing numbers within it are based on the outdated figures drawn from RPG 10. It is also due to be revoked in the near future.

321. In respect of the adopted NWLP, the site is in the countryside where development would be contrary to policy H4. [51, 52] The basic principles of policy H4 are set to be carried forward into the dWCS and the countryside is still given protection in the Framework, [269] where it is made clear that the most sustainable location for development will be on previously developed land and in town centres. However, policy DP10B from the WSSP, which has not yet been revoked and has 4 years left to run, is still, therefore, part of the DP. This is the policy that calls for 1000 houses in the western expansion area of the Swindon PUA in which the Appeal site is situated. Although this is not a site specific policy, it does envisage that land for housing development would come forward in Wiltshire to the west of Swindon.
322. Any land brought forward under DP10B would, necessarily, have to be in the countryside and would thereby conflict with the provisions of policy H4. It is clear, therefore, that DP10B was envisaged as an exception to H4 and the studies that have been carried out in respect of the requirements of DP10B identified Ridgeway Farm as a potentially suitable site for housing. [138, 141]
323. Planning permission for the Moredon Bridge development (now built) and Tadpole Farm, which falls within SBCs administrative area (and which will be granted planning permission subject to a S106 agreement and the imposition of conditions), together provide for about 1,900 new dwellings to the west of Swindon, and will form an extension to the PUA as envisaged by policy DP10B. This figure significantly exceeds the original allocation of 1000 dwellings and serves to confirm that the area has generally been considered suitable for substantial housing development. The Appellants do not accept that the Tadpole Farm development can contribute to meeting the figures called for in that policy<sup>82</sup> but the site nevertheless falls within area H identified by the Swindon Principal Urban Area Study 2003 (SPUAS) referred to in the supporting text to DP10B. Tadpole Farm has continued as a preferred site for development and the recent decision by SBC confirms this status. The Swindon CAAP is adopted policy that seeks to direct housing in Central Swindon to existing brownfield sites.

#### *Emerging policy and its relationship to the Framework*

324. The available emerging policy is contradictory; the dRSS promotes additional housing in the region of the Appeal site but the dCSs rejects it. The nub of the dispute between the main parties is, therefore, whether it is the housing figures within the dRSS that are most relevant and support the grant of planning permission for housing development of this scale on the Appeal site, or whether it is those in the dCSs that should be given the most weight when considered against the Framework requirements. [146, 55, 87, 88, 108] Although the dRSS has been abandoned and the WSSP is likely to be revoked in the near future, this had not happened at the time of writing this Report and the Secretary of State has previously used the evidence base of emerging policy as a material consideration, provided it is the most up to date available.
325. The strategies of the dRSS, although not formally adopted, have been through an EiP but are based on studies carried out in 2004; those of the dCSs have not, but are the latest to come forward through the local DP process and have been

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<sup>82</sup> ID10 SCG H

through various stages of consultation. Both sides quote different studies, such as the Swindon Housing Update Report 2011, the Swindon Annual Monitoring Report 2011, the CPRE document 'Brownfield Market Signals' and the DCLG 2008 household projections that could be used to support their particular stance and these will be considered in detail at the EiP. [81, 113, 115, 116]

326. One of the reasons for the proposed abolition of the RSSs is quoted as being the need to remove the top down imposition of housing targets, [46, 56] but this must also be considered in the light of the Government's intention, as made clear in the wording of the Framework, to make house building a significant priority and make it easier for such development to come forward, when it is considered to be sustainable. [102] However, in this case, the reality is that the previously anticipated house building targets have been significantly reduced [109] and there is consequently a tension between the aspirations of the local communities, as expressed through the dCSs of their relevant local planning authorities, and the aim of encouraging increased rates of house building as expressed in the Framework.
327. Neither of the 2 local planning authorities that have an interest in this case considers that this site should be developed for housing at this time and there is strong local opposition to the proposal. The housing allocations and numbers in the dCSs are based on a strategy that has been developed through mutual co-operation, as required by the Localism Act 2011 (LA) and the Framework, and which accepts that there will be a need to expand onto greenfield land on the periphery of Swindon. [59, 68, 80] Sites where this should be located have been identified but Ridgeway Farm is not one of the allocated sites. [67] Although the Appeal site has been considered in the past as a potentially suitable location for the urban expansion of Swindon, it has never been formally allocated in any adopted or emerging DP and has now been discounted as a possibility by both Councils. [69, 78]
328. The housing figures in the dRSS are also subject to the accusation that they are out of date through being overly optimistic and consequently undeliverable. [92] If this is correct, or if RPG 10 is revoked before the Secretary of State makes his decision on this case, the only policy guidance remaining on housing location and supply is that set by the dCSs. [88, 93-96] Set against this, however, is the advice in paragraph 49 of the Framework that the supply of housing land should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This paragraph gives considerable weight to the presumption that housing applications should be granted on sites that are otherwise found to be sustainable.
329. The Councils, by seeking to reduce the future house building numbers in their administrative areas, would fail to *'boost significantly the supply of housing'* as required by the Framework and would fail to meet the policy incentive of the Framework, the *'golden thread'* that is the presumption in favour of sustainable development. [108] There is a consequent possibility that the calculations in the dCSs will be found to be flawed and, consequently, render the dCSs unsound when they are considered at EiP. [111, 113-115] Nevertheless it was agreed that it is not within the remit of this Appeal to draw any conclusions on whether the dCSs for the 2 Councils are sound in respect of the housing figures that they presently contain. [97, 124]

330. There has been no formal objection to the dCSs by neighbouring planning authorities, although some concerns on housing numbers were originally expressed, [117, 118] and there is now strong support for allowing local communities to develop their own DP policies, including housing numbers and allocations, within the overarching requirements of the Framework, which require these policies to be realistic and based on sound evidence. [58] Nevertheless, the reduction in housing numbers in both Wiltshire and Swindon Borough goes against the objective of boosting housing supply nationally. There have also been objections to the figures in the dCSs from interested parties [123] and the combination of these factors will be likely to lead to significant queries that will need to be investigated and subsequently addressed at the EiPs of both dCSs. [111, 113, 116, 123]
331. It is agreed between the Councils and the Appellants that Ridgeway Farm, if found to be required for housing, would be supporting the needs of Swindon Borough rather than Wiltshire, which now, through the dCS, has no identified need for further development in this location. [64, 127, 156] The dCS of WC is more advanced than that of SBC and will now go to EiP without further consultation; the dSCS has not made any significant progress since 2011 and it is still likely that it will go to further consultation, perhaps with revised housing figures, as conceded by SBC's planning witness at the Inquiry. [112, 123] However, if the dSCS is modified in terms of housing numbers and allocations, the duty to cooperate imposed on the local planning authorities by the Localism Act 2011 may yet require further modification of the dWCS. The dWCS can therefore attract only limited weight. [128]

*Sustainability in relation to the Framework*

332. The Framework contains a presumption in favour of sustainable development where it accords with the adopted DP. Where the DP is absent, silent or out of date (as in this case) planning permission should be granted where the proposal does not conflict with other policies within the Framework and any adverse impacts are clearly outweighed by the benefits when taken against the Framework policies as a whole. [105]
333. The Framework makes clear that sustainability relates to the social, economic and environmental impacts of development. It was therefore agreed at the Inquiry that the meaning of this term should not refer solely to the location of the development. It was also agreed that sustainable development could be defined as that which *'accords with the spatial vision for the area'*. [65] Under the WSSP and the dRSS, the site is within the search area for future housing development and could therefore be considered to be part of the *'spatial vision'* for that area; this is not the case in terms of the dCSs. [64]
334. However, the term *'spatial vision'* derives from superseded policy guidance (Planning Policy Guidance Note 3 – Housing para. 69) and, whilst non-conformity with the spatial vision for the area was one of the reasons for refusing planning permission for a housing development in a previous Appeal decision<sup>83</sup> and therefore reflects the views of the Inspector who represented the Secretary of State in that case, it does not provide a full definition of the meaning of *'sustainable development'* as discussed in the subsequently published Framework.

