

You are requested to attend a meeting of the Executive to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 8 August 2012 at 18:15.

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## **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Executive held on 11 July 2012 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Adoption of the Taunton Deane Core Strategy. Report of the Policy Lead Officers (attached).

Reporting Officers: Roger Mitchinson  
Nick Bryant
- 6 Report on Gypsy and Traveller Issues. Report of the Planning Policy Officer (attached).

Reporting Officer: Ann Rhodes
- 7 Executive Forward Plan - details of forthcoming items to be considered by the Executive and the opportunity for Members to suggest further items (attached)

Tonya Meers  
Legal and Democratic Services Manager

10 September 2012

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

## **Executive Members:-**

Councillor J Warmington (Community Leadership)

Councillor J Williams - Leader of the Council (Leader of the Council )

Councillor V Stock-Williams (Portfolio Holder - Corporate Resources)

Councillor N Cavill (Portfolio Holder - Economic Development, Asset Management, Arts and Tourism)

Councillor K Hayward (Portfolio Holder - Environmental Services)

Councillor J Adkins (Portfolio Holder - Housing Services)

Councillor M Edwards (Portfolio Holder - Planning and Transportation/Communications)

Councillor C Herbert (Portfolio Holder - Sports, Parks and Leisure)

## **Executive – 11 July 2012**

Present: Councillor Williams (Chairman)  
Councillors Cavill, Hayward, Mrs Herbert, Mrs Stock-Williams and  
Mrs Warmington

Officers: Penny James (Chief Executive), Shirlene Adam (Strategic Director),  
Brendan Cleere (Strategic Director), Heather Tiso (Head of Revenues and  
Benefits), Paul Harding (Corporate and Client Services Lead), Vikki Hearn  
(Strategy Officer), James Barra (Housing and Health Manager), Paul  
Rayson (Cemeteries and Crematorium Manager / Registrar), Richard Morris  
(Southwest One Property Services), Paul Fitzgerald (Financial Services  
Manager), Ian Franklin (Regeneration Delivery Manager), Tonya Meers  
(Legal and Democratic Services Manager) and Richard Bryant (Democratic  
Services Manager and Corporate Support Lead).

Also present: Councillors Ms Lisgo, Tooze and A Wedderkopp

(The meeting commenced at 6.15 pm.)

### **48. Apologies**

Councillors Mrs Adkins and Edwards.

### **49. Minutes**

The minutes of the meeting of the Executive held on 20 June 2012, copies of which had been circulated, were taken as read and were signed.

### **50. Non-Domestic Rates – Discretionary Rate Relief**

Considered report previously circulated, concerning new powers for Billing Authorities to award Discretionary Rate Relief.

Section 69 of the Localism Act had amended the Local Government Finance Act 1988 to allow local authorities to reduce the business rates of any local ratepayer for any reason, not just those that could currently be granted Discretionary Rate Relief.

Billing Authorities, such as Taunton Deane, were responsible for fully funding any discounts granted under these new powers. Therefore it was anticipated that such reductions would only be awarded in exceptional circumstances.

A local authority could only grant relief if it was reasonable to do so having regard to the interests of Council Tax payers in its area.

Currently there were some 3,730 business premises within Taunton Deane and it was possible that many applications could be received. It was not practical to have Members to consider each individual application and a formal policy to deal with applications was therefore proposed.

The main proposals contained in the procedure were as follows:-

- All requests for relief had to be made in writing;
- If the ratepayer did not provide the required evidence, the Council would reserve the right to either treat the application as withdrawn or to consider the application in the absence of the missing evidence;
- The Council might in any circumstances verify any information or evidence provided by the ratepayer by contacting third parties, other organisations and the ratepayer;
- The authority to decline applications for relief under these provisions would be delegated to the Section 151 Officer;
- If the Section 151 Officer declined an application any appeal would need to be made to the Executive Portfolio Holder; and
- Where the Section 151 Officer decided there was sufficient merit in awarding relief under these provisions, a recommendation would be made to the Executive to decline or award relief. Where it supported the recommendation, the Executive would also need to make the necessary budget arrangements to meet the commitment.

This system of delegation would ensure that proper and consistent consideration was given to all applications and that the financial implications were considered. This was consistent with our approach to dealing with Hardship Relief applications for Business Rates as well as for the corresponding discretionary powers relating to Council Tax.

**Resolved** that:-

- (1) the above policy for considering applications for relief under Section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) be approved; and
- (2) Full Council be recommended to support this decision.

51. **Somerset West Private Sector Housing Partnership – Proposal for a New Local Lettings Agency**

Considered report previously circulated, concerning a proposal to develop a Somerset West Local Lettings Agency (SWLLA) across the three Council partners Sedgemoor District Council, Taunton Deane Borough Council and West Somerset Council.

The Somerset West Private Sector Housing Partnership was a Partnership between the above named Councils to deliver Private Sector Housing Services. The Partnership Manager is the Private Sector Housing Manager for the three Councils, based at Bridgwater.

The use of the private rented stock across the three districts had been an aid to preventing homelessness and was a realistic solution for many types of households. Examples of incentives to private sector landlords already in place included the Deposit Bonds, Landlord Accreditation and Wessex Reinvestment Trust loans to bring empty properties back into use.

The continued use of the private rented sector was facing a new challenge from the proposed EDF Hinkley C Nuclear Power Station. It was estimated that at the peak

construction, around 3,700 of the 5,600 EDF work forces would require accommodation locally.

A mapping exercise undertaken by the Partnership had identified approximately 25,000 private rented properties across the three Council's. 6,428 were in the Taunton Deane area which had seen a growth of approximately 20% in the last two years.

On Homefinder Somerset there were 9,371 applicants awaiting housing across the three Council's, 3,685 (39%) of whom were in the Taunton Deane area. Social housing provides accommodation for 24% of people waiting for accommodation.

At the current rate of social build and taking into account the number of social housing re-lets available, the Partnership had estimated that Taunton Deane would take 5.5 years to clear the waiting list as at May 2012.

The mapping exercise had revealed that single person households represented the biggest percentage (40%) of those waiting for accommodation. The impact of this was already being felt by the Housing Options Team, who were increasingly reporting a lack of supply of accommodation for our most vulnerable clients.

The private rented sector provided an ideal solution for accommodating single people as it was difficult to supply a large percentage of single persons accommodation in the social sector due to the cost of the projects.

It was predicted that the proposed Hinkley C development would have a significant impact on the number of bed spaces available in the private rented sector. The nuclear project is a major long-term project spanning eight years and although this would bring benefits to the community it would occur at a time when the Local Authority would be considering other barriers to the use of the private rented sector including prescriptive welfare reforms involving reduction and restrictions of local housing allowances, the new Localism Act 2011 and Tenure Reforms, a reduction in mortgage lending and a lack of local affordable housing.

To overcome these barriers the Council would have to proactively respond to the anticipated loss of private rented properties by ensuring there was a comprehensive package available to private landlords and prospective tenants, particularly to incentivise landlords to take on the more vulnerable tenants. This would be essential in order to maximise availability and ensure supply was maintained for local residents over the coming years.

A SWLLA would bring the relevant departments together across the three councils to offer a consistent service to landlords, especially those willing to take some of our more vulnerable households. Existing staff would continue to work within their teams and existing budgets would be utilised to improve and refine the services supplied.

The project would aim to secure 2200 bed spaces within the private rented sector by March 2013. This would go some way to offset the impact of demand from the EDF workers and assist with homelessness prevention across the three local authority areas. The benefits of an agency were detailed in the report.

The expected outcomes for the SWLLA included:-

- Early intervention to offer a range of incentives and support for landlords that would build upon the trust between the housing departments and the private rented sector;
- The availability of enhanced Housing Options to private rented sector landlords could be tailored to meet landlords requirements;
- Experienced housing staff working across the districts could offer on-going professional support which was marketed under one umbrella of services irrespective of the district that properties were in;
- The SWLLA could act as a signposting service, working with service providers to deliver a housing management service which complimented the range of services on offer to private sector landlords;
- The agreed range of incentives and services on offer under the umbrella of the scheme would provide links with area regeneration, Anti-Social Behaviour, community cohesion and social exclusion;
- A partnership SWLLA would lower the risk for landlords to accept tenants in receipt of Local Housing Allowance via safe-guards and would capitalise on fast track housing benefit systems already in place; and
- Operational structure – The SWLLA would be able to pull together resources from three local authority areas and respond collectively to national and local demands through monitoring of the scheme and success in rehousing.

An underlying principle of the SWLLA would be that the range of benefits offered to landlords would be consistent across the three local authority areas and would be affordable, with no additional net cost to the Local Authority.

The proposal put forward by the Somerset West Private Sector Housing Partnership was intended to tackle what was likely to become a critical issue for the three Council's over the next five years. The principles of the SWLLA were to:-

- (a) Increase the supply of affordable private rented properties including the use of empty properties across the district;
- (b) Sustain existing and new tenancies particularly for those who were vulnerable;
- (c) Encourage and support good management by landlords in the private sector through a package of measures designed to incentivise;
- (d) Encourage choice of properties from the available stock;
- (e) Consistency across the three partner Councils, removing barriers and complexity so it was easier for tenants and landlords to engage; and
- (f) Prioritise resources between the Councils to where the demand was.

During the discussion of this item, Councillor Hayward pointed out that the Equalities Impact Assessment had not been included with the agenda papers. This would be circulated to Members.

**Resolved** that the proposal to develop a Local Lettings Agency across the three Council partners be approved, subject to approval by the other two partner authorities and also subject to clarification of detailed governance and performance reporting (including financial) arrangements, for agreement by the Leader and Chief Executive .

52. **New Cremators and Mercury Filtration Project – Taunton Deane Crematorium**

Considered report previously circulated, which provided an update on the project to install three new cremators at the Taunton Deane Crematorium along with Mercury filtration equipment.

Emissions from crematoria had been regulated under Part 1 of the Environmental Protection Act 1990 since 1991. However, these controls had not addressed emissions of mercury and the Government had subsequently introduced legislation to deal with this issue.

As a result, Taunton Deane decided to invest in full abatement technology and take the opportunity to install three new cremators.

Following a procurement exercise, a tender was accepted from Facultatieve Technologies (FT) for the supply and installation of the new cremators and mercury filtration equipment. The tender price was £1,020,937.

Reported that the supply and installation of the equipment by FT formed only one part of the project. What was also required was securing the professional services to oversee the project, and appointing a second contractor to undertake the ancillary building works to the structure of the crematory building to facilitate the installation, as FT were not a building contractor.

In the autumn of 2010, Southwest One (SW1) Property Services was appointed to manage the project and an early assessment showed that the alterations required to the Crematorium building would be reasonably straight forward but at an additional estimated cost of £300,000 including fees.

Consequently a capital budget of £1,320,000 for the whole project was agreed.

Further reported that the project was well behind schedule for the following reasons:-

**Contract** – There was a delay in agreeing a contract for the supply of the equipment due to negotiations concerning penalty clauses. FT were reluctant to release full technical details required for design until the contract was signed.

**Provision of technical information** – As the market leader, FT had received many orders as crematoria sought to replace equipment before the statutory deadline for mercury abatement. This had put the company under considerable pressure which, in turn, had meant that they had been slow to provide information regarding technical specifications and works scheduling. This had considerably delayed the design processes of SW1.



**Unforeseen works** – With additional works added through the design stage, the build was now much more technically complex than originally envisaged. Details of a number of changes/issues were submitted which not only impacted on the time required to undertake detailed design, but also had to be reconciled with the work phasing, to ensure the works could proceed in a practical fashion. These changes/issues included roof replacement due to the extensive number of new service penetrations, the increase in the width of the crematory doors to accommodate the installation of the larger machinery and the replacement of existing flue liners due to extensive corrosion.

Evaluation of tenders received for the building project had been completed and the contract for the works was in the process of being awarded. With tenders now received a final project budget could now be agreed.

Due to the additional works required to facilitate the installation of the new equipment, and the additional time required from SW1 professional services on the project, the current assessment of the costs of the project is that it is £73,000 above the approved budget. A request was therefore made for an addition to the project budget that would cover this gap and add an additional £40,000 as a contingency.

The following table summarises costs and commitments.

	£k
Updated Commitments	
Supply and installation of equipment	1,021
Ancillary Works and Professional fees	372
Contingency	40
<b>Total Commitments</b>	<b>1,433</b>
<b>Total Scheme Budget</b>	<b>1,320</b>
<b>Budget Supplement Required</b>	<b>113</b>

It was evident that the current budget approval was not sufficient, therefore for the scheme to continue Full Council would need to approve a recommended budget increase of £113,000.

Reported that the Cremator Replacement and Mercury Abatement Project had been considered by the Community Scrutiny Committee at its meeting on 3 July 2012. Members had been particularly critical of the delays and the increased costs and had recommended the Executive to request the South West Audit Partnership to conduct an independent audit of the management of the project. They had also requested that any report commissioned should be referred back to scrutiny for consideration.

The Section 151 Officer, Shirlene Adam, reported that should the Executive agree this recommendation, discussions would have to take place with the Audit Partnership with a view to adjusting its currently agreed work programme.

**Resolved that:-**

- (1) Full Council be recommended to approve a supplementary budget of £113,000 to be added to the Capital Programme 2012/2013 for the Cremator Replacement and Mercury Abatement Project, funded from revenue resources by a transfer from General Fund Reserves; and
- (2) It be agreed that South West Audit be commissioned to undertake an audit of the procedures undertaken in connection with the project.

### 53. **Financial Outturn 2011/2012**

Considered report previously circulated, on the outturn position of the Council on revenue and capital expenditure for the General Fund, Housing Revenue Account and trading services for 2011/2012.

A key feature of well-regarded Councils was their ability to manage performance effectively. Effective financial management therefore formed an important part of the Council's overall performance management framework

The outturn position reported for the Housing Revenue Account (HRA) and General Fund (GF) contained some estimated figures for Government subsidies on Housing and Council Tax Benefit. These were based on unaudited claims, and it was possible that final figures post-audit could change. Should the final figures differ significantly from those used in this report a further report would be presented to Members giving the updated position on subsidy and the implications for the Council's reserves.

The outturn figures contained in this report were provisional at this stage. The financial outturn would be taken into account when preparing the Council's Statement of Accounts, which was due to be approved by the Section 151 Officer on 29 June 2012, and was then subject to review by the External Auditor. Should the External Auditor identify any changes to the Accounts these would be reported to the Corporate Governance Committee in September 2012.

There had been a number of significant challenges faced by the Council this year, and these had had an impact on the overall financial position for the authority. These included:-

- the continuing economic climate and the recession in the United Kingdom;
- The Coalition Government's approach to tackling the national debt and the resulting impact of reduced funding for local authorities - a 13.2% cut in funding for GF services for this Council;
- The Council had prepared for the move to Self Financing for the HRA, and had had to take on debt of some £85,000,000 in March 2012 to 'buy out' of the national Housing Subsidy system; and
- The Council had implemented restructuring as agreed for the 2011/2012 budget, and had also undertaken further restructuring in March of this year to respond to further financial reductions in 2012/2013.

