



Appeal Decision

Inquiry Opened on 11 October 2022

Site visit made on 10 October 2022

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2022

Appeal Ref: APP/U3935/W/22/3298100

Land at Foxbridge Village North, Wanborough Road, Swindon, SN4 0AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Danescroft (Swindon PCDF IV) LLP against the decision of Swindon Borough Council.
 - The application Ref S/OUT/20/0533/JABU, originally dated 3 April 2020 and amended and redated 16 February 2021, was refused by notice dated 25 February 2022.
 - The development proposed is the erection of up to 220 dwellings, commercial facilities up to 300sqm (Use Classes A1, A2, A3, A4, A5, B1 and D1) and a primary school (on a site of 2.2ha) with associated parking, landscaping, drainage and heritage trail; access to Southern Connector Road not reserved.
 - The Inquiry sat for 7 days on 11-14 and 18-20 October 2022.
-

Decision

The appeal is allowed and outline planning permission is granted for the erection of up to 220 dwellings, commercial facilities up to 300sqm (Use Classes A1, A2, A3, A4, A5, B1 and D1) and a primary school (on a site of 2.2ha) with associated parking, landscaping, drainage and heritage trail with access to the Southern Connector Road (not reserved) on land at Foxbridge Village North, Wanborough Road, Swindon, SN4 0AB, in accordance with the terms of the application, Ref S/OUT/20/0533/JABU, originally dated 3 April 2020 and amended and redated 16 February 2021, and the plans submitted with it, subject to the conditions set out in the Schedule appended to this Decision.

Contents

Abbreviations	Page 2
Procedural Matters	Page 3
Main Issues	Page 3
Background and Description	Page 3
Planning Policy and Guidance	Page 4
Main Issue (i) – Education Facilities	Page 7
Main Issue (ii) – Affordable Housing	Page 9
Main Issue (iii) – Infrastructure	Page 10
Main Issue (iv) – Historic Environment	Page
Ecology	Page
Other Matters	Page
Planning Obligations	Page
Conditions	Page
Benefits and Planning Balance	Page
Overall Conclusion	Page
Appendix 1 – Schedule of Planning Conditions	Page
Appendix 2 – Schedule of Developer Contributions	Page
Appendix 3 – List of Appearances	Page
Appendix 4 – List of Inquiry Documents	Page

Abbreviations

BNG	Biodiversity Net Gain
CA	Conservation Area
DfE	Department for Education
dph	dwellings per hectare
EIA	Environmental Impact Assessment
ES	Environmental Statement
1/2/3FE	one/two/three form(s) of entry
FDN	Foxbridge Village North
FVS	Foxbridge Village South
GDV	gross development value
ha	hectare
HE	Historic England
HRA	Habitats Regulations Assessment
LB	Listed Building
NE	Natural England
NEV	New Eastern Villages
NEVPO	NEV Planning Obligations (SPD)
NPPF	National Planning Policy Framework
PCPA	Planning and Compulsory Purchase Act 2004
PPG	Planning Practice Guidance
PPR	pupil product ratio
SAC	Special Area of Conservation
SBLP	Swindon Borough Local Plan 2026
SCR	Southern Connector Road
SHMA	Strategic Housing Market Assessment
SM	Scheduled Monument
SoCG	Statement of Common Ground
SPD	Supplementary Planning Document
sqm	square metre
UU	Unilateral Undertaking
[5Y]HLS	[five-year] housing land supply
ZOI	zone of influence

Procedural Matters

1. The application was originally for 299 dwellings but was amended before determination by the Council to propose up to 220 dwellings with land for a primary school. On 8 July 2022, a procedural Case Management Conference was held, after which the description of the proposed development was further amended by agreement between the Appellants and the Council to that set out above, to include the erection of the primary school.
2. The Appellants have completed a Unilateral Undertaking (UU) under section 106 of the Act to provide a range of financial contributions, 15% affordable housing, green infrastructure, off-site highway works and to convey the land for the school to the Council. The details of the obligations of the UU and the degree to which each is material to the proposed development are discussed in relation to the main planning issues below.
3. The Appellants have conducted and updated an Environmental Impact Assessment (EIA) in accordance with the EIA Regulations and provided an Environmental Statement (ES). The updated ES is taken into account in this Decision.
4. The Appellants and the Council have completed General and Viability Statements of Common Ground (SoCGs) and these are also taken into account.

Main Issues

5. It is accepted common ground in this appeal that the residential, commercial and community development proposed accords in principle with the allocation by the development plan of land for the New Eastern Villages (NEV) of Swindon.
6. The main issues to be addressed are:
 - i) whether the appeal proposal makes sufficient and appropriate provision for education facilities, in terms of whether the primary school would be necessary in practice;
 - ii) whether, with respect to viability, the proposal makes sufficient and appropriate provision for affordable housing;
 - iii) whether, with respect to viability, the proposal makes sufficient and appropriate provision for the infrastructure required to support the development and mitigate its impacts; and
 - iv) the effect the proposed development would have on the historic environment, with respect to the settings of designated and non-designated heritage assets.
7. It is necessary in addition to consider the effects of the proposed development with respect to ecological interests, in particular North Meadow, within the North Meadow and Clattinger Farm Special Area of Conservation (SAC).

Background and Description

8. The roughly triangular appeal site comprises some 16.12ha of mainly flat agricultural land at the eastern edge of Swindon, about 2.5 miles from the centre. The site is crossed by Wick Lane, now closed to traffic. It is bounded on its west side by the A419 and on its north east side by Wanborough Road. To the south, the appeal site includes a strip of land over which access to the proposed development would be provided from the A419 via the Southern Connector Road (SCR), presently under construction in accordance with a separate prior planning permission.
9. To the north, and overlapping part of the appeal site, are the buried archaeological remains of the Wanborough Roman Town of Durocornovium, a Scheduled Monument (SM) with areas of Roman activity also evident under adjacent land. Beyond the southern site boundary, on the far side of the future SCR, is Foxborough Farmhouse and, further south, Wrightstone House Farmhouse and Coach House and also Lake Cottage and Moat Cottage, all Listed Buildings (LBs). Further away to the southeast and on higher ground are the villages of Upper Wanborough and Lower Wanborough, both having Conservation Areas (CAs) covering much of their built form. Immediately north east of the appeal site, across Wanborough Road, is Wanborough House, which is an early nineteenth century farmhouse but not subject to formal heritage designation.
10. The proposed development of Foxbridge Village North (FVN) would form a relatively small proportion of the NEV communities, designated within the development plan. Foxbridge Village South (FVS) would occupy land immediately to the south of the present appeal site and is the subject of a separate application by a different applicant, yet to be determined.
11. To the north east of Wanborough Road, Redlands Village development, also within the NEV allocation, is under construction.

Planning, Policy and Guidance

12. The policy provisions of most relevance to this case are set out in the following paragraphs.

Development Plan

13. The statutory development plan includes the Swindon Borough Local Plan 2026 (SBLP), adopted in 2015. The NEV allocation is the subject of SBLP Policy NC3 for a total of some 8,000 dwellings at an average density of 40 dwellings per hectare (dph) with associated sports, leisure, employment, retail, community development and schools. The supporting text to Policy NC3 states that new primary schools should be at the heart of each village and be capable of accommodating projected peak pupil numbers by way of a temporary form of entry (FE).
14. Policy CM1, Education, also provides for primary schools having additional peak accommodation, as well as nursery facilities, and being sited within the heart of their communities.
15. Policy SD2 of the SBLP sets out the Sustainable Development Strategy for the Borough, including the strategic NEV allocation, whilst Policies SD1 and SD3 respectively set out Sustainable Development and Development Management

Principles in the Borough context, reflecting those of the National Planning Policy Framework (NPPF).

16. Policy HA2. Affordable Housing, states that, on all developments of 15 homes or more on sites larger than 0.5ha, and subject to economic viability assessment, a target of 30% affordable homes should be provided. The supporting text notes that, in 2010, according to the Strategic Housing Market Assessment (SHMA), more than 6,000 households, or 7% of the Borough population, were in housing need, with an average annual shortfall of some 800 affordable homes.
17. Policy IN1, Infrastructure Provision, includes the requirement that all development, where appropriate and within the context of economic viability, shall make provision to meet the cost of infrastructure made necessary by the development itself and cumulatively with other development. Supporting paragraph 4.223 adds that, in the context of future infrastructure delivery, where genuinely abnormal costs threaten the economic viability of development, exceptional circumstances may arise where the benefits of development outweigh the harm of not providing for infrastructure.
18. Policy EN10, Historic Environment and Heritage Assets, requires the historic environment, including LBs, CAs and archaeology, to be sustained and enhanced, with any harm to the significance of designated and also non-designated heritage assets or their settings mitigated and justified with reference to public benefits.
19. Policies TR1-2, Transport, together seek to reduce the need to travel and promote sustainable, safe and efficient movement, maximising walking and cycling.

Supplementary Planning Documents (SPD)

20. The Council has adopted the NEV Planning Obligations (NEVPO) SPD of October 2016. This describes the comprehensive nature of the NEV allocation of the SBLP, with integrated villages dependent upon timely delivery of both on- and off-site infrastructure to unlock the land for development. The submission of numerous applications by individual landowners and developers presents a challenge to securing the necessary funding and land. The Council seeks a comprehensive and holistic approach based on a Masterplan, Infrastructure Delivery Plan and Village Pro Formas appended to the SPD.
21. The NEVPO SPD acknowledges that contributions by planning obligation under section 106 of the Act must be compliant with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations to be necessary and directly, fairly and reasonably related in scale and kind to the development. The SPD seeks section 106 agreements in a fair, equitable and proportionate manner, sharing costs based on the number of units of development and their impact.
22. The NEVPO SPD sets out that the Council will seek to enter into a framework section 106 agreement with the main NEV landowners, as the best means of ensuring parity of contributions that accord with the statutory tests and provide reasonable triggers and mechanisms for delivery. The SPD promulgates an equalisation mechanism, between landowners themselves, to ensure fair apportionment of the infrastructure burden, with the Council working in

conjunction landowners to agree an equalisation procedure, at the cost of landowners, where agreement cannot be reached between them.