<sup>83</sup> CD 12.9

335. As noted previously, the Framework gives great emphasis to economic growth and to providing the supply of housing needed for present and future generations, whilst protecting and enhancing the environment. It is also the case that, in the absence of an up to date LP, as in this case, the '*spatial vision*' for a particular area must be considered as still being subject to change. **[123]**

#### *Housing need*

336. The Framework imposes a requirement for local planning authorities to demonstrate a 5 year supply of housing land to meet their identified needs. At the Inquiry, the Appellants' planning witness agreed that housing need was the only reason that would justify a decision that departed from the DP, but that the absence of a 5 year supply would not automatically indicate that planning permission should be granted. **[55]** The Councils' statement of case<sup>84</sup> acknowledges that there is not a 5 year supply under the current DP. **[118, 133]**

337. The decision referred to above considered that WC had demonstrated a 5 year housing supply through its dCS, but that Appeal did not have to consider the question of meeting any housing needed for Swindon in North East Wiltshire. It does not, therefore, relate to a situation directly comparable to the Ridgeway Farm site. **[118]**

338. However, both dCSs can, on the Councils' figures, demonstrate a 5 year housing land supply based on the target numbers included within them. **[84]** The Appellants dispute that these figures<sup>85</sup> are sustainable and, in particular, are high enough. **[113-116]** This is a matter that will eventually be explored through the EiP into each CSs and a conclusion will be reached on whether the dCSs are sound in this respect and are in accordance with the requirements of the Framework. **[116, 123, 126, 144]**

339. Nevertheless, this reduces the weight that should currently be accorded to the housing figures in the dCSs and they cannot, therefore, be relied on to necessarily supersede those in the dRSS in terms of the policy thrust of the Framework, even though they are more up to date. Only after the RSS and WSSP have been revoked would they be the only figures that could be definitively be accorded any policy weight and even then the extent of that weight would depend upon the robustness of the evidence on which the figures were based. **[96]** As also previously noted, it is not for this Appeal to consider whether the predictions and assumptions upon which those figures are based are sound. **[116, 124, 126]** In the meantime, it is accepted that, in terms of the housing land supply set by the dRSS, the 5 year requirement would not be met. **[87, 133]**

340. In this situation, where there is a lack of clear adopted policy direction at a local level, where it is agreed that the RSS is out of date and where the WSSP still anticipates housing development to the west of Swindon, these factors, together with the Framework, lend considerable support to the proposal. It can also be concluded that, because an acceptable 5 year supply for Swindon, in particular, has not yet been demonstrated and accepted through the DP process, the Appeal proposal could be considered as contributing to an identified housing need for the Borough. **[132, 158]**

<sup>84</sup> CD 15.2 para 5.7

<sup>85</sup> ID10 Table 11

341. It is not the case that planning permission should automatically be granted in situations where a 5 year supply cannot be demonstrated, as evidenced by the Appeal decisions<sup>86</sup> submitted by the Councils; however, a refusal of planning permission for development that would contribute to the 5 year supply and boost should identify the specific harm that allowing the development would cause. [55]

*The localism agenda*

342. It is envisaged in the LA that neighbourhood involvement in the planning process will play a prominent role. Although a Neighbourhood Plan that includes the area of the Appeal site is in the course of preparation, it is at a very early stage and cannot yet be accorded any weight, as it will necessarily have to reflect the policy of the dCSs, which have yet to be examined and adopted. [124]
343. The dCSs for Swindon and Wiltshire will be judged against their compliance with the Framework when they come to EiP and may well have to be amended. However, it is clear that, in the opinion of local people, the success of this Appeal would be seen as 'leap frogging' the local development process and a continuation of the 'top down' imposition of targets that the Government is now actively seeking to avoid through the emphasis on localism in the Framework. [56-60, 176, 186, 225, 311]

*Other relevant considerations*

344. Concern has been raised that development of the Ridgeway Farm site would delay or deflect from the delivery of other sites that have already been allocated for housing through the adopted and emerging DP process. [71-77, 299, 316] These include the town centre sites that are being brought forward through the CAAP, the Tadpole Farm site and a large development at Wichelstowe, where only 480 dwellings had been completed by October 2011. The completion of 1100 dwellings is needed at that site to trigger road improvements to J16 of the M4 and the construction of the Hay Lane/Wharfe Road roundabout. Similarly, the Tadpole Farm will need to be built out at the anticipated rate to deliver infrastructure that would contribute to growth within the wider area. [72-73]
345. However, no objections to the Appeal proposals have been raised by the developers of any of these sites and, although it was agreed that delivery of sites in the town centre had previously been slow, no specific evidence has been provided to show that there is a continuing significant problem. In fact, 442 dwellings have already been provided and 450 have recently been granted planning permission against a target of 1000 units. [129] There have also been no objections to the Tadpole Farm site in respect of its impact on the town centre. [130]
346. Nevertheless, it is projected that Ridgeway Farm would deliver more units than would come forward at Tadpole Farm during the same period and, given the similarity of the two sites in terms of location and mix of housing types, it is possible that there would be competition between them for the same share of the market. [72] However, if it is accepted that both sites are needed to satisfy Swindon's housing requirements, this would not be a significant problem.

<sup>86</sup> CD12.1, CD12.5 & CD12.15

347. Additionally, apart from the highway issues and the concerns raised by interested parties about the countryside location and the consequent loss of the open space which will be considered further in subsequent sections, there are few other site specific objections to the location and none from the Councils, apart from those on policy grounds. **[48-50, 107]**
348. Although the Appeal site was considered in the SSSUE Evidence Review Paper<sup>87</sup> to be less sustainable than Tadpole Farm, there are, nevertheless, many similarities between them. This means that, if the decision to reduce the target number of housing completions originally set in the dRSS had not been taken, or if the dWCS and the dSCS are found unsound, in that the housing target figures are considered to be too low and additional allocations need to be identified, Ridgeway Farm could be considered to be a suitably sustainable location for housing development.
349. The decision to abandon the requirement for 3000 dwellings for the west of Swindon included in the dRSS (which was increased from the 1000 included in the WSSP) has been taken in response to the economic downturn that has occurred since the dRSS figures were first prepared. **[93-94]** Nevertheless, the construction industry is seen by the Government as an important contributor to aiding growth **[116]** and the Appellants' expressed ambition to develop the land, as evidenced by their pursuing this Appeal, would further this objective. The Appellants feel confident that this scheme is deliverable and saleable, even with the likelihood that it may face competition from other sites, and they will, no doubt, have taken all such factors into account when assessing the viability of their proposals.
350. It is, of course, important to ensure that new housing is located in areas where it is needed to support and encourage employment opportunities. Swindon aims to be a major economic and service centre within the sub-region **[66]** and concerns have been raised that the housing figures in the dSCS are presently too low to support the aspirations for job creation contained in the same document. **[117]**
351. The Appellants consider that SBC has been overly pessimistic in its view of the rate at which economic growth will take place in future years. They refer to the Central Government Projections for future housing requirements in Swindon and Wiltshire, which indicate that higher figures than those included in the dCSs will be required. These figures were produced in 2008 and are therefore more recent, although lower, than the dRSS figures. **[115, 122, 123]**
352. However, SBC has chosen to include a figure that is a reduction on these predictions based on the fact that those figures were based on migration trends in 2003 – 2008, when there were unusually high rates of house building in the Borough compared to other periods. **[84-85, 87]** Again, it is not for this Appeal to consider which party is correct on this matter but the differences in the assessment methods illustrates that there will be significant issues to consider when the dCSs come to EiP. **[97, 110]**
353. Ridgeway Farm is immediately adjacent to other housing development and the Councils are satisfied that the S106 agreement would address any adverse impacts on infrastructure provision. The site is also close to Swindon town centre

<sup>87</sup> CD6.15



and major road networks. WC has therefore withdrawn its putative reasons for refusal on the grounds of the sustainability of the location in terms of its distance from services, public transport provision, highway issues and the contributions required towards infrastructure, services and facilities and SBC has not carried forward any objections on these grounds. [48-49]

354. This is significant because, although the site is in Wiltshire and it is WC that would be responsible for servicing it, it would be Swindon that would mainly benefit from the additional housing and would be where the residents could be expected to work, shop and visit for leisure activities. [156] However, another identified benefit of the Ridgeway Farm site would be that residents would be most likely to work in Swindon and thus help to alleviate the problem of longer range commuting that is acknowledged to occur in Wiltshire. [117]

355. The provision of the affordable housing element of the scheme would be significant and go towards meeting an undisputed and identified need for such accommodation. It would therefore be a positive benefit of the proposal. [158]

## ***(ii) Prematurity***

356. Apart from the objections that the development would be contrary to the localism agenda and the policy concerns dealt with in preceding paragraphs, the only other harm relied on by the Councils is that which they consider would be caused by prematurity.

357. Advice on when prematurity can be a factor in a decision not to grant planning permission is given in The Planning System: General Principles<sup>88</sup> (PSGP) and for this to apply, the scale of the proposal must be significant enough to prejudice an emerging DPD by predetermining decisions on the scale, location or phasing of new development. The Ridgeway Farm proposal would provide only about 3.8% of the total housing numbers envisaged as urban extensions to Swindon in the dSCS and a proportionately smaller percentage (1.9%) of the dRSS figures.