For a large part of the year, budget managers had been forecasting a net overspend on GF services. At the first quarter a major overspend was projected at £800,000 – largely due to declining income in relation to parking, Planning, Building Control and

Licensing – and action was taken to reduce spending during the year to mitigate this financial pressure.

The projected overspend had therefore been reduced to £313,000 by the third quarter. The projections on parking income had proven to be reasonably accurate in the outturn, however continued spending control, together with better than expected performance on some other income lines, had helped to arrive at a net underspend being reported for the year.

The Council had continued to operate within the framework of its Budget Strategy and the overall financial standing at the end of the financial year was sound. The underspend on the GF Revenue Account meant that general reserves had increased. The Section 151 Officer was due to review the minimum level of reserves in the context of the transfer of risk from central to local government under localism, and the ongoing uncertainty over Government funding levels, and it was feasible that this would lead to a recommendation to increase minimum reserves.

The following provided a summary of the 2011/2012 outturn and reserves position for both GF and HRA services:-

- (1) The 2011/2012 Provisional GF Revenue Outturn was a £535,000 underspend against the Final Budget for the year. A Budget Carry Forward of £86,000 was requested, to be funded by this underspend.
- (2) The GF Reserves balance as at 31 March 2012 stood at £3,337,000. This would reduce to £3,251,000 if the above proposed budget carry forward to 2012/2013 was approved. This was above the minimum reserves expectation within the Council's Budget Strategy, and provided sound financial resilience in view of the continuing financial pressures faced by the Council over the medium term.
- (3) The 2011/2012 GF Capital Programme expenditure for the year amounted to £4,331,000, which was £4,222,000 below the budget for the year. The total slippage of planned project expenditure into 2012/2013 was £4,534,000 and a budget carry forward was recommended for the related schemes.
- (4) The 2011/2012 Provisional HRA Outturn was a £86,000 underspend against the Final Budget for the year. The HRA Reserves balance as at 31 March 2012 stood at £1,355,000, which was above the minimum level set within the 2011/2012 Budget Strategy.
- (5) The HRA was 'self-financing' with effect from 2012/2013, however as the related settlement debt of £85,198,000 was undertaken in March 2012 the expenditure was recognised in the outturn for 2011/2012.
- (6) The 2011/2012 HRA Capital Programme expenditure for the year amounted to £4,132,000, which was £168,000 below budget for the year. The expenditure related largely to the Council's continued investment in maintaining 'Decent Homes' standards.
- (7) The Deane DLO had reported an overall trading surplus of £67,000. A

budgeted contribution to the GF of £101,000 had been made.

- (8) During the year the Deane Helpline had made a net deficit of £118,000, which had resulted in a small overspend of £2,000 against the final budget.

During the discussion of this item, Councillor Ms Lisgo referred to comments she had made at the last Corporate Scrutiny Committee about the Disabled Facilities Grant position shown in Appendix F. Responses had been promised at that meeting but, to date, she had seen nothing on the subject.

The Financial Services Manager reported that a composite reply to several of the queries raised at that meeting had only just been completed and this would be circulated to all Members. He reported the response he had had in respect of the Disabled Facilities Grant.

**Resolved that:-**

- (a) the draft outturn position for General Fund and Housing Revenue Account revenue and capital budgets for 2011/2012 be noted; and
- (b) Full Council be recommended:-
- (i) To transfer the net underspend on the General Fund Revenue Account to General Fund Reserves, and transfer the net underspend on the Housing Revenue Account to HRA Working Balance Reserves;
  - (ii) To approve the net transfer of £258,000 from earmarked reserves for use on General Fund services and capital financing, and £85,000 from earmarked reserves for use on HRA services and capital financing, as set out in the report.
  - (iii) To transfer surplus earmarked reserves of £87,000 to General Reserves as referred to in the report.
  - (iv) To approve a Carry Forward of General Fund Revenue Budget of £86,000 to support expenditure related to Economic Development and Insurance Costs in 2012/2013.
  - (v) To approve the Carry Forward of General Fund Capital Programme Budget totalling £4,534,000 for slippage into 2012/2013.

#### 54. **Medium Term Financial Plan Update**

Considered report previously circulated, which provided an update on the Medium Term Financial Plans for the General Fund and Housing Revenue Accounts.

The Council's current Budget Strategy was approved by Full Council in October 2010. This was written in recognition of the unprecedented levels of uncertainty on the future funding of local authorities and tightening economic conditions.

Under the Strategy a traditional “savings plan” approach had been undertaken in 2011/2012 and, following an extensive Budget Review in 2011, a number of additional savings options were prioritised by Members leading to a balanced budget for 2012/2013.

The need for a more radical and strategic approach still stood, with the Medium Term Financial Plan (MTFP) continuing to show funding pressures over the next five years.

In April 2012, the Strategy Manager reported to Corporate Scrutiny with a proposal to develop a new Corporate Business Plan during the Spring and Summer this year, to replace the current Corporate Strategy. The Business Plan would need to bring together ambitions, future plans, capacity and affordability. The MTFP update provided would enable Members to support the development of the Business Plan with the most currently available financial position for the Council.

Noted that there was a significant amount of uncertainty at this stage with the Council still planning on the basis of a further 20% reduction in funding from central Government over the next two years, in addition to the cumulative 25% cut in formula grant already experienced in 2011/2012 and 2012/2013.

#### **General Fund Revenue Budget Position – Medium Term Financial Plan**

The current forecast position was shown below (excluding parish precepts and special expenses). The gap at the end of the five years had reduced significantly compared to the previous MTFP provided to Members. This was largely due to updated assumptions regarding the Council Tax Reduction Scheme and inflationary increases on income that have not previously been included:-

	2013/1 4 £k	2014/1 5 £k	2015/1 6 £k	2016/1 7 £k	2017/1 8 £k
TDBC Forecast Net Expenditure	11,674	12,969	13,649	14,112	14,526
Forecast Retained Business Rates*	4,779	4,301	4,301	4,301	4,301
Forecast Council Tax Freeze Grant	138	138	0	0	0
Forecast Council Tax	5,740	5,913	6,091	6,275	6,464
Forecast Resources Available	10,657	10,352	10,392	10,576	10,765
Predicted Budget Gap	1,017	2,617	3,257	3,536	3,761

\* *Formula grant*

The general assumptions used to build this forecast included:-

- Basic Council Tax rate would increase by 2.5% annually;
- Tax Council Tax Base, currently 41,216.39 (Band D Equivalents) in 2012/2013, would increase by 0.5% annually (before impact of Council Tax Reduction Scheme);

- Staff pay award would be 1% in 2013/2014 and 2014/2015, and then 2% annually. A vacancy factor of £60,000 based on 0.75% vacancy rate remained within the base budget;
- Employers' pension contributions would rise from the current 17.3% in 2012/2013 to 21.9% in 2016/2017 as per the latest advice from the Pension Fund technical advisor ("Actuary");
- Income from Fees and Charges would increase by an inflationary uplift, which was currently estimated in line with an assumed RPI rate of 3% in 2013/2014 and 2% annually in subsequent years;
- Retained Business Rates, which was expected to replace Formula Grant, reflected previous estimates of a 10% per annum reduction in 2013/2014 and 2014/2015;
- New Homes Bonus Grant of £392,000 per year was included as part of 'mainstream funding' for local services, with any balance above this being set aside in an earmarked reserve; and
- The Council Tax Freeze Grant of £138,000 per year would cease after 2014/2015.

Other assumptions included:-

- The implementation of a local Council Tax Reduction Scheme (to replace Council Tax Benefit) was assumed to be cost neutral at this stage;
- An annual revenue contribution to capital sufficient to fund the existing agreed recurring capital schemes continued; and
- The loss of car parking income due to Project Taunton schemes would take place in 2014/2015.

There was currently a significant amount of uncertainty around the financial position for the Council, which made accurate financial modelling more difficult. The major areas of risk and uncertainty included:-

- **Business Rates Retention:** With the anticipated removal of the Revenue Support Grant element of the formula grant in 2013/2014, work would be undertaken to interpret guidance from the Government to develop a new method for forecasting likely funding.
- **Council Tax Reduction Scheme:** The Council had committed to developing a new local scheme that was affordable reflecting the 10% cut in funding from the Government. However the scheme would be designed during the summer/autumn this year and the financial impact will not be known with certainty for budget setting purposes until December 2012/January 2013.
- **Wider economic factors:** The ongoing state of the national economy brought risk and uncertainty for local services. Together with welfare reform and potential reductions in benefits, the Council could see changes in demand for local services.
- **Local Projects:** When the budget was set in February, a number of projects were highlighted as uncertain in terms of potential costs, such as maintenance of

the Orchard Car Park and The Deane House maintenance and remodelling works.

- **Local Priorities:** The development of a new Corporate Business Plan would provide Members with the opportunity to review local priorities, the impact of which would need to be factored into the MTFP.
- **DLO Transformation:** This was expected to deliver further savings.
- **Community Infrastructure Levy (CIL):** The Council was in the process of developing proposals related to the introduction of the CIL in Taunton Deane.

This could have one off set up costs, and then ongoing income and expenditure implications, but at this stage no estimates had been included within the MTFP.

The table below attempts to show the “sensitivity” of some of the assumptions used and the potential shift in General Fund budget gap should these assumptions change:-

Cost area	Better/Higher Risk	Forecast 2013/14	Worst/Lower Risk
Pay %		0%	1%
Pay value change		-	+£86k
Utilities %	4%	7%	13%
Utilities value change	-£8k	-	+£16k
Government Grant %	-7%	-10%	-12%
Government Grant value change	-£159k	-	+£106k
Council Tax Increase %	3.5%	2.5%	0%
CTax Income Change	-£56k	-	+£139k
Tax Base growth %	0.5%	0%	0%
Tax Base growth value change	-£29k	-	-

Further reported that when the 2012/2013 Budget was approved by Full Council in February 2012, the projected MTFP included a projected budget gap in 2013/2014 of £1,900,000.

A review of the MTFP since February had seen a marked reduction in this gap, largely due to the Council’s decision to commit to developing a Council Tax Reduction Scheme.

The latest estimate of the Budget Gap for 2013/2014 was approximately £1,000,000, as reflected in the MTFP Summary table below:-

		Changes to Base Requirement £'000	Budget Gap £'000
	Budget Gap – 2012/13 Approved Budget		0
A	Removal of one-off items in the 2012/13 Budget	+538	538
B	Estimated net inflation costs and income	+296	834
C	Projected 10% reduction in government funding	+531	1,365
D	Estimated 10% reduction in Council Tax Admin Grant	+80	1,445
E	Estimated council tax with 2.5% rate increase and 0.5% tax base increase	-168	1,277
F	Planned use of earmarked reserves for Growth & Regeneration team costs	-275	1,002
G	End of repayment of Invest to Save schemes	-40	962
H	Other changes	+55	1,017
	<b>Current Projected 2013/14 Budget Gap</b>		<b>1,017</b>

Based on the current forecast for the General Fund MTFP above, and the current provisional outturn position the current General Fund Unearmarked Reserves position was forecast as shown in the following table:-

	2013/14 £k	2014/15 £k	2015/16 £k	2016/17 £k	2017/18 £k
Estimated Balance B/F	3,291	2,274	-343	-3,600	-7,136
Predicted Budget Gap (above)	-1,017	-2,617	-3,257	-3,536	-3,761
<b>Estimated Balance C/F</b>	<b>2,274</b>	<b>-343</b>	<b>-3,600</b>	<b>-7,136</b>	<b>-10,897</b>

### Housing Revenue Account (HRA) – Medium Term Financial Plan

The new HRA 30 Year Business Plan was approved in February 2012, following extensive work undertaken to prepare for the move to Self Financing from April 2012. Through the approval of the Business Plan in February, Members approved the following:-

- Four new strategic objectives for Housing including
  - Securing a long term future for our Housing service;
  - Tackling deprivation and sustainable community development;
  - Investing in our housing stock, regeneration and affordable housing; and
  - Climate change;
- Continuation of the rent policy assuming rent convergence in 2015/2016 and of RPI+0.5% increases thereafter;
- The Council would explore the use of new “Affordable Rents” in developing its plans for affordable housing;
- That the Council would review the potential use of probationary or introductory tenancies in the next 12 months;
- That the Council would explore the use of fixed term tenancies in the next 12 months;



- The principle of allocating affordable funds to a social housing development fund;
- An increase in minimum HRA reserves balance to £1,800,000;
- To take on borrowing from the Public Works Loans Board (PWLB) for the self financing debt, and agree that any surpluses generated by the HRA be used to pay off debt early, providing the HRA with flexibility and headroom to pursue new priorities.

At the time of approving the Business Plan it was recognised that there were some risks and uncertainties, including:-

- (a) Stock condition information: the stock condition validation exercise had highlighted a number of deficiencies in the quality of data held on stock condition, and the Council had undertaken to improve asset management data during 2012/2013 to enable better capital expenditure profiling;
- (b) The Council would need time to be able to deliver the significantly higher capital programme in future years;
- (c) The approach to, and level of funding for, the social housing development fund would be subject to annual review; and
- (d) The Government announced its intention to raise Right to Buy discounts, and had subsequently issued guidance in this regard following consultation.

Reported that at this stage there were no changes to the HRA MTFP as submitted to Members in February 2012. Updates to the MTFP will be considered and reported during the summer, taking into account clarification related to the above risks and uncertainties and any other emerging information related to HRA priorities. The financial strategy included within the HRA Business Plan included the aim of maintaining HRA Unearmarked Reserves at an approximate minimum balance of £1,800,000. The current projected reserves balance, including the provisional outturn for 2011/2012, remained in line with this strategy:-

	Budget 2012/13 £k	Estimate 2013/14 £k	Estimate 2014/15 £k	Estimate 2015/16 £k	Estimate 2016/17 £k
Balance b/f 1 April	1,355	1,842	1,842	1,842	1,842
Net Expenditure in Year	487	0	0	0	0
Balance c/f 31st March	1,842	1,842	1,842	1,842	1,842

### **Capital Programme**

Reported that the existing GF Capital Programme for 2012/2013 was fully funded. Currently unallocated resources for capital were very limited, and projected capital resources assumed the cuts to Government funding for capital in the past couple of years would continue indefinitely.

New priority projects that Members were minded to support would have to be funded from new capital receipts, from new sources of funding (such as the New Homes Bonus), from new borrowing or from revenue.

The Council was anticipating some capital receipts during 2012/2013, including:-

- Mount Street ex-nursery site, Taunton ;
- The former Taunton Youth and Community Centre at Tangier, Taunton;
- Surplus site off Bindon Road, Taunton; and
- Right To Buy sales.