National Planning Policy and Guidance

23. The NPPF of July 2021, at paragraphs 7 and 8, expresses the central objective of sustainable development in terms of its socio-economic and environmental roles. At paragraph 11, the NPPF establishes a presumption in favour of sustainable development meaning that, under sub paragraph 11(c), proposals that accord with an up-to-date development plan are to be approved without delay. Under sub paragraph 11(d) and Footnote 8, where the Council cannot demonstrate the five-year housing land supply (5YHLS) required by paragraph 68, permission is to be granted unless (i), with reference to Footnote 7, policies of the NPPF protecting assets of particular importance, including designated heritage assets and other heritage assets of archaeological importance, provide a clear reason for refusal, or (ii) any adverse effects would significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole, the so-called tilted balance. It is undisputed common ground in this case that the Council can only demonstrate a year housing land supply of 4.6 years, representing a shortfall of some 450 homes.
24. Paragraph 12 of the NPPF confirms that the foregoing provisions do not change the statutory status of the development plan under section 38(6) of the Planning and Compulsory Purchase 2004 (PCPA).
25. Paragraph 58 of the NPPF states that, where up-to-date development plan policies set out contributions expected from development, proposals that comply with them should be assumed to be viable and that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the current circumstances in the case. All viability assessments should reflect the recommended approach in national planning practice guidance (PPG), including standardised inputs. In this respect, the PPG advises that a developer profit level of 15-20% of gross development value (GDV), with a lower return for affordable housing, may be considered a suitable return for the purposes of plan making and therefore, by implication, for deciding planning applications.
26. With respect to conserving and enhancing the historic environment, the NPPF recognises heritage assets as an irreplaceable resource to be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Great weight should be given to the conservation of heritage assets, the more important the asset, the greater the weight to be attributed.
27. Paragraph 200 of the NPPF provides that any harm to the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification. Paragraph 202 states that, where a development will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 adds that the effect of a development on the significance of a non-designated heritage asset should be taken into account in determining the application. It is established in law that the desirability of preserving the settings of LBs and, by reasonable implication, the settings of SMs, carries

considerable importance and weight in the planning balance. Footnote 68 states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to SMs should be considered subject to the policies for designated heritage assets.

Main Issue (i) - Education Facilities

28. The appeal proposal clearly includes the erection of a primary school on a 2.2ha parcel of land within the boundary of the appeal site. However, the Appellants now argue that, notwithstanding the provisions of Policies NC3 and CM1 of the SBLP seeking a primary school at the heart of each village community of the NEV, the school is not necessary in terms of the numbers of pupils likely to be generated, even by Foxbridge Village as a whole. The Appellants also argue that a site of 2.2ha is excessive and that alternative school facilities are available in any event.
29. The Appellants maintain that the appeal proposal itself, limited to FVN and properly assessed on its own individual merits, would not support even a 1FE school, whereas the Council seeks a 2FE school to serve the entire Foxbridge Village, as envisaged in the NEV allocation. That is despite the fact that no proposal for FVS and any associated education contribution has yet been approved.
30. It is fundamental that no developer can be required to complete any or every part of an approved scheme and the Appellants further argue that, in practice, the obligation within the UU to provide the land for the school, by conveying it to the Council at the commencement of the development, fails the tests of CIL Regulation 122 in that it would not be necessary or fairly and reasonably related to the appeal development. Accordingly, the UU contains a Conditionality Clause that obligations within the Deed shall not come into force if it is concluded within this Decision that they are not CIL-compliant and carry no weight. In the event that the school land were retained by the Appellants but not developed for a school, the UU provides for a Supplemental Planning Permission for alternative residential use with proportionate additional infrastructure contributions.
31. There is no dispute that the current basis for calculating the yield of school pupils from a residential area is to multiply the number of dwellings by a pupil product ratio (PPR) of 0.37. This was established in a PPR study following population research commissioned by the Council in 2017 which assessed pupil yield from four developments which were then incomplete but totalled some 5,600 new homes.
32. There is equally no dispute that the number of school pupils generated by the appeal development of FVN alone would thus be 81 (220×0.37). Extending that calculation to include FVS, where a further 358 dwellings are anticipated, the number of pupils expected would increase by 133 (358×0.37), making a total for Foxbridge Village as a whole of 214 primary school pupils, together with 52 nursery places.
33. According to Department for Education (DfE) advice cited by the Council, new primary schools should be of 2FE for reasons of practical operation and viability. The Council is therefore resolved that new primary schools in the Borough should be of 2FE. It is accepted that the number of pupils per year of entry is taken to be 30, so that for a 2FE school the school capacity would be

420 pupils ($30 \times 2 \times 7 = 420$) and thus for a 1FE school 210 pupils. Accordingly, based on the PPR of 0.37, even the entire anticipated pupil yield for the whole of Foxbridge Village, as allocated, is only marginally above that to justify a 1FE primary school and that for the appeal scheme for FVN alone, well below that level.

34. Dispute with respect to pupil yield only arises as to whether these figures should be elevated to account for the demographic peak in yield which is accepted to occur on new developments due to the high proportion of young families in first occupation.
35. The Council supports its case with data from its 2015 School Place Planning Study Update, which uses a 50% uplift for the known demographic peak. This was drawn from earlier research which had identified an immediate yield of 0.028 pupils per dwelling and a peak yield of 0.042 pupils per dwelling on West Swindon developments during the 1990s, representing an uplift of 50% ($42 \div 28 = 1.5$).
36. Accordingly, the Council predicts peak requirements of 122 (81×1.5) school places for the appeal development of FVN and a total of 321 (214×1.5) for the whole of Foxbridge Village, as allocated. Based on the accepted preference for 2FE school of 420 spaces, these figures might just support a 2FE primary school for the whole Village but not even a 1FE school for FVN alone.
37. The Appellants argue that the PPR of 0.37 must be taken to include the demographic peak. The stock and peak ratios, on which the Council rely, date from the 1990s, whereas the current PPR of 0.37 is higher overall and is drawn from a large sample of recent developments.
38. On a balance of judgement, I consider that the approach and assumption of the Appellants is to be preferred. It follows that, for the appeal development taken alone on merit, not even a 1FE primary school is justified on the basis of the PPR of 0.37 and that only a 1FE school is likely to be justified for Foxbridge Village as whole. If the benefit of doubt were given to the approach taken by the Council, there would still be no justification for a school to serve FVN by itself, even allowing for nurseery places, and the figures would still fall short of those to require the preferred 2FE school for FVN and FVS together.
39. It also follows that the scale of the land for a primary school, described as extending to 2.2ha, is excessive, compared with DfE guidance recommending a site of between 1.6ha and 2.0ha for a primary school, albeit the Council might justify a preference for a larger site in connection with reserved matters.
40. Further, subject to agreed safety improvements to the pedestrian route, the primary school approved at Redlands Village currently offers spare pupil capacity and is within the requisite 2km walking distance. Such an arrangement would thus not undermine the aims of TP1-2 of the SBLP regarding sustainable transport and encouraging walking and cycling.
41. These latter two factors are not determinative, given the previous finding on pupil yields, but they add to the case that the primary school at FVN is not necessary.
42. I am led to the view that the obligation of the UU for the Appellants to provide the school land is unnecessary, is not fairly and reasonably related to the appeal development and therefore fails to comply with CIL Regulation 122.

That obligation accordingly carries no weight in relation to the appeal development and should not come into effect.

43. I acknowledge that the Council would maintain that a primary school is nonetheless necessary to satisfy the essentially laudable aim of the NEV strategy that there should be a primary school in every village. However, it is material that such an aim may simply not be practical. As matters stand, there is no guarantee that FVS will come forward in practice, given a multiplicity of landowners and no planning permission or planning obligation to provide infrastructure in place. There is nothing in adopted planning policy to require the whole of Foxbridge Village to come forward as a single entity and the appeal falls primarily to be determined on the individual merits of the FVN proposal refused by the Council.
44. In terms of compliance with adopted Policies NC3 and CM1 of the SBLP, both provide that schools should be in the heart of their communities. That does not amount to an express requirement but any degree of conflict in this respect is to be weighed in the balance with other material considerations.
45. On the first main issue, I conclude that the appeal proposal makes sufficient and appropriate provision for education facilities, on the basis of the overriding material consideration that the primary school would not be necessary in practice.

