



To: Members of the Local Development Panel
(Councillors K H Turner (Chairman), S Y Goss (Vice Chairman),
B Heywood, B Maitland-Walker, J Parbrook, D Westcott,
P Pilkington and T Venner)

Our Ref DS/KK

Your Ref

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Date 21 July 2017

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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OR IN OTHER LANGUAGES ON REQUEST**

Dear Councillor

I hereby give you notice to attend the following meeting:

LOCAL DEVELOPMENT PANEL

Date: Tuesday 1 August 2017

Time: 2.30 pm

Venue: Council Chamber, Council Offices, Williton

Please note that this meeting may be recorded. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

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Yours sincerely

A handwritten signature in black ink, appearing to read "Bruce Lang".

BRUCE LANG
Proper Officer

LOCAL DEVELOPMENT PANEL

Meeting to be held on Tuesday 1 August 2017 at 2.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Local Development Panel held on 1 February 2017, to be approved and signed as a correct record – **SEE ATTACHED.**

3. Declarations of Interest

To receive and record any declarations of interest in respect of any matters included on the Agenda for consideration at this Meeting.

4. Public Participation

The Chairman to advise the Committee of any Agenda items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

5. Member Briefing: Oil and gas development (fracking) and sign off of MoU

To consider the Report No. WSC 85/17, to be presented by Councillor K Turner, Lead Member for Housing, Health and Wellbeing – **SEE ATTACHED.**

The report sets out a short briefing on oil and gas development (fracking).

The Memorandum of Understanding prepared by Somerset County Council (the minerals planning authority) which clarifies roles and responsibilities of its signatories which will include West Somerset Council, subject to this Council's agreement – **TO FOLLOW.**

6. Stogumber Neighbourhood Development Plan

To consider the Report No. WSC 79/17, to be presented by Councillor K Turner, Lead Member for Housing, Health and Wellbeing – **SEE ATTACHED.**

The purpose of the report is to inform the Panel of the Independent Examiner's (IE's) recommendations regarding the Stogumber Neighbourhood Development Neighbourhood Plan (SNDP) and the process to have it a "made" (adopted) Development Plan Document.

7. Finalising the West Somerset Infrastructure Delivery Plan

To consider the Report No. WSC 80/17, to be presented by Councillor K Turner, Lead Member for Housing, Health and Wellbeing – **SEE ATTACHED.**

Further to the Local Development Panel's consideration of the draft West Somerset Infrastructure Delivery Plan at its meeting on the 1 February 2017, amendments have been made and a revised draft West Somerset IDP is presented for recommendation to Full Council for endorsement.

8. Local Plan Evidence Base Progress Report

To consider the Report No. WSC 86/17, to be presented by Councillor K Turner, Lead Member for Housing, Health and Wellbeing – **SEE ATTACHED.**

The purpose of the report is to inform Members as to the progress on updating various elements of the evidence-base prior to commencement of drafting a replacement local plan.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

LOCAL DEVELOPMENT PANEL

Minutes of the Meeting held on 1 February 2017 at 2.30 pm

Present:

| | |
|----------------------------------|------------------------------|
| Councillor K H Turner (Chairman) | Councillor S Y Goss |
| Councillor B Heywood | Councillor B Maitland-Walker |
| Councillor J Parbrook | Councillor T Venner |

Members in Attendance:

| | |
|------------------------------|---------------------|
| Councillor M Chilcott | Councillor P Murphy |
| Councillor A Trollope-Bellew | Councillor R Woods |

Officers in Attendance:

Tim Burton, Assistant Director - Planning and Environment
 Andrew Goodchild, Assistant Director – Place and Energy Infrastructure
 Nick Bryant, Planning Policy Manager
 Martin Wilsher, Principal Planning Officer (Policy)
 Krystyna Kowalewska - Meeting Administrator

Also in Attendance:

Lin Cousins, Consultant - Three Dragons

LD8 Apologies for Absence

No apologies for absence were received.

LD9 Minutes

(Minutes of the Local Development Panel held on 3 October 2016 – circulated with the Agenda).

RESOLVED that, subject to replacing ‘not’ with ‘insufficient’ in the last line of the third bullet point of Minute No. LD5, the Minutes of the Meeting of the Local Development Panel held on 3 October 2016 be confirmed as a correct record.

LD10 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

| Name | Minute No | Description of Interest | Personal or Prejudicial | Action Taken |
|-------------|-----------|-------------------------|-------------------------|-----------------|
| Cllr S Goss | All Items | Stogursey | Personal | Spoke and voted |

| | | | | |
|------------------------|-----------|-----------------------|----------|-----------------|
| Cllr K H Turner | All Items | Brompton Ralph | Personal | Spoke and voted |
| Cllr B Maitland-Walker | All Items | Carhampton | Personal | Spoke and voted |
| Cllr J Parbrook | All Items | Minehead | Personal | Spoke and voted |
| Cllr K H Turner | All Items | Brompton Ralph | Personal | Spoke and voted |
| Cllr T Venner | All Items | Minehead & SCC | Personal | Spoke and voted |
| Cllr P Murphy | All Items | Watchet | Personal | Spoke |
| Cllr A Trollope-Bellew | All Items | Crowcombe & Stogumber | Personal | Spoke |

LD11 Public Participation

Dr. Teresa Bridgeman, Secretary of West Somerset Flood Board spoke on Agenda Item 6 – West Somerset Approach to Urban Design and Masterplanning.

Dr. Bridgeman advised that the information contained within the Supplementary Planning Document (SPD) relating to Flood and Water Management (Section F.6) was out of date and required to be rewritten, and she was of the opinion that the statutory consultees and the Flood Group would recommend substantial changes. In addition, neither Section C and D fully integrated flood and water design management and the Flood Group recommended changes to these sections and was prepared to provide the necessary input. Her concern was that as the revisions to the flood and water management text were going to be substantial, she asked Members to consider whether going out to public consultation at this stage was the most effective way to revise and consult on the document given its early draft state in some sections, and would there be a way for the Council to consult on the new text which would inevitably be generated.

She also raised concerns relating to the Minehead strategic sites and issues concerning masterplanning for Minehead within the SPD.

LD12 West Somerset Infrastructure Delivery Plan

(Report No. WSC 14/17, circulated with the Agenda.)

The purpose of the report was to present the Final Draft West Somerset Infrastructure Delivery Plan (IDP) for sign off by the Panel.

Councillor K Turner, Lead Member for Housing, Health and Wellbeing introduced and welcomed Lin Cousins, one of the consultants from Three Dragons, to the meeting.

The Planning Policy Manager presented the report, summarising the key issues contained within. He advised that the IDP was an important part of the planning preparation process in terms of identifying and costing the infrastructure required to support new development over the Local Plan period to 2032. He drew Members' attention to Appendix A of the report which documented all the infrastructure which had been identified by key stakeholders. The document was a useful tool for the Council to support its future development agenda. The officers felt the IDP could be used as a guide to give a steer as to whether or not it would be appropriate to introduce the Community Infrastructure Levy (CIL) in West Somerset. It was explained that CIL was a mechanism by which development helped to pay to deliver the essential infrastructure. The IDP had taken longer than anticipated to produce, the reason being was to ensure consensus from the infrastructure providers was obtained as to the necessary requirements, and it was noted that, as a result, some of the references contained within the document may now be out of date. Officers had the ability to make limited factual changes prior to the document being signed-off, and it was recognised the IDP would be reviewed on a regular basis to bring it up to date.