358. Whether the Appeal scheme would have an impact on the delivery of existing sites has been discussed above. However, whilst the proposal is not of a scale that would be likely to have a significant impact on the housing figures in the overall time scale of the dCSs (up to 2026) [143] it would nevertheless be likely to have some effect on the location and phasing of other sites, were it to come forward before the adoption of the CSs. [70, 71]

359. The advice in PSGP is that the weight given to the prematurity issue should be considered in the light of emerging policies and the stage of preparation they have reached. The relevant policies in the dSCS will be subject to objection at the EiP, [123, 137] a date for which has not yet been scheduled, and there is likely to be another round of consultation. If the housing figures are eventually changed, whether they are lower or higher, this will have an impact on the dWCS, which may also have to be amended. [116, 117] In these circumstances, whilst I note the level of local concern and the carefully explained basis of that concern, the weight to be given to objections on prematurity grounds is not so great as to indicate that this, alone, should result in a refusal of planning permission.

<sup>88</sup> CD11.23

**(iii) Highway issues**

360. The Appeal site is mainly accessed by B class and other local rural roads that would, inevitably, have to carry more traffic. Local residents have set out in detail why they consider that the additional traffic would not only impact on the amenities that they presently enjoy but also why they consider that the road network is unsuitable for this increase, and would consequently become more dangerous. Their evidence was thorough and well presented; this was despite it perhaps not having the scientific rigour of the projections produced by the Appellants and agreed by the Councils. **[162-166, 190-194, 218, 227]**
361. The traffic flow predictions for the roads around the Appeal site were produced through SBC's own SATURN system, as requested by the Councils, and use methodology that is generally accepted by the experts in this field. The projections run up to 2016 and include the impact of other developments expected to come forward during this period, including 350 of the 1695 dwellings proposed at Tadpole Farm. They also assume that there would be 800 dwellings at Ridgeway Farm, which was the number included in the first application for the site but which has now been revised downwards to 700. The figures are consequently based on a scenario that is worse than would actually occur. The modelling work suggests that there would be no highway impact on the strategic or local highway network.
362. However, the local residents are the people who have first hand experience of how the road systems work in practice on a day to day basis and, in the objections received to the proposals, there is overwhelming and consistent concern about the impact that traffic from 700 new homes would have on local roads. Letters from local residents refer to existing problems with traffic congestion on the B4534 Mead Way, which links with Thamesdown Drive to the north and the Great Western Way to the south and forms one of the main routes from development to the north west of Swindon into the town centre. **[227-229]**
363. The SATURN model concludes that, with the improvements that the Appeal proposal would bring to the Sparcells roundabout at the south east corner of the Appeal site, there would be sufficient capacity on these roads to accommodate the additional traffic from the development. The 'spine road' through the Appeal site has been designed in accordance with the latest requirements of the Manual for Streets (MfS) and the Councils raise no objections to its alignment. The Urban Square would be a shared surface for pedestrians and traffic, including HGVs and buses crossing from the B4553 to the north west of the site to the south via Swinley Drive or the south east via Sparcells and vice versa. There must be some concern about the use of such an arrangement **[231, 287-288]** but similar schemes have proved successful elsewhere and the final design of the Urban Square can be controlled through conditions attached to any planning permission. **[155]**
364. Nevertheless, local residents gave evidence that traffic already diverts through the residential development to the west of Mead Way, on roads such as Swinley Drive, Peatmoor Way and Old Shaw Lane and uses them as a 'rat run' to avoid congestion on the busier B4534. It seems inevitable that such traffic would increase with the addition of 700 new dwellings at Ridgeway Farm. They have also criticised the fact that the modelling exercise omitted to consider the impact on Purton village and some of the roads further west. **[198-199, 201, 206, 234-235, 285]**

365. The Appellants' traffic witness agreed that the traffic volumes in the projections were, in some instances, too low and, although he considered that this did not affect the overall conclusion that the roads had spare capacity, this highlights that there must be some room for doubt over the accuracy of the predictions. [234, 237-238]
366. However, it is nevertheless difficult to reject the overall conclusions of the Councils' and Highway Authorities' expert consultees who have scrutinised the findings of the SATURN predictions and have identified no problem with the proposals. It is they who have the responsibility for ensuring the safe, free flow of traffic on the areas' roads and they consider that the package of mitigation measures, including a travel plan, the subsidising of a diverted bus route and improvements to foot and cycle paths would render the scheme acceptable. [153-154]
367. There would be additional pressure on Peatmoor village centre [245-246] and it has not been demonstrated that this local facility, which already has problems with a lack of parking provision, would be able to cope with the additional traffic from Ridgeway Farm. Residents would be encouraged to walk to the centre but the reality is that, as noted by residents, the occupants of the Ridgeway Farm properties are still likely to drive, especially from the furthest parts of the development and if they have shopping to carry. [192-193, 246]
368. In conclusion, whilst there would be little justification for refusal of the proposal solely on the grounds of increased traffic, common sense indicates that local residents would inevitably experience some impact from additional road noise, longer journey times and pressure on existing parking availability. These would be adverse impacts that would conflict with saved policy C3 of the NWLP and policy CP57 of the dWCS which include the aims of ensuring that the amenities of neighbouring occupants and residents are not adversely affected and therefore weigh against the proposal in the overall balancing exercise. [205]

#### **(iv) Other objections**

##### *Rural buffer*

369. The principle of ensuring that the villages of north east Wiltshire do not become amalgamated into any western expansion of Swindon has been a long term planning policy aim. [221, 265, 268, 273, 276, 293] However, a defined rural buffer is no longer part of adopted or emerging policy, although the concept of protecting the villages around Swindon from coalescing with the town is still a policy objective. [149] Even when it formed part of the WSSP, there was acceptance that any designation of the rural buffer would have to take account of the planned urban extension to the west of Swindon. [148]
370. Although in designated countryside, the site is immediately adjacent to other residential development and, in that respect, would be seen as a logical location for an urban extension to the town. The site would be contained by the B4553 to the west, the railway to the east and the development to the south of Purton Road. Beyond the railway, the valley of the river Ray and the Mouldon Hill Country Park would retain green open space adjacent to the site. This containment is reinforced by the existing tree cover and the design of the scheme also provides for significant areas of open space to be located on the north and north western sides of the site.

371. The detailed landscape assessment, which has not been contested by the Councils, accepts that there would be views of the development from the rural/urban fringe from the west round to the north east. However, if it is accepted that further greenfield land is required for additional housing, the visual impact on the Wiltshire villages would not be significant or contribute to an unacceptable coalescence between them and Swindon. [151-152]

#### *Flooding*

372. Another concern of interested parties was that the site could be liable to flooding and that the development could also create the possibility of flooding elsewhere in the area. [266, 166-171] The objectors have submitted photographs of recent local floods to support this view, but their arguments are not supported by the Councils or the Environment Agency, who raise no concerns on this ground, subject to the imposition of suitable conditions.

373. The matter has been considered fully in the ES and the conclusions have been accepted by the consultees. None of the site lies within a 1 in 100 or 1 in 1000 flood risk zone and the suggested planning conditions discussed in subsequent paragraphs are intended to ensure that drainage issues are satisfactorily dealt with. There is therefore no conclusive evidence to suggest that the proposed development would cause an increased risk of flooding or that this should be a factor mitigating against the grant of planning permission. [155]

#### *Swindon and Cricklade Railway*

374. The SCR calls for the proposed development to provide the land for a new station, should the proposal be granted planning permission. [216] The SCR believes it could contribute to the sustainability of the development and to improved transport links as a whole. It asks for the land for the station to be secured through a planning obligation, but this has not been considered necessary by the Councils to support the development of the Appeal site nor, in their view, is it directly required to make the proposal acceptable. In this respect, although the SCR suggests that the contribution would comply with Regulation 122 of the CIL regulations, this suggestion has not been substantiated and it would not meet the Regulation 122 test. In any event, the land on which the proposed station would stand is not within the Appeal site and the Inquiry was told that it was not in the ownership or control of the Appellants. There is consequently no justification on planning grounds for requiring the land to be donated if planning permission was granted for the scheme.

#### **(v) Conditions**

375. A draft list of conditions<sup>89</sup> that the parties considered might be necessary and appropriate if planning permission were to be granted for the proposal, together with the reasons for imposing them, was submitted during the course of the Inquiry. A discussion was held on these and the wording of some of the conditions was subsequently amended, resulting in a revised list, agreed by the main parties. These amendments, with some further additional minor alterations to the wording, bring the conditions in line with the guidance in Circular 11/95 and are attached as Annex 1 to this Report.