Main Issue (ii) - Affordable Housing

46. Under terms of Policy HA2 of the SBLP, the ability of the appeal development to contribute the target 30% affordable housing, or 66 dwellings, depends upon the assessed viability of the scheme. In effect, there is no minimum requirement as a matter of development plan policy.
47. Unusually in this case, scheme viability is the subject of the Viability SoCG, wherein it is concluded that the scheme could only contribute 15%, or 33, affordable homes. It was confirmed in oral evidence that the Council accepts this to be a realistic figure in terms of viability. It is based upon an overall developer profit of 15% GDV, at the bottom of the range advised by the PPG, and I have no basis to question the viability evidence agreed between the respective expert witnesses.
48. I recognise the evidence of the Council that, if an equalisation agreement is assumed with the several landowners of the FVS site, in line with the NEVPO SPD, another 11 affordable homes might come forward earlier but that, overall, the contribution would be reduced to 44 units. Moreover, this would depend upon a large cross-payment of some £2.8 million from the FVS development in relation to school provision, which is in no way assured in the absence of any planning approval or agreed financial contributions from that quarter. It is commendable that the Council is seeking to engage with the prospective FVS developer in its determination of their current application but the potential for any such co-operation can only be regarded as conjectural in relation to the present appeal.
49. I therefore regard the offer of 15% affordable housing, enshrined in the UU, as compliant with the qualified terms of Policy HA2. However, I do not accept the proposition put forward by the Appellants that this necessarily means that permission should be granted if no other planning objections are substantiated.

NPPF paragraph 58, cited by the Council, is primarily related to whether a viability assessment is required, whereas in this case it is provided. Nevertheless paragraph 58 also provides that it is for the decision-maker to accord weight to the viability assessment and I consider that provision to be relevant to the present case.

50. Thus, whilst with respect to the second main issue I regard the 15% affordable housing contribution as policy-compliant, I consider that the viability position is to be taken into account alongside all other material planning considerations, before an overall decision is reached as to whether the appeal proposal makes sufficient and appropriate provision for affordable housing. Such considerations include the broad aims of the NEV strategy for the linked communities to be fully serviced, on one hand, and the planning benefits of any increase in the supply of affordable housing, on the other.
51. In the latter connection, it is undisputed that there is a shortfall in the supply of affordable housing in the Borough which has worsened in the years since the adoption of the SBLP, when an annual deficit of 800 homes was recorded.

Main Issue (iii) - Infrastructure

52. In the same way as Policy CM1, Policy IN1 is qualified to the effect that the aim of development contributing the cost of infrastructure needed to support it depends on scheme viability. Supporting paragraph 4.223 recognises that circumstances can exceptionally arise when abnormal costs threaten economic viability but benefits outweigh the harm of not providing related infrastructure. I do not share the expressed view of the Council that this applies a strict test of exceptional circumstances but consider that it complements the discretion accorded to decision-makers by NPPF paragraph 58 in weighing the viability assessment in the overall planning balance.
53. As noted above in connection with affordable housing, in this case there is, unusually, complete expert agreement that the appeal scheme can only afford, in addition to 15% affordable homes, approximately one third of the estimated minimum infrastructure costs sought by the Council, as well as the school site, if that is justified.
54. To its credit, the Council has long engaged with the Appellants in an attempt to reach an accommodation over the infrastructure contributions. The parties reached a compromise over the relatively modest 15% GDV profit level, at the lower end of the range recommended by the PPG. The Council promoted items of infrastructure according to an adopted Infrastructure Prioritisation Matrix for the NEV that it might have been prepared to accept for the Foxbridge Village development as a whole. This could evidently have resulted in agreement a year or so ago. Be that as it may, the position at appeal, under present economic circumstances, is now as set down in the Viability SoCG.
55. There is no dispute between the parties as to the calculated amounts of financial contributions sought by the Council. The range of items is based upon the NEV Infrastructure Delivery Prioritisation Matrix of November 2018, costed by the up-to-date Infrastructure Delivery Plan supporting the currently emerging replacement SBLP. Again, I have no basis to question these figures, agreed by respective expert witnesses and the approach appears reasonable.

56. The agreed contributions and the corresponding amounts offered and secured by the UU are itemised in a table at Appendix 2 to this Decision, taken from the submitted evidence. The total sum sought is £6,655,256, including £1,657,846 Priority1 items, whilst that available according to the Viability SoCG and via the UU is £1,122,000.
57. Like the affordable housing contribution, the infrastructure contributions are compliant with the qualified terms of Policy IN1 of the SBLP. Nowhere in policy is there a requirement for a minimum level of infrastructure contributions and minimum figures put forward by the Council during the process of negotiation can only be regarded as indicative and subject to viability testing. The essential question for this appeal is whether the agreed shortfall in infrastructure contributions is outweighed by other material considerations in the overall planning balance.
58. The Appellants maintain that the agreed viability evidence and the policy-compliant financial contributions secured by the UU alone justify planning approval, whereas the opposite view of the Council is understandably informed by broader considerations of the overall NEV strategy. The Council considers that a development which cannot afford to contribute the full cost of associated infrastructure cannot be regarded as consistent with the triple social, economic and environmental principles of sustainability promulgated by paragraphs 7-8 of the NPPF and Policies SD1-3 of the SBLP.
59. The approach of the Council is that the NEV allocation of the adopted SBLP is carried forward in the emerging replacement SBLP and that for it to be developed in accordance with the principles of sustainability, the full apportioned infrastructure costs must be met by the FVN development. The Council has long envisaged the entire Foxbridge Village development coming forward in a single application, supported by an equalisation agreement and joint planning obligation, as contemplated by the NEVPO SPD. That is in the absence of a framework section 106 agreement for the wider NEV, as also contemplated by the NEVPO SPD.
60. In an alternative notional viability exercise, the Council put forward a potential equalisation approach covering the whole of the Foxbridge Village area. This shows that if a cost equalisation cross-payment, in the region of £2.8 million depending on profit level assumptions, were made by the joint landowners of the FVS site to the FVN development to allow for the shared infrastructure burden of a shared school site, an affordable housing contribution of 20% could be offered now. However, the overall financial contribution would remain much the same and the overall affordable housing contribution would reduce to 44 units. Thus, this exercise shows little advantage, apart from the earlier delivery with FVN of 11 more affordable homes. It relies on a large payment between developers but is highly conjectural because there is no guarantee of FVS actually coming forward. I therefore give this evidence very little weight.
61. I do give some weight to the reasonable objective of the NEVPO SPD to co-ordinate infrastructure contributions between main landowners by way of a framework section 106 agreement, including a unified approach to Foxbridge Village. However, the SPD appears to be highly aspirational and does not have the legal force of adopted development plan policy and there is no Masterplan in the adopted SBLP beyond the allocation plan. Nor, crucially, has the Council

in practice succeeded, albeit through no fault of its own, in any attempt to establish a framework planning obligation with the main landowners.

62. With regard to the third main issue of provision for infrastructure, the question is ultimately whether development of FVN, as now proposed with the level of affordable housing and infrastructure contributions on offer, is to be regarded as sustainable overall in the final planning balance, despite coming forward as an isolated application at variance with the aspirations of the NEVPO SPD.

Main Issue (iv) - Historic Environment

63. There is no question of any direct impact due to the proposed FVN development on any of the designated or non-designated heritage assets within its vicinity. However, it is necessary to assess its effect on their settings in light of their respective significance.
64. The setting of an asset can be defined in terms of the manner in which the asset is experienced in context, largely taking account of views between the asset and the development concerned but also having regard to the character of the area surrounding the asset and any likely impacts upon it, such as noise and light pollution.
65. With respect to the Upper and Lower Wanborough CAs, these designated assets are on higher ground than the appeal site and relatively distant from it. From inspection, direct views between the CAs and the proposed development would be limited by distance and intervening vegetation, such that the experience of the CAs from within their settings would not be harmed by the proposed development, including any alteration in the levels of noise or night-time light pollution. Notably, this was conceded by the Council's expert heritage witness at the Inquiry.
66. Similarly, the several LBs at Foxborough Farm and Wrightstone House, although much closer to the appeal site boundary than the CAs, are also visually well separated from it by intervening farmland and vegetation, to which will be added the SCR on completion. Traffic on the SCR will no doubt increase ambient noise levels and the FVN development is likely to generate some sky glow at night. I do not consider, however, that these effects would be significant to the manner in which the individual LBs would be experienced within their surrounding farmland settings. Again therefore, I agree with the further concession of the Council's expert witness at the Inquiry that the settings of the several named LBs would not be harmed by the proposed development.
67. The non-designated asset of Wanborough Farmhouse stands much closer to the appeal site boundary, with its curtilage extending to the north eastern edge of the highway. However, the House is set back into its grounds, such that the degree of impact on its setting due to the built development of FVN would be limited. Nevertheless, that degree of impact is to be taken into account in the final planning balance, as required by Paragraph 203 of the NPPF.
68. The more significant concern, emphasised by Historic England, relates to the designated Roman Town SM with its buried archaeological remains and associated land of archaeological interest, which is accorded equivalent protection by Footnote 68 of the NPPF. As indicated by the NEV Illustrative Masterplan incorporated within SPDs, it is clearly intended that the built part of

the proposed development would be kept clear of the SM and Footnote 68 land. Thus, although these assets overlap the northern part of the appeal site, there would be no direct visual interaction between them and the proposed built development. Even so, the knowledge of their presence and historical associations holds community significance and the rural character of the agricultural land that overlies and surrounds them is accordingly important to their setting, even though the present field pattern has evolved over comparatively recent time.

69. I consider that the near presence of the proposed FVN development would have an urbanising effect on the setting of the SM. I agree with the view of the Council's expert heritage witness, stated at the Inquiry, that this would result in less than substantial harm to the setting of the SM and Footnote 68 land, reasonably to be expressed as low to moderate on a notional scale of such harm.
70. According to Policy EN10 of the SBLP and paragraphs 200 and 202 of the NPPF, this degree of less than substantial harm requires convincing justification and carries considerable importance and weight to be considered against any public benefits in the overall planning balance. In this respect, the initial allocation of the NEV lands for development can be assumed to have raised the prospect of harmful influence upon heritage assets within and near the allocation. In this specific case, public benefits would arise in that the portion of the SM and Footnote 68 land within the appeal site would be removed from ploughing under permanent grassland. It would also be subject to protective measures and an Archaeological Management Plan secured by agreed Conditions 32-36, as favoured by the County Archaeologist, to enhance the setting, public awareness and significance of the Roman Town SM. I consider that these public benefits would optimise the use of this part of the setting of the SM and would outweigh the identified harm and provide the requisite convincing justification.