Various questions and issues were raised by Members including the following points:

- A question was raised as to whether the IDP would be updated to take into account the need for attenuation in terms of masterplanning for the Hopcott and Periton Road site, and it was agreed to acknowledge the fact that this was a concern and would be looked at when housing developments came forward.
- The IDP was a living document and would be kept under review, to inform the Council's decisions with regards to priorities and infrastructure funding; and some of the work on masterplanning for the strategic sites could have a bearing on the cost of infrastructure required and what would need to be included in future revisions.
- The information within the IDP contained best available evidence which was based on representations and input provided by the key stakeholders, and included agreed costed proposals. Omissions of any proposals would be rectified.
- Concerns were raised about the quality of information supplied by Somerset County Council pertaining to education as it was believed to be incomplete in terms of levels of schools and classroom provision and requests were made for the omissions to be included in the IDP. The various issues were noted for consideration and it was confirmed that officers would re-communicate with SCC on education matters. In terms of the capacity issue, it would be verified with SCC whether schools outside the Exmoor National Park taking pupils from within the ENP had been taken into account in the figures given.
- In response to a concern raised, it was confirmed that Wessex Water had been consulted at each stage during the process and no issues were raised as part of their representations in terms of how to deal with water capacity for larger housing developments.

- Only costed infrastructure items had been included in the quoted IDP 'infrastructure bill', there are some items which may be required over the plan period which are not currently sufficiently progressed to be included as costed proposals. This does not imply they could not be required.
- Maps of the proposed Watchet pedestrian bridge and the proposed road at Cleeve Hill were requested. It was noted Local Plan Policy WA1 recognised the need for an improved connection within Watchet because of the railway but did not specify the location - this would be determined at a later date when specific, detailed proposals have been developed. The need for re-alignment of the road at the top of Cleeve Hill was recognised in Local Plan Policy LT1 as a policy requirement and thus would be fundamental to the layout of any scheme and would provide access to the site. This would be a matter for the planning application and any detailed masterplanning of the site to address.
- The IDP was an information report supplementing the evidence base within the Local Plan already in place.
- Concern was raised on the inconsistencies within the IDP with regards to costed and non-costed projects.
- A correction was highlighted in paragraph 3.15 of the IDP in that reference should be made to the fact that LPA's had responsibility for sustainable drainage systems for new developments under 10 dwellings.

In light of the requests for additional points to be included in the IDP (not limited to those referred to above) and for officers to clarify some of the detail which concerned Members in respect of education, it was proposed by Councillor B Maitland-Walker and seconded by Councillor B Heywood that the report be amended and presented to the next Local Development Panel meeting for consideration.

RESOLVED that the item be deferred until the next meeting of the Local Development Panel held on 14 June 2017, subject to the Draft West Somerset Infrastructure Delivery Plan being amended.

LD13 West Somerset Approach to Urban Design and Masterplanning

(Report No. WSC 15/17, circulated with the Agenda.)

The purpose of the report is to outline the proposed approach to urban design and masterplanning, including endorsement of the draft Supplementary Planning Document (SPD) Design Guide and Major Developments.

Councillor K Turner, Lead Member for Housing, Health and Wellbeing introduced the item and the report was presented by the Planning Policy Manager. He provided detailed background information and advised that there were areas of the draft SPD which required to be amended further. The Planning Policy Manager noted down and responded to the comments raised by Dr. Bridgeman and agreed that substantive factual changes could be made to the document before going out for consultation. There was no formal process in which to publish the SPD other than the need for it to be subject to formal public consultation prior to its adoption. If Members were mindful, officers could informally consult with the Flood Group or any other relevant parties prior to going out for formal consultation.

The Planning Policy Manager drew Members' attention to the proposed approach that was being recommended in respect of the Local Plan strategic sites as detailed in the report.

During the debate the following main points were raised:

- It was noted that more detailed information in respect of flooding issues would be dealt with after the meeting.
- There were complex issues and challenges regarding the masterplanning for the Minehead sites and a significant budget would need to be identified to enable it to be managed appropriately.
- It was acknowledged that the SFRA was not up-to-date with the latest practice guidance and, although it had a relevance, it would not impact on the SPD being adopted.
- Reference was made to 'lifetime homes' and on consideration of the concern raised it was agreed to incorporate more detailed points into the document. The issue would also be addressed during the review of the Local Plan.

It was proposed by Councillor B Maitland-Walker and seconded by Councillor J Parbrook that the item be deferred to enable further consultation work to be undertaken. A two-stage consultation process was proposed, which would involve an informal consultation with stakeholders and, subject to the Local Development Panel's approval of the SPD at the next Panel meeting, the document would be published for a period of six weeks formal consultation.

RESOLVED that the report be deferred until the next meeting of the Local Development Panel held on 14 June 2017.

The meeting closed at 4.32 pm.

Report Number: WSC 85/17

West Somerset Council

Local Development Panel – 1st August 2017

Member Briefing: Oil and gas development (fracking) and sign off of MoU

This matter is the responsibility of Councillor Keith Turner: Lead Member for Housing Health & Wellbeing

Report Author: Nick Bryant, Planning Policy Manager.

1 Executive Summary / Purpose of the Report

- 1.1 This report sets out a short briefing on oil and gas development (fracking). The Memorandum of Understanding (Appendix A to the report) prepared by Somerset County Council (the minerals planning authority) which clarifies roles and responsibilities of its signatories which will include West Somerset Council, subject to this Council's agreement will be circulated under separate cover.

2 Recommendations:

- 2.1 To note the contents of this Report and endorse the Memorandum of Understanding which shall be signed off by Councillor Turner as Lead Member for Housing, Health and Wellbeing.

3 Risk Assessment

Risk Matrix

| Description | Likelihood | Impact | Overall |
|-------------|------------|--------|---------|
| | | | |
| | | | |

Risk Scoring Matrix

| | | | | | | | |
|-------------------|---|----------------|------------|-------------|-------------|----------------|----------------|
| Likelihood | 5 | Almost Certain | Low (5) | Medium (10) | High (15) | Very High (20) | Very High (25) |
| | 4 | Likely | Low (4) | Medium (8) | Medium (12) | High (16) | Very High (20) |
| | 3 | Possible | Low (3) | Low (6) | Medium (9) | Medium (12) | High (15) |
| | 2 | Unlikely | Low (2) | Low (4) | Low (6) | Medium (8) | Medium (10) |
| | 1 | Rare | Low (1) | Low (2) | Low (3) | Low (4) | Low (5) |
| | | | 1 | 2 | 3 | 4 | 5 |
| | | | Negligible | Minor | Moderate | Major | Catastrophic |
| Impact | | | | | | | |

| Likelihood of risk occurring | Indicator | Description (chance of occurrence) |
|-------------------------------------|---|---|
| 1. Very Unlikely | May occur in exceptional circumstances | < 10% |
| 2. Slight | Is unlikely to, but could occur at some time | 10 – 25% |
| 3. Feasible | Fairly likely to occur at same time | 25 – 50% |
| 4. Likely | Likely to occur within the next 1-2 years, or occurs occasionally | 50 – 75% |
| 5. Very Likely | Regular occurrence (daily / weekly / monthly) | > 75% |

4 Background and Full details of the Report

- 4.1 Oil and gas development refers to the process of extracting oil and gas from rock deep below the earth's surface. Extraction can only occur within areas licenced by government, and is of course, subject to planning consent being secured.
- 4.2 Onshore oil and gas development commonly includes 'fracking', a term used to describe the process of hydraulic fracturing. A mixture of water, sand and chemicals are pumped at high pressure through boreholes into gas bearing rocks. The water opens cracks in the rock while the sand grains lodge into the space created allowing for gas to be released and travel back along the borehole to be collected.
- 4.3 Licences have now been issued by government to South Western Energy Ltd which cover part of the West Somerset Planning Area (and extend partially into Exmoor National Park). In order to exercise the extraction rights, licence holders are still required to follow existing regulatory and planning processes, this will mean applying for planning permission and environmental permits as well as gaining consent from the Oil and Gas Authority. The licensee's proposals will also be subject to scrutiny by the Health and Safety Executive.
- 4.4 Somerset County Council is the minerals planning authority who will determine planning applications for fracking (with the exception of within Exmoor National Park). As the minerals planning authority, SCC would need to consider proposals against national and local policies set through the Somerset Minerals Plan (2015) but may not address

emissions, control processes, or health and safety issues that are matters addressed under other regulatory processes.