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<sup>89</sup> ID48

376. Conditions 1 – 5 reflect the outline status of the application and the need to ensure that the reserved matters are brought forward for detailed approval within a reasonable timescale. These conditions also cover the phasing of the development and ensure that the details would be in accordance with the master plan already submitted for illustrative purposes and which have formed the basis for the access arrangements that would be approved by a planning permission for the proposal.
377. Conditions 6 and 7 provide for a landscaping scheme for the site, which would be an important aspect of the overall concept and provide for the protection of existing landscape features during the construction phase.
378. Condition 8 requires a programme of archaeological investigation, which is necessary to establish whether there are any features of archaeological interest on the site that warrant protection. Conditions 9 – 15 secure the submission of a Construction and Environmental Management Plan and an Ecological Management and Monitoring Plan; these would protect and enhance the existing ecology on the site, including areas of Calcareous grassland, and the subsequent delivery of the approved measures.
379. Conditions 16 – 21 secure the delivery of the measures required to ensure highway safety, including the provision of the necessary infrastructure and pedestrian and cycle crossings and the improvement to the Sparcells/Mead Way roundabout. Condition 22 relates to the provision of bus services for the development and how these would be delivered, in the interests of sustainability.
380. Conditions 23 – 25 ensure that the development would be carried out in accordance with the approved Flood Risk Assessment and that the details of the drainage and water course crossing of each plot would be approved, implemented and managed for the future, to minimise the risk of flooding.
381. Possible contamination is dealt with by condition 26, which requires the submission of a risk assessment, a site investigation scheme, details of any remediation required and a final verification report. This is to minimise any risk to public health and pollution of water courses that could result from any of the land on the Appeal site proving to be contaminated.
382. A construction Environmental Method Statement is secured by condition 27 and would control construction traffic whilst the development was being built, in the interests of highway safety and residential amenity. For health and safety reasons, dust suppression equipment would be required to be kept on site during the construction period by condition 28.
383. To ensure an acceptable standard of living for future residents, condition 29 requires a noise insulation scheme for the new dwellings to be submitted, approved and implemented. Condition 30 calls for mitigation measures to ensure that noise levels from the spine road and railway would not exceed a set limit in the gardens or outdoor amenity spaces of the new dwellings, to protect residential amenity. For the same reason, condition 31 imposes limits on the times machinery can be used on site during the construction works.

**(vi) S106 Planning Obligation**

384. WC and the Appellants have agreed a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended) and a signed copy was submitted at the Inquiry<sup>90</sup>. The Key Provisions of the Obligation are set out in a summary document<sup>91</sup> and are, briefly, as follows:

- (i) the provision of at least 4.27Ha of open space and areas of structural landscaping, as shown on the masterplan, together with a financial contribution towards the maintenance of the adoptable open space;
- (ii) the provision of 2 equipped play areas within the site;
- (iii) a financial contribution towards the provision of changing rooms to serve the nearby sports facilities at Mouldon Hill Park;
- (iv) 30% affordable housing including Extra Care units;
- (v) a healthcare contribution to fund works to the Sparcells GP surgery;
- (vi) an education contribution for an extension to Bradon Forest Secondary School;
- (vii), a primary school as shown on the masterplan;
- (viii) the implementation of an agreed travel plan and a financial contribution to be used for improvements to ease congestion on the Mead Way corridor and for amenity improvements to three points on the road network in the immediate vicinity of the site;
- (ix) a financial contribution towards the purchase of land to extend the cemetery at Purton;
- (x) a financial contribution to be used towards specific improvements at West Swindon and Purton libraries;
- (xi) a financial contribution towards the provision of leisure facilities at the Cricklade Leisure Centre and The Link Centre West Swindon;
- (xii) a financial contribution towards the upgrade of Westlea Fire Station;
- (xiii) the provision of waste bins for each dwelling;
- (xiv) a contribution to be used for the provision of public art
- (xv) and area of woodland planting and the provision of interpretation boards within the Community Forest planted area and
- (xvi) a financial contribution towards the upgrade and resurfacing of Footpath 77 to allow pedestrian access to and from the site.

385. WC and the Appellants have also submitted a statement<sup>92</sup> that they consider demonstrates the compliance of the S106 Obligation with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL). To be compliant, contributions must be necessary in planning terms, directly related to the development and fair and reasonably related in scale to it. Because of the proximity of the Swindon Borough administrative area, relevant policies from

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<sup>90</sup> ID38

<sup>91</sup> ID47

<sup>92</sup> ID52

both the Councils have been taken into account when assessing the levels and scale of contributions required. The main conclusions of the compliance statement are summarised in the following paragraphs.

386. Saved policy C2 from the NWLP sets out how WC will assess the need for infrastructure contributions and is supported by the adopted North Wiltshire Open Space Study, the draft Open Space Supplementary Planning Document 2007, the Affordable Housing Supplementary Planning Document 2007 and the Wiltshire Council Waste Collection Guidance for New development 2011.
387. Open space designation, provision, construction and maintenance is required by policy CF3 of the NWLP, and the adopted Supplementary Planning Guidance (SPG) on Open Space and New Housing Development (2004) sets the breakdown related to the scale of the site. The parties agree that the proposals, including the provision of play areas, and the contribution towards proving a sports pitch off site at Mouldon Hill Country Park comply with this SPG and the adopted Swindon Developer Contributions Guidance Note.
388. The contribution towards affordable housing complies with policy H5 of the NWLP.
389. In terms of health care, the development would generate the requirement for 1 additional General Practitioner and the Councils consider that this need would best be met off site and it is envisaged that the contribution would allow for the alterations to the most suitable local surgery.
390. Schedule 4 of the S106 Obligation relates to the provision of the on-site primary school and a contribution towards and extension at the closest secondary school at Bradon Forest Secondary School. These are directly related to the numbers of school places that would be generated by the development.
391. Travel, transportation and highways contributions are called for through NWLP policies T1, T2 and T4 and are more fully explained in the justification included in the SCG HT. The contributions would fund highway improvements to the roads that would be most directly affected by the development, to implement a Green Travel Plan and to re-direct an existing bus route so that it would also serve the site.
392. Contributions in respect of increasing cemetery space within the Parish of Purton and upgrading library facilities in both Wiltshire and Swindon are justified by the increase in population the development would bring to the area and appear proportionate to the scale of development proposed.
393. There would be greater demand put on local leisure facilities and the relevant contribution has been calculated using the Sport England Calculator and would be split between WC and SBC. The Wiltshire contribution would help to fund planned works at the Cricklade Leisure Centre and that for Swindon would be used for the on-going improvements to The Link Centre in West Swindon. These works would have a direct impact on the provision of leisure infrastructure.
394. The contribution to the Wiltshire Fire and Rescue Service is justified through the evidence base of the Community Risk Strategy for Swindon Borough 2006 – 2026 and would be used to provide a greater response rate from Westlea Fire Station which is that closest to the site.
395. The waste management contribution would fund waste bins for the properties on the development and the setting up of the service, in line with the Waste Collection Guidance for New Developments published by WC in 2011.

396. Public art in the community is called for by NWLP policy C2, as endorsed by the Arts Council, and this contribution is intended to provide integrated public art on the development site.
397. Saved policy NE13 of the NWLP relates to the Community Forest and the proposed contribution of 0.89Ha of woodland and forest planting would go towards meeting the delivery of the Community Forest Plan. The footpath contribution would improve footpath 77 which provides direct access from the site to Mouldon Hill Country Park.
398. All the above contributions appear justified by local and national adopted policy and/or guidance and are considered to be compliant with CIL Regulation 122 and Circular 05/05 and paragraph 204 of the Framework (where applicable).

### **Summary of main points**

399. *Factors the Inspector considers weigh against the grant of planning permission:*

- The site is not, and has not been specifically allocated for housing in any DP or emerging policy.
- The site is in the open countryside where development is restricted in extant and emerging LP policy and a housing development of this scale is not one of the general exceptions to this restriction. This is a policy constraint that weighs against the proposal and which is also covered in the Framework paragraph 17, which requires, as one of the core land use planning principles, that the intrinsic character and beauty of the countryside should be recognised. Loss of almost 30Ha of undeveloped countryside is a significant change and one that would inevitably have a detrimental effect on the natural beauty of the landscape. The character of the land would become sub-urban rather than rural. Paragraph 14 of the Framework notes that planning permission should not be granted where specific policies indicate that development should be restricted and, in respect of paragraph 17, the Ridgeway Farm scheme falls within this category.
- Although dRSS housing figures have been to EiP, the dRSS itself has now been abandoned. The weight to be attached to these figures is consequently limited. At present, the only current LP guidance is found in the dCSs, and these do not support development of this site.
- Although the Councils and the Highway Authority have withdrawn their objections on the highway issues, there is no doubt that local residents are already experiencing problems with the volumes of traffic in the area, particularly on the smaller rural and residential roads. These roads may be able to accommodate the extra traffic generated by the Appeal site without significantly reducing levels of road safety and the measures included in the S106 agreement would go some way towards alleviating the impact the additional vehicles would cause. However, there are likely to be longer queues at rush hour, increased levels of noise through the greater number of vehicles using residential roads as a cut through and more competition for parking spaces at local facilities. Whilst these factors alone would not be sufficient to refuse planning permission on highway safety grounds, they would impact detrimentally on the amenities of local residents, contrary to adopted NWLP policy C3.