Members were encouraged to start thinking through what new schemes they might wish to support over the coming years to help develop our financial planning. There were likely to be several opportunities over the coming months for Members to influence and shape the future capital programme.

As mentioned above, the Council planned to develop a new Corporate Business Plan for the next three years. The development of this plan was an important step in defining affordable priorities in the medium term, and would need to take into account the financial pressures, risks and opportunities identified within the MTFP.

The draft Business Plan was due to be submitted to the Executive later in the year.

**Resolved** that the latest position on the Council's Medium Term Financial Plans be noted.

55. **Potential Relocation of Council Depot and Disposal of the Priory Way Site, Taunton**

Considered report previously circulated, concerning the potential relocation of the Council's Depot and the proposed marketing of the site at Priory Way, Taunton.

The site covered approximately 3.85 acres in total, which included approximately 0.2 acres currently occupied by three emergency housing accommodation units. The whole site would be subject to any marketing process, meaning that alternative provision would be required for these units.

The potential relocation of the Council's depot had originally been put forward as part of the DLO Transformation Plan, approved in August 2011. A business case for relocation was to be considered in 2012/2013 for a potential relocation in 2013/2014.

Keen interest from a number of local businesses in the depot site had challenged the Council to consider early disposal of the site to further its economic development aspirations, raising potential conflicts with the approved plan and the timetable for DLO transformation.

At this stage, a number of options for depot relocation were being looked at including:-

- 'Squeezing up' operations on the current site, releasing the more visible (and valuable) part of the site adjacent to Priory Way for disposal. This option would also leave open the possibility of a phased withdrawal at a later date, releasing the remainder of the site for disposal;
- Relocating all operations to a suitable site elsewhere; and

- Spreading Deane DLO operations across a number of sites.

This subject was discussed in detail by the Corporate Scrutiny Committee at its meeting on 24 May 2012. In weighing up the potential risks and benefits involved, the Committee recommended to the Executive that:-

- (i) the DLO should be supported in its ongoing transformation; and
- (ii) a marketing exercise of the current depot site should be undertaken.

The view of the Corporate Scrutiny Committee was that the result of any marketing exercise would establish the value of the depot site and provide an important context for considering the business case for potential depot relocation.

Reported that marketing exercise would take between 8 weeks and five months to complete, depending on the Council's appetite to test the market. Therefore, assuming that marketing activity started in August 2012, bids for the depot site would be expected by January 2013 and potentially earlier.

The Planning and Development Manager had previously advised that a car dealership option would be an appropriate future employment use of this site, with other potential higher value uses (such as food and retail) not being suitable due to the detrimental impact on the Town Centre. Other uses of the site might nevertheless be acceptable in planning terms and these would need to be assessed by the Council on financial, planning and regeneration merits.

As mentioned above, relocation options were being explored as outlined and, together with Southwest One, potential depot sites being considered to establish the costs, advantages and disadvantages associated with these options.

Additional project management support would be required on a temporary basis to assist with different elements of the DLO Transformation Plan, which risked being adversely affected by the need to focus time and effort on the potential relocation.

Submitted for the information of the Executive details of what were considered to be the key risks associated with the relocation of the depot.

If the marketing of the depot site was approved, it was proposed that a senior responsible group of Members be established to oversee the process at key stages, consider any bids and advise the Executive and Full Council on potential depot disposal and relocation options. The proposed Member group would comprise:-

- The Leader of the Council;
- The Leader of the Liberal Democrat Group;
- The Portfolio and Shadow Portfolio Holders for Economic Development and Property; and
- The Chairman of the DLO Transformation Members Steering Group.

Noted that Priory Depot was the place of work for 35 office-based staff and a workforce of approximately 130. Any relocation would have potentially significant

human resource implications, and the views of staff affected would be sought at every stage.

**Resolved** that:-

- (i) The DLO be supported in its continuing transformation;
- (ii) Full Council be recommended that the marketing of the depot site be proceeded with; and
- (iii) Full Council be also recommended to approve the establishment of a senior responsible group of Members to oversee the marketing process, as set out above.

56. **Executive Forward Plan**

Submitted for information the Forward Plan of the Executive over the next few months.

**Resolved** that the Forward Plan be noted.

(The meeting ended at 7.34 pm.)

# Taunton Deane Borough Council

**Executive - 8 August 2012**

## **Adoption of the Taunton Deane Core Strategy**

### **Report of the Policy Lead Officers**

(This matter is the responsibility of Executive Councillor Mark Edwards)

#### **1. Executive Summary**

This report proposes the adoption of the Taunton Deane Core Strategy as part of the statutory development plan for the Borough. The plan itself has been prepared over a number of years and is underpinned by a comprehensive evidence base.

The plan was subject to independent scrutiny by a Government appointed Planning Inspector in early 2012. The Inspector has recently issued his binding Inspector's Report which recommends adoption of the plan subject to the incorporation of a number of 'Main Modifications' required to make the plan sound. These modifications have been advertised and consulted upon with the Inspector considering these responses before issuing his final report.

Adoption of the plan as part of the statutory planning framework will mean that the document forms a key part of the decision-making process in future planning applications.

#### **2. Background**

- 2.1 The Taunton Deane Core Strategy has been prepared over a number of years. The document sets out a long-term strategic vision and spatial policies to guide planning decisions in the Borough over the period up to 2028.
- 2.2 Initial public consultation on the Core Strategy took place between February and May 2006. In January and February 2010 there was consultation under Regulation 25 on the Core Strategy and Small Sites Development Plan Document. A report summarising the Consultation

Response and the Council's consideration of these responses was published in December 2010.

- 2.3 The Published Plan Core Strategy was agreed by Full Council on 15 June 2011. This document was then published for formal representations by members of the community and key stakeholders. The Plan (and the comments received on the Published Plan) were then submitted to the Secretary of State and Planning Inspectorate in Autumn 2011.
- 2.4 The Taunton Deane Core Strategy Examination opened in February 2012. Whilst there were only 3.5 formal sitting days, the examination itself, only technically closed upon the Council's receipt of the Inspector's Report on 3 July 2012.
- 2.5 Over the period February – July the Inspector considered the issues raised in representations and made verbally at the hearing sessions. This included the need for any 'Main Modifications' which he considered necessary in order for the plan to be considered 'sound' and recommended for adoption. In addition, a number of further consultations were held to address the publication of new national planning policy such as the National Planning Policy Framework.
- 2.6 At each stage in the process, the Core Strategy has been accompanied by a Sustainability Appraisal. This appraisal ensures that the Council has considered potential policy directions and options and that the sustainability implications of the preferred options have been taken into account in plan-making.
- 2.7 On 23 July 2012 Community Scrutiny recommended that Executive recommend formal adoption of the Taunton Deane Core Strategy 2011-2028, incorporating the Inspectors recommended modifications, to Full Council.

### **3. Full details of the Report**

- 3.1 The Taunton Deane Core Strategy Inspector's Report was received on 3 July 2012 (a copy of the document is appended in Appendix 1). This report identifies a number of main modifications outlined below:
  - Clarifications to policy CP3 to define the geographical extent of town centres and the operation of the 500 m<sup>2</sup> threshold for impact assessment;
  - Additional text following policy CP4 to set out the process for advancing sites into the five-year housing land supply;
  - Removal of a reference in policy CP7 to an interim policy pending the introduction of a CIL charging schedule;
  - Amendment to policy SP1 relating to housing allocations in minor rural

centres to allow greater flexibility;

- Numerical corrections to housing provision figures in policies SP4 and SS1;
- Removal of the requirement for the allocation of strategic housing sites within the identified 'broad locations' (policies SS6 and 7) to await a Core Strategy Review in 2016 and substitution of reference to allocation in the Site Allocation and Development Policies DPD by 2015 and
- Re-wording of policy SS8 (Broad location for Taunton Strategic Employment) to provide a clear criterion-based context for site identification in a future DPD
- In addition a new policy (SD1) is introduced as a main modification to ensure that the plan properly reflects the presumption in favour of sustainable development introduced in the National Planning Policy Framework

3.2 The incorporation of the changes outlined mean that the Plan can be considered sound and capable of adoption in accord with Section 20(5) of the 2004 Planning and Compulsory Purchase Act.

3.3 Only two other Local Planning Authorities: Central Lancashire and Barnet have received a sound verdict following the Government's recent changes to planning policy set out in the National Planning Policy Framework. It is particularly significant that the Inspector has considered the Plan sound and "*broadly consistent*" with national policy.

3.4 The NPPF makes clear that existing plans may only be given full weight for 1 year following the Framework's publication. Since the Core Strategy post dates the Framework and has been considered broadly consistent with national policy, the ability for objectors to argue that the Plan should be afforded more limited weight in decision-making beyond March 2013 is therefore limited.

3.5 Should Members resolve not to adopt the Plan, they should be advised that there would be no up-to-date development plan to provide the framework for decision-making in Taunton Deane beyond the Taunton Town Centre Area Action Plan. The Taunton Deane Local Plan which the Core Strategy supersedes, in part, is technically time-expired (it runs from 1991 – 2011) although a number of its policies have been saved by Secretary of State Direction. In such circumstances decision-making may therefore take place in a policy vacuum with only the Government's National Planning Policy Framework to guide decision-making.

3.6 Officers have now prepared a Core Strategy document for adoption. This Plan (available through the Members' Portal) incorporates the Main Modifications listed above as well as a series of more minor amendments

that do not affect the soundness of the document.

- 3.7 In addition to the Core Strategy itself, an updated proposals map must also be adopted alongside the Plan. The Proposals Map reflects the policies and provisions of the Published Plan Core Strategy and is unaffected by the Main Modifications.
- 3.8 Following adoption of the Core Strategy, Officers will recommence work on the next Development Plan Document. This Plan is likely to encompass further site allocations as well as more detailed development management policies which further help to guide the decision-making process and help to ensure sufficient land is available for development.
- 3.9 There is likely to be significant further work required to support this next Plan and this will include strategic masterplanning of both Comeytrove/Trull and Staplegrove and identification of a second strategic employment site for Taunton.

#### **4. Finance Comments**

- 4.1 The Core Strategy and its growth agenda will help to deliver inward investment into the Borough. The Government's New Homes Bonus scheme rewards new housing completions by matching Council Tax on additions to housing stock over a six year period.

#### **5. Legal Comments**

- 5.1 Upon adoption, the Core Strategy will form part of the Statutory Development Plan for the Borough. As such it will be the starting point for the determination of many future planning applications. Upon adoption, the Plan will be subject to a six week statutory legal challenge period.

#### **6. Links to Corporate Aims**

- 6.1 The Core Strategy, its policies and proposals link directly and indirectly to all of the Council's Corporate Aims:
  - Tackling deprivation;
  - Regeneration;
  - Affordable Housing; and
  - Climate Change

#### **7. Environmental Implications**

- 7.1 The Core Strategy contains policies on climate change, the environment, mixed use development in sustainable locations to minimise the need to travel and maximise opportunities for public transport, cycling and walking, the use of resources and sustainable design. A Sustainability Appraisal has been carried out on all the objectives, policies and proposals of the Core Strategy.



## **8. Community Safety Implications**

- 8.1 The Core Strategy contains a policy on inclusive communities which addresses the needs of particular groups and areas of deprivation and seeks to reduce crime and the fear of crime as well as incidences of antisocial behaviour; reduce social inequalities and disadvantage; and protect and enhance the supply of community facilities and local services.

## **9. Equalities Impact**

- 9.1 An Equalities Impact Assessment of the Core Strategy has been carried out and published alongside the Published Plan Core Strategy document.

## **10. Risk Management**

- 10.1 The Core Strategy is a high priority in the Growth and Development Service Plan. It is also recognised as a significant risk in the Corporate Risk register.

## **11. Partnership Implications**

- 11.1 Whilst the Core Strategy has been prepared by Officers of this Council and approved by its Members, its policies and proposals will only be delivered in partnership with key stakeholders, the development industry and our communities.

## **12. Recommendations**

- 12.1 Members of the Borough Council's Executive are requested to recommend formal adoption of the Taunton Deane Core Strategy 2011-2028, incorporating the Inspectors recommended modifications, to Full Council.

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# **Report to Taunton Deane Borough Council**

**by John R Mattocks BSc DipTP MRTPI FRGS**

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

**Date 3 July 2012**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE TAUNTON DEANE CORE STRATEGY  
2011-2028**

**DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 14 November 2011

Examination hearings held between 7 and 10 February 2012

File Ref: PINS/D3315/429/5

## Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
AHVA	Affordable Housing Viability Assessment
CIL	Community Infrastructure Levy
CS	Core Strategy ('the plan')
DPD	Development Plan Document
HMA	Housing Market Area
HRA	Habitats Regulation Assessment
IDP	Infrastructure Delivery Plan
IRS	Interim Release Site
LDD	Local Development Document
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework also 'The Framework'
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SADM	Site Allocations and Development Management DPD
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SES	Strategic Employment Site
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SSCT	Strategically Significant Cities and Towns
SUE	Sustainable Urban Extension
TDBC	Taunton Deane Borough Council ('the Council')
The Framework	The National Planning Policy Framework

## **Non-Technical Summary**

This report concludes that the Taunton Deane Core Strategy Development Plan Document provides an appropriate basis for the planning of the Borough over the period to 2028 providing a number of modifications are made to the plan. The Council has specifically requested that I recommend any main modifications necessary to enable them to adopt the Plan. Several of the modifications to address this were proposed by the Council, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

A small number of relatively limited main modifications are required. These are summarised as follows:

- Clarifications to policy CP3 to define the geographical extent of town centres and the operation of the 500 m<sup>2</sup> threshold for impact assessment;
- Additional text following policy CP4 to set out the process for advancing sites into the five-year housing land supply;
- Removal of a reference in policy CP7 to an interim policy pending the introduction of a CIL charging schedule;
- Amendment to policy SP1 relating to housing allocations in minor rural centres to allow greater flexibility;
- Numerical corrections to housing provision figures in policies SP4 and SS1;
- Removal of the requirement for the allocation of strategic housing sites within the identified 'broad locations' (policies SS6 and 7) to await a Core Strategy Review in 2016 and substitution of reference to allocation in the Site Allocation and Development Policies DPD by 2015 and
- Re-wording of policy SS8 (Broad location for Taunton Strategic Employment) to provide a clear criterion-based context for site identification in a future DPD
- In addition a new policy (CP1) is introduced as a main modification to ensure that the plan properly reflects the presumption in favour of sustainable development introduced in the National Planning Policy Framework

## Introduction

1. This report contains an assessment of the Taunton Deane Core Strategy Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers whether the DPD is sound and whether it is compliant with the legal requirements. As the plan was submitted before the Localism Act 2011 came into effect section 33A of the 2004 Act, in respect of the duty to co-operate, does not apply.
2. It is stated in paragraph 182 of the Framework that to be sound, a plan should be positively prepared, justified, effective and consistent with national policy. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for the examination is the draft Core Strategy submitted on 14 November 2011, which is the same as the document published for consultation on 8 July 2011.
3. The report deals with the main modifications that are needed to make the DPD sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested, by letter dated 25 January 2012, that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. Where these were identified at hearings sessions they were discussed and the wording agreed with the Council.
4. On 9 March 2012 the Council were sent a list of the main modifications which were then under consideration. However, before the modifications were finalised it was requested that they be made available for public inspection with an opportunity of representations to be made on them under the same arrangements as the published plan. This consultation was undertaken by the Council between 15 March and 25 April 2012 inclusive.
5. As indicated below, this initial consultation overlapped with the issue of the National Policy Planning Framework ('the Framework') on 26 March 2012. A letter, dated 6 April, was sent to all representors giving them an opportunity to indicate whether the issue of the Framework would, in their view, materially affect the soundness of the submitted Core Strategy. They were also invited to comment on the implications of the Planning Policy for Traveller Sites for the Strategy. The responses received by 8 May 2012 have been taken into account in this report. In addition, on 17 April, a letter was sent to the Council asking them to produce a topic paper to provide an update on the five-year housing land availability position in the light of paragraphs 47 and 48 in the Framework. This paper was issued on 14 May for consultation ending on 8 June. The representations received in response to the topic paper have also been taken into account.
6. On 27 April 2012 a letter was sent to the Council enclosing a further proposed main modification put forward as a model policy dealing with the presumption in favour of sustainable development, to accord with paragraph 15 of the Framework. The Council were asked to consult on this with a closing date of 1 June 2012. All consultation responses received within the set timescales have been taken into account in this report. The final list of main modifications is contained in the appendix to this report.