- 4.5 West Somerset Council would of course be a consultee on any planning application made for oil and gas development within the planning area. In responding to a specific proposal, we may wish to draw attention to specific policies in the West Somerset Local Plan to 2032 and any other land use planning implications conscious of the fact that other regulatory processes exist which will govern the matters referred to in paragraph 4.4.
- 4.6 Somerset County Council has overseen the preparation of a Memorandum of Understanding outlining the key roles and responsibilities of stakeholders in the event of applications for oil and gas development in Somerset. Since licences for extraction have now been issued which cover part of the West Somerset Planning Area, we have been asked to sign the MoU.

5 Links to Corporate Aims / Priorities

- 5.1 In the event that oil and gas development were to occur in West Somerset it could deliver outcomes against three of the four themes identified in the Council's Corporate Strategy, namely; 'People', 'Business and Enterprise' and 'Our Place.'

6 Finance / Resource Implications

- 6.1 None identified.

7 Legal Implications

- 7.1 None identified.

8 Environmental Impact Implications

- 8.1 None identified in the matter set out in this report, namely the sign off of the MoU.

9 Safeguarding and/or Community Safety Implications

- 9.1 None identified in the matter set out in this report, namely the sign off of the MoU.

10 Equality and Diversity Implications

- 10.1 None identified

11 Social Value Implications

- 11.1 None identified

12 Partnership Implications

- 12.1 The MoU has been prepared by SCC as the Minerals Planning Authority and highlights the roles and responsibilities of partners.

13 Health and Wellbeing Implications

- 13.1 None identified in the matter set out in this report, namely the sign off of the MoU.

14 Asset Management Implications

14.1 None identified.

15 Consultation Implications

15.1 None identified

16 Scrutiny Comments / Recommendation(s)

16.1 Not applicable

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency: **Once only****List of Appendices (TO FOLLOW)**

| | |
|------------|---|
| Appendix A | Oil and Gas development Memorandum of Understanding |
|------------|---|

Contact Officers

| | | | |
|-------------|--|-------------|--|
| Name | Nick Bryant | Name | |
| Direct Dial | 01823 356482 | Direct Dial | |
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Report Number: WSC 79/17

West Somerset Council

Local Development Panel (LDP) – 1st August 2017

Stogumber Neighbourhood Development Plan (SNDP)

This matter is the responsibility of Cabinet Member Keith Turner (Housing, Health & Wellbeing Portfolio Holder)

Report Author: Ann Rhodes, Planning Policy Officer

1 Purpose of the Report

- 1.1 The purpose of this report is to inform the Panel of the Independent Examiner's (IE's) recommendations regarding the Stogumber Neighbourhood Development Neighbourhood Plan (SNDP) and the process to have it a "made" (adopted) Development Plan Document.

2 Recommendations

- 2.1 Members are requested to note the report, and recommend to the Portfolio Holder for Housing, Health & Wellbeing that through an Executive Decision WSC accept the IE's report and progress the amended Stogumber Neighbourhood Development Plan, in line with the IE's recommendations, to referendum.

3 Risk Assessment

Risk Matrix

| Description | Likelihood | Impact | Overall |
|--|-----------------|--------------|------------|
| Risk: WSC must consider the Independent Examiners (IE's) recommendations and if it agrees with them it has a legal duty to progress a NDP to referendum. Officers recommend accepting the IE's recommendations. | Unlikely (2) | Minor (2) | Low (4) |

| | | | |
|---|-------------------------|----------------------|--------------------|
| <p>Risk: If WSC does not agree with an IE's recommendation(s) consult on those. The Secretary of State may intervene on behalf of the Qualifying Body in this instance and make a ruling on the NDP's progression to referendum, with any associated costs paid by WSC. However, the IE report is legally compliant and the recommendations make the NDP compliant with statute.</p> | <p>Unlikely (2)</p> | <p>Minor (2)</p> | <p>Low (4)</p> |
|---|-------------------------|----------------------|--------------------|

4 Background and Full details of the Report

- 4.1 The Localism Act introduced Neighbourhood Development Plans to the planning system, giving communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan which reflect the growth needs and priorities of their communities.
- 4.2 The Localism Act, the National Planning Policy Framework, Town and Country Planning Act 1990, Neighbourhood Planning Act 2017, Housing and Planning Act 2016 and various Neighbourhood Planning Regulations provide the regulatory framework for neighbourhood planning.
- 4.3 From inception Neighbourhood Development Plans are community led development plan documents with the Local Planning Authority providing advice and assistance, and taking regulatory decisions at key legislative stages set out in the Act's and Regulations.
- 4.4 A Neighbourhood Development Plan must be predominantly land-use based (i.e. use of land, type and scale of development, allocate land for development). It cannot be contrary to National and Local Planning Policy (National Planning Policy Framework, WSC Local Plan), nor can it conflict with European Legislation (Equalities, Environmental and Ecological). A Neighbourhood Plan cannot restrict development but it can shape development that has been allocated through local Planning Policy and allocate land for development.
- 4.5 Stogumber Parish Council began the process of developing a Neighbourhood Plan in 2013. An application was received from them in January 2014 to produce a neighbourhood plan and for the designation of the Stogumber Parish boundary running

entirely within the West Somerset Local Planning Authority area, the Exmoor National Park boundary which passes through the Parish was excluded. The application was published for statutory consultation between Friday 14th February 2014 and Thursday 27th March 2014 in accordance with Regulation 6 of the Neighbourhood Plans (General) Regulations.

- 4.6 A parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. In accordance with Section 61F of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) Stogumber Parish Council are therefore a “relevant body” for the purpose of producing a neighbourhood development plan.
- 4.7 In accordance with Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and taking account of Government guidance WSC formally designated the neighbourhood area on 30th April 2014 as Stogumber Parish boundary which runs entirely within the West Somerset Local Planning Authority area, the Exmoor National Park boundary which passes through the Parish was excluded.
- 4.8 The Stogumber Neighbourhood Development Plan was developed through an iterative process over four and a half years using quantitative (e.g. factual studies and statistics) and qualitative (e.g. surveys, consultation and engagement) data.
- 4.9 The Stogumber Neighbourhood Plan and its supporting documents was submitted to WSC in November 2016. In accordance with Regulation 16(v) of The Neighbourhood Planning (General) Regulations it was subject to regulatory consultation, which ran from 18 November and 13 January (two weeks longer than the statutory figure in the Neighbourhood Plans (General) Regulations 2012 due to the Christmas holiday period). 14 representations were received during the period of consultation which were submitted in their entirety to the independent examiner in accordance with Regulation 17(d).
- 4.10 In accordance with Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and in the Neighbourhood Plans (General) Regulations 2012 an Independent Examiner, John Mattocks, was jointly appointed by TDBC and Trull Parish Council to carry out an independent examination of the Trull & Staplehay Neighbourhood Development Plan.