- Planning permission for the proposal could slow down the rate at which other allocated sites are brought forward with a consequent adverse impact on the delivery of the associated infrastructure which would serve not only the new developments but contribute to growth in the local area.

400. *Factors the Inspector considers weigh in favour of the proposal:*

- Ridgeway Farm has previously been considered suitable for allocation and there is no objection from the Councils to the development of the site in terms of the sustainability of its location. The proposal is, in many respects, similar to the scheme approved at Tadpole Farm. The objections on sustainability grounds put forward by the Councils relate only to policy matters and how the grant of planning permission would affect the ability of the community to set its own '*spatial vision*' through the dCSs.
- Under the dRSS figures which have already been to EiP, there is a shortfall in the 5 year housing supply. The figures in the adopted DP are agreed to be out of date. Although the Councils consider that the lower figures in the dCSs are more realistic than those in the dRSS, there is little persuasive evidence to support this assumption, in the face of the current trends that are encouraging greater levels of house building. The reduction in housing numbers included in the dCSs does not accord with the encouragement in the Framework to boost housing figures and has not yet been justified through an EiP. Although those figures can be accorded the weight due to a DP that is at a fairly advanced stage, there is no certainty that they will be found sound and they cannot, therefore, be relied upon as the final version that will shape the spatial vision for the area. Consequently, neither of the Councils has a confirmed 5 year housing supply identified through an adopted and up-to-date LP. The Framework, in paragraph 49, gives strong support to the grant of planning permission for housing schemes on sites in a similar situation to the Appeal site.
- Although some concerns remain that the proposal could have an impact on the future phasing and location of housing development coming forward through the CSs, the numbers of dwelling proposed would be a small proportion of the housing requirements of both the dRSS and the dCSs and are therefore unlikely to have a significant impact in terms of prematurity.
- The provision of the affordable housing associated with the scheme is agreed to be a positive factor weighing in favour of the scheme.

## Overall conclusions

401. It can be seen from the points noted above that the balancing exercise that must be carried out in this case depends largely on the weight that is to be accorded to the aims and objectives of the Framework, where there are aspects of it which weigh both for and against the proposal. The Framework is a recent addition to planning policy considerations and there is, therefore, little in the form of previous precedent to inform this exercise.
402. There is still a presumption that development should be plan-led and have the support of the local community. The DP is still the starting point for decision making and the site is open countryside where there are policy constraints in the DP against development; these are also being carried forward into the dWCS. Development that conflicts with, or has little justification in, relevant adopted or emerging policy must be seen to be clearly desirable in other terms if it is to be granted planning permission.
403. However, it has already been accepted in the DP that some housing sites will be exceptions to countryside policy H4. RPG10 and WSSP supported residential development on greenfield land to the west of Swindon and although the housing figures that justify this are outdated, they were due to be increased rather than decreased following the EiP into the dRSS. This upward change follows, and is supported by, the policy thrust of the Framework and there is no disagreement between the Councils that the Appeal site is in a sustainable location for housing development. In the absence of an identified 5 year housing land supply in an up-to-date, adopted DP, the Framework indicates that planning permission should be granted for the proposal. These are strong material considerations that weigh in favour of the scheme.
404. It is acknowledged that the grant of planning permission would pre-empt the dCSs and that there is some harm identified through the other factors that have been set out in preceding paragraphs. Nevertheless, although the Framework gives support to the localism agenda, housing provision is to be based on sound evidence formulated through the Local Plan process and within the over-arching 'golden thread' of boosting house building nationally. The Appeal proposal is not such a significant percentage of the housing figures proposed in the dCSs that it would prejudice the ability of the local community to set a spatial vision for the area and prematurity is consequently not a reason to refuse the scheme.
405. However, the Appeal proposal is a major housing scheme that is deliverable, strongly promoted by the developers and suitably located. There has been no objection to it from the developers of other housing sites in the area, indicating that they do not consider that it would slow down or compete harmfully with them. It would provide a significant number of affordable units, for which there is an acknowledged need. I consider that these factors outweigh the policy harm as it relates to the now outdated adopted DP and the yet to be examined dCSs and indicate that planning permission should be granted for the scheme.

## RECOMMENDATION

406. That the Appeal be allowed, subject to the conditions set out in Annex 1 of this Report.

*Katie Peerless*

**Inspector**

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Anthony Crean QC	Of Counsel, instructed by the solicitors to Wiltshire and Swindon Borough Councils
He called	
Phillip Smith BA(Hons) MSc	Swindon Borough Council
Georgina Clampett-Dix BA(Hons) Dip PI MRTPI	Head of Spatial Planning, Wiltshire Council

### FOR THE APPELLANT:

Patrick Clarkson QC	Of Counsel, instructed by DPDS Consulting
He called	
Mr Alistair Macdonald BSc(Hons) DipTP MRTPI	DPDS Consulting Group Ltd
Mr Alan Soldat BA BSc MPhil MRTPI	Barton Willmore LLP
Mr Nigel Henham BA(Hons) Dip Arch(Dist) ARB RIBA	DPDS Architecture Ltd
Mr Patrick Griffiths BSc(Hons) DipLA CMLI	DPDS Consulting Group Ltd
Mr Andrew Blacker MSc MCIT MILT	WSP Development and Transportation Ltd

### INTERESTED PERSONS:

Cllr. John Harmer	Cricklade Town Council- representative on the Neighbourhood Planning Steering Group
Dr Pagett	Chair Ps and Qs Community Group (Purton's Qualities)
Mr Adrian Crafer	Company Secretary - Swindon and Cricklade Railway
Rt Hon Robert Buckland MP	Member of Parliament for South Swindon
Cllr. Peter Doyle	Wiltshire Council – Wootton Bassett South - Chairman, Royal Wootton Bassett and Cricklade Area Board
Cllr. Steph Excell	Hayden Wick Parish Council
Mr Kevin Fisher	Shaw Residents Association
Cllr. Nick Martin	Swindon Borough Council – Shaw Ward
Cllr. Tom Pepperall	Chairman, Lydiard Millicent Parish Council
Cllr. Mollie Groom	Wiltshire Council – Royal Wootton Bassett East, Lydiard Millicent, Lydiard Tregoz and Broad Town
Cllr. Mike Bell	Purton Parish Council
Cllr. Jaqui Lay	Wiltshire Council – Purton and Bradon Parishes

## **CORE DOCUMENTS**

### **National Policy**

- 1.1 National Planning Policy Framework – March 2012
- 1.2 Technical Guidance to the National Planning Policy Framework – March 2012
- 1.3 Guidance Note to PPS1 General Principles

### **Regional Policy**

- 2.1 Regional Planning Guidance for the South West (formerly RPG10) (2001)  
Policy SS2, Policy SS6, Policy H01
- 2.2 Regional Spatial Strategy for the South West 2006-2026 Secretary of State's Proposed Changes (July 2008)  
Policy HMA2
- 2.3 Regional Spatial Strategy for the South West 2006-2026 Panel Report (December 2007)  
Page 79-88, Paragraph 4.2.3
- 2.4 Regional Spatial Strategy for the South West 2006-2026 Submission Draft (June 2006)  
Policy SRB

### **Strategic Policy**

- 3.1 Wiltshire Structure Plan 2011 (2001)
- 3.2 The Wiltshire and Swindon Structure Plan 2016 as saved March 2009  
Policies P2, DP3, DP4, DP10B, DP13 and supporting text
- 3.3 The Wiltshire and Swindon Structure Plan  
Report of the Panel October 2004  
Pages 49 - 53

### **Local Policy**

- 4.3 North Wiltshire Local Plan 2011 as saved July 2009  
Policies H1 and H4 and supporting text
- 4.3(a) North Wiltshire Local Plan 2011 Proposals Map Sheet 10A
- 4.4 Swindon Borough Local Plan 2011 (2006) as saved July 2009  
Policy DS1 and supporting text
- 4.6 Swindon Borough Local Plan 2011, Report of the Inspector (November