## Assessment of Soundness

### Preamble

7. At the time the plan was submitted the Government had published a draft of a proposed National Planning Policy Framework for consultation. This is referenced in a number of representations and, where relevant, was discussed during the hearings. On 27 March 2012 the final version of the Framework came into effect and it replaces the series of Planning Policy Statements (PPSs) and Guidance (PPGs) to which reference is made in the submitted plan. In addition, on the same date, the Government published a Planning Policy for Traveller Sites.

### Main topic areas

8. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings 12 topic areas have been identified upon which the soundness of the plan depends. These are assessed in turn.

### Topic Area 1 – The relationship with the Regional Spatial Strategy and the robustness of the employment-led approach taken in the Core Strategy

#### *The relationship with the Regional Spatial Strategy*

9. The statutory Regional Strategy (RS) for South-West England is Regional Planning Guidance (RPG) 10 but that 2001 document is significantly out-of-date. It would not be realistic to relate this plan to it. The 2006 draft Regional Strategy (dRS) intended to replace RPG10 has not been approved by the Secretary of State. In his decision on the Binhamy Farm, Bude, appeal<sup>1</sup> the Secretary of State has clarified that the 2008 Proposed Changes document has "been abandoned in the light of the intention to revoke regional strategies" and states that he considers it should not be given weight as a material consideration in its own right. However, the technical evidence that supported the dRS remains material to the assessment of the soundness of the Core Strategy (CS). The implications of this for the overall housing provision in the plan area are discussed under topic area 4 below.
10. This CS seeks to carry forward some of the important principles behind the dRS. It is a plan for growth in line with the ministerial statement *Planning for Growth*. The plan provides for a significant expansion of the Taunton Urban Area in terms of both housing and employment development with the associated population growth. The town is identified in the dRS as one of a number of "Strategically Significant Cities and Towns" (SSCTs). In paragraph 4.2.58 of the dRS it is stated "Realising the economic potential of Taunton, and

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<sup>1</sup> Appeal reference: APP/D0840/A/09/2115945, Paragraph 17.

developing its role as the major business, commercial, educational, service and cultural centre at the geographical centre of the South West region is at the core of the Strategy for the area." This growth philosophy is echoed in the CS Vision for the Borough, Strategic Objective 2 and Policy CP2 and more specifically in the Vision for Taunton and Policy SP2. In that regard, the plan has been positively prepared.

*The robustness of the employment-led approach*

11. Economic forecasting is always fraught with uncertainty, no more so than in the current global financial climate. Nevertheless, the forecasts and methodology used in the 2010 Roger Tym study<sup>2</sup> and 2011 update<sup>3</sup> have not been seriously challenged. They are based upon an assumed growth rate of 2.8% per annum GVA against the 3.2% assumed for the dRS, but it would not be realistic now to assume any speedy return to past growth rates. Growth of 2.8% is, perhaps, optimistic in the short term but given the past economic strength of the sub-region not an unreasonable assumption for the plan period. The analysis which forms the foundation for an assumed net gain of 11,900 jobs 2006-2028 is robust and represents a sound basis for the plan.
12. The Council acknowledge that the LPA cannot have any control over where people choose to live relative to their work and therefore cannot directly control commuting patterns. However, it is a laudable objective to seek to maintain the degree of self-containment hitherto experienced in the Borough. It remains national policy to seek to reduce the need to travel (by means other than the private car) and achieving a balance between employment and housing growth is an important element in planning for a sustainable pattern of development. There are innumerable factors which influence job generation with many jobs not requiring land; self-employment has become of increasing importance but is less easy to monitor. Although the concept of an employment-led strategy requires monitoring by the Council with a view to taking corrective action at plan review<sup>4</sup>, there is sufficient flexibility within the strategy to ensure that a balance is maintained. It is concluded that the employment-led approach to the Core Strategy is based on soundly researched evidence.

**Topic Area 2 – Employment land provision and the identification of strategic employment sites**

*Employment land provision (quantitative supply)*

13. With an employment-led strategy it is essential that the plan provide a sufficiently wide 'portfolio' of sites to ensure that there is no constraint, through land availability limitations, on the delivery of suitable sites for business

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<sup>2</sup> EB/ECON3

<sup>3</sup> EB/ECON4

<sup>4</sup> As recommended in paragraphs 6.14 and 15 in the Roger Tym report (EB/ECON3)

development in sustainable locations. The updated Roger Tym study<sup>5</sup> has established that the Borough-wide supply is sufficient in quantitative terms although it identifies an imbalance towards Wellington compared to the recommended 80/20 split between Taunton and the rest of the Borough. The study forms a sound basis for the land and floor space requirements of policy CP2. Allocations at the strategic sites at Monkton Heathfield and Nerrols provide for an additional 23.5 ha. to meet the required additional provision within the Taunton Urban Area with the likelihood of smaller sites being identified in the Site Allocations DPD. Policy SS1 makes provision for the long term development of an additional 10 ha. of land for B class uses at Walford Cross. The land does not count towards identified employment land supply but it does provide a contingency, subject to infrastructure constraints.

*The identification of Strategic Employment Sites (qualitative provision)*

14. Despite the quantitative supply, several reports<sup>6</sup> have identified the need to ensure the provision of higher quality sites to attract new employers and there is anecdotal evidence of companies going elsewhere due to a lack of suitable sites. There is strong support from the local business community for an improvement in the quality of available sites. In that context policy SS5 allocates a strategic employment site at Chelston, Wellington. This site has had past permission as a livestock market and is well located relative to the M5 to provide for a single user or for the relocation of a major local employer as identified in Policy SP3: Wellington Spatial Policy. The policy is sound in so far as the site is not regarded as generally available but reserved for one single use occupier.
15. With the focus of the strategy on Taunton as the SSCT it is the town centre where major retail and office (B1a) development is to take place. That is a sound approach. Otherwise, it might be expected that any strategic employment site would be well located relative to the areas identified for future housing development. The work with the business community points strongly towards a qualitative need for the identification of a strategic employment site, with support from the Heart of the South West Local Enterprise Partnership<sup>7</sup>. This is the main justification for Policy SS8. However, as stated in the policy itself, there is no evidence at the present time to support a specific allocation despite the strategic nature of the proposal. It is not a true policy in the sense that it is simply a statement of intended action in the period to the next plan review in 2016. To that extent it is not sound. However, a modification to refer to the quantitative need and to provide criteria for site allocation through a subsequent DPD is recommended. In response to representations on the draft modification, the council have clarified that it is their intention to deal with the matter in the 'next Local Plan' which, according to the current LDS, is the Site Allocations and

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<sup>5</sup> EB/ECON4

<sup>6</sup> EB/ECON 3, 7-10

<sup>7</sup> Letter of support from the LEP submitted with Council's statement for Matter 1



Development Management DPD. **(MM 10)** Consequential amendments to the justification are a matter for the council.

16. A location for a strategic site to the east of the M5 off the A358 is but one possibility although the Highways Agency have made their reservations clear with regard to intensified use or improvements to motorway Junction 25. Despite this, to include a statement within the plan that the motorway should be regarded as a long term development boundary would not be sound as it would reduce flexibility. It is also unnecessary as policy SP1, replacing Local Plan policy T1, does not alter the Taunton Urban Area boundary.

**Topic Area 3 – The scale of retail provision in Taunton Town Centre and the threshold for impact assessment; the definition of town centre boundaries, the primary shopping areas and primary and secondary frontages.**

*The scale of retail provision in Taunton town centre*

17. The council have clarified that the figures given under policies CP3 and SP2, for Taunton, represent the most up-to-date available derived from the Roger Tym retail study<sup>8</sup>. This evidence supersedes that undertaken for the Taunton Town Centre AAP adopted in October 2008<sup>9</sup>. Although reservations have been expressed in relation to occupier demand no evidence has been produced to challenge the Roger Tym assumptions or calculations of floorspace requirements to 2028. It is a sound approach to envisage that the allocations made in the AAP will be subject to review through the Site Allocations and Development Management DPD (SADM) which is shown in the Local Development Scheme (LDS) as due for further consultation in September/October 2012. It is also in that DPD that it is appropriate to include more refined monitoring measures including 5 year milestones to accord with the extant PPS4 best practice guidance.

*The threshold for impact assessment*

18. The guidance paragraph 26 of the Framework is that local authorities should set size thresholds above which proposals for town centre uses should be the subject of an impact assessment; the 2500m<sup>2</sup> threshold is now a 'default'. The Roger Tym report<sup>10</sup> sets out the justification for the application of a local threshold of 500m<sup>2</sup>. It is soundly based.
19. However, criterion c. of CS Policy CP3 requires an impact assessment for all proposals above the threshold. While it was indicated in Policy EC16.1e of PPS4 that an assessment might be applied to proposals *in* town centres *if* they were also 'not in accordance with an up-to-date development plan' paragraph 26 of the Framework now states only that impact assessments may be required

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<sup>8</sup> EB/LR8-11

<sup>9</sup> SD15

<sup>10</sup> EB/LR8 paras. 9.67-83

for retail, office or leisure development out of town centres. This represents a change in national policy.

20. If a site is within a town centre, then even should it not be allocated for a town centre use it cannot have an adverse effect on the vitality or viability of the town centre taken as a whole. The policy as submitted is not consistent with this policy approach nor does the Roger Tym work justify a different approach in Taunton Deane. For the policy to be sound, a main modification (**MM 01**) is required to provide for an impact assessment only for proposals on edge or out-of-centre sites.

*The definition of town centre boundaries, primary shopping areas and primary and secondary frontages*

21. The council were influenced in their approach to the definition of town centre boundaries and retail designations by the advice in the then policy EC3.1c of PPS4 that the extent of such areas should be shown on the Adopted Proposals Map. This is stated in CS paragraph 3.48. The Framework does not refer to the Proposals Maps although the third bullet point in paragraph 23 carries forward the advice that local plans should define the extent of town centres and primary shopping areas. However, this is a Core Strategy which would not be expected to include site-specific detail requiring amendments to the Adopted Proposals Map, although the strategic importance of Taunton town centre as a retail centre justifies its inclusion, along with Wellington, in order to define the areas to which policy CP3 applies.
22. The issue is complicated by the fact that the Proposals Map submitted with the Core Strategy is not restricted to showing the changes which would result from the adoption of this DPD<sup>11</sup>, indeed there is an error on the inset map key, so it is not immediately apparent that the town centre boundaries for Taunton and Wellington are being defined for the first time. This element of unsoundness is remedied by a main modification (**MM 02**) amending the wording of paragraph 3.48 to clarify the plan.
23. The submitted Proposals Map also shows the Primary Shopping Area and primary and secondary frontages but there is no policy in the CS which relates to these, including the strategic development management policy section. The only reference is in paragraph 3.48 which suggests that the boundaries shown on the Proposals Map are of an interim nature pending review through the Development Management DPD. This was not, therefore, correct procedurally. The modification of paragraph 3.48 as referenced above removes reference to primary and secondary frontages and leaves the matter for a subsequent DPD. Such an approach is not inconsistent with paragraph 23 of the Framework.

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<sup>11</sup> See section at the end of this report on compliance with the Local Plan Regulations.

#### **Topic Area 4 – The overall plan requirement for housing to 2028 and its distribution; phasing, the five-year housing land supply and flexibility of provision in years 6-15; policy on affordable housing provision**

##### *The overall plan requirement for housing to 2028*

24. As discussed above it is no longer realistic to base the scale of housing development in Taunton Deane on the higher growth rates assumed at the time of the Regional Strategy examination in 2007. More up-to-date ONS population projections are also significantly lower. Instead, the Council commissioned their own study of housing requirements<sup>12</sup> with an important input from a survey of actual household movements to and from the district undertaken as part of the SHMA<sup>13</sup>. It takes account of a wide range of demographic factors but the main impetus in Taunton Deane is the projected job growth, which influences migration flows. The study, with an update to extend the period to 2028<sup>14</sup> (16 years from the likely adoption date), represents a sound basis for the housing provision in the plan which happens to be very close to the figure for 2006-26 included in the submitted draft Regional Strategy.
25. The actual estimate of the Borough-wide housing requirement 2008-28 is 16,278 dwellings but that does not include an additional 1760 units of "specialist accommodation". There are those who argue that this should be added to the overall plan provision making it 18,000 dwellings, or 18,500 with additional provision in major villages (see below). Although there is no firm basis for discounting the 1760 related to "commuting neutrality", it is correct that there must be a considerable degree of uncertainty about the housing intentions of older people<sup>15</sup>. As stated in paragraph A11 of the Fordham addendum, the need for specialist housing should not merely be added to the market and affordable requirement. Specialist housing will need to be provided to meet demand irrespective of the overall plan provision which is expressed as "at least" with no intention to artificially constrain development. It is a matter for monitoring. In view of this, the plan provision to 2028 is sound.