4.11 The examination was conducted by written representations. The Independent Examiners report was received by WSC and the QB on 30th May 2017. The report concluded that:

- The SNDP is compliant with European Convention of Human Rights;
- The SNDP is compatible with EU Environmental Obligations (Strategic Environmental and Habitats Assessment) and does not breach Convention Rights;
- The SNDP, subject to modifications, meets all the Basic Conditions;
 - Has regard to national policies and to advice contained in guidance issued by the Secretary of State;
 - Contributes to the achievement of sustainable development;
 - Is in general conformity with the strategic policies contained in the development plan for the area [TDBC adopted Core Strategy];
 - Does not breach, and is otherwise compatible with, European Union (EU) obligations;
 - Is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects;
 - Ensure that 'prescribed conditions' are met and 'prescribed matters' [the correct processes and procedures] have been complied with in plan preparation and submission.

and that,

- As such the SNDP can progress to referendum and the referendum area should not extend beyond the Neighbourhood Area to which the Plan relates [the Parish of Trull].

Neighbourhood development plans are subject to similar legal tests as the Boroughs planning policy documents and in terms of evidence, viability, being positive and not restricting development. The recommendations made in the Examiner's report were to make the plan compliant with planning legislation, and thereby enable it to be effectively

applied to development proposals in the Parish of Stogumber and reduce the risk of challenge. For example:

Modifications to meet requirements of NDP's set out in Planning and Compulsory Purchase Act 2004:

- Specify the 10 year period during which the plan is intended to have effect;
- Delete references to Quarrying; this is excluded development for a NDP;
- Delete policy text on village shop, as incompatible with the Convention rights';
- Delete policy on the Church, as this is not a land-use matter and changes to ecclesiastical buildings do not require planning consent.

Modifications to meet Basic Conditions set out in Town & Country Planning Act 1990:

- Amendment to wording in location of development policy to reflect national planning policy on permitted development and conform with WSC Local Plan;
- Amend policy wording on flood risk to remove duplication of words in supporting text;
- Amend policy wording on Housing Delivery to reflect national planning guidance on technical standards, planning conditions, and requirement for policy clarity to enable clear and constant interpretation for planning decisions;
- Amend policy wording on employment to reflect effect on the 'vitality and viability' of the centre'; and rules on removal of permitted development rights.

Modification to correct errors:

- make amendments to the plan text which are consequential to the recommended modifications to plan policies (i.e. paragraph and policy numbering).

4.12 Having considered each of the recommendations made in the Examiner's report, and the reasons for them, WSC Officers recommend to the panel that the report is accepted, and that a modified NDP progress to referendum.

4.13 The Stogumber Neighbourhood Development Plan, post examination, contains 13 policies:

- Overall Requirements for Development;
- Location of Development;
- Setting of Stogumber;
- Design & Appearance of Development;
- Flood Risk;
- Renewable Energy;
- Housing Sites (Types, Sizes and Tenures);
- Housing Delivery (Local Needs);
- Residential Institutions (Use Class C2) for Older and Disabled People;
- School & Village Hall Site;
- Existing Public Open Spaces;
- The Beacon Field;
- Car Parking;

There are also two Community Actions. Whilst as policies these matters did not meet the Basic Conditions legal tests required for Neighbourhood Development Plans they were seen as important matters to the parish that could be retained as Community Actions, aims for the Parish Council to promote and support.

- Transport; and
- Allocation of Housing.

5 Next Steps

5.1 In accordance with the Localism Act 2011, Neighbourhood Planning (Referendum) Regulations the Stogumber Neighbourhood Development Plan referendum will pose the question *Do you want West Somerset Council to use the neighbourhood plan for Stogumber to help it decide planning applications in the neighbourhood area?*

- 5.2 In accordance with the Neighbourhood Planning (Prescribed Dates) Regulations the referendum must take place 56 days (excluding weekends, bank holiday and public mourning) after the decision is made to progress to a referendum.
- 5.3 Persons on the electoral register in the referendum area who were eligible to vote in a local election for that area are entitled to vote on the NDP. WSC Electoral Services team will undertake the referendum. As with local elections, persons will be able to vote by post or in person at their designated polling station.
- 5.4 The Planning Guidance states that following a referendum WSC, as the local planning authority, must decide whether the Neighbourhood Plan should be made (brought into legal force). This must within 8 weeks of the referendum. There are a narrow circumstances where the local planning authority is not required to make the neighbourhood plan. These are: where less than 50% of the voters voted in favour of the NDP, or where WSC considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any EU or human rights obligations. The NDP will be brought back to the Local Development Panel for an adoption decision after the referendum.

6 Links to Corporate Aims / Priorities

6.1 Corporate Strategy 2016 – 20:

Theme 1: Our Communities

- 1a: *Increase the availability and affordability of homes for local people – to both buy and to rent;*
- 1b: *The retention of young people; and*
- 1c *The wellbeing of older people.*

Theme 2: Business & Enterprise

- 2b: *Support and promote West Somerset's vital tourism and agricultural sectors.*

Theme 3: Our Place & Infrastructure

- 3a: *Support measures and proposals that protect local communities from flooding;*
- 3b: *Influence others to improve the road network within West Somerset and the*

way in which it is managed and maintained; and

- 3c: *Work with others to find solutions that ensure facilities valued by local communities and visitors...continue to be available.*

7 Finance / Resource Implications

- 7.1 WSC receives a DCLG grant to assist it in discharging its NDP duties. £20,000 will be received after a referendum date has been set, this will cover the cost incurred to date for the Examination and the costs of the referendum.

8 Legal Implications (if any)

- 8.1 WSC is required to progress a NDP referendum if it considers that as amended it meets the legal criteria. To not do so risks the intervention of the Secretary of State and any costs incurred by the Department for Communities and Local Government for that intervention are required to be met by WSC.

9 Environmental Impact Implications (if any)

- 9.1 The Stogumber Neighbourhood Development Plan was subject of a Strategic Environmental Assessment (SEA) screening, which included consultation with the three SEA statutory consultees (Environment Agency, Natural England and Historic England). The report was conducted by an independent environmental consultancy. There are no individual, or cumulative, adverse impacts on the environment as a result of the Plan.

10 Safeguarding and/or Community Safety Implications (if any)

- 10.1 None identified.

11 Equality and Diversity Implications (if any)

- 11.1 None identified.

12 Social Value Implications (if any)

- 12.1 Neighbourhood Development Plans give communities direct power to develop a shared vision for their neighbourhood, and shape a locally distinctive development plan which reflect the growth needs and priorities of their communities. Stogumber parish council

have invested a lot into producing a locally specific NDP for their area, which has included engagement with the people and businesses of the parish.

13 Partnership Implications (if any)

13.1 None identified.

14 Health and Wellbeing Implications (if any)

14.1 Somerset Health & Wellbeing Strategy:

- Priority 2: Families and communities are thriving and resilient:

Action: Well-connected, vibrant communities;

- Priority 3: Somerset people are able to live independently:

Action: Housing for independence.