Ecology

North Meadow

71. North Meadow, within the North Meadow and Clattinger Farm SAC, lies some 15.5km from the appeal site, equivalent to a 14-minute drive time via the A419. It is regarded as an attractive and easily accessible destination for potential residents of FVN, as evidenced by visitor surveys showing significant minority of visitors from Swindon. The duty under section 28G of the Wildlife and Countryside Act 1981 to further the conservation and enhancement of the SAC applies to this Decision, with the Inspector as Competent Authority under the Conservation of Habitats and Species Act 2017.
72. The Appellants submitted a Shadow Habitats Regulations Assessment (HRA) which ruled out likely significant effects on the SAC at the screening stage, obviating an Appropriate Assessment. That was due to the SAC lying some 5km, in straight line distance, outside the precautionary 8km Zone of Influence (ZOI) around the SAC and took account of generous green infrastructure associated with the proposed FVN and wider NEV developments, providing local opportunities for exercise and reducing the incentive to travel. This was based upon the North Meadow Interim Mitigation Strategy.
73. Natural England (NE), in a letter to the Inquiry, maintains an outstanding concern that increased recreational pressure on the SAC from a minority of the

700-odd potential residents of FVN cannot be ruled out at this screening stage because the assessment is not based on the best available evidence. In this connection, NE cites further ongoing visitor surveys. However, the North Meadow Mitigation Strategy is currently the best available evidence given the later surveys are, as yet, neither analysed nor published and so are clearly not available. Moreover, the NE has endorsed the precautionary approach of the Interim Mitigation Strategy. Furthermore, there remains the opportunity to revise the HRA in conjunction with future reserved matters applications.

74. In the circumstances, I consider on the best available evidence that the proposed FVN is not likely to have a significant effect on the North Meadow part of the SAC and that accordingly the outline approval sought can properly be granted in accordance with the relevant HRA Regulation 63.

Biodiversity Net Gain (BNG)

75. The development would evidently provide a calculated BNG of some 38%, well in excess of the requisite 10% minimum, the subject of agreed Condition 11.

Other Matters

Highway Access

76. There is broad concern that proper and safe access to the highway network would be provided before occupation of the proposed dwellings. This is secured by agreed Condition 21, requiring access over the SCR to be provided before occupation of the dwellings.

Flood Risk

77. Flood risk is raised by the Wanborough Anti-Flood Group, Swindon Borough Council Ward Members, Wanborough and Covingham Parish Councils and a number of local residents but the Lead Local Flood Authority raises no objection to the development, subject to conditions requiring the implementation and approval of a sustainable drainage system in the detailed design. Agreed Conditions 7 and 8 incorporate this requirement.

Scheme Details

78. Concerns regarding development density, the amounts of green infrastructure to be provided and noise levels from the A419, raised by Wivenhoe PC and others, and concerns over provisions for cycling, raised by Swindon Cycle Campaign, are all matters for further consideration in future reserved matters applications.

Canal

79. The Wiltshire and Buckinghamshire Canal Trust are concerned that the route of the Canal be protected but that is a matter for the separate, neighbouring FVS development.

Previous Appeal

80. The Council seeks to rely on the dismissal of the previous Lotmead Farm appeals Refs APP/U3935/W/16/3154441 and 3154437 for development of other lands of the NEV allocation including Redlands Village. The Secretary of State agreed with the Inspector in those appeals that a range of infrastructure

contributions sought, including for affordable housing and education, were CIL-compliant and necessary but viability was not apparently considered in the same way as in the present appeal and the peak in pupil numbers were not questioned. Moreover, the Roman Town SM would not have been sustained and enhanced as in this case, due to the closer proximity of built development and a larger proportion of the SM being potentially affected. For these reasons I find no direct comparison with the appeal now before me.

Precedent

81. The Council expressed concern that to approve the present proposal without the full calculated developer contributions would set a precedent for other parts of the NEV allocation to come forward without sufficient supporting infrastructure. In fundamental principle however, this appeal is decided on the balance of planning harms and benefits on the individual merits of the particular case. Accordingly, no precedent is set.

Overview of Other Matters

82. On consideration of the foregoing and every other matter raised concerning the appeal, none are sufficient to affect the overall balance of considerations on which this Decision depends.

Planning Obligations

83. With respect to the agreed evidence of viability, I consider that all of the staged Financial Contributions secured by Schedule 2 of the UU are necessary and fairly and reasonably related to the development in terms of CIL Regulation 122. These relate to the affordable part of the proportionate contributions for the construction of a primary school off-site to serve the incoming population of FVN (£500,148.78), for the construction of the SCR to provide essential access (£278,186.56), towards bus services (£165,000) and a Framework Travel Plan (£20,966.37), towards the cost of new secondary school serving the NEV (241,652.17), and towards traffic calming (£9,900.78) and traffic regulation (£16,545.43).
84. The 15% affordable housing under Schedule 4 is similarly CIL-compliant, given the agreed level of viability.
85. As I have concluded that the obligation to transfer the primary school land under Schedule 6 carries no weight and should not have effect, it follows that any future residential development of that land by a future supplemental permission should also contribute proportionately under Schedule 3. There is no dispute that the Green Infrastructure contribution, including open space and allotments, under Schedule 5 and the Highway Works to connect the site to the SCR under Schedule 7 are also CIL-compliant.

Conditions

86. All of the conditions imposed on the approved development and set out in the Schedule at Appendix 1 to this Decision are agreed between the Appellants and the Council and in my consideration are all necessary, relevant, reasonable and enforceable in terms of the tests of national policy for planning conditions and for the reasons stated in the Schedule.

Benefits and Planning Balance

87. The proposed FVN development would bring the public benefits of significant contributions of 220 dwellings, including 33 affordable homes, in the face of market and affordable housing supply shortages of undisputed significance. Despite my finding that the planning obligation of the UU to provide the school land carries no weight, the development would still contribute financially towards primary and secondary schools along with the other infrastructure contributions listed above. All such contributions would be within the agreed limits of viability. In addition, there would be benefit to the significance and appreciation of the designated Roman Town SM sufficient to offset low to moderate less than substantial harm to its setting. There would also be a substantial BNG well in excess of the 10% minimum.
88. On the first main issue, I have concluded that the appeal proposal makes sufficient and appropriate provision for education facilities in terms of need but that the departure from the aim of SBLP Policies NC3 and CM1 for there to be a primary school at the heart of every village weighs against approval.
89. On the second main issue, I have concluded that the 15% affordable homes secured by the UU is compliant with SBLP Policy HA2 on grounds of viability but that the agreed viability shortfall is still to be taken into account.
90. On the third main issue, I have concluded that the infrastructure contributions of the UU are compliant with SBLP Policy IN1 on grounds of viability and the outstanding question is one of overall sustainability, given the overall viability shortfall.
91. On the fourth main issue I have concluded that there would be low to moderate less than substantial harm to the setting of the designated Roman Town SM, which requires convincing justification and carries considerable importance and weight according to SBLP Policy EN10 and NPPF paragraphs 200 and 202. I have also found less than substantial harm to the setting of the undesignated Wanborough House, also to be taken into the planning balance.
92. Drawing together these conclusions, I find that there is general compliance with the policies of the SBLP, save for some degree of conflict with Policies NC3 and CM1 on school location and Policy EN10 on heritage. I also give some weight to the aspirations of Policies NC3 and the NEVPO SPD for a comprehensive approach to the development of the NEV allocation and the funding of its infrastructure, which would not be fulfilled by the appeal scheme. That is given the substantial shortfall between its agreed viability compared with the calculated contributions sought through the Infrastructure Prioritisation Matrix.
93. I recognise the disquiet of the Council that the UU furnishes only a fraction of the calculated proportionate contributions it seeks in support of the infrastructure of the developing NEV. However, the contributions offered are the most that can be brought forward on the agreed evidence of viability set out in the Viability SoCG.
94. On a balance of judgement in these circumstances, I consider that these policy conflicts and the disadvantage of the shortfall in viable infrastructure contributions are together outweighed by the benefits I have identified above such that, in terms of the development plan overall and section 38(6) of the

PCPA, the degree of non-compliance would be outweighed by other material circumstances.

95. However, it is common ground that the Council can only demonstrate a 4.6 year HLS, such that NPPF paragraph 11(d) and Footnote 8 apply in this case and permission should be granted unless, under sub paragraph 11(d)(i) and Footnote 7, NPPF paragraphs 200 and 202 protecting the designated heritage asset of the Roman Town SM provide a clear reason for dismissal or, under sub paragraph 11(d)(ii), adverse impacts would significantly and demonstrably outweigh the benefits against the NPPF as a whole.
96. With respect to paragraph 11(d)(i), I have already concluded that the low to moderate less than substantial harm to the setting of the SM is outweighed by public benefits. With respect to paragraph 11(d)(ii) I have concluded that the adverse impacts would not significantly and demonstrably outweigh the benefits but conversely that the benefits prevail when assessed against the NPPF as a whole.
97. Either way therefore, I find that overall the proposed FVN development would amount to sustainable development in terms of its the socio-economic and environmental roles set out in NPPF paragraphs 7-8 and its meaning as set out in NPPF paragraph 11. It follows that the permission sought should accordingly be granted.