##### *The distribution of new housing in the Borough*

26. In line with the employment-led strategy the major component of new development is in Taunton with 9500 of the 11900 new jobs and 13000 of the 17000 new dwellings. This is followed by Wellington with 2500 new dwellings. These figures are given in policy SP1 but not that for the "rest of the borough" which is stated in policy SP4 to be 1000. This was an error as recognised by

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<sup>12</sup> Locally based housing projections: 2008-2026, Fordham Research, EB/HOU5

<sup>13</sup> EB/HOU3

<sup>14</sup> Addendum, Fordham Research, EB/HOU6

<sup>15</sup> Housing and Older People Study, ALD25

the council at submission. The figure should have been 1500, as was analysed in the Sustainability Appraisal (SA).

27. There is no evidential support for a figure as low as 1000. On the contrary it is argued that the rural provision should be 2000 dwellings on the basis that 30% of the Borough's population is housed outside Taunton and Wellington with close to 12% in the major and minor rural centres, as well as the potential availability of suitable sites. However, an option for a higher level of dispersal towards rural settlements was evaluated at the "Issues and Options" stage SA<sup>16</sup> and found to be less sustainable than the chosen strategy. The fundamental emphasis of the strategy is to focus housing development where there is the greatest opportunity for access to work and support facilities by sustainable transport modes, an approach which remains consistent with guidance in the Framework<sup>17</sup>. There is no evidence that the planned level of housing provision in the rural centres would reduce their sustainability. There is also adequate flexibility to allow local needs to be met, including affordable housing, within the terms of policy SP4. Neighbourhood Plans may well play a positive role. A 1500 dwelling figure for the 'rest of the Borough' would be sound (1000 is not).
28. As the plan was submitted with a figure of 1000 given in the third bullet point under policy SP4, even though it is an error, the plan is unsound without main modification **MM 06** correcting the figure to 1500.

### *Phasing*

29. It is argued that the differential rates for housing development over the periods 2011-6; 2016-21 and 2021-28 set out in policy CP4 represent an unreasonable restriction on housing supply, particularly in the context of the Framework policy to ensure continuous delivery of land for housing for 15 years from plan adoption, with special emphasis on identifying a rolling five year supply. The phasing represents a stepping up of completion rates from 700 dwellings a year over the first five year period (3500) to 900 in the second (4500) and just over 1070 for the final 7 year period (7500)<sup>18</sup>. The latter is "challenging" compared to past trends or a 'flat rate' of 850 per year for 20 years (2008-28). The AMR 2011<sup>19</sup> shows 1353 completions over the 3 years 2008-11, just over 450 dwellings a year.
30. This is not a policy phasing in the sense that it represents an intention to control development, for example to keep pace with infrastructure delivery. As clearly stated in paragraph 3.57 of the plan it is not a cap but a minimum to be achieved. There is a convincing argument that the currently lower level of economic growth, reflected in lower housing completions, is likely to continue

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<sup>16</sup> Sustainability Appraisal of Regulation 25 consultation, CD10, option six

<sup>17</sup> Paragraphs 54 and 55

<sup>18</sup> These figures assume 1500 completions 2008-11. The actual figure is 1426.

<sup>19</sup> ALD23, Table 4.1

for some time. The strategy has to be realistic. Examination of the council's housing trajectory reveals a significant dependence during the first five year period on sites already with planning permission in accordance with existing plan policies. The lead-in time for the large urban extensions, especially for Taunton, which will be brought forward through the strategy, is considerable. At Monkton Heathfield, although development of the existing local plan commitment has now commenced, development on the land allocated through the Core Strategy is unlikely before 2015 even in the developers' estimation.

31. The sub-division of the plan period is but a realistic estimate, based on current data, of how long it may be expected for development momentum to develop. It does not render the plan unsound in that regard.

*Measures to ensure a continuous five-year supply of land for housing*

32. The inclusion of a lower estimate for housing completions during the early part of the plan period has the effect of reducing the number of deliverable sites which have to be identified from the Strategic Housing Land Availability Assessment (SHLAA) in order to ensure a five-year supply of land for housing. However, the suggestion that this is simply a means to side step the consequences in terms of the Framework<sup>20</sup> is unjustified. The council accepted that the 2011 SHLAA identified deliverable housing sites equivalent to 4.73 years supply using the criteria developed under PPS3 guidance. Some submit that the supply is lower but significant weight is attached to the SHLAA evidence. The site-specific detail which underlies the assumptions and calculations of supply is more appropriately a matter for debate in another forum.
33. As indicated at the start of this report, the National Planning Policy Framework was finalised at a rather later stage in the examination of this plan. It strengthens the need for councils to ensure that the evidence base identifies "a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements"<sup>21</sup> The Framework also states that an additional buffer of 5% should be provided unless there has been "a record of persistent under delivery of housing" when the buffer should be 20%<sup>22</sup>.
34. In the supplementary topic paper produced by the council to deal with the issues arising from this guidance they have re-evaluated the SHLAA evidence taking account of the revised advice on the treatment of windfalls.<sup>23</sup> There is no doubt that such sites have become consistently available and the evidence demonstrates that they will continue to provide a reliable source of supply; nothing in the consultation responses significantly undermines that position. The calculation put forward excludes residential garden land. On that basis the

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<sup>20</sup> Paragraph 49 in the Framework

<sup>21</sup> Quote from paragraph 47 in the Framework

<sup>22</sup> Paragraph 47, second bullet point

<sup>23</sup> Paragraph 48 in the Framework

windfall contribution of 384 dwellings may be added to the 2011 SHLAA figure. However, the 2011 SHLAA must remain the base. It is not appropriate to make formal additions to the arithmetic of supply when further permissions are granted because this is an annual review process. On that basis, measured against the five year requirement 2012-17 of 3775 the supply (3572+384=3956) represents 5.24 years supply, acceptably close to the 5% buffer when it is considered that further permissions have been granted since April 2011.

35. The evidence on past housing provision against the requirements of the Somerset County Structure Plan is that between 1998 and 2011 the annualised requirement of 522 dwellings was exceeded only in 4 years<sup>24</sup> and by March 2011 only 93% of the pro-rata provision had been achieved. This might reasonably be considered as 'persistent under provision', in which case the guidance in paragraph 47 of the Framework would suggest that a 20% buffer should be required.
36. Nevertheless, it is necessary to consider the circumstances behind the under-provision which has occurred to understand what the implications might be should such additional housing land need to be identified now. Firstly, the Taunton Deane Local Plan (2004)<sup>25</sup> identified a requirement for a 1000 dwelling urban extension in the Monkton Heathfield area as a significant proportion of the planned housing provision with 850 dwellings proposed for 'phase 2', after 2006. Bearing in mind that, although permission has been granted, development has only recently commenced owing to the particular constraints which need to be overcome and, latterly, the downturn in market expectations, the delivery of 93-94% of the overall requirement is a notable achievement. This Core Strategy facilitates continuation of the growth agenda; it has been positively prepared.
37. Secondly, the Core Strategy is a strategic policy document and forms but part of the 'local plan' as defined in the Framework glossary. It does not seek to allocate the housing sites needed to meet the identified requirements, especially in the first five years. The plan-making process will only be complete once the Site Allocations DPD has been adopted. The remedy to a shortfall in housing provision lies mainly in this sister DPD together with the annual review of the SHLAA and any other mechanism there may be to bring forward allocated sites into the supply.
38. As stated in the Framework the purpose of identifying a buffer over and above a five-year supply is 'to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'. The most effective means to achieve such a purpose is to move forward to the production of the Site Allocations DPD which can include full evaluation and consultation on major sites such as Comeytrowe. To delay adoption of the Core Strategy

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<sup>24</sup> Council Addendum statement for Matter 2, paragraph 2.67, Table 1.

<sup>25</sup> Document SD/4, policies H2 and T8

while further work is done to identify a 20% buffer would not assist in meeting the aims of the Framework in increasing the housing supply, at least in the short-term.

39. The guidance in paragraph 60 of PPS3 was that a Core Strategy might be expected to include, as part of a delivery strategy, a clear indication of the mechanism for bringing allocated sites forward into the five-year supply of land for development should the assumptions which underlie that strategy not be forthcoming. That requirement has not been repeated in the Framework but that does not mean to say that it should not be included in the plan. In view of the conclusions above as to the implications of requiring a 20% buffer, the inclusion of a clear statement setting out a mechanism is the minimum required to ensure that this plan is sound. It will need to ensure that land is identified to achieve at least a 5% buffer over and above a five-year supply of deliverable housing sites.
40. Much work has been done which is contained within the evidence base, including the SHLAA. Also, in response to the shortfall identified in the 2011 SHLAA, the council resolved to advance "Interim Release Sites" (IRS) ahead of the timing envisaged in the housing trajectory. Thus there is an appropriate mechanism in place. To make the plan sound additional text is required setting out the principles of this approach. **MM 03** inserts text into the delivery section of policy CP4, paragraph 3.67, to achieve this. The second paragraph has been strengthened against the consultative draft to refer to the requirements of the Framework and to state the intended corrective actions in a more positive form.

*The flexibility of provision in years 6-15 (and beyond)*

41. During the examination the council produced an updated housing trajectory<sup>26</sup> which shows 15473 dwelling completions from the plan base date of 1.4.08 up to 31.3.28, which is somewhat over 1500 dwellings short of the plan requirement. However, such a shortfall is not significant spread over a 20 year plan period, particularly when it is considered that a mid-point figure has been used for the two largest strategic sites (Staplegrove and Comeytrove) whereas developer evidence points to the sites providing up to a further 1000 dwellings; other sites are likely to be identified in the Site Allocations DPD and no allowance has been made for windfalls, or small sites, beyond those with permission.
42. Year 6 after adoption is likely to start in April 2017. At that point the housing trajectory shows development at Monkton Heathfield well under way supported by continuing development at a wide range of other sites which either already have permission or are allocated. Although the strategic sites<sup>27</sup> at Staplegrove and Comeytrove are not showing a contribution before 2019/20 evidence from

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<sup>26</sup> Appendix 2 to statement for Matter 2

<sup>27</sup> Currently "broad locations"

the development industry suggests that might be conservative. Even so, there is sufficiently wide range of sites available to maintain a choice of sites for supply. The strategy is sufficiently flexible and sound.

### *Affordable Housing*

43. The Affordable Housing Viability Assessment (AHVA)<sup>28</sup> carried out by Fordham research supports the inclusion of a 25% target for affordable homes in policy CP4. As indicated in Table 2.4 the overall target of 4000 dwellings over the plan period equates to just under 25% of the plan housing provision of 17000 dwellings.<sup>29</sup> This makes no allowance for the threshold of 5 dwellings under which no contribution will be required but, as stated in evidence by the council, there has been a relatively high level of contributions from "non s106" schemes. The 'lions share' of provision will come from the sustainable urban extensions in Taunton and Wellington. Recent rural provision has been very close to the 20 dwellings a year required under Table 2.4. On that basis the target is achievable. The threshold figure is not fully supported by the AHVA but that study did not account for the affordable rent category. The proviso within policy CP4 recognising the importance of scheme viability is an important one. It demonstrates a flexible approach by the council which is especially important given the fluidity of development economics at present. The policy is justified and sound.
44. Self-build housing does not come within the definition of affordable housing<sup>30</sup>. Self-build housing may be low-cost but it is generally regarded as a form of market housing. Policy CP4 recognises the need to ensure an appropriate mix of new housing types. That is sufficient for a Core Strategy. Greater policy specificity is more appropriate for a Development Management DPD.

## **Topic area 5 – Deliverability, Transport and Infrastructure**

### *Deliverability*

45. The deliverability of the strategy is a key aspect of soundness. In so far as there are issues relating to the more detailed aspects of the strategic proposals for SUEs at Taunton and, to a lesser extent, Wellington, these are discussed under Topic areas 6 and 7 below.
46. In general terms, the Infrastructure Delivery Plan (IDP) provides sound support for the strategy. It is correct to say that it focusses primarily on the infrastructure, including transport measures, required to support the development envisaged during the first five years of the strategy but that is inevitably so given the difficulty of obtaining reliable information from key providers on budgetary trends much beyond that initial period.

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<sup>28</sup> EB/HOU4

<sup>29</sup> Not identified separately in the housing trajectory as per paragraph 47 of the Framework

<sup>30</sup> Annex 2 (Glossary) of the Framework



47. The package of measures listed in the IDP is an essential pre-requisite for the strategic allocations at Monkton Heathfield (policy SS1) and Priorswood/Nerrols (policy SS2). Despite the suggestion in the IDP that the 'roof tax' for the measures could be £20000 per dwelling, the developers of the Monkton Heathfield SUE are broadly in support of the strategy. Although much more information on the infrastructure requirements, and hence deliverability, of part of the Comeytrove broad location has been provided by the development consortium that does not render the assumptions underlying the council's housing trajectory, or indeed the Core Strategy itself, unsound.

### *Transport and Infrastructure*

48. Policies CP6 and CP7 provide generally sound support for the strategic development proposals in the plan, directly linked to the IDP. In particular, policy CP6 is key to ensuring that the SUEs achieve a significant shift towards sustainable transport modes. The last part of policy CP7 usefully sets out priorities should viability pose a constraint. It provides flexibility.
49. Paragraph 3.83 in the plan text links to a proposal within policy SP2 to secure improvements to junction 25 of the M5 to meet the needs of the urban extensions. This is accepted in a statement of common ground with the Highways Agency clarifying that there is no provision for public sector funding for any improvements. There are reservations about the likelihood of a future need for an additional motorway junction to the north-east of Taunton although it is not unsound to include a statement signalling that this needs to be 'kept under review'.
50. Policy CP7 sets the scene for the introduction of a Community Infrastructure Levy (CIL) charging schedule. CIL funding would, potentially, provide a significant pool to finance the infrastructure identified as necessary in the plan and IDP. The charging schedule itself will need to be subject to a separate examination. However, the council have adopted an 'interim policy' which, although not mandatory, seeks to take account of 'cumulative impact' which is on a par with the CIL approach and, therefore, contrary to Framework guidance. The reference to this policy, which has not been subject to wide-ranging consultation, is not sound for that reason. The Council have accepted that a main modification (**MM 04**) is required to delete the reference.

## **Topic area 6 - The spatial strategy, Taunton strategic sites and broad locations**

### *The evaluation of alternatives for the expansion of Taunton*

51. The background work undertaken to investigate the options for sustainable urban extensions to Taunton has been thorough, dating from 2004 through to 2010<sup>31</sup>. The options have been subject to public consultation and involvement

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<sup>31</sup> EB/SS1-3

with SA at the "Regulation 25" stage. The submitted plan properly builds on this process with a focus, as a first priority for development earlier in the plan period, on the SUE at Monkton Heathfield and a smaller urban expansion at Priorswood/Nerrols. The procedural point on the status of the Comeytrove and Staplegrove development options within the strategy is not a matter for SA. The evaluation of alternatives is soundly based.