15 Asset Management Implications (if any)

15.1 None identified.

16 Consultation Implications (if any)

16.1 Throughout the development of the Stogumber Neighbourhood Development Plan and after its submission to WSC, consultation has been undertaken in accordance with the Town and Country Planning Act 1990 (as amended by the Localism Act), Neighbourhood Planning (General) Regulations and Neighbourhood Planning (Referendum) Regulations, and in the case of its accompanying SEA report the Environmental Assessment of Plans and Programmes Regulations 2004.

17 Local Development Panel Comments / Recommendation(s) (if any)

17.1 [to be recorded at the meeting].

Democratic Path:

Information report for noting and decision by members of the Local Development Panel only.

Reporting Frequency: Once

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Stogumber Neighbourhood Plan

Submission Version

January 2016

Report to the West Somerset District Council
on the Independent Examination of the draft
Stogumber Neighbourhood Plan

April 2017

Examiner: John R. Mattocks BSc DipTP MRTPI FRGS

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Summary of main findings

0.1 It is a requirement of the Localism Act that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal findings in this report are that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the Town and Country Planning 1990 Act (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 The plan is recommended to be modified to delete references to quarrying and to include a vision statement. My main recommendations for modifications to the individual policies are: -

- Policy O1 should become an over-arching policy listing criteria which are common to a significant number of policies, cross-referenced in those policies to avoid repetition.
- References to the hamlets as preferred locations for development in Policy EN2 should be deleted and the policy should be significantly re-structured to provide clarity in implementation.
- Policy C3 should be re-written. Reference to a specific number of dwellings to be delivered during the plan period should be omitted; the site size threshold for the provision of affordable housing amended to 6 dwellings with a 35% contribution; occupancy criteria for both affordable housing and open-market (principal residence) dwellings should be removed; although an overall average net floor area for dwellings of 100m² may remain, it must be subject to an assessment of the effect on site viability; the 50m² minimum should be removed and the removal of permitted development rights for the extension of new dwellings should be linked to a requirement for a balanced assessment of the benefit of any proposed extension against any effect on the provision of housing to meet local needs.
- Policies EN1,4 and 8; C1,4,12 and 13 should be deleted and Policy C10 significantly re-written.
- Other policies should be re-drafted and in some cases combined, for example Policies C6-C8, to provide clarity in interpretation for the purposes of decision-making by the local planning authority.

Section 1 - Introduction

Appointment

1.01 I have been appointed by the West Somerset District Council (WSDC), acting as the Local Planning Authority (LPA), under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, to carry out an independent examination of the Stogumber Neighbourhood Plan as submitted to the LPA in November 2016. The WSDC carried out publicity for the proposed plan for 8 weeks between 18 November 2016 and 13 January 2017 giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations'). I was sent the documentation required under Regulation 17 in January 2017 following the close of the consultation period, including copies of all of the representations received under Regulation 16. I have taken that documentation and all of the representations into account in carrying out the examination.

1.02 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 40 years post-qualification professional experience in local and central government. I am independent of the Stogumber Parish Council and of the Local Planning Authority. I have no land interests in any part of the plan area.

My role as an examiner

1.03 The terms of reference for the independent examination of a Neighbourhood Development Plan are statutory. They are set out in the Localism Act 2011 and in the 2012 Regulations. As an examiner I must consider whether the plan meets what are called 'the basic conditions'¹. In summary, these require me to consider: -

- whether, having regard to national policies and to advice contained in guidance issued by the Secretary of State, it would be appropriate to make the plan;
- whether the making of the plan would contribute to the achievement of sustainable development;

¹ These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as introduced in Schedule 10 of the Localism Act 2011)

- whether the making of the plan would be in general conformity with the strategic policies contained in the development plan for the area; and to ensure that:-
- the making of the plan would not breach, and would otherwise be compatible with EU obligations relating to Strategic Environmental Assessment and Habitats Regulations Assessment and that the plan would be compatible with Convention rights, within the meaning of the Human Rights Act 1998; and
- that 'prescribed conditions' would be met and 'prescribed matters' would be complied with in plan preparation and submission.

1.04 Legislation requires that my report on the draft plan should contain one of the following recommendations:-

- a) that the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

I may make recommendations for modifications which I consider need to be made to secure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors.

Section 2 - Statutory and procedural matters including EU obligations and human rights

2.01 The West Somerset District Council formally designated the parish of Stogumber, excluding that part which lies within the Exmoor National Park, as a Neighbourhood Area on 3 June 2014. The plan relates solely to the designated area and has been submitted by the Stogumber Parish Council (SPC) as the 'qualifying body'.

2.02 The title of the plan is given (in green) on the front sheet simply as 'Stogumber Neighbourhood Plan' although there is an italicised sub-heading '*Draft amended following 1st formal consultation November 2015 – January 2016*'. That may be factually correct but that stage was overtaken by events when the plan was submitted to the WSDC for further consultation. Not only

that but it will be incorrect and out-of-date as a reference to the final version of the plan. It is, therefore, in the nature of an error requiring correction.

2.03 In addition, it is a statutory requirement that the plan 'must specify the period for which it is to have effect'.² That has generally been taken to mean that a start and finish date should be stated whereas this plan only includes non-specific references to covering a 10 year period. It is becoming general practice to satisfy the statutory requirement by including the plan period in the plan title and, as the sub-title will require amendment, that would seem the best way forward for this plan.

2.04 I have been given various alternatives as to what the start and finish dates for the plan might be but I have decided that I need not be concerned with such detail, as the plan does not seek to qualify or limit the implementation of any individual policy within a specific timescale. Given the uncertainty as to when the plan might be finalised, I consider that a degree of flexibility is required. I need only make a generally worded recommendation on the matter in order to ensure that the final plan meets the statutory requirement. The exact start and finish dates can then be agreed between the Parish and District Councils as they see fit.

Recommendation 1

On the front page of the plan delete the italicised subtitle and substitute dates to specify the 10 year period during which the plan is intended to have effect.

2.05 Section 38B(1)(b) of the Town and Country Planning Act 1990 (as amended) ('the Act') states that the plan 'may not include provision about development that is excluded development'. The term 'excluded development' includes any development which would be a 'county matter' should a planning application be made for that type of development.

2.06 In the third paragraph of Policy EN2 is a provision which relates to land 'which has been previously developed for minerals extraction'. Such land is given locational preference for new (built) development. In so far as the policy relates to the re-development of land for an alternative use such as housing or employment that would not be a county matter. That applies even when the Somerset County Council, as Minerals Planning Authority, is consulted as to

² S38B(1)(a) of the Town and Country Planning Act 1990 (as amended by Schedule 9 to the Localism Act 2011)

whether there remains a viable mineral resource. However, the policy also applies criteria to proposals for future mineral extraction. Although the wording has been agreed with the County Council such provisions must be deleted for the plan to comply with the statutory limitation on content. (See *Recommendation 6 for a complete re-wording of Policy EN2*)

2.07 There is then a statement on page 31 of the plan under the heading 'Quarrying' which correctly indicates the role of the Somerset Minerals Plan. In so far as the text is a factual statement it is not a 'provision' as referenced in the Act, but the sentence starting with the words 'The Parish supports ...' gives a clear steer towards the re-opening of small quarries and the development of new ones. I cannot regard that as anything other than a 'provision' even though not included within an emboldened policy. A legal opinion obtained by the WSDC confirms this. The sentence must be deleted for the same reason as the reference in policy EN2. I understand the Parish Council's wish to recognise the continuing importance of small-scale quarrying but I am not empowered to recommend additional wording which is not necessary for the plan to meet the statutory provisions or the basic conditions.