Overall Conclusions

98. For the reasons explained, I conclude this appeal should be allowed, subject to the conditions set out at Appendix 1 to this Decision and on the basis that the obligation of the UU to provide the Primary School Land carries no weight and shall not take effect.

B J Sims

Inspector

APPENDIX 1

SCHEDULE OF PLANNING CONDITIONS

1. Time Limit for Development

The development hereby permitted shall be commenced either before the expiration of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to review the suitability of the development and to accord with Section 92 of the Town and Country Planning Act 1990.

2. Reserved Matters

No development shall take place within each phase or sub phase, until such time as all the reserved matters for that phase or sub phase have first been submitted to and approved by the Local Planning Authority. The reserved matters are details of the layout, scale, appearance, and landscaping.

Reason: The planning permission granted is in outline and to accord with section 92 of the Town and Country Planning Act 1990.

3. Timing of Reserved Matters

The first application for the approval of reserved matters shall be submitted to the Local Planning Authority before the expiration of 3 years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 5 years from the date of this permission.

Reason: To enable the Local Planning Authority to review the suitability of the development and to accord with section 92 of the Town and Country Planning Act 1990 (as amended).

4. Approved Plans and documents

This outline permission is in respect of the following plans and documents received by the Local Planning Authority on the following dates.

Received 16th November 2021

Letter from Stuart Michael Associates to the Environment Agency; including the Water Quality Impact Assessment, reference UC15564.06 (WRC) Appendix 1.

Received 14th September 2021

Drainage calculations 6302_N_Basins_combined (SMA);

Drainage calculations 6302_N_Basins_combined_critical_duration_Additional_Hydrograph (SMA);

Drainage calculations 6302_N_B_FEH_Mean_Annual_Flood_Greenfield (SMA);

Drainage calculations 6302_N_IH124_ICF_SUDS_Mean_Annual_Flood_Greenfield (SMA);

Drawing 6302_2013_rev C updated SuDS Strategy and Catchment plan (SMA);

Drawing 6302_2015 Foxbridge North Catchment plan (SMA).

Received 14th July 2021

Letter, reference 6302/TSW-LLFA-L03, from Stuart Michael Associates to Lead Local Flood Authority.

30th April 2021

Noise Assessment Addendum (Arden) reference 2102740-01.

13th April 2021

CCTV drainage report (IDS) SMA reference 1120_1028 (document reference RE_012_V1);

Drawing 6302_412 comparison of site levels, downstream flood plain and impounded (on-site) surface water.

12th March 2021

Utilities Statement (Initial Design and Budget cost estimates) reference 6302_Uilities (SMA) (Parts 1 to 4).

2nd March 2021

Financial Viability Assessment (Newsteer).

24th February 2021

Drawing 6302_010_rev_A proposed access arrangements;

Drawing 6302_011_rev_A proposed access arrangements (access 1);

Drawing 6302_012_rev_A proposed access arrangements (access 2) ;

Drawing 6302_013_rev_A auto track swept paths;

Drawing 6302_014_rev_B proposed traffic calming controlled crossings and bus stops;

Drawing 18_032_105_rev A cumulative NEV village areas (Origin3);

Drawing 18_032_223_rev A application boundary including SCR (Origin3);

Drawing 18_032_420_rev L combined Village master plan in context (Origin3);

Drawing 18_032_550_rev E land use parameter plan (Origin3);

Drawing 18_032_551_rev D quantum parameter plan (Origin3);

Drawing 18_032_552_rev D green infrastructure parameter plan (Origin3);

Drawing 18_032_553_rev D access parameter plan (Origin3);

Drawing 18_032_554_rev E density parameter plan (Origin3);

Drawing 18_032_555_rev E parameter plan heights (Origin3);

Archaeology Assessment reference 5657_r026d) (edp);

Design and Access Statement (revised February 2021) (Origin3);

Environmental Statement Assessment Addendum (Alder King) (Chapters 1 - 13 and appendices);

Framework Residential Travel Plan reference 6302_FTP rev A (SMA;

Flood Risk Assessment and Surface Water Management Strategy 6302_FRA issue 02 (parts 1 and 2) (SMA);

Heritage Assessment reference 5657_r024c) (edp); Planning Statement (Resubmission Feb 2021) (Alder King); Transport Assessment 6302_TA volumes 1, 2 and 3 (SMA).

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

Reason: To define the scope of the development and to ensure the development is within the parameters that were subject to an environmental impact assessment.

5. Development Parameters

The development hereby permitted shall comply with the following development parameters:

- a) Up to 220 dwellings;
- b) Up to 300 sq.m. commercial facilities within use classes within Classes A1/A2/A3/A4/A5/ B1 and D1 of the Town and Country Planning (Uses Classes) Order 1987, (as amended or re-enacted); which shall include a convenience store (Class A1) and community building (Class D1).
- c) A site of not less than 2.2 hectares for a (two form) entry primary school; and
- d) At least 3.87 hectares of open space/green infrastructure (including SUDs, allotments and equipped play areas).

Reason: To define the scope of the development and to ensure the development is within the parameters that were subject to an environmental impact assessment.

6. Broad Accordance with Masterplan

The submission of all reserved matters and design codes for the implementation of the development shall be in broad accordance with the Illustrative Masterplan (Drawing 18_032_408 rev F).

Reason: In the interest of the proper planning of the area and to maintain a high standard of design.

7. Phasing Programme and Details

Prior to the submission of the first reserved matters pursuant to Condition 2 above, a phasing programme and plan for the whole development site shall be submitted to and approved in writing by the Local Planning Authority, to show how the development shall be implemented in phases or sub-phases. The phasing programme shall include the following elements.

- a) The development parcels.
- b) The Wanborough Roman Town scheduled monument and non-designated roadside areas of significant archaeology to be preserved.
- c) Distributor roads/routes within the site including the hierarchy of the road network, the timing of provision and access points into the site.
- d) The phased housing delivery.
- e) Pedestrian and cycle connectivity within the site and to committed and emerging parcels of development within the New Eastern Villages.
- f) The local centre/community facilities, including car share space provision, the Public Realm and Public Art;
- g) The noise mitigation measures and bund;

- h) Strategic foul and surface water features and sustainable drainage systems; and
- i) Strategic landscaping, open space and recreation land.

The development shall be carried out in accordance with the approved phasing plan and programme.

Reason: To ensure the coordination and delivery of infrastructure provision for the new community in accordance with policies IN1 and NC3 of the Swindon Borough Local Plan 2026

8. Design Code

Prior to the submission of the first reserved matters application, a Design Code broadly in accordance with the Design & Access Statement (Revised February 2021) and the approved Illustrative Masterplan (Drawing 18_032_408 rev F), shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include:

- a) The overall vision and character of the development;
- b) The design principles for the enhancement of the public realm and the integration of the development into the landscape, with reference to the design objectives for the character areas and key areas including the village centre and open space;
- c) The form of the development with reference to densities, block types, building types, building heights, ground levels and the palette of materials;
- d) The hierarchy, typology and treatments of all elements of the movement network, including to the rest of the New Eastern Villages;
- e) Principles of traffic management, parking provision and servicing to all properties;
- f) Noise mitigation and attenuation; and
- g) How the sustainable drainage systems will enhance the development and conserve habitats and wildlife.

Each application for reserved matters shall be accompanied by a statement of compliance and checklist to demonstrate how the development accords with the Design Code.

Reason: To ensure a holistic approach to co-ordinate and deliver high quality design in accordance with Policy DE1 and Policy NC3 of the Swindon Borough Local Plan 2026.

9. Noise mitigation

Prior to the submission of the first reserved matters, details of measures to attenuate the noise impacts to the proposed dwellings, and the programme for delivery of the noise bund and acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved noise mitigation plan and programme.

Reason: To ensure that appropriate acoustic mitigation is provided in the interests of residential amenity in accordance with policy EN9 of the Swindon Borough Local Plan 2026.

10. Wheelchair Accessible Housing

The reserved matters for each phase or sub phase shall identify on a site layout plan not less than 2% of the total residential development for that phase or sub phase as wheelchair accessible housing in accordance with part M4 (3) of the Building Regulations. Prior to the approval of each reserved matters, details of the design features of each unit shall be submitted to and approved in writing by the Local Planning Authority and shall include provision of ramped access with flush thresholds into all doorways, adequate doorway widths for a wheelchair to pass through, space for internal circulation and for through the floor lift circulation (where appropriate), entry level bathroom and toilet facilities and a kitchen designed for wheelchair user occupiers. Development shall be carried out in accordance with the approved details and shall be retained for so long as the buildings remain in use as dwelling houses.

Reason: In the interests of accessibility and equality to ensure all housing needs are met.