*The effectiveness of the Core Strategy in terms of the delivery of the strategic sites and broad locations*

The implications of the Habitats Regulations for the phasing of developments which may affect the foraging areas for lesser horseshoe bats (Hestercombe House Special Area of Conservation)

52. An Habitats Regulation Assessment (HRA) was completed in 2009 covering the effect of proposed development on the foraging areas for lesser horseshoe bats in the Hestercombe House area, north of Taunton. The most significant conclusion is that mitigation measures will be required on and off site with planting which may take between 10 and 15 years to become "functional", that is to provide replacement habitat to any loss from development. This raised questions with regard to the timing of development, especially in terms of the mechanism to achieve advance planting off-site. During the examination the council provided further detailed information on the proposed mitigation measures and the alternative approaches which might be taken to allow planting to become functional in as little as 8 years. Individual site assessments linked to planning applications also suggest that measures can be taken to ensure that there is no infringement of HRA requirements. Taking this evidence into account the timescales for delivery of the strategic sites and the eastern part of the Staplegrove "broad location" assumed in the plan are realistic and the plan is sound in that regard.

The identified strategic sites at Monkton Heathfield (policy SS1) and Priorswood/Nerrols (policy SS2)

53. The plan policies and supporting text provide clear guidance on the form of development and its timing along with an indication of the necessary infrastructural works, detailed further in the IDP. There have been some delays in the commencement of development on that part of the Monkton Heathfield allocation which has planning permission but the developers have demonstrated that progress is likely to be at least as rapid as that assumed in the housing trajectory. Masterplanning work is at an advanced stage and a protocol has also been signed setting out the intended delivery programme for the rest of the allocation. There is confidence that the IRSs at Hartnells Farm and West of Greenway will advance development and provide flexibility in supply (subject to satisfying HRA requirements).

54. Since the submission of the Core Strategy further design work<sup>32</sup>, taking account of the now more flexible approach to housing density, indicates that housing delivery at Monkton Heathfield will be closer to 4500 than the 5000 indicated in policy SS1. That aspect of the policy is not, therefore, justified by the evidence base and is unsound. A main modification **(MM 07)** to adjust the policy figure would make it sound.
55. At Priorswood/Nerrols the southern part was identified in July 2011 as an IRS. The council have resolved to grant planning permission subject to a s106 agreement. Mitigation measures as required by the HRA are covered by these arrangements. The land is owned by the Crown Estates who suggest that development may be more rapid than assumed in the council's housing trajectory.
56. Although there must always be a degree of uncertainty about the delivery of sites for development, especially major allocations such as Monkton Heathfield, the evidence from the development industry and from the extensive studies submitted as part of the evidence base confirm that the strategy is likely to be effective in ensuring that the sites come forward in accordance with the housing trajectory. The plan is sound.

The identification of two "broad locations" for mixed use urban extensions after 2016 at Staplegrove (policy SS6) and Comeytrove/Trull (policy SS7)

57. Both of these areas have been evaluated as alternatives through the early preparation stages of this plan. The policies provide a clear statement of what is required in terms of a masterplanning exercise to ensure a comprehensive and properly co-ordinated development. The plan text explains the reasons for the approach taken and why the areas could not be progressed to specific allocations in this plan. These reasons have been expanded upon during the examination.
58. Both areas are undoubtedly central to the delivery of the plan in the medium term but there is an important distinction from the allocated sites in that work to establish precise development requirements and infrastructural provision is not at such an advanced stage as that for Monkton Heathfield. There is a resource of sites with planning permission with other sites most likely to be identified through the SADM DPD. It is important that additional sites should be allocated within the broad locations with the minimum delay in order to ensure that there is a realistic prospect of development taking place in accordance with the housing trajectory; that is by 2019 at the latest. This is to provide a contingency against any possibility of development on the Monkton Heathfield SUE not progressing as expected. Any serious obstacle to commencement of development as indicated in the trajectory would render the strategy unsound.

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<sup>32</sup> EB/SS13

59. On the assumption that this Core Strategy is adopted later this year (2012) year 6 will commence in April 2017. The contribution to housing completions from these sites would commence in year 8. That is within the period of years 6-10. The guidance in the Framework remains that broad locations for future growth may be identified for these future years and, where they are, they should be shown on a key diagram<sup>33</sup>. As a Core Strategy the plan was submitted taking account of the then advice in paragraph 4.11 of PPS12 that the infrastructure planning for a core strategy should also include the specific infrastructure requirements of any such strategic sites which are allocated in it. Although that advice is repeated in the Framework there remains an emphasis on the importance of infrastructure delivery to support development<sup>34</sup>. The plan would, therefore, be unsound should there be insufficient evidence on infrastructural requirements to justify a specific allocation.
60. On the model used for Monkton Heathfield the council look to a masterplanning exercise to establish the infrastructure requirements. That is specified in both policies. It is some way off for Staplegrove. For Comeytrowe, a developers' consortium has submitted an initial masterplan and significant information about infrastructural requirements but this was only done at plan publication stage linked to a representation seeking an allocation for up to 2000 dwellings in the northern part of the 'broad location'. The lateness of this submission is not in the spirit of frontloading which is integral to the plan-making process.
61. Nevertheless, there has been meaningful and constructive dialogue on the details of the Comeytrowe proposals. There are important matters which remain unresolved, however. Most significant of these relates to the provision of a sustainable transport package to reduce the impact on the existing road network. The consortium's proposals are for a 'showcase bus route' along the A38 with a 'Park and Bus' facility at Rumwell. Although these proposals may work for the 2000 dwelling proposal it remains far from clear how the development would then contribute to infrastructure requirements for the longer-term scheme, beyond this plan period, for a further 6000 dwellings in the Comeytrowe area. A policy which simply stated that development would be "without prejudice" to the longer term proposals would not be sound; the policy must explicitly relate to the longer-term development area in the interests of good planning.
62. Only after a comprehensive masterplanning exercise has been undertaken will it be clear how the essential infrastructure for the wider area can be delivered. Policy SS7 does not state that this masterplan need be undertaken by only one developer and indeed the council would have a significant part to play. It is also necessary to engage the landowners for the more southern part of the area, some of whom have indicated support for the plan approach.
63. The level and detail of the information available on infrastructural requirements
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<sup>33</sup> 3<sup>rd</sup> bullet point in paragraph 47 and 4<sup>th</sup> bullet point in paragraph 157

<sup>34</sup> For example, paragraph 177

remains short of that required for allocations to be made at this stage. The identification of Staplegrove and Comeytrowe/Trull in the plan as 'broad locations' is sound, even though housing completions are shown in the trajectory from 2019 (year 8).

64. The timing of the commencement of development within the broad locations is critical to the soundness of this plan. In paragraph 5.71 (Staplegrove) and 5.79 (Comeytrowe) it is stated that strategic allocations will only be made as part of the review of this Core Strategy in 2016, with full community engagement. However, the council have accepted that there is no procedural reason why allocations should not be made through the forthcoming SADM DPD which is shown in the LDS as due for submission in mid-2013 and adoption in 2014. There is, therefore, a high likelihood that allocations could be effective from 2014 onwards. From the development scenarios presented by the development consortium that would enable the first completions by 2017/8, if required. As submitted, the references to Core Strategy review are now out-of-date especially as the council indicated they would probably prepare a single local plan in future but the timescale for such a review would unnecessarily delay development. The plan is unsound in that respect but main modifications **(MM 08 and 09)** to substitute reference to the Site Allocations and Development Management DPD would make it sound. Should masterplanning work progress more rapidly than anticipated, any planning application would fall to be considered against the presumption in favour of sustainable development implemented through policy CP1 of this plan (introduced by main modification MM11 – see paragraph 83).

#### Other 'strategic' sites

65. Some confusion was caused because the consultation on Issues and Options (Regulation 25) for the Core Strategy also covered sites which were later excluded because they were not considered strategic in the then PPS12 terms, that is 'central to the achievement of the strategy'. Indeed, it is stated in the profile for the Core Strategy on page 28 of the LDS that strategic sites would be over 5 hectares. Such an approach would not be consistent with PPS12 advice and has rightly not been pursued. The strategic sites and broad locations identified in the submitted plan are significantly larger and all are central to the delivery of the strategy.
66. Although the site at Ford Farm, Norton Fitzwarren, would enable the completion of a bypass road it is not central to the strategy. That site, Killams and others put forward during the consultation process are more appropriately considered as part of the SADM DPD. The Core Strategy is sound in that regard.

### **Topic area 7 - The spatial strategy, Wellington strategic sites**

#### *The evaluation of alternatives for the expansion of Wellington*

67. Realistic alternatives for the development of Wellington are more limited than for Taunton. Ten possible small sites were considered through the SA at the issues and options stage<sup>35</sup>. Those chosen as strategic sites have been shown to be the most sustainable with a longer term option (Longforth North-East of railway) not required during this plan period. The approach taken is sound.

*The relocation of Reylon and Swallowfield*

68. These two companies are important local employers. Policy SS3 (Longforth) includes specific provision for the relocation of these firms and they have been fully consulted throughout the process and not objected to the plan proposals. Sites are available for relocation. Although the funding of the re-location remains to be resolved measures are in hand to deal with the medium to longer term requirement. The delivery of the plan proposals is a realistic prospect.

*The re-opening of Wellington station*

69. The objective to secure the re-opening of the station is contained with the Local Transport Plan. The current train operating company (First Great Western) have confirmed that the works, including passing loops, would be a credible proposition although re-opening depends upon the introduction of stopping service, to which reference is made a Department for Transport consultation document for a new Great Western franchise. Re-opening would be of benefit for future residents and reduce demand for road-based commuting. It is not unreasonable that the policies should seek developer contributions towards feasibility studies with capital costs only being part of the equation should re-opening become a definite proposition; the most likely source of pooled funding is through the Community Infrastructure Levy.

*The function of the Northern Relief Road (Longforth)*

70. As stated in the plan, this road would be primarily to channel HGV traffic away from residential areas. It is a matter for detailed planning to ensure the road is designed in such a way as to minimise through traffic between the M5 and Milverton.
71. The Core Strategy proposals for Wellington are sound.

**Topic area 8 - The spatial strategy, rural settlement hierarchy and scale of housing provision at different levels in hierarchy**

*The justification for identification of settlements as minor rural centres or villages*

72. Core Strategy policy SP1 sets out the rural settlement hierarchy. It replaces saved policy S4 of the 2004 Local Plan and defines Wiveliscombe and Bishops
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<sup>35</sup> Combined with Site Allocations DPD

Lydeard as 'major' rural centres. Other settlements are divided into 'minor' rural centres and villages. The classification is based upon the range of services and facilities available in each settlement, derived from the then PPS7 guidance. It seeks to ensure that the larger quantum of rural development takes place in those 'sustainable settlements' with the highest level of facilities. That is a sound approach.

73. The evidence base from a 2008 survey of facilities has fed into the Annual Monitoring Review process with the last partial survey in 2010. There is a good fit between the available services and facilities and the position of each settlement within the hierarchy. The justification is adequate.

*The scale of housing development to be permitted within major and minor rural centres*

74. Policy SP1 is intended to set the context for the allocation of sites for housing in the SADM DPD. It is not appropriate for such small sites to be allocated through a Core Strategy. Nevertheless, the CS policy is quite prescriptive in stating that allocations of up to 50 new net additional dwellings in each of the minor rural centres will be made through the SADM DPD. Although the principle of a differential scale of development according to the hierarchy represents a sound approach the setting of low fixed limits does not allow for site-specific factors to be weighed in the balance and is contradicted by some of the figures included in the council's housing trajectory which, for example, shows 60 dwelling completions in Creech St. Michael. This degree of specificity is unjustified and hence unsound.
75. This deficiency can be remedied by the introduction of greater flexibility in the approach taken in the policy. Rather than specifying a figure for each minor centre a more strategic approach is to indicate that the total housing provision in minor rural centres will be at least 250 dwellings. A main modification (**MM 05**) will achieve this. This relates only to allocations; there may well be additional provision for affordable housing through policy DM2, infilling within settlement boundaries and/or through Neighbourhood Plans.

**Topic area 9 – Appropriate level of policy detail in the Core Strategy**

76. There are those with a specialist interest in various topics such as the historic environment, cultural and tourism development who have expressed concern that the Core Strategy does not contain policies, or any of detail, relating to those topics. However, the Core Strategy is properly focussed on the main areas of likely change with but passing reference to matters, such as the protection of heritage assets, which are covered by a firm base of long established policy and practice at national level. The development of local policies for the protection of such assets is most appropriately carried out through more detailed site-specific policy in other parts of the LDF. The level of detail in the Core Strategy is appropriate to its function. It is sound.

**Topic area 10 - Development Management policies**

*Policy DM2 – Conversion of existing buildings in the countryside*

77. Part 7 of policy DM2 includes a sequential approach to preferential uses for the

re-use of existing buildings outside settlement limits. The advice in the then PPS7 giving preference to community uses applied only to buildings adjacent or closely related to settlements and the policy should be interpreted as subject to such a caveat. Otherwise the sequence is a fair reflection of the guidance in paragraph 28 of the Framework. New buildings for holiday or tourist use are not explicitly excluded by the policy. The general approach is sound.

*Policy DM5 (also CP1) – Renewable energy and Code for Sustainable Homes*

78. Policy CP1 on climate change does not set a target for local renewable energy generation although the policy indicates a positive approach to the consideration of such installations. The focus through policy DM5 is on the achievement of high carbon reduction standards through construction, seeking CO<sub>2</sub> emission reductions one level higher under the Code for Sustainable Homes than those set nationally. However, this is restricted to the urban extensions and town centre allocations where the scale of development should permit efficiencies which should not place an undue burden on the developer/purchaser. Even so, there is an important caveat on viability. The policies are sound on that basis.

**Topic area 11 – Consistency with the National Planning Policy Framework**

*The presumption in favour of sustainable development*

79. Paragraph 15 in the Framework states that policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.
80. Whereas in due course it might be expected that plans submitted for examination might reflect the presumption as a “golden thread” through the document, as expressed in paragraph 14 of the Framework, it is suggested that in order to be found sound all plans already submitted should include a policy referring to the presumption. To this end, a model policy has been put forward which has been consulted upon as part of this examination.
81. The council have agreed to the inclusion of a policy to state the presumption in favour of sustainable development but indicated a form of words which is a little different from those included in the nationally available model, in order to reflect local circumstances. The council's version has been available on the examination website during the consultation period.
82. Although there is a view that the policy should be the same across the country there is also support for the council's version. The suggested wording does not, for the most part, materially weaken the policy intent of the model with the exception that it is important to 'find' (rather than merely 'seek') solutions which will secure development that improves the economic, social and environmental conditions in the area. It is not an absolute but an objective which properly reflects the practicalities of decision-making on individual planning applications; it maintains the positive thrust of the model.
83. Subject to the above caveat, the council's version of the policy is recommended



**(MM11)** to make the plan sound.

*Other issues*

84. The council have produced an over-view of the Core Strategy which identifies two topic areas in which it is accepted that the Strategy does not comply with the Framework<sup>36</sup>. As indicated elsewhere the Framework applies to local plans generally and does not distinguish between strategic policy documents and those which apply more detailed site-specific criteria. In that regard a policy indicating in which areas it may be necessary to limit the freedom to change the use of buildings<sup>37</sup> is more appropriately included in the forthcoming SADM document.
85. The provision in the Framework relating to defence, national security, counter-terrorism and resilience<sup>38</sup> represents new policy advice and it would not be reasonable to delay adoption of the Core Strategy for further work to be done on this topic. It is a matter which will need to be covered in a subsequent development (local) plan document.
86. With the exception of these policy areas it is considered that the submitted Core Strategy is broadly consistent with the Framework.