2.08 The penultimate paragraph on page 8 of the plan, by way of an introduction to Policy EN2, includes a cross-reference to the mention of quarrying on page 31 and commences with the words 'This Plan supports Quarrying' which, again, is in the nature of a policy statement. Furthermore, the statement about protecting disused quarries from (alternative?) development when it would be viable to re-open them not only reads as policy but also is confusing because it appears to be a reference to a policy in the Somerset Minerals Plan. The paragraph adds nothing to the plan and in view of the statutory limitation should be deleted altogether.

Recommendation 2

- a. Delete the penultimate paragraph in the text on page 8 under the heading 'Location of Development'.**
- b. On page 31, under the heading 'Quarrying', delete the whole sentence which starts with the words 'The Parish supports ...' and ends with the words '...the local road network'.**

2.09 The legislation states that the 'general rule' is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing 'for the purpose of receiving oral representations about an issue' where he or she considers a hearing 'is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case'³. My initial appraisal of the plan and the representations suggested that a hearing might be required to discuss representations by the WSDC on the approach to development in the hamlets and the justification for the 'principal residence' clause in policy C3. However, before finally deciding on the matter I issued⁴ a list of written questions seeking clarification and further evidence in justification of the plan policies. My consideration of the Parish Council's written responses⁵ to my questions along with a few supplementary queries⁶ allows me to conclude that the information provided is adequate for the examination to proceed without recourse to a hearing.

2.10 I visited Stogumber on the afternoon of Wednesday 22nd April 2017 when I drove around the parish and walked to important vantage points in and around the village so that I might fully appreciate the character of the area and its setting within the landscape of the vale between Exmoor National Park which abuts to the west and the Quantock Hills rising to the east.

2.11 The SPC have submitted a Basic Conditions Statement in accordance with the Regulations⁷. It provides an analysis of the plan against the basic conditions including, as an appendix in tabular form, an indication of the degree of conformity between each neighbourhood plan policy and the equivalent in the West Somerset Local Plan adopted in November 2016, relatively late in the neighbourhood plan preparation period.

2.12 A plan showing the area to which the Neighbourhood Plan relates has been submitted as required by Regulation 15(1)(a).

³ Paragraph 9 of Schedule 4B to the 1990 Act (as in reference 1 above)

⁴ On 27 February 2017

⁵ Received on 31 March 2017

⁶ Issued on 5 April, response received 21 April 2017

⁷ Regulation 15(1)(d)

The Human Rights Act and EU Obligations

2.13 The Basic Conditions Statement includes a very brief statement, in paragraph 7.2, that the plan contains no proposals that impacts on the rights and freedoms guaranteed under the European Convention of Human Rights and the Human Rights Act 1998. No representations have been made concerning this aspect and from my own assessment I have no reason to conclude other than that the approach taken in the plan is fully compatible with, and does not breach, Convention Rights.

2.14 A Strategic Environmental Assessment (SEA) screening opinion was issued in October 2016 that the plan would have no likely significant environmental effects⁸ with a recommendation that the plan be ‘screened out’ of the SEA process. A formal determination⁹ to that effect was made subsequently. I support that determination on the basis that no land use allocations are made in the plan and the anticipated scale of development is very limited. A formal statement¹⁰ has also been included that there are no international or nationally designated sites of nature conservation interest within the plan area and that, therefore, appropriate assessment under the Habitats Regulations would not be required. These conclusions have been supported in consultation with Natural England, the Environment Agency and Historic England.

2.15 On this basis, I am satisfied that the submitted plan is compatible with EU environmental obligations and meets the basic condition prescribed by section 1 of Schedule 2 to the Habitats Regulations.

⁸ Report by Lotus Consulting gives reasons as required by Regulation 9(3) of the Environmental Assessment of Plans and Programmes Regulations 2004 (‘the SEA Regulations’)

⁹ As required by Regulation 9(1) of the SEA Regulations

¹⁰ Issued by the WSDC on 24 January 2017 under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 (‘the Habitats Regulations’)

Section 3 - Preparation of the plan and the pre-submission consultation processes

3.01 As required by legislation¹¹, the SPC have submitted a Consultation Statement. It actually goes a good deal further than required in setting out some of the early stages which led up to the decision in early 2014 to seek designation of the Neighbourhood Plan area. For example, it includes some interesting information about the decision by the Parish Council to buy what is now known as Beacon Field. Nevertheless, the statement also clearly sets out the processes of community engagement which have been followed from 2014 through to the final stages of plan preparation in 2016. Most importantly, it includes details of the formal consultation bodies and the results of the Regulation 14 consultation with a copy of the consultative draft plan indicating the amendments which were made as a result of the consultation and the responses to all representations made.

3.02 I am satisfied that every effort has been taken to publicise the plan and to involve the community in its preparation. Although some representations by members of the public raise detailed issues of concern there is a noticeable degree of support. The Parish Council is to be congratulated on the effectiveness of the public engagement process.

Section 4 - The Plan, meeting the basic conditions

4.01 This section of my report sets out my conclusions on the extent to which the submitted plan meets those basic conditions which are set out in the first three bullet points in paragraph 1.3 above. I will first of all discuss what I regard to be the main issues which arise from the representations made on the plan. If I conclude that the plan does not meet one or more of the basic conditions, I recommend a modification to the plan in order to ensure that it does meet those conditions. The main issues are: -

a. whether the implementation of plan policy would be assisted by the inclusion of a clear vision for the future and whether the policies should be expressed in terms of the criteria which would need to apply before planning permission might be granted or refused avoiding undue overlap and repetition between those policy criteria;

¹¹ The Neighbourhood Planning (General) Regulations 2012, Regulations 15(1)(b) and 15(2)

- b. whether the preferred locations for new development as expressed in Policy EN2, particularly the inclusion of the hamlets of Capton, Lower Vellow and Kingswood, might be regarded as being in general conformity with the strategic policies of the development plan; otherwise have had regard to national policy and guidance, also contributing to sustainable development;
- c. whether the stated plan provision of 19 new dwellings (5 in the hamlets) over the 10 year plan period is of such a scale or nature as to take the plan out of general conformity with the strategic policies of the WSLP; whether such a figure has been adequately justified and whether the inclusion of a specific figure serves any useful purpose in policy terms;
- d. whether there is a proportionate and robust evidential justification for setting a site size threshold of three dwellings for the provision of affordable housing; whether this should be on or off-site and the appropriateness of including local occupancy criteria for affordable housing within a planning policy (Policy C3);
- e. whether, in the circumstances which apply in Stogumber parish, there is justification for the imposition of a condition on any permission for a new open-market dwelling specifying that the dwelling should be occupied only as a 'principal residence' and, whether such a condition would satisfy the tests set out in paragraph 206 of the NPPF and in Planning Practice Guidance.

4.02 Following an analysis of the main issues I examine the plan policies in more general terms working through them in plan order to identify any inconsistency with the requirements set by legislation making recommendations for modifications to those policies as and when necessary. These include the modifications arising from the main issues. It should be noted that I do not make recommendations for changes to the supporting text which will be required consequentially upon the modification of the policies themselves. This is to provide flexibility for the WSDC to agree such textual amendments with the SPC as part of their consideration of the modifications during the post-examination stages leading towards production of the final plan. Lastly, I list any errors which will require correction in the final version of the plan.