11. Landscape, Ecology and Arboricultural Management Plan (LEAMP)

Prior to the submission of the first reserved matters application, a Landscape, Ecology and Arboricultural Management Plan (LEAMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEAMP shall be informed by the Ecology baseline report (appendix 7.1 of the Environmental Statement addenda), the Biodiversity Impact Assessment (appendix 7.2 of the Environmental Statement addenda), the Ecological Mitigation and Management Framework (appendix 7.3 of the Environmental Statement addenda and the Arboricultural Impact Assessment (Incorporating tree Protection Measures) (appendix 7.4 of the Environmental Statement addenda; and shall include the following:

- a) Details of the long-term objectives for biodiversity net gain;
- b) The extent and type of new planting;
- c) Details of new habitats to be created on site and areas proposed to be managed specifically for biodiversity;
- d) Details of all new green infrastructure to be created;
- e) Details of the management responsibilities, rationale and maintenance schedules for all landscaped and habitat areas (except privately owned domestic gardens), including the management plan context;
- f) Details to show how the development provides access to nature to promote human well-being and afford educational opportunities; and
- g) Details of a programme and measures for monitoring, reporting and review

No development on each phase or sub phase shall commence until the LEAMP for that phase or sub phase has been approved in writing by the local planning authority. Thereafter development on each phase or sub phase shall be progressed in accordance with the approved LEAMP and the approved management and maintenance schedules shall be adhered to at all times.

Reason: To ensure biodiversity, green infrastructure and assets are protected, integrated with the development and enhanced in accordance with Policies SD3, EN1 and NC3 of the Swindon Borough Local Plan 2026.

12. Tree and Hedgerow Retention (1)

Prior to the submission of the first reserved matters, a tree and hedgerow retention and removal plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details. Any tree or group of trees or hedgerow, which is shown to be retained in the above details, that is removed, dies or becomes seriously diseased or damaged shall be replaced in the first available planting season with a species, details of which shall first be submitted to and approved in writing by the Local Planning Authority. Any replacement trees and hedgerows shall thereafter be maintained. Notwithstanding the provisions of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fence or other means of enclosure shall be erected within or closer to any existing hedgerow or tree other than as shown on the plans within the reserved matters approved pursuant to this outline planning permission.

Reason: To ensure the protection of trees and hedgerows on the land.

13. Tree and Hedgerow Protection (2)

All trees indicated to be retained on the plan(s) approved in compliance with condition 12 above shall be protected in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction – Recommendations" (or as amended). No development shall commence unless and until:

- a) Details of temporary protective fences to safeguard the trees, hedges or other vegetation to be retained on the site within that phase shall have been submitted to and approved in writing by the Local Planning Authority; and
- b) The approved fencing and protection measures have been erected in accordance with BS 5837:2012 and the approved details.

The approved tree protection measures shall be maintained to the required standard throughout the development or until the Local Planning Authority has confirmed in writing that it can be removed.

Reason: To ensure adequate protection is afforded to the trees and /or hedges on the site which are to be retained.

14. New Landscaping and Planting Protection

Landscaping shall be carried out within each phase or sub phase, in accordance with the scheme and details approved under the reserved matters. Any planting carried out in accordance with the approved details that within a period of 5 years from the date of planting dies, is removed or becomes seriously diseased or damaged shall be replaced with planting of similar size and species within the first available planting season.

Reason: To safeguard all features of landscape value in the interests of maintaining biodiversity and aesthetic value.

15. Bats

No trees on the site that have been identified within the Environmental Assessment as having potential to accommodate bat roosts shall be felled or reduced, before a survey has been undertaken to confirm whether or not bats or bat roosts are present. If bats or their roosts are present, bat mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works being undertaken. Such mitigation measures as may be approved shall be implemented in accordance with the approved details prior to the tree felling works.

Reason: To protect bats and their supporting habitat.

16. Public Art Strategy

The first reserved matters application submitted, shall be accompanied by a strategy for the delivery of the public realm and public art within the site to include the timing, long term maintenance and the design, specification, and provision mechanisms, to be approved in writing by the Local Planning Authority. The layout of the public realm and the provision of public art shall be carried out and maintained in accordance with the approved strategy.

Reason: To secure high quality public realm and the timely provision of public art.

17. Local Centre/Shop/Community Building

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), the convenience store (Class A1)/community building (Class D1) shall not be used for any other purpose, including any other use within Class A1 or Class D1 of the Town and Country Planning (Use Classes) Order 1995, or any other Order revoking or re-enacting that Order, except for the purpose hereby permitted.

Reason: In the interests of maintaining a sustainable community.

18. BREEAM (Building Research Establishment Environmental Assessment Method)

No development of a non-residential building shall take place until a pre-assessment BREEAM report - which is based upon an approved BREEAM plan for provision of non-residential buildings - prepared by an accredited BREEAM Assessor, indicating that the building is capable of achieving the applicable 'excellent' rating as a minimum, shall have been issued to the local planning authority. All non-residential buildings shall be constructed to meet the applicable approved BREEAM rating as a minimum. No later than 6 months after the occupation of any non-residential building, a certificate following a postconstruction review, shall be issued by an approved BREEAM Assessor to the local planning authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: To ensure that the development is carried out in accordance with sustainable construction standards. In accord with Policies DE2 and NC3 of the Swindon Borough Local Plan 2026.

19. School Access and Local Facilities by Non-Vehicular Modes

In accordance with the phasing details agreed for condition 2, the reserved matters for each phase or sub-phase of development shall include measures to facilitate a safe pedestrian and cycle route to schools and local facilities, together with vehicular access to the school site. No development shall take on each phase or sub-phase until the measures have been approved in writing by the Local Planning Authority. The approved measures shall be carried out prior to the first occupation of any dwelling in each phase or sub-phase and shall be retained thereafter carried out prior to the first occupation of any dwelling in each phase or sub-phase and shall be retained thereafter. No dwelling should be occupied until it is served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.

Reason: In the interests of sustainable transport and highway safety.

20. School Access and Parking

Prior to the commencement of the construction of any roads serving the school or bounding the school site, a dynamic parking study shall be submitted to the Local Planning Authority for approval in writing, to determine the level of on-site school parking to be provided for staff and accessible parking, mini-buses and bus or coach access and drop-off zones for parental drop off and visitor parking. The adjacent carriageways, inclusive of non-vehicular infrastructure, being those that serve and bound the school site, shall be designed to provide for the access and parking needs of the school, as agreed in writing by the Local Planning Authority. The roads shall thereafter be completed in accordance with the approved details and thereafter maintained.

Reason: To ensure satisfactory on and off-street parking provision for the school in the interests of safety and sustainability and in compliance with Local Plan Policy TR1 and TR2.

21. Site Access

Notwithstanding the submitted details, prior to commencement of any development, including site preparation works, details of the access proposals from the Southern Connector Road shall be submitted to the Local Planning Authority for approval in writing, in consultation with the Local Highway Authority, to show the detailed design, in broad compliance with drawings numbered 6302_010_rev_A proposed access arrangements, Drawing 6302_011_rev_A proposed access arrangements (access 1) and Drawing 6302_012_rev_A proposed access arrangements (access 2).

The access proposals, including footway/cycleway, lighting and traffic calming as appropriate, shall be supported by Stage 1 / 2 Road Safety Audit(s) and a non-motorised user Audit and specify visibility splays, vehicle tracking, signal design, signing and lining and make provision for the vehicle and pedestrian access requirements, including turning of vehicles and road crossing, through both construction phase and operational phase.

The access proposals to serve the construction phase shall be completed in all respects in accordance with the approved plans and the Construction and Environmental Management Statement pursuant to condition 29 before any other works are undertaken and before the first occupation of any dwelling and shall be completed in accordance with the approved plans and thereafter maintained in accordance with the approved details.

Reason: To ensure that safe and satisfactory access proposals are made available to serve the development in accordance with Local Plan Policy TR1 and TR2.

22. Consolidated and Surfaced Roads and Footways

Prior to the commencement of development, details relating to design and construction of the proposed roads, including footpaths, associated utilities, services, street furniture and turning spaces where applicable, shall be submitted to and approved in writing by the Local Planning Authority and that before each dwelling is occupied it is served by a properly consolidated and surfaced footpath and carriage way to at least base course level between the dwelling and the existing highway.

The works shall be completed in accordance with the approved details.

Reason: To ensure that the development is served by an appropriate means of access in accordance with Local Plan policies TR1 and TR2.

23. Car Parking and Turning

No dwelling shall be occupied or other building brought in to use until space for car parking provision (including garages) for that use, in accordance with the Council's technical guidance on parking standards 'Parking Standards for New Development', February 2021, together with associated manoeuvring and turning space have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The parking spaces (including garages) shall be constructed, laid out and made available for use prior to the first occupation of each unit and shall be retained and maintained thereafter for the parking of private motor vehicles.

Reason: To ensure vehicle parking provision is made in accordance with the Council's adopted standards and is available for use for that purpose in the interests of highway safety and residential amenity.

24. Size of parking spaces and garages

The minimum internal dimensions of individual parking spaces and residential garages to be constructed in connection with the development hereby permitted shall be in accordance with the Council's technical guidance on parking standards 'Parking Standards for New Development', February 2021, without any internal obstructions. All parking spaces and garages shall thereafter be made available and retained for use at all times for parking a vehicle.

Reason: To ensure satisfactory provision is made for vehicles in the interests of highway safety and residential amenity, to count towards the required parking provision, in accord with Policies DE1 and NC3 of the Swindon Borough Local Plan 2026.

25. Cycle and Motorcycle Parking and Storage

Before the first occupation of each building, provision shall be made for any bicycle and motorcycle storage in accordance with the Council's technical guidance on parking standards 'Parking Standards for New Development', February 2021 for all land uses. Any bicycle storage and motorcycle parking provision shall thereafter be retained for the storage of bicycles and parking of motorcycles in connection with the development hereby permitted.

Reason: To ensure satisfactory provision is made for bicycle storage and motorcycle parking at all times.

26. Electric Vehicle Charging Points

Prior to the approval of each reserved matter, details of electric vehicle charging points, including the location and form of the charging points shall be submitted to and agreed with the Local Planning Authority. The charging points shall be implemented in full accordance with the approved plans and maintained as such thereafter.