**Topic area 12 – Consistency with the Planning Policy for Traveller Sites**

87. The Core Strategy contains a strategic policy for housing (CP4) which includes a pitch target for gypsies and travellers. This is to be read with policy DM3 which sets criteria for site selection. In that respect the plan conformed with national policy advice at the time of submission.
88. However, the council have acknowledged that the plan is not consistent with the new national policy statement for traveller sites in that it does not demonstrate a five-year supply of sites or identify longer term needs. It is accepted that this is a matter which will need to be addressed in a subsequent local plan and that it would not be appropriate to delay adoption of this Core Strategy while further work is undertaken.

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<sup>36</sup> Document ED/28

<sup>37</sup> 6<sup>th</sup> bullet, paragraph 157 of the Framework

<sup>38</sup> Paragraph 164 of the Framework

## Assessment of Legal Compliance

89. References in this section to a Regulation is a reference to the Town and Country Planning (Local Development)(England) Regulations 2004 which were in force at the time of submission. However, those Regulations were revoked by the Town and Country Planning (Local Development)(England) Regulations 2012 with a provision in Regulation 38 that anything done under the 2004 Regulations is to have effect as if done under the corresponding provision of the 2012 Regulations.
90. The Core Strategy has been examined for compliance with legal requirements. The results are summarised in the table below. It is concluded that the Core Strategy meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS March 2011 which sets out an expected submission date of October 2011. This was missed by 2 weeks but it did not prejudice progress on the examination. The Core Strategy's content and timing are generally compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2007. The Council's summary report on consultation (SD11) sets out the extensive consultation undertaken during the plan preparation process. Although there has been some criticism of the effectiveness of public meetings, the overall consultation process has been compliant with the requirements of the SCI, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out at each stage of the process and is adequate for the purpose.
Appropriate Assessment (AA)	Habitats Regulations AA Screening Reports have been produced jointly for the Somerset Levels and Moors and Severn Estuary SPA and Ramsar sites (October 2009) with a final report for this Core Strategy (May 2011) identifying no adverse effects. A further Habitats Regulations Assessment (May 2011) for the Core Strategy covering Special Areas of Conservation (SACs) both outside and within the Borough found no significant effects provided that amendments were made to the policies and supporting text; those amendments were made to the published and submitted plan. This also updates the AA carried out for the Hestercombe House SAC in September 2009 which recommends mitigation measures, on and off-site planting, to create foraging areas for lesser horseshoe bats. This has been taken into account in development policies affecting those habitats and is discussed in more detail in the main body of this report.

National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The approved Regional Strategy for the South-west is RPG10 issued in September 2001, which is now outdated. A replacement Regional Spatial Strategy published in June 2006 has been subject to an Examination in Public but not been progressed. The implications are considered in the main body of this report.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The council submitted a Proposals Map with the Core Strategy including inset maps for Taunton and Wellington and for Taunton Town Centre. These are fully coloured maps which indicate the areas to which all policies in the DPDs which currently make up the LDF apply. This is akin to the Adopted Proposals Map (Regulation 14(4)) rather than the submission Proposals Map under Regulation 13(4). The Proposals Map does show "the changes which will result to the adopted proposals map if the DPD is adopted" and consequently meets the requirements of Regulation 13(4) but the prospective changes are not as clear as they might have been due to the unnecessarily over-complicated nature of the submitted map. In all other respects the Core Strategy, and the procedures followed for its preparation and examination, is fully compliant with the Act and the Regulations.

## Overall Conclusion and Recommendation

91. **The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored under the examination topic areas set out above.**
92. **The Council have requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix to this report, the Taunton Deane Core Strategy DPD satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.**

*John R Mattocks*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Taunton Deane Core Strategy 2011-2028

### Schedule of Main Modifications

Policy	Page/para	Mod. No.	Text of modification
Policy CP3 Town and Other Centres	Page 29	<b>MM01</b>	In the second sentence of criterion c., after the words 'Any proposal' insert the words 'for such uses on the edge of or outside the centres defined under part a. of this policy.'
	Page 30	<b>MM02</b>	<p>Delete the first sentence of paragraph 3.48 and substitute:</p> <p>The Proposals Map insets for Taunton and Wellington Town Centres define the extent of the town centre boundaries within which main town centre uses, as defined in government policy should sequentially seek to be located, in order to promote ease of access to services, assist regeneration and the vitality and viability of the centre. This boundary has not been defined in earlier plans. The boundary includes those sites identified in the adopted Taunton Town Centre Area Action Plan for future expansion of town centre uses other than Tangier and Firepool Lock which, due to their peripheral location, function as an edge or out of centre location. Development proposals should be formulated to be consistent with the relevant policies in the AAP, having regard to any subsequent updated evidence base.</p>
Policy CP4 Housing	Page 33	<b>MM03</b>	<p>Insert additional text in paragraph 3.67 as follows:</p> <p>The Council will continue to monitor housing land supply, and in particular, the five year deliverable supply of housing land. The annual review of the Strategic Housing Land Availability Assessment, Housing Land Availability Summary and AMR provide the mechanisms to do this. The SHLAA process, through extensive involvement of the Panel of housebuilding professionals, will facilitate the advancement of sites into the five year deliverable supply. The strategic site allocations and Broad Locations outlined in Chapter 5 of the Core Strategy will need to be assessed as part of this process in addition to any</p>

			<p>subsequent sites identified through the Site Allocations and Development Management DPD so as to gauge the level of contribution they are capable of making at any point in time.</p> <p>Where the SHLAA process identifies a shortfall in the five year deliverable supply of housing land, measured against the requirements of the National Planning Policy Framework, the Council will identify further interim release sites and measures to unlock existing planning permissions and/or consider the early release of allocated sites.</p>
Policy CP7 Infrastructure	Page 39	<b>MM04</b>	<p>Delete the last bullet point in the policy, as follows:</p> <ul style="list-style-type: none"> <li>• <del>“Prior to the adoption of a CIL charging schedule, setting out an interim policy that ensures the separate and cumulative impact of proposed development is properly recognised in the developer contributions sought.”</del></li> </ul>
Policy SP1 Sustainable Development Locations	Page 50	<b>MM05</b>	<p>Delete the last sentence in the seventh paragraph ‘Minor Rural Centres’ and replace it by the following sentence:</p> <p>For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD.</p>
Policy SP4 Realising the vision for the rural area.	Page 66	<b>MM06</b>	In the third bullet point delete ‘around 1,000’ and substitute ‘at least 1,500’
Policy SS1 Monkton Heathfield	Page 70	<b>MM07</b>	In the first bullet point delete the figure of 5,000 and substitute 4,500

Policy SS6 Staplegrove – Broad Location for Growth	Page 93	<b>MM08</b>	Delete text of paragraph 5.75 and substitute the following:  <b>Key Delivery Dates:</b> Allocation in Site Allocations and Development Management DPD (adoption 2015). It is anticipated that a planning application could be processed in parallel with masterplanning, as with the Core Strategy strategic sites.
Policy SS7 Comeytrove/Trull Broad Location for Growth	Page 95	<b>MM09</b>	In paragraph 5.79, lines 4 and 5, replace 'review of the Core Strategy' with 'Site Allocations and Development Management DPD'.  Delete paragraph 5.84 and substitute the following:  <b>Key Delivery Dates:</b> Allocation in Site Allocations and Development Management DPD (adoption 2015). It is anticipated that a planning application could be processed in parallel with masterplanning, as with the Core Strategy strategic sites.
Policy SS8 Taunton – Broad Location for Strategic Employment Site	Page 96	<b>MM10</b>	Delete the first paragraph of the policy and substitute:  To meet the identified qualitative need for a second strategic employment site, an allocation will be made in the Site Allocations and Development Management DPD having regard to the following criteria: <ol style="list-style-type: none"> <li>a. of a scale to secure strong inward investment, raising the skills base and profile of the town;</li> <li>b. well located in relation to the national route network and the Taunton urban area;</li> <li>c. targeted towards Class B (non office) use in order to complement rather than compete with town centre office opportunities;</li> <li>d. having no overriding environmental or physical constraints restricting development; and</li> <li>e. capable of delivery within agreed timescales.</li> </ol>

NEW Policy CP1 Presumption in favour of sustainable development	Page 19	<b>MM11</b>	<p>Insert the following additional policy at beginning of Core Policy section 3:</p> <p>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants jointly to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"><li>• Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</li><li>• Specific policies in that Framework indicate that development should be restricted.</li></ul>
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# Taunton Deane Borough Council

**Executive - 8 August 2012**

## **Report on Gypsy and Traveller Statutory Requirements and work being undertaken to address these**

### **Report of the Planning Policy Officer**

(This matter is the responsibility of Executive Councillors Jean Adkins (Portfolio Holder for Housing) and Mark Edwards (Portfolio Holder for Planning and Transport))

#### **Executive summary:**

TDBC has a statutory responsibility to:

- Identify the requirements for Gypsy & Traveller Pitches through the life of its Planning Policy;
- Set out in the Core Strategy criteria based policy for the location of gypsy and traveller sites;
- Allocate sites in the Site Allocations Development Plan Document;
- Identify a 5 year supply of land for future Gypsy & Traveller pitches;
- Provide appropriate accommodation for those presenting as homeless.

Work has already been done to meet some of these requirements and work is ongoing to address the others. Member support is required to enable officers to undertake this work and meet the Council's obligations.

#### **1 Purpose of report:**

- 1.1 To update members of changes in legislation and the Authorities statutory responsibility; to inform members what Officers are doing to address the Council's statutory responsibility; to request member support for the work officers are doing.

#### **2 Background:**

- 2.1 The Government abolished the following Planning Legislation and Guidance relating to Gypsy & Traveller Accommodation:
- Planning Policy Statement 3: Housing;
  - Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites;
  - Circular 04/2007 Planning for Travelling Show People.

2.2 Replacing it in March 2012 with:

- National Planning Policy Framework;
- Planning Policy for Traveller Sites.

2.3 Legislation which remained; relating to Gypsy & Traveller Accommodation:

- Section 225 of the Housing Act 2004;
- Section 87 of the Local Government Act 2003 (as amended);
- Section 17 (3) Planning and Compulsory Purchase Act 2004.

### **3 Statutory Requirements:**

3.1 The Authority was and still is required to:

- Establish Need:  
A robust and credible evidence base for a 5 year period
- Address Need:  
Plan Making: Set criteria to guide the allocation of sites and Allocate suitable land
- Duty to Homeless:  
Provide appropriate accommodation for those presenting as homeless

3.2 Additional Statutory Requirements under the new legislation:

- Establish Need:  
A robust and credible evidence base for time frame covered in the local planning policy; the Core Strategy; a 15 year period
- Address Need:  
Identify a 5 year supply of land to meet identified need.
- Locations: Sustainability of site locations, not in the countryside unless exceptional circumstances are proven.

### **4 How are we addressing this?**

4.1 **Establishing need: The 2010 Gypsy & Traveller Accommodation Assessment** (GTAA) established the need for pitches in years 2010 to 2020. As this was produced before the new legislation was brought in it doesn't cover need for 2021 to 2028.

<b>Residential Pitches* 2010 - 2015</b>	<b>Residential Pitches 2015 - 2020</b>	<b>Transit Pitches**</b>	<b>Showmen's Yards***</b>
<b>25</b>	<b>19</b>	<b>5</b>	<b>4</b>

\*Residential Pitches are those with permanent permission for residence.

\*\* Transit pitches are permanent sites intended for temporary residence. Otterford B in Taunton Deane (Somerset County Council owned site) site permits residence by agreement of up to 6 months.

\*\*\*At least 4 Showmen's yards will be needed by 2015 across the County of Somerset

An addendum will be required to the GTAA projecting the need to 2028. Officers have contacted De Montfort University who produced the GTAA to see if they are able to produce an addendum to the report to provide the need to 2028. A meeting is being arranged with Somerset Planning Policy Officers from the 5 District Councils to discuss jointly commissioning this work. Members support for this work is vital.

- 4.2 **Addressing Need: Plan Making:** The Core Strategy sets out the need identified through the GTAA in Core Policy 4: Housing and Development. Development Management Policy 3: Gypsy & Traveller Site Selection Criteria sets out assessing the suitability of sites for transit and residential pitches. A key change in policy direction is for sites to be sustainable; economically, socially and environmentally. Sites in the open countryside should be strictly controlled if outside existing settlements and Plan Allocations, unless there are mitigating circumstances i.e. linked to location of employment or identified affordable accommodation need locally, as in the case of exceptions sites for settled housing. The Core Strategy states that allocations will be made in the Site Allocations Development Plan Document.
- 4.3 **Addressing Need: Site Allocations Development Plan Document,** which follows on from the Core Strategy, could allocate sites in any of the sustainable locations identified in the Core Strategy. Government guidance recommends identifying locations for small family run sites. Allocations work is ongoing through the Call for Sites and discussions with TDBC departments (i.e. Housing Enabling, Development Management), Partners (i.e. Southwest One Asset Management, Somerset County Council). Identifying sites is a contentious and complex process. Members support for this work is vital.
- 4.4 **Addressing Need: establishing a 5 year supply of sites** for Gypsy & Traveller pitches is a new statutory requirement for the Council.

**Current 5 year requirement is 21 pitches\***

\*(25 pitches 2010-15, minus 8 pitches granted planning permission 2010-2012, plus 3.8 pitches for 2016 = 5 year requirement of 20.8 pitches)

The five year supply does not include figures for transit accommodation.

It must be borne in mind that the pitch requirements are very specific, there isn't an established building industry promoting sites nor do we have landowners routinely offering land for Gypsy & Traveller sites. The process will therefore be lengthy and complicated. It should be noted that not having identified land for a 5 year supply of Gypsy & Traveller Pitches will put the Council at risk of having to grant planning permission for pitches in locations which we would not otherwise to grant permission for; on Appeal. Members support for this work is vital.

- 4.5 **Addressing Need: the first Call for Sites** was undertaken in September 2011; TDBC Members, Somerset County Council, TDBC departments, Members of the Gypsy & Travelling Community were asked if they knew of any potential sites for future pitches. 9 potential sites were promoted to us. An initial desk top assessment identified any policy constraints (i.e. flooding, highways, AONB, sustainability). These sites were also taken to two panels made up of Gypsy & Traveller Organisations and members of the Gypsy & Traveller community. Unfortunately none of the sites were suitable due to either availability or policy constraints.