Main issues

Main Issue a. The need for clarity in policy implementation

4.03 For the effective implementation of a plan there should be no ambiguity in what the policies in the plan are intended to achieve and how they can be implemented in practice. There are some pointers to this in both the NPPF and the PPG. Those represent the national policy and guidance to which plan-makers must show they have 'had regard' in order to meet the relevant basic condition. As stated in both the NPPF¹² and the PPG¹³ the policies in a neighbourhood plan are for the purpose of taking decisions on planning applications. A policy should be 'clear and unambiguous' and 'should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.'¹⁴

4.04 A number of the policies in the SNP are expressed in terms that development will be 'supported' provided that listed criteria are met. However, it is not clear what such 'support' would mean in reality. If the writer had in mind that the Parish Council might express support for a proposal when consulted on an application by the local planning authority that might be so but, it has not had adequate regard to the practice guidance on the purpose of neighbourhood plan policies.

4.05 The WSDC, as the body primarily responsible for implementation of the plan, have not raised this particular point. Moreover, it would not be unreasonable for a decision-taker to interpret a policy of 'support' as an indication that planning permission should be granted in the circumstances identified by the policy. The SPC have confirmed that is what they expect. I do not, therefore, recommend the modification of policy wording for that reason alone, only in instances where a wider-ranging re-wording is required to meet the basic conditions. However, there cannot be degrees of support, as in Policy

¹² Paragraph 183

¹³ Ref. ID 41-002-20140306

¹⁴ PPG, ref. ID 41-084-20160519

C1, and a policy which states that development will not be supported (EN6) or only supported in certain circumstances (C8) does not give adequate guidance or confidence to the decision maker (see paragraph 4.2 above). These factors are considered later in this report when dealing with the application of individual policies.

4.06 The first of the 12 core planning principles under paragraph 17 of the NPPF is that local and neighbourhood plans should set out a positive vision for the future of the area. The SNP does not include a vision but in the text on page 6 there are what are called six 'guiding objectives' as an introduction to Policy O1 which is stated to be an overarching policy which aims to express the guiding objectives in planning terms. Linked to this the WSDC have made representation concerning an undue repetition of very similar policy criteria particularly with regard to protecting the character and landscaping of Stogumber, to effects of development on the local road network and, to the avoidance of significant harm to residential amenity. It is also not clear how individual planning applications would be judged against Policy O1.

4.07 I take the point made by the SPC in response to my question on this: whereas the professional plan-user may understand the principle that the plan should be read as a whole, meaning that there is no need to include repeat criteria in each policy, that is less obvious or understood by the members of the local community from whom support is sought for the plan. I agree that there is a room for flexibility in this respect in a neighbourhood plan. Nevertheless, clarity of meaning is a requirement of national guidance. In order to meet the basic condition in this respect the replacement of the 'guiding objectives' by a statement of vision and the inclusion of a new over-arching Policy O1 instead of the repetitive criteria in individual policies would represent a positive way forward. Although not strictly necessary, the inclusion of cross-references to Policy O1 in the individual policies would assist the lay plan-user. I accept the wording of the vision as put to me by the SPC although it needs to be expressed as a vision of the how Stogumber will be at the end of the plan period through the implementation of the plan; that is looking back from 10 years hence.

Recommendation 3

Delete the green heading 'Objectives' and the text which follows on page 6 in the plan. Replace that section by the following text:-

Vision

The vision for Stogumber is that economic and social infrastructure will have been strengthened, through appropriate forms and levels of development, so that:

- Stogumber continues to be a vibrant, inclusive and caring community;**
- more young people have been able to stay in Stogumber when they start a family and more young families have been enabled to move into the village;**
- facilities and services for older members of the community have been maintained and improved, so that they have continued to live in Stogumber as their need for support has increased;**
- more employment opportunities have been provided for residents, and economic activity in the village has increased which has maintained and increased the viability of existing businesses, facilities and services;**
- the architectural and landscape character of the village, hamlets and countryside has been maintained and enhanced.**

4.08 I have been provided with a suggested wording for a replacement Policy O1 along with revised introductory text. There is a slight difficulty in that the replacement policy, as does the submitted version, would apply to all forms of development, including minor or householder development as well as non-residential development. It is reasonable for development management purposes to consider the direct impact of a development of whatever scale on residential amenity, landscape or built character and road safety, three out of the four criteria in the policy. Two of those three criteria seek the 'maintenance or enhancement' of existing conditions. Enhancement is a laudable aspiration but, outside of the Conservation Area, permission could not be refused if a development only maintained rather than enhanced the situation. In other words, the harm would not be such as to outweigh the presumption in favour of sustainable development. In view of that I recommend the words 'at least maintain' in the second criterion.

4.09 The remaining (third) criterion in the replacement policy would be very difficult to assess in practice. There is no direct correlation between the maintenance of local facilities and services or the 'vitality of the community' and permitting development especially at the level of a single new dwelling. Any financial contribution for service provision, in the absence of any arrangement for Community Infrastructure Levy, would have to meet the tests for planning set in paragraph 204 of the NPPF. I have serious reservations as to whether the third criterion is likely to be implementable and recommend the insertion of the words 'where applicable' as an indication that the paragraph 204 tests would have to be satisfied.

4.10 The first suggested criterion in the replacement Policy O1 would be concerned with residential amenity. That, in itself, is a somewhat vague term although it is commonly used in planning decisions. The term requires definition in the plan but reference to paragraph 17 in the NPPF does not help. There needs to be a specific definition such as 'a serious reduction in privacy through over-looking and/or in daylighting or sunlight through over-shadowing by new development'. I have noted the discussion which has taken place with the local planning authority about the wording in relation to the nature of any harm. The policy criterion which the new over-arching policy would replace is that there should not be 'significant harmful impacts'. I find no reason to change that form of words.

4.11 The SPC have suggested that Policy C1 be deleted because its aims could be achieved through the new Policy O1. I recognise that the underlying desire of the local community is to increase the number of young families to move in to the village and to improve support and services for old people. Those are two of the original 'guiding objectives' but it is difficult to translate them into a meaningful planning policy which can be used in the determination of planning applications. To say that development which does either of those things will be 'welcomed and permitted' (or 'strongly supported'), even if subject to the criteria in Policy O1, would be difficult to balance with the important locational policy EN2 and could conflict with it. I consider that the two objectives, important as they are, can be delivered through other policies in the plan. For example, the desire to see more young families moving to the parish is part of the justification for seeking to permit more housing than might otherwise occur through the implementation of the WSLP. That is best achieved through Policy C2 by providing housing of a type which might attract such households. Existing services and facilities can be protected to a degree and Policy C5 encourages the

provision of suitable residential accommodation for older people but, for the most part, the provision of support and services specifically for old people lies outside the planning sphere. For these reasons I consider that the text based on the second paragraph of Policy C1 in the submitted plan should not be included in Policy O1. Indeed, it is of the nature of an aspirational statement which it is not appropriate to include as a plan policy.

4.12 As Policy EN1 is recommended to be assimilated within the new Policy O1 the text under the heading 'Local Environment' will need to be moved forward from page 7. As the WSDC suggest, a reference to figures 5 and 6 would be relevant in this section. The suggested reference to support for Use Classes D1 and D2 is not covered in the submitted plan. Even though it would be text rather than policy it would be an addition to the plan which is not required to remedy any deficiency against the basic conditions. It is beyond my remit to recommend its inclusion.

Recommendation 4

a. Delete Policy O1 and the introductory text. Replace it by the following:-

This Plan has specific policies for specific types of development. Underpinning these are the Overall Requirements for Development, which apply to all forms of development.