Reason: To accord with proposals and the commitment to phase out conventional diesel and petrol cars and the consequent development of non-carbon electric vehicles in accord with policies DE1, IN1 and NC3 of the Swindon Local Plan 2026.

27. Street lighting and utility provision

Prior to the approval of each reserved matters, a scheme for street lighting, street furniture and utility provision shall be submitted to the Local Planning Authority for approval in writing, following consultation with the Local Highway Authority. The scheme(s) shall include a detailed design specification and details of the appearance of street lighting and other furniture, together with a specification and timetable for installation. The development shall be implemented in accordance with the approved scheme for street lighting, street furniture and utility provision.

Reason: In the interests of amenity and highway safety and to ensure a high quality and consistent design for common structures throughout the Swindon New Eastern Villages.

28. Refuse Storage and Collection

Prior to the approval of each reserved matters, details of refuse and waste storage and collection shall be submitted to and agreed with the Local Planning Authority. The development shall be implemented in full accordance with the approved details and maintained as such thereafter.

Reason: In the interests of amenity and highway safety.

29. Travel Plan

No dwelling for which planning permission is hereby granted shall be occupied unless and until a Travel Plan Co-ordinator (TPC) has been appointed to secure the delivery of the Travel Plan in line with Swindon Borough Council's 'New Eastern Villages Framework Travel Plan Supplementary Planning Document'; or ii) A S106 agreement has been completed with Swindon Borough Council to secure the required financial contribution to be used towards the implementation and monitoring of the New Eastern Villages Residential Travel Plan to facilitate modal shift away from the car

Reason: In the interest of encouraging access by sustainable modes.

30. Construction and Environmental Management Plan (CEMP) Method Statement

Prior to the commencement of works of any development on any phase or subphase hereby permitted, including any works of demolition or site clearance, a Construction and Environmental Management Plan (CEMP) for that phase or subphase of development shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, such mitigation measures shall be

implemented prior to the commencement of any development or site preparation works at the site and the development shall be implemented in accordance with the approved details.

The Construction and Environmental Management Plan shall provide:

- i. A traffic management plan, to include construction vehicle routes to and from the site, a method statement to record construction vehicle movements to and from the site, making provision for those records to be made available to the Local Planning Authority for inspection; temporary signage to direct construction traffic to the site, details of temporary access point(s) and parking areas for construction vehicles, site operatives and visitors, and a site construction worker travel plan;
- ii. Contact details of the site construction manager, to report regularly to the Local Planning Authority, to include contact arrangements for the on-site management of contractors and sub-contractors; and a method statement for a community liaison procedure with local residents and interested persons, to be made available throughout the implementation of the development
- iii. Details of haul routes within the site and the provision to be made for the loading, unloading and storage of plant and materials, including swept paths of vehicle movements within the site;
- iv. Details of the provision to be made for the on-site maintenance and repair of plant and other equipment/machinery, including locations for storage of those items;
- v. Details of all temporary buildings, structures and facilities for contractors and staff and parking area for site operatives, construction traffic and visitors;
- vi. Details of measures for wheel washing and vehicle wash-down for all construction site traffic leaving the site, including vehicles used by contractors and sub-contractors;
- vii. Details of measures to remove debris from the highway to ensure the highway is clear at all times, including arrangements for 24 hour call out (excluding those days where construction is not permitted);
- viii. Details of petrol and oil interceptors to be provided
- ix. A method statement for measures to control the emission of dust, smoke, fumes and debris and for the control of noise, vibration and air pollution, including pile driving (in accordance with BS: 5228), during construction;
- x. Measures for the treatment of environmentally sensitive areas and how the environment will be protected during the works to include:
 - a. A site walkover survey by a suitably experienced Ecological Clerk of Works to ensure that the status of the site for habitats and species has not significantly altered since planning consent;
 - b. A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works;
 - c. The measures to be used during the development to minimise and reduce the environmental impact of the works (considering both potential disturbance and pollution); and,
 - d. Details of any necessary mitigation for protected species. and
- xi. Details of the persons/ bodies responsible for particular activities to be controlled by the CEMP including to demonstrate being suitably qualified

- for the activity they are undertaking or supervising (e.g. Ecological Clerk of Works).
- xii. A dust action plan to specify provisions for the control of dust resulting from on-site activities.
 - xiii. A scheme for the control of noise emanating from the site, in accordance with the Code of Practice for noise and vibration control on construction and open sites BS 5228.

Reason: To reduce the potential impact on the public highway and residential amenity during the site preparation and construction phase(s) of development.

31. Construction and delivery hours during construction

No work including the waiting of vehicles undertaking deliveries and collections during the construction phases shall take place outside the following hours:

- 0730 to 1830 Monday to Friday;
- 0830 to 1300 Saturdays; and
- Not at all on Sundays, Bank Holidays and Public Holidays.

There shall be no deliveries or collections associated with construction phases between 0800 and 0900 or 1700 and 1800 on weekdays (Monday – Friday, excluding public holidays)

Reason: To protect residential amenity and highway safety.

32. Archaeology (1)

Prior to the commencement of development on site the following will be undertaken:

- a) a detailed written scheme of archaeological investigation (WSI) shall be submitted to the Local Planning Authority for approval in writing. They will include details of areas for mitigation, including on-site and off-site work, including the analysis, publishing, and archiving of the results, in accordance with the areas identified on drawing EDP1 of the Heritage Statement (appendix 5.1 of the Environmental Statement addenda). The WSI will include a commitment to contributing to a wider publication about recent discoveries in the Roman town including those found in other development sites.
- b) The approved fieldwork and post-excavation assessment and publication will be carried out in accordance with the agreed WSI

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

Reason: To enable the mitigation of any features of archaeological significance.

33. Archaeology (2)

Prior to the commencement of development on site, a detailed mitigation strategy shall be submitted to the Local Planning Authority for approval in writing. The strategy shall include details of:

- a) Areas to be preserved in situ.
- b) Areas for further investigation, including on-site and off-site work, including the analysis, publishing and archiving of the results, in accordance with the

areas identified on drawing EDP1 of the Heritage Statement (appendix 5.1 of the Environmental Statement addenda) shall be submitted to the Local Planning Authority for approval in writing.

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

Reason: To enable the recording of any features of archaeological significance.

34. Archaeology (3)

Notwithstanding the provisions of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no ground works or ground disturbance is permitted on the scheduled monument or areas of significant unscheduled buried archaeology relating to the Roman town (marked on EDP1 within the Heritage Statement)

Reason: To ensure the protection of the scheduled monument and significant non-scheduled archaeological remains that relate to the Roman town.

35. Archaeology Management Plan

Prior to the commencement of development on site, a detailed management plan shall be submitted to the Local Planning Authority for approval in writing. It shall include details of:

- a) Areas to be preserved in situ (both scheduled and non-scheduled)
- b) Measures to secure the long-term management of these area in pasture
- c) Activities and ground works which are not permitted in order to secure the long-term preservation of these area

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

Reason: To enable the long-term preservation of the Scheduled and non-Scheduled areas of significant archaeology relating to the Roman Town.

36. Fences or other means of enclosure (Archaeology).

Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no fence or other means of enclosure that requires to be fixed or secured to the ground that requires ground disturbance or excavation, shall be erected on the Scheduled Monument or the areas of unscheduled buried archaeology, as identified on drawing EDP1, Heritage Context within the Heritage Statement (January 2021 document reference edp5657_r024c).

Reason: To ensure the protection of the Scheduled Monument and the buried archaeology at the land.

37. Environment Agency (foul drainage)

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class.

38. Flood Risk (Sustainable Urban Drainage SuDS)

Prior to the submission of the first Reserved Matters application, a detailed surface water drainage scheme for the entire site, in accordance with the approved 'Suds Strategy and Catchment Plan' 6302.2013 REV C, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and in accordance with the approved phasing programme. Each Reserved Matters application shall be accompanied by a report detailing compliance with the approved scheme.

The scheme shall include:

- a) Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed;
- b) Details of how the drainage scheme has incorporated SuDS source control techniques to manage water quantity and maintain water quality in accordance with the adopted NEV SuDS Vision SPD and best practice guidance including the latest SuDS Manual C753;
- c) A detailed drainage plan to show the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
- d) Details to demonstrate that the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753 and the SuDS Vision for the NEV Supplementary Planning Document;
- e) Details of how the scheme shall be maintained and managed after completion;
- f) Details of how water quality shall be maintained/improved during and after construction;
- g) Details to confirm that any drainage systems offered for adoption will be designed to Sewers for Adoption 7th Edition and/or SBC Standards Transport Requirements for Developments (TRfD), whichever is appropriate;
- h) Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change event to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime; and,
- i) The submission of evidence relating to accepted outfalls from the site, particularly from any third-party network owners.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 163 of the National Planning Policy Framework (NPPF 2021) and Policy EN6 of the adopted Swindon Local Plan 2026.