- 2005)
- 4.7 Revised Deposit Draft Swindon Borough Local Plan 2011 (2003)
- 4.8 First Deposit Draft Swindon Borough Local Plan 2011 (2002)
- 4.9 Swindon Borough Core Strategy 2006-2026 Revised Proposed Submission Document 2011 (March 2011)
- 4.10 Wiltshire Council Core Strategy – Pre-Submission Draft Document February 2012
- 4.11 Wiltshire Core Strategy Consultation Document June 2011
- 4.12 Wiltshire 2026 – Planning for Wiltshire's Future (October 2009)
- Strategic Objective  
3: Wootton Bassett & Cricklade Community Area Section
- 4.13 Swindon Core Strategy 2006-2026 Proposed Submission Document (July 2009)
- Policy SSP10 and supporting text
- 4.14 Swindon Core Strategy 2006-2026 Preferred Options (March, 2008)
- Spatial Framework
- 4.15 Swindon Central Area Action Plan. Adopted February 2009
- 4.16 Swindon Local Transport Plan 2006 – 2011
- 4.17 North Wiltshire Local Plan 2011 – Inspectors Report
- Housing Section

#### **Evidence Base Documents – Swindon**

- 5.1 Swindon Housing Requirement Update Report, January 2011
- 5.2 Swindon Annual Monitoring Report 2010-2011 January 2011
- 5.4 Housing Land Monitoring Report, Swindon Borough Council (April 2011)
- Housing Monitoring Report October 2011
- 5.8 Swindon Strategic Housing Market Assessment Draft March 2012 (including DPDS Reps)

- 5.9 Swindon Principal Urban Area Study (September 2003) including Landscape Character Assessment. SBC and WCC. 2004
- 5.10 Swindon PUA Transport Assessment 2003
- 5.11 Swindon Economic Assessment (June 2009)
- 5.12 Swindon Workplace Strategy and Delivery Plan (May 2009)
- 5.13 Swindon Housing Needs Assessment (June 2006)

#### **Evidence Based Documents – Wiltshire**

- 6.1 Wiltshire Council Annual Monitoring Report 2010-2011
- 6.2 Wiltshire Council Annual Monitoring Report 2010-2011 Errata
- 6.3 Wiltshire Council Annual Monitoring Report 2009-2010
- 6.4 WSC Topic Paper 2 Housing
- 6.5 WCS Topic Paper 17: Housing requirement technical paper June 2011
- 6.6 WCS Topic Paper 15: Housing requirement technical paper January 2012
- 6.7 WCS Topic Paper 15: Housing requirement technical paper January 2012 (consultation version)
- 6.8 WCS Topic Paper 3 Settlement Strategy inc addendum and appendices
- 6.9 Wiltshire 2026: West of Swindon Background Paper October 2009
- 6.10 Wiltshire Strategic Housing Market Assessment December 2011
- 6.11 Wiltshire Housing Land Availability Report 2011
- 6.12 West of Swindon Report October 2009
- 6.13 West of Swindon Study Update February 2009
- 6.14 Swindon Small Scale Urban Extensions Study (January 2008)
- 6.15 Wiltshire Core Strategy Swindon Small Scale Urban Extensions Evidence Review Paper Consultation February 2012
- 6.16 Future Employment Needs in Wiltshire – Employment

- |  |  |
|--|--|
|  | Floorspace and Land Forecasts (April 2011)                               |
| 6.17<br>Methodology and<br>outputs section | Swindon Strategic Housing Land Availability Assessment<br>(January 2009) |
| 6.18<br>Swindon fringe<br>character area   | North Wiltshire Landscape Character Assessment (2004)                    |

Wiltshire Landscape Character Assessment (2005)

### **Circulars**

- |     |   |
|-----|---|
| 9.1 | Circular 11/95: Use of conditions in planning permission  |
| 9.2 | Circular 06/05: Biodiversity and Geological Conservation  |
| 9.3 | Department for Transport Circular 02/2007 - Planning<br>and the Strategic<br><br>Road Network, 2007 |

### **PINS**

- |                     |   |
|---------------------|---|
| 10.1 (a), (b) & (c) | Advice produced by the Planning Inspectorate for use by<br>Inspectors re Regional Strategies:<br>- 17 November 2010<br>- 20 July 2010<br>- 10 June 2010 |
| 10.2                | Planning Obligations Good Practice Guidance Note<br>16/2010   |
| 10.3                | PINS Advice: THE FRAMEWORK March 2012   |

### **Other Guidance and Documents – National**

- |       |  |
|-------|--|
| 11.1  | Ministerial Statement "Planning for Growth" March 2011   |
| 11.4  | 2008-based Sub national household projections, CLG,<br>November 2010                                       |
| 11.5  | Planning and the budget, CLG, 24 March 2011  |
| 11.12 | Chief Planning Officer letter following Cala Homes High<br>Court Judgment<br>(10 November 2010)            |
| 11.13 | Guidance to LPAs following revocation of Regional<br>Strategies (6 July 2010)                              |
| 11.14 | Secretary of State's letter re. The Government's<br>intention to abolish regional Strategies (27 May 2010) |
| 11.16 | Policy statement – planning for schools development –<br>August 2011                                       |

11.23 The Planning System: General Principles (ODPM, 2005)

11.25 DCLG Live Table 600

### **Recent Appeals**

12.1 Commonhead (SBC) APP/U3935/A/08/2058605

12.2 Commonhead (SBC) APP/U3935/A/11/2155834

12.3 Shelly Street (SBC) APP/U3935/A/09/2096250

12.4 Manchester Road (SBC) APP/U3935/A/07/2044382

12.5 Land at Hook Street (SBC) APP/U3935/A/11/2155834

12.6 Pentylands (SBC) APP/U3935/A/2159897

12.7 Moredon Bridge (WC) APP/J3910/A/08/2082566

12.8 Brynards Hill (WC) APP/Y3940/A/10/2141906

12.9 Land off Park Road Malmesbury  
APP/Y3940/A/11/2159115

12.10 Widham Farm (WC) APP/Y3940/A/11/2165449 (ongoing)

12.11 Land at Bata Field, Off Princess Margaret Road, East  
Tilbury (June 2005)  
APP/M9565/A/09/2114804/NWF

12.12 Land at Binhamy Farm, Stratton Road, Budee (August  
2010) APP/D0840/A/09/2115945

12.13 Land at Redbridge Lane, Nursling, Hampshire (November  
2010)  
APP/C1760/A/10/2127652

12.14 Land adjacent to Marlborough Road, Swindon,  
APP/U3935/A/08/2085605

12.15 Land north of Grantham, APP/E2530/A/11/2150609

12.16 Land off Sandpit Road, Caine (January 2010)  
APP/Y3940/A/09/2108716

12.17 Land known as Moat House Farm, Elmdon Road, Marston  
Green, Solihull February 2012 APP/Q4625/A/11/2157515

12.18 Land at Treverbyn Road St Austell Cornwall  
APP/D0840/A/10/2130022

### **High Court**

12.18 Wheatcroft Ltd v Secretary of State for the Environment  
(1982)

12.19 BT plc and Bloomsbury Land Investments v Gloucester



- City Council (2001)
- 12.20 Cala Homes (South) Ltd v Secretary of State for Communities and Local Government, 2010
- 12.21 Cala Homes (South) Ltd v Secretary of State for Communities and Local Government 2011
- 12.22 Cala Homes (South) Ltd v Secretary of State for Communities and Local Government 2012
- 12.23 Welcome Break Group Ltd and others v Stroud District Council and Gloucestershire Gateway Ltd (2012)

### **Application Documentation**

- 13.1 Document 1: Planning Application Supporting Statement (includes Land Use Master Plan and Illustrative Master Plan (November 2010)
- 13.2 Document 2: Environmental Statement (November 2010) including Non Technical Summary (Document 3)
- 13.3 Document 5: Volumes 1-3 Environment Statement Technical Appendices
- 13.4 Document 6: Design and Access Statement (June 2011 Revised DAS replaced version dated November 2010)
- 13.5 Document 4: Sustainability and Waste Audit Statement (November 2010)
- 13.6 Document 7: Statement of Public Consultation (November 2010)
- 13.7 Document 8: Proposed 5106 Heads of Terms
- 13.8 C11112.10.820 C Red Line Planning Application Area
- 13.9 C11112.09.SK803 Rev N Illustrative Masterplan
- 13.10 C11112.09.SK900 Rev B Land Use Masterplan