The sites were not suitable because they were either not deliverable or not developable. For a site to be considered deliverable or developable, it must be suitable, available and achievable. 5 of the sites were let on long term leases and therefore were unavailable in the next 5 years. 1 site was in a flood plain and had a covenant on it for use as Public Open Space, therefore not suitable in Planning Policy terms. 1 site had planning permission for another use and the site owner intended on implementing that permission, therefore the site was not deliverable. 1 site was in the open countryside and therefore was not suitable in Planning Policy terms. 1 site was in a prominent position in the landscape and therefore not suitable in Planning Policy terms.

The second Call for Sites is underway; the scope was widened to include Stakeholders (i.e. Somerset County Council, Somerset NHS, Avon & Somerset Constabulary and Police Authority, Wessex Water, National Rail). Officers intend to contact landowners who have previously submitted land for consideration for Housing which fell below the Strategic Housing Land Availability Assessment threshold of 5 dwellings or 0.25hectares; to see if they would consider putting the land forward for Gypsy & Traveller pitches. In the future we could look at any registers of unused and under-utilised land owned by public bodies. Members support for this work is vital.

- 4.6 **Addressing Need: Transit provision** is important for the Authority to discharge its statutory responsibility to provide accommodation to members of the Gypsy & Traveller community who are homeless or at risk of being homeless and also to provide alternative accommodation to those occupying unauthorised sites. Transit provision should primarily be met through the planning process. However; other options to provide temporary accommodation include: opening up traditional stopping place or Green Lanes, taking a lease or purchasing the County owned Otterford B site, having a legal agreement with private landowners (i.e. Somerset Travellers Ltd; leaseholders of Middlezoy in Sedgemoor). Some initial enquiries have been made in partnership with Somerset Project Working Group for the Implementation of the GTAA recommendations. A significant amount of work remains as it requires joint working with landowners, District and County Authorities and other Organisations and Stakeholders (i.e. Friends and Families of Travellers, Travellers Education, Avon and Somerset Police). Members support for this work is vital.

- 4.7 **Addressing Need: Affordable Accommodation:** As with all forms of housing there is a need for affordable accommodation. Unfortunately the Council's preferred affordable housing partners have told us they do not possess the specialist knowledge or resources to deliver Gypsy & Traveller sites. Officers

have had discussions with a few Local Authorities with experience delivering Gypsy & Traveller accommodation in partnership with Affordable Housing Providers and hope to explore this in more detail in due course. Members support for this work is vital.

- 4.8 **Addressing Need: Capital fund for provision of Gypsy & Traveller Pitches:** The Authority received money in 2006/7 from the Gypsy & Traveller Sites Grant from the Department of Communities and Local Government to create new sites and pitches. TDBC's joint application with the Gypsy & Traveller Community created a capital fund of £150,000. The conditions of the grant state that money is to be used for the purchase of land and installation of infrastructure; sale of land and pitches is to be put back into the fund. Internal discussions and discussions in partnership with Somerset Project Working Group for the Implementation of the GTAA recommendations have highlighted difficulty identifying sites. Identifying sites is vital, however; Officers intend to explore other options involving existing projects such as Community Land Trust or Community Interest Companies (i.e. Mendip, Home Space). Members support for this work is vital.

Government have indicated that they will continue to support the Gypsy & Traveller Sites Grant Scheme through the Homes and Communities Agency. £13 million is available from its Traveller Pitch Funding Programme for developed schemes that can demonstrate value for money.

- 4.9 **Identifying and Resolving Issues: Gypsy & Traveller Forum:** The forums are vital, two-way communication tools. They allow TDBC to take policies and procedures for consultation as well as disseminate information on a variety of topics and they provide a conduit for the communities to raise issues. TDBC has historically had a very active and productive forum. In 2011 Somerset Equalities Officers Group provided funds for the charity People Can to facilitate the forums in four of Somerset's District Council's, since then attendance has waned. Officers are trying to work with People Can to revitalise the forums and resolve tensions that appear to have occurred since they took over the facilitation of the Forums. There is a risk that TDBC will lose a vital communication tool with this traditionally hard to reach minority within its Borough. Members support for this work is vital.

- 4.10 **Identifying and Resolving Issues: Gypsy & Traveller Working Group:** Following the sale of the Country Council owned Gypsy & Traveller sites to a private company; a number of issues have developed. A Gypsy & Traveller Working Group (GTWG) was established to bring a number of teams and departments in TDBC together to jointly tackle these issues. The group currently comprises of representatives from Planning Policy, Housing Enabling, Benefits, Planning Enforcement and Development Management; though it is envisaged that membership will vary and ultimately involve external stakeholders (i.e. Citizens Advice, Avon & Somerset Constabulary, Somerset County Council) as issues evolve. Members support for this work is vital.

## **5 Financial Comments**

- 5.1 The Somerset Authorities pooled contributions for the GTAA, a more cost effective solution than each authority funding an individual report. The TDBC contributions came from Planning Policy and Housing Strategy budgets. It is hoped that an addendum will also be jointly commissioned.
- 5.2 The Coalition Government have indicated that the New Home Bonus Scheme, which will match the Council Tax raised on each new house for six years after it built, will be applicable to new Gypsy & Traveller Pitches.
- 5.3 The Authority received money in 2006/7 from the Gypsy & Traveller Sites Grant from the Department of Communities and Local Government to create new sites and pitches. TDBC's joint application with the Gypsy & Traveller Community created a capital fund of £150,000.

Government have indicated that they will continue to support the Gypsy & Traveller Sites Grant Scheme through the Homes and Communities Agency. £13 million is available from its Traveller Pitch Funding Programme for developed schemes that can demonstrate value for money.

- 5.4 Not identifying sufficient suitable land will result in risk of future illegal encampment and planning by appeal. Liability for costs of such actions is payable by the Authority.

## **6 Legal Comments**

- 6.1 The various Gypsy & Travellers communities are officially recognised as a distinct ethnic group under the Race Relations Act.
- 6.2 National Planning and Housing legislation makes clear that Local Authorities should undertake a robust assessment of need to enable successful planning for future pitch provision for the Gypsy & Travelling community in the same way that they plan for the settled community. Through the Plan led system the Local Authority should set out criteria based policy for the location of gypsy and traveller sites; allocate sites and identify a 5 year supply of land for future Gypsy & Traveller pitches.
- 6.3 Local Authorities may also be required, under Section 87 of the Local Government Act 2003 (as amended), to produce a strategy that addresses the need identified, including that of Gypsies and Travellers.
- 6.4 Housing Acts of 1977 and 1996, and the Homelessness Act 2002, placed statutory duties on local housing authorities to ensure that advice and assistance to households who are homeless or threatened with homelessness is available free of charge. Local Authority must also provide appropriate accommodation for those presenting as homeless.
- 6.5 Under the Human Rights Act 1998 offering a homeless Gypsy or Traveller Bed & Breakfast accommodation, as we do settled members of the community, would contravene their personal beliefs.

## **7 Corporate Aims**

7.1 This work links directly and indirectly to the following Corporate aims:

Aim 1 – Tackling Deprivation and Sustainable Community Development  
*Deprivation will be tackled so that disadvantaged communities will have better access to jobs, training and local services*

Aim 2 – Regeneration  
*...Homes will have been provided to cater for the needs of an expanding and diverse population...*

Aim 3 – Affordable Housing  
*Everyone will have access to a decent home at a price they can afford, in a place they want to live*

This work also feeds in to the Council's Planning Policy which is a Council priority.

## **8 Environmental Implications**

8.1 National Planning Policy and TDBC's Core Strategy contains policies on development in sustainable locations to minimise the need to travel and maximise the opportunities for public transport, cycling and walking. A sustainability appraisal has been carried out on all objectives, policies, and proposals of the Core Strategy.

## **9 Community Safety Implications**

9.1 The aim of National and Local Policy is to address the needs of particular groups and areas of deprivation and seeks to reduce crime and fear of crime, as well as incidents of antisocial behaviour, reduce social inequalities and disadvantage; protect and enhance the sense of community and access to services and facilities.

## **10 Equalities Impact Assessment**

10.1 The GTAA was written considering the positive and negative impacts on the six following equalities groups – Disability, Race, Faith, Gender, Sexual Orientation and Age. The GTAA with the help of the National Guild of Showmen was only able to identify one Showman's Yard in Somerset. The views of the wider Showmen's Community may therefore not be represented in the report.

10.2 An Equalities Impact Assessment (EIA) of the Core Strategy has been carried out and published alongside the Published Plan Core Strategy document.

10.3 An EIA will be undertaken for all subsequent work identifying need (i.e. GTAA addendum), addressing need (i.e. Site Allocations Document), as well as processes and decisions on allocation of the Capital fund for provision of Gypsy & Traveller Pitches.

## **11 Risk Management**

- 11.1 Financial: Without actively identifying and addressing the need the Authority is at risk of unauthorised encampments, permitting development in undesirable locations and Planning by Appeal; with their associated costs. Actively addressing the requirements reduces the risk of discrimination. For example, if we cannot offer pitches the Council is exposed to claims based on discrimination under the European Court of Human Rights Legislation.
- 11.2 Reputation: The Council is at risk of not producing justified and effective Development Plan Documents, thus carrying risk of the plans being found unsound. The issues around unauthorised encampments, appeals and Human Rights will also affect the Authority's reputation.
- 11.3 Community Health: The Council is at risk of not being able to discharge its homelessness obligations and offer alternative accommodation to illegal encampments. Promotion of sustainable development locations and community integration are key in tackling issues of deprivation and ill health that are prominent within significant groups of the Gypsy & Travelling community.

## **12 Partnership working**

- 12.1 Identifying Need: The Authority has already undertaken partnership working in regard to the evidence base of need, the GTAA. It is hoped that this will continue with the commissioning of an addendum to the GTAA.
- 12.2 Addressing Need: addressing need will only be delivered in partnership with organisations (i.e. Showpersons Guild, Affordable Housing Providers), stakeholders (i.e. Somerset District Council's, Somerset County Council, Avon & Somerset Police) and communities (Parish Councils, Members of the Gypsy & Travelling Community).

## **13 Recommendations**

- 13.1 Executive is requested to acknowledge the TDBC's statutory responsibilities and endorse the actions in relation to identifying need, addressing need and engaging with the Gypsy & Travelling Community, as a means to enable the Council to meet its statutory responsibilities.

## **14 Further Information**

- 14.1 Ann Rhodes Policy Officer (Planning and Development)  
Ext 2222, e-mail [a.rhodes@tauntondeane.gov.uk](mailto:a.rhodes@tauntondeane.gov.uk)



## **Appendix 1**

### **Policy DM 3 - GYPSY AND TRAVELLER SITE SELECTION CRITERIA**

Proposals for the use of land for occupancy by Gypsies and Travellers should demonstrate that in the first instance consideration has been given to sites within existing settlement boundaries. Where such sites are not available consideration should be given to sites adjoining or adjacent to existing settlement limits. The consideration of sites which do not fulfil this criteria will only be justified where the Council is satisfied that alternative sites are not reasonably available to the applicant. Expansion of existing sites will be considered on its merits, taking into account the potential impacts of expansion in accordance with the provisions set out in a) to f) below.

Applicants will need to provide evidence that the future occupants are members of the Gypsy or Travelling communities, including information about the intended occupant's past travel and their link to work patterns where applicable.

### **RESIDENTIAL SITES**

In all cases the following criteria should be satisfied fully:

- (a) The proposal will help to meet a clear and evidenced need as demonstrated through a GTAA or other evidence submitted alongside the application; and
- (b) The site is well-related to local services and facilities including retailing opportunities, schools and doctors surgeries as well as existing employment provision; and
- (c) The environmental impacts of the proposal are minimised, this will include appropriate screening and siting of development taking into account landscape issues as well as any likely impacts upon wildlife, built heritage and flood risk; proposals should in particular avoid any adverse impact on the Natura 2000 sites in the Borough and comply with Habitats Regulations 2010. Details of habitats protection and mitigation including bat protection zones are covered under Environment Policy.
- (d) The proposal would not unacceptably prejudice the amenity of adjoining or adjacent occupiers; and
- (e) The site can be adequately served by the appropriate infrastructure to support the development including foul and surface water drainage;
- (f) The impact of the proposal will not give rise to an unacceptable impact on traffic movements, noise and other potential disturbance arising out of the movement of vehicles on to and off of the site.

### **TRANSIT SITES**

In the case of transit sites, these will be considered in the context of the criteria outlined above excluding point b. Here preference should be given to proposals which relate to land that benefits from ease of access to the Trunk Road network and M5 motorway.

## **Appendix 2**

Core Strategy	Strategic Planning Policy Document for the Borough
DPD	Development Plan Document (Planning Policy Document)
EIA	Equalities Impact Assessment
GTAA	Gypsy & Traveller Accommodation Assessment
GTWG	Gypsy & Traveller Working Group (a TDBC Officers Group)
SHELAA	Strategic Housing & Employment Land Availability Assessment

**10/10/2012, Report:Community Infrastructure Levy - Draft Charging Schedule and Affordable Rent**

Reporting Officers:Nick Bryant

**10/10/2012, Report:Halcon North Review of Regeneration Proposal**

Reporting Officers:Alison North

**14/11/2012, Report:Taunton Deane Borough Council Local Council Tax Support Scheme**

Reporting Officers:Paul Harding

**14/11/2012, Report:Draft Corporate Business Plan**

Reporting Officers:Simon Lewis

**14/11/2012, Report:Community Infrastructure Levy**

Reporting Officers:Nick Bryant

**14/11/2012, Report:Housing Revenue Account 30 Year Business Plan Review**

Reporting Officers:James Barra

**14/11/2012, Report:Fees and Charges Report**

Reporting Officers:Maggie Hammond

**14/11/2012, Report:Funding to support Somerset County Cricket Club development**

Reporting Officers:Joy Wishlade

**05/12/2012, Report:2013/2014 Provisional Budget Proposals and Savings Plans**

Reporting Officers:Paul Fitzgerald

**05/12/2012, Report:2013/2014 Council Tax Base**

Reporting Officers:Paul Fitzgerald

**05/12/2012, Report:Quarter 2 Performance Report**

Reporting Officers:Dan Webb

**07/02/2013, Report:2013/2014 Capital Programme Estimates**

Reporting Officers:Paul Fitzgerald

**07/02/2013, Report:2013/2014 Housing Revenue Account Estimates**

Reporting Officers:Paul Fitzgerald

**07/02/2013, Report:2013/2014 General Fund Revenue Estimates**

Reporting Officers:Paul Fitzgerald

**07/02/2013, Report:2013/2014 Council Tax Setting**

Reporting Officers:Paul Fitzgerald