39. Noise

The proposed residential units shall be designed to meet the indoor and outdoor ambient noise levels contained in British Standard 8233:2014. No dwelling shall be

occupied until that unit has been constructed to meet the ambient noise levels contained in British Standard 8233:2014 (or later versions) that currently require:

- a) Resting 35dB LAeq,16hour (0700-2300).
- b) Dining 40dB LAeq,16hour (0700-2300).
- c) Sleeping 30dB LAeq,8hour (2300-0700).
- d) 45dB LAFmax not to be exceeded more than 15 times per night (2300-0700) in the bedrooms.
- e) External ambient noise levels shall generally not exceed 50dB LAeq, 16hour in private external amenity spaces. For the purposes of this condition, generally means 80% of all private gardens. For the most impacted gardens where this is not achievable, the dwellings shall be designed such that at least 80% of each private garden does not exceed 55 dB LAeq 1 hour. Each reserved matters application containing living accommodation shall be assessed against the above standards and shall include a programme and schedule to be agreed in writing by the Local Planning Authority. Prior to the occupation of any unit within that phase or sub-phase, a noise validation survey to demonstrate compliance with the above noise levels, the scope of which shall be agreed in advance with the Local Planning Authority, shall be submitted to the Local Planning Authority for approval in writing.

Reason: In the interests of residential amenity.

40. Control of Noise (Residential External)

Where the BS 8233 Guidance on sound insulation and noise reduction for buildings standards, as detailed in Condition 31 above, cannot be met with windows open, a scheme of noise insulation (to the standard laid down in the Noise Insulation Regulations 1975 or, any equivalent standard approved by the Local Planning Authority) shall be submitted to and agreed in writing by the Local Planning Authority and implemented before occupation of the building. This is to include acoustic double glazing with sound attenuated means of ventilation.

Reason: In the interests of residential amenity.

41. Control of Noise (Schools)

All applications for the approval of reserved matters that relate to any proposed educational establishment shall be accompanied by a comprehensive noise survey and noise mitigation report for that premises to ensure the acoustic design standard accords with BB93 or any equivalent standard approved by the Local Planning Authority in writing. The educational establishments shall be designed and constructed in accordance with that standard. Prior to the first occupation of the educational establishment, a noise validation survey, the scope of which shall be agreed in writing by the Local Planning Authority in advance, shall be submitted to the Local Planning Authority for approval in writing to demonstrate compliance with the standard.

Reason: To ensure the proper safeguarding of staff and pupils from noise generated.

42. Control of Noise (Commercial Development)

Prior to the commencement of any commercial development a BS 4142:2014 (or later versions) assessment should be undertaken to consider the impact of

operational noise from the retail/commercial unit, including any plant/machinery associated with the proposed use, on nearby residential premises. Where the rating level of any noise source exceeds 5dB below the background level (LA90), as determined by a BS 4142:2014 assessment, a scheme of noise mitigation should be implemented and maintained.

Reason: In the interests of amenity.

43. Contaminated Land

No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The site investigation shall include the following:

- (i) The ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (ii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters; and
 - ecological systems.

The results of the site investigation shall be submitted to the Local Planning Authority for approval in writing before any development begins. If any significant contamination is found during the site investigation, a report to specify the measures to be taken to remediate the site to render it suitable for the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority before any development begins. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. On completion of the remediation works a compliance report shall be submitted to the Local Planning Authority to confirm that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. On completion of the works a report shall be submitted to the Local Planning Authority to confirm in writing that all works were completed in accordance with the agreed details .

Reason: To ensure any contamination of the site is identified and appropriately remediated. Relevant Policies: Swindon Borough Council Local Planning Policy EN9 and Section 15 of the NPPF.

44. Reporting of Unexpected Contamination

In the event that whilst carrying out the approved development contamination is found at any time that was not previously identified, it must be reported within 2 days to the Local Planning Authority and development must be halted. An assessment shall be undertaken in accordance with the requirements of condition

35, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved by the Local Planning Authority in accordance with the requirements of condition 35.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved by the Local Planning Authority in accordance with condition 3.

Reason: To ensure any contamination of the site is identified and appropriately remediated. Relevant Policies: Swindon Borough Council Local Planning Policy EN9 and Section 15 of the NPPF.

45. Waste Provision

Prior to the commencement of development, a waste audit and waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The waste audit must include:

- a) The type and volume of waste that the development process will generate (the development process comprises the construction process and any other operations necessary to bring the development into being);
- b) The measures to reduce, re-use and recycle any waste that is produced through the development process;
- c) The measures to reduce the production of hazardous wastes in the development process;
- d) The measures to minimise the use of raw materials in the development process;
- e) The measures to be taken to reduce the use of hazardous materials in the development process;
- f) The measures to be taken to minimise the pollution potential of unavoidable waste;
- g) The measures to dispose of unavoidable waste in an environmentally sensitive manner;
- h) The measures to ensure maximum waste recovery (e.g. recycling and composting) once the development is completed/occupied; and
- i) The proposals for the transport of waste off-site that is created during the development process.

The development shall be undertaken in strict accordance with the approved waste audit and management plan.

Reason: To ensure suitable waste and recycling facilities are provided in accordance with Policy WSC6 of the Wiltshire and Swindon Waste Core Strategy.

46. Dorset and Wiltshire Fire and Rescue

The Development hereby authorised shall not commence until details for the provision of a water supply network and/or hydrants to meet the fire-fighting needs of the development (to include installation arrangements and the timing of installation) have been submitted to and approved in writing by the Local Planning Authority. Each application for reserved matters approval area shall include a scheme and specification for the provision and location of fire hydrants, if required

to serve that area, which will have first been submitted to and approved by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.

Reason: To reduce the risk from fire in the interests of public safety and local resilience.

47. Thames Water – Waste Water

Prior to the occupation of any dwelling or other building, a foul/waste water strategy detailing any on and/or off-site drainage works, shall be submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

48. Thames Water – Water Supply

Prior to the occupation of any dwelling or other building, impact studies of the existing water supply infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

- end of schedule -

APPENDIX 2**SCHEDULE OF DEVELOPER CONTRIBUTIONS**

FOXBRIDGE NORTH S106 REQUIREMENTS	Priority	Council Requirement	Appellant Offer
Affordable Housing	1	30%	15%
Primary School (incorporating Early Years'	1	£1,511,441	£500,148.78
WHJ	1	£772,777	Nil
Great Stall Bridge	1	£398,502	Nil
A420 Improvements	1	£227,700	Nil
Highway Links Between Islands	1	£158,363	Nil
Secondary School Land	1	£78,894	Nil
SCR	1	£811,030	£278,186.56
Bus Service	1	£165,000	£54,599.91
Framework Travel Plan	1	£63,360	£20,966.37
Secondary School Capital Cost	1	£730,269	£241,652.17
Wanborough Traffic Calming	Local	£29,920	£9,900.78
TRO (Flat rate)	Local	£50,000	£16,545.43
Primary School Land	1		Full
	Total Priority 1	£4,997,256	£1,122,000
West of A419 Package Works	2	£221,347	Nil
Park & Ride	2	£159,882	Nil
District Centre Community Centre	2	£27,500	Nil

Health	2	£214,197	Nil
Waste	2	£16,434	Nil
Local Outdoor Sports Hub (Land)	2	£72,600	Nil
Leisure Land	2	£14,245	Nil
Express Bus Network	3	£101,612	Nil
Public Art	3	£52,910	Nil
GWCF	3	£131,947	Nil
Library	4	£47,080	Nil
Nature Park	4	£189,915	Nil
Local Outdoor Sports Hub	4	£408,177	Nil
	Total Priorities 2-4	£1,657,846	
	Total Priority 1	£4,997,256	
OVERALL TOTAL		£6,655,102	£1,122,000 (£5,100 per unit)

APPENDIX 3

APPEARANCES

For the Appellant company:

Mr Sasha White of Kings Counsel and Mr Matthew Henderson of Counsel instructed by Dominic Fryer of Danescroft.

They called:

Dr Chris Miele PHD MRTPI IHBC (Montagu Evans LLP);

Mr Steven J Sensecall BA (Hons), Dip. T.P., MRTPI (Partner, Carter Jonas LLP)

Ms Heather Knowler BA (Hons), MA, MCMI (Consultant, Education Facilities Partnership);

Mr Richard Garside BSc. (Hons), MRICS Registered Valuer (Director, Newsteer Development Consultancy)

Mr Matt Evans of Counsel

Mr Gareth Jackson MA (Hons), PG Dip, MRTPI (Carter Jonas LLP)

For the Planning Authority

Mr Paul Stinchcombe of Kings Counsel instructed by Lisa Hall, Chief Legal Officer, Swindon Borough Council and Mr Benedict King, Locum Solicitor for Swindon Borough Council.

They called

Ms Allyson King (Education Commissioner Swindon Borough Council)

Miss Sarah Screen BA (Hons), MSc, MRTPI (S106 Planning Obligations and Community Infrastructure Levy Manager Swindon Borough Council)

Mrs Janet Busby MA MPhil MRTPI (Principal Planning Officer Swindon Borough Council)

Mr Simon Roper-Pressdee BA (Hons) PG Cert (Archaeology) IHBC (RP Heritage Ltd consultant heritage advisor to Swindon Borough Council)

Mr Christopher White BSc Dip TP MRTPI (White Land Strategies Ltd consultant viability advisor to Swindon Borough Council)

For Wanborough Parish Council

Mr Bob Biggs - Chair

APPENDIX 4

INQUIRY DOCUMENTS

*Appeal documentation kept in the Inquiry Cord document (CD) Library
on the Swindon Borough Council website*

The following documents were submitted during the Inquiry

- ID1 Walking distances plan (CD7.19)
- ID2 Table of contributions (CD 7.20)
- ID3 Foxbridge peak pupils note (CD7.21)
- ID4 Ecology technical note (CD7.22)
- ID5 Closing speech for Danescroft Land Ltd (CD7.27)
- ID6 Closing Speech for Swindon Borough Council (CD7.28)
- ID7 Completed Unilateral Undertaking (CD7.29)