### **Documentation Submitted following Original Application**

- 14.1 Illustrative Masterplan C11112.09.SK803 Rev P
- 14.2 Document 2a Supplementary Environmental Statement (EIA Regulation 19 Further Info. Submission)
- 14.3 Document 3a Updated Non-Technical Summary to the Environmental Statement (September 2011)
- 14.4 Document 5a Updated Environmental Statement Technical Appendices
- 14.5 Ridgeway Farm Sustainability Addendum October 2011
- 14.6 Ridgeway Farm Retail Potential Report November 2011

- 14.7 Drawing No. 0268/LE/06 – Signal Crossing added/Masterplan updated
- 14.8 Drawing No. 0268/LE/05 –Visibility Splays/Revised Masterplan

### **Appeal Documentation**

- 15.1 Appellants Statement of Case
- 15.2 Council Statement of Case
- 15.3 Wiltshire Planning Committee Report 15th February 2012
- 15.4 Statement of Common Ground
- 15.5 Transport Statement of Common Ground
- 15.6 Education Statement of Common Ground
- 15.7 Spatial Planning Comments March 2011
- 15.8 Spatial Planning Comments (Updated) October 2011
- 15.9 Spatial Planning Comments on Moredon Bridge Application
- 15.10 Wiltshire Cabinet Report 19 October 2010 – Minute 149

### **DOCUMENTS HANDED IN AT INQUIRY**

- ID 1 Swindon Borough Council Planning Applications Update  
19 April 2012
- ID 2(i) Planning permission S/11/0614/HMC Union Square  
Swindon
- ID 2(ii) Planning permission S/11/1567/HMC Princes Street  
Swindon
- ID 3 CPRE Document '*Brownfield Market Signals*'
- ID 4(i) '*Swindon, Borough Wide Housing Requirements*' Technical  
Note 15 June 2011 – Barton Willmore
- ID 4(ii) Representations on Wiltshire Core Strategy DPD from  
Taylor Wimpey and Redcliffe Homes including '*Wiltshire  
Housing Requirements Assessment – 29 March 2012*'
- ID 5 Notes of Mr Clarkson's opening submissions
- ID 6 Notes of Mr Crean's opening submissions
- ID 7 Notes of Mr Fisher's statement and appendices
- ID 8 Notes of Dr Pagett's statement

ID 9	Notes of Cllr. Bell's statement
ID 10	Statement of Common Ground – Housing Supply Matters
ID 11	Notes of Cllr. Pepperall's statement
ID 12	Letters from Swindon Borough Council to Wiltshire Council dated 16 May 2011 & from Crest Homes to Swindon Borough Council dated 17 August 2011
ID 13	Planning Committee papers, plans and illustrations relating to planning applications S/11/0614/HMC Union Square Swindon and S/11/1567 Princes Street, Swindon
ID 14	Letters dated 22 February 2012 from Vale of White Horse Council to Wiltshire Council
ID 15	e-mail representation on Swindon Core Strategy Consultation from Vale of White Horse District Council
ID 16	Representations on Wiltshire Core Strategy Consultation from Swindon Borough Council dated 5 August 2011 and 2 April 2012
ID 17	Swindon Cabinet Member Briefing note on Wiltshire Core Strategy Consultation dated 2 April 2012
ID 18	Appendices to CPRE Document ' <i>Brownfield Market Signals</i> '
ID 19	Swindon Borough Council's final response to the Wiltshire Core Strategy Consultation dated 30 April 2012
ID 20	Notes of Cllr. Groom's statement and appendices
ID 21	Notes of Cllr. Lay's statement
ID 22	Notes of Cllr. Harmer's statement
ID 23	Notes of Cllr. Martin's statement
ID 24	Notes of Cllr. Doyle's statement
ID 25	Details of Claim of HCC challenge to Grantham Appeal decision
ID 26	Notes of Mr Crafer's statement and appendices
ID 27	Statement of Common Ground – Highways and Transport Matters
ID 28	Train timetable – London Paddington – Swindon
ID 29	Design & Access Statement for Tadpole Farm site
ID 30	Notes re objection to development on Rural Buffer Zone submitted by Cllr. Groom
ID 31	Traffic demand flow comparisons – extract from Appeal

	documentation on Wiltshire Council's website.
ID 32	Additional appendices to Cllr. Lay's statement
ID 33	E-mail from Steve Bucknell to Cllr. Bell dated 9/5/2012
ID 34	Statement of Common Ground – Employment Land Matters
ID 35	Letter from The Planning Inspectorate to Taunton Deane Borough Council re model policy on sustainable development
ID 36	Report on S Wilts Core Strategy
ID 37	Table showing comparison between housing and employment land allocations
ID 38	Signed S 106 Agreement
ID 39	Statement of Common Ground – Education
ID 40	Statement of Common Ground - General
ID 41	SW Observatory Economic Projections Autumn 2011
ID 42	Extracts from local newspaper articles
ID 43	Rule 6 Statement from Malmesbury Appeal
ID 44	Summary of Mr McDonald's proof of evidence on THE FRAMEWORK matters
ID 45	Mr Blacker's Technical Note
ID 46	Mr Fisher's Transport Note
ID 47	Summary of contents of S106 Agreement
ID 48	Draft list of suggested conditions
ID 49	Additional material to support Cllr. Lay's statement
ID 50	Appendices to Highways Statement of Common Ground
ID 51	Plan showing administrative boundaries around Ridgeway Farm and Tadpole Farm
ID 52	Statement of Compliance of S106 Agreement with CIL Regulations
ID 53	Notes of Cllr. Groom's closing statement
ID 54	Notes of Mr Fisher's closing statement
ID 55	Notes of Cllr. Lay's closing statement
ID 56	Notes of Cllr. Bell's closing statement
ID 57	Notes of Mr Crean's closing statement

ID 58

Notes of Mr Clarkson's closing statement

**DOCUMENTS SUBMITTED AFTER INQUIRY CLOSURE**

- |       |  |
|-------|--|
| DOC 1 | e-mail from WC on resolution to grant planning permission for Tadpole Farm |
| DOC 2 | Response from Appellants on Tadpole Farm planning resolution               |

Richborough Estates

## **ANNEX 1: RECOMMENDED CONDITIONS**

1. Applications for the approval of reserved matters shall be submitted before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. No development shall commence until a phasing plan for the delivery of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the phasing plan unless otherwise agreed in writing.
4. No phase of the development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) for that phase have been submitted to, and approved in writing by, the Local Planning Authority:
  - (a) The scale of the development;
  - (b) The layout of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;The development shall be carried out in accordance with the approved details.
5. No development shall take place until an urban design and framework plan for the development of the site has been submitted to and approved in writing by the local planning authority. The plan shall be substantially in accordance with Illustrative Masterplan C11112.09.SK803 Rev P and shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall include:
  - the arrangement of street blocks;
  - the overall level and location of car parking at the site;
  - surfacing materials of the spine roads;
  - the density and mix of dwellings;
  - the general location of affordable housing;
  - building heights and massing;
  - Frontages of plots along the Spine Road (as shown on dwg nos WSP0268/LE/05 revision B and WSP0268/LE/06 Revision B)The development shall be carried out in accordance with the approved masterplan.
6. Prior to the commencement of any phase of the development, a scheme of hard and soft landscaping for that phase (as shown on the illustrative masterplan required in connection with condition 3 above) shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
  - (a) indications of all existing trees and hedgerows on the land;
  - (b) details of any to be retained, together with measures for their protection in the course of development;

- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours of buildings and land;
- (e) means of enclosure;
- (f) car park, layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artifacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, governing equipment (gas, electricity and other services), pipelines etc indicating lines, manholes, supports etc);
- (k) bin storage and recycling facilities , where relevant;
- (l) retained historic landscape features and proposed restoration, where relevant.

The development shall be carried out in accordance with the details approved.

7. No equipment, machinery or materials shall be brought onto the site for the purposes of any phase of the development until details of fencing to be erected for the protection of retained trees, hedges and/or shrubs within that phase have been submitted to and approved in writing by the local planning authority. No equipment, machinery or materials shall be brought onto any phase of the development for the purposes of the development until fencing for the protection of retained trees, hedges and/or shrubs has been erected in accordance with the approved details, and the fencing shall be retained in place until all equipment, machinery and surplus materials have been removed from a phase of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the local planning authority.
8. No development, including any phase of the development, shall commence on the site until:
  - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority in respect of the field located in south west corner, especially that area marked for further work in Figure 5 of the Archaeological Evaluation submitted within the application; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.
9. No development, including any phase of the development, shall commence on the site until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by, the local planning authority. The CEMP will detail the following works with consideration given primarily to the protection of retained, enhanced and new habitats, and protected species (namely badgers, bats, breeding birds, reptiles and otter):

- a) Contractor responsibilities, procedures and requirements;
- b) Details of construction method statements with ecological review;
- c) Precautionary Methods of Working (PMW) for works, such as tree felling and consideration to bats and the demolition of any buildings;
- d) Details of protected species licences, where required (such as a bat licence for the demolition of buildings with known bat roosts);
- e) Details of appropriate habitat and species surveys (pre and during-construction), and reviews where necessary;
- f) Measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity during construction, including installation of protective fencing along hedgerows and around retained trees/woodland, consideration and avoidance of sensitive stages of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features (badger setts for example);
- g) A summary work schedule table, confirming the relevant dates and/or periods that the prescriptions and protection measures shall be implemented or undertaken by a suitably qualified and experienced ecologist;
- h) A programme for Monitoring/Environmental Audits during the construction phase;
- i) Confirmation of suitably qualified personnel responsible for over-seeing implementation of measures detailed in the CEMP, as required, such as the appointment of an Ecological Clerk of Works, including a specification of the role.

Development shall be undertaken in accordance with the approved details.

- 10. Prior to the commencement of any phase of development, full details of bird and bat boxes including numbers of boxes of each type, locations, a timetable for their installation and a plan to demonstrate how the boxes shall be retained thereafter shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details and timings.
- 11. Prior to the submission of any application for reserved matters, an Ecological Management and Monitoring Plan (EMMP) shall be submitted to and approved in writing by the local planning authority. The EMMP shall include:
  - (i) details of any necessary updated ecological surveys;
  - (ii) drawings clearly showing the areas to be managed under the EMMP, including areas of grassland;
  - (iii) any capital works and ongoing management prescriptions for all relevant areas, as required by Chapter 10 of the Environmental Statement which accompanies the application, including schedules clearly setting out timescales and responsibilities; and
  - (iv) a schedule of ecological monitoring work.
- 12. Upon commencement of development all capital works shall be carried out to the agreed timescales and all areas identified in the EMMP shall be managed in full accordance with the agreed prescriptions in perpetuity. All monitoring



- reports shall also be made available to the local planning authority.
13. The Calcareous grassland as shown on Ecosulis drawing Phase 1 Survey Map Figure 5 contained in Chapter 10 Ecological Technical Appendix to the Environmental Statement dated December 2010 shall be permanently retained and protected in perpetuity as an ecological habitat.
  14. Prior to the commencement of development, a detailed strategy for the protection, management and retention of the Calcareous grassland in perpetuity shall be submitted to and approved in writing by the local planning authority. Thereafter the strategy shall be implemented on site in accordance with the approved framework. The Strategy shall include:
    - a) a detailed plan identifying the exact boundaries of the Calcareous grassland and its relationship with the development parcel boundaries which is contained within the area labeled as nature conservation area on dwg no. C11112/11/SK905 Rev H. Illustrative adoptable and non-adoptable open space plan" attached to the legal agreement.
    - b) measures for its protection during construction phases
    - c) details of the long term management of the area
    - d) measures to control public accessibility to the grassland
    - e) the timing of the implementation of any proposed works.
  15. No structures, equipment, vehicles, machinery or materials shall at any time be stored on the area of Calcareous grassland identified in dwg no. C11112/11/SK905 revision H unless otherwise approved in connection with condition 14 above.
  16. No phase of development shall take place until details of the estate roads including the realigned Purton Road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car-parking and street furniture for that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  17. No building shall be occupied until it has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the building and the existing highway.
  18. No development shall take place until a highway phasing programme has been submitted to, and approved in writing by, the local planning authority in consultation with Swindon Borough Council. The phasing programme shall include a phasing plan that is linked to occupation numbers. The phasing programme shall include timings for the completion of the cyclepath/footway on Purton Road east, completion of the realigned Purton Road, extension of Swinley Drive, residential use of the realigned Purton Road. The phasing programme/plan shall also include a plan indicating the phase within which transport infrastructure shall be provided. The development shall be carried out in accordance with the approved details.
  19. No development shall take place until a detailed design package for the upgrading of Sparcells/ Mead Way roundabout has been submitted to, and

- approved in writing by, the local planning authority in consultation with Swindon Borough Council. The design package shall accord with Design Manual for Roads and Bridges including full departure reports if appropriate.
20. The detailed design package for the upgrading of 'Sparcells' Mead Way roundabout is to be fully completed in accordance with the approved details and to the satisfaction of the Local Planning Authority in consultation with Swindon Borough Council, prior to the occupation of the 250<sup>th</sup> dwelling.
  21. No development shall take place until a schedule of pedestrian and cycle crossings, broadly in accordance with highway drawings Road (as shown on dwg nos WSP0268/LE/05 revision B and WSP0268/LE/06 Revision B) has been submitted to and approved in writing by the Local Planning Authority in conjunction with Swindon Borough Council. The schedule will include the type of crossing and a programme of implementation and shall be fully implemented in accordance with the schedule to the satisfaction of the local planning authority.
  22. Prior to the first occupation of any dwellings, details of the proposed measures to be introduced to facilitate the introduction of bus services for the development shall be submitted to and approved in writing by the local planning authority. Those measures shall include:
    - any proposed measures for temporary redirection during construction works prior to the completion of the road network through the development;
    - any temporary bus stops;
    - proposed permanent bus stops.
  23. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 11210268 undertaken by WSP and dated 5/11/10 and WSP letter MJW/jc/0268/EA3 dated 14 March 2011, plan 0268/D/05 rev C and the following mitigation measures detailed within the FRA: Limiting the surface water run-off generated by the critical storm to 14.011/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  24. No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles based on surface water drainage strategy ref 0268/D/01 rev J and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall subsequently be implemented in accordance with the approved details before that phase of development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
  25. No development shall take place on land to which reserved matters relate until details of all watercourse crossings within each parcel, plot or phase have been submitted to and agreed in writing by the local planning authority. Thereafter the crossings shall be implemented in accordance with the approved details.

26. No phase of development shall commence pursuant to any reserved matters until the following have been submitted to and approved, in writing, by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) shall be designed and implemented in order to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) An options appraisal and remediation strategy based on the results of the preliminary risk assessment and site investigation shall be produced. The remediation strategy shall provide full details of the remediation measures required and how they are to be undertaken.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - 5) Should any unexpected contamination be encountered during the development, work shall cease until a revised scheme of remediation and validation has been agreed in writing with the local planning authority
  - 6) A verification report providing confirmation that all agreed remediation and mitigation measures (4)/(5) have been satisfactorily implemented.

The final discharge of this condition for any phase cannot take place until component (6) has also been submitted and approved in writing by the local planning authority.

If at any stage of the risk assessment, site investigation or options appraisal process it can be demonstrated to the written satisfaction of the local planning authority that further investigation is unnecessary the remaining parts of the condition will not apply.

The scheme shall be implemented as approved.

27. No phase of development shall take place until a Construction Environmental Method Statement has been submitted to and approved in writing by the local planning authority. All construction traffic shall access and egress the site from 'Sparcells'/ Mead Way roundabout on Mead Way, unless otherwise agreed in writing with the local planning authority in consultation with Swindon Borough Council.

The approved Statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;

- storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding;
  - wheel-washing facilities in order to prevent the deposit of mud on adjacent highways;
  - measures to control the emission of dust and dirt, during construction; and
  - a scheme for recycling/disposing of any waste resulting from construction works.
28. Dust suppression equipment, to include a water bowser capable of traversing the identified site topography, shall be provided at the commencement of development and used and maintained on the site throughout the duration of the works.
29. Prior to commencement of construction of an identified phase of development, a noise insulation scheme is to be submitted to, and approved in writing by, the local planning authority. The scheme shall demonstrate that the internal noise levels, from external noise sources, will not exceed (either of the following) 35 dB LAeq, 07:00-23:00 or 30 dB LAeq, 23:00-07:00 inside the habitable rooms of any dwelling. The scheme shall be implemented as approved.
30. Prior to commencement of construction of an identified phase of development, a noise mitigation scheme is to be submitted to, and approved in writing by, the local planning authority. The scheme shall demonstrate that noise levels due to the Spine Road or railway traffic will not exceed 55 dB LAeq (07:00-23:00) decibels within the main garden, balcony and outdoor amenity space of each dwelling adjoining the Spine Road and railway.
31. The construction of any part of the development hereby granted shall not include the use on site of machinery, powered vehicles or power tools before 07:30 hours or after 18:00 hours on any weekday, nor before 7:30 hours or after 13:00 hours on any Saturday nor at all on any Sunday or Bank or Public Holiday.



## Department for Communities and Local Government

### RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

#### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

##### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

#### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

#### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.