Policy O1 Overall Requirements for Development

Proposals for new development should ensure that:

- **there are no significant harmful impacts on residential amenity;**
- **the setting of the village, and the landscape and built character of the Parish, is at least maintained;**
- **there would be no significant harm to road safety, especially for pedestrians and cyclists;**
- **adequate parking is provided on site in order to minimise the need for additional on-street car-parking and**
- **where applicable, the provision and range of essential facilities and services, and the economic and social vitality of the community, is at least maintained.**

b. Include a footnote to policy O1 giving a definition of the term 'residential amenity'

Main Issue b. The location of development – Policy EN2

Procedural note. In their response to my written questions (Q10) the Stogumber Parish Council have stated that, by a majority vote, they had decided that references to development in the hamlets could be deleted. I need to stress that as the plan is under examination it is no longer open to the Parish Council to make amendments to the plan. As stated in paragraph 1.3 of this report, in reaching conclusions on the issues raised in representations, including those made by the WSDC, I may recommend modifications only should I consider that the submitted plan fails to meet one or more basic condition and modification would remedy that position. I will take the SPC's written responses to my questions into account in informing my conclusions. It is for the Local Planning Authority to decide what modifications should be made to the plan in the light of my recommendations.

4.13 Policy EN2 is an important policy within the plan because it is the policy against which most development proposals are likely to be judged, at least as to whether the location of a site is such that development is acceptable in principle. Although it sets a priority for the use of previously-developed sites (or land) over greenfield and provides (as footnote 7) a cross-reference to the definition of previously developed land included in the NPPF the policy widens the categories of land which 'will also be considered for new development'. The minor issues which arise from the interpretation of the words used in the policy will be considered in a later section of this report.

4.14 The main issue raised in a representation by the WSDC arises from the inclusion of the hamlets of Capton, Lower Vellow and Kingswood as 'preferred locations' in addition to Stogumber village itself. Stogumber village is listed under Policy SC1 of the West Somerset Local Plan (WSLP) as a primary settlement where 'limited development'¹⁵ may be permitted where it is demonstrated that it will contribute to wider sustainability benefits for the area and also where it is 'within or in close proximity'¹⁶ to the contiguous built-up area' subject to site-specific criteria. Policy SV1 also applies. As the hamlets are some distance away from Stogumber itself they are treated as lying within the Open Countryside to which Policy OC1 applies. That policy permits development only exceptionally where it is judged to be 'beneficial for the community and local economy', including agricultural workers dwellings or affordable housing exception sites.

¹⁵ Defined as 'individual schemes of up to ten dwellings providing about a 10% increase in a settlement's total dwelling number during the Local Plan period, limited to about 30% of this increase in any five year period.'

¹⁶ Defined as within 50 metres of the boundary

4.15 By including land occupied by farm buildings or within private residential gardens¹⁷ within and immediately adjacent to both Stogumber and the hamlets as 'preferred locations' within SNP Policy EN2, the potential for sites to satisfy the policy requirements is quite wide. There is no distinction between Stogumber and the hamlets. Consequently, a proposal for a dwelling on land within or immediately adjacent to one of the hamlets would be treated no differently from one in a similar position relative to Stogumber village. When I visited the area I observed that Kingswood is significantly looser knit in form than either Lower Vellow or Capton giving significant potential for garden development. Capton, on the other hand, includes a number of agricultural buildings. The policy, therefore, gives potential for development in both places.

4.16 For these reasons, SNP Policy EN2 contradicts the approach which has been taken in the only relatively recently (November 2016) adopted local plan. It is clear from the Inspector's report on the examination of that plan that an option of greater dispersal of housing development was not pursued and that the policies aim to ensure that new development takes place in the most sustainable locations with a recognition that some development is required to assist in support for rural services.

4.17 Taken in isolation, a contradiction between a single policy in a neighbourhood plan and a strategic policy in the local plan would not necessarily mean that the neighbourhood plan failed to be in 'general conformity' with the strategic policies of the local plan. The word 'general' in the basic condition suggests a broad approach assessing the conformity of the neighbourhood plan as a whole with the strategic policies (plural) of the development plan¹⁸. However, rural settlement policy is a key aspect of strategic policy in a predominantly rural area such as West Somerset. Even though the number of dwellings suggested in the SNP for the hamlets is low (only 5) and would be a small proportion of the total housing development to take place in Stogumber, let alone the District as a whole, there is a risk that without a particularly convincing justification, based upon locally distinctive characteristics, a departure from the hierarchical approach taken in the WSLP might well apply equally within other neighbourhood plan areas, thus cumulatively undermining the local plan strategy contrary to paragraph 184 in the NPPF. The WSLP post-dates the NPPF and the latest update to the PPG was in May last year, it may therefore be assumed that the Inspector took account of both the Government policy and guidance in finding

¹⁷ The Courts have clarified that the exclusion of gardens from the pdl definition applies only to such land 'within built-up areas' Court of Appeal ref. [2017] EWCA Civ 141, dated 9 March 2017

¹⁸ See guidance on this matter in the PPG, Ref ID 41-074-20140306

the draft plan, including its settlement strategy, 'sound'. For these reasons, I consider that the inclusion of the hamlets as preferred locations for development is not in general conformity with the WSLP settlement policy. Moreover, there is no indication that the development envisaged for the hamlets would be in accordance with the limited exceptions listed under WSLP Policy OC1.

4.18 The justification for the inclusion of the hamlets is given within the text on page 8 of the plan under the heading 'Location of Development'. However, that text includes unsubstantiated statements such as 'a small amount of development ... within and adjacent to the hamlets in order to re-inforce the landscape and built character of the Parish' and that the hamlets 'are also considered to be sustainable locations for small amounts of development due to their built form and relative proximity to services and transport infrastructure'. No further evidence has been provided to me to justify such assertions. I did not see anything about the built form or character of the hamlets which would suggest that further development there would provide a positive enhancement to their character. Lower Vellow and Kingswood are closer to the A358 than Stogumber but not within reasonable walking distance of the bus services along that road. Capton is somewhat isolated at the end of a dead-end lane. With the possible exception of Vellow, local topography and the narrow lanes suggest that, apart from possible support for the primary school, development in the hamlets would be unlikely to do much to support the services available in Stogumber. Also, all of the hamlets are closer than Stogumber to the higher order services available in Williton. Given the lack of public transport in the area any new development in the hamlets would almost certainly result in use of the private car for virtually all purposes. That contrasts with the position in Stogumber itself where it would be possible to walk to the school, local shops or the public house.

4.19 The reference in the Basic Conditions Statement to planning practice guidance on supporting sustainable rural settlements¹⁹ makes it clear that regard has been had to that guidance in drawing up the policy. Nevertheless, that guidance is to be read in the context of paragraph 55 of the NPPF. The concept relates to sustainability. In this case, as indicated above, it has not been established that the hamlets bear such a close relationship to Stogumber itself that development there would support local services in such a way as to represent sustainable development.

¹⁹ Ref. ID 50-001-20160519

4.20 Taking all of these factors into account, I conclude that including the hamlets as a preferred location for new development, primarily housing, would not contribute in any substantive measure to sustainable development in the parish and would not be in general conformity with an important strategic policy of the statutory development plan. This can be remedied by the deletion of any reference to the hamlets in SNP Policy EN2. That will also meet the concerns expressed by the Exmoor National Park Authority. As I deal with other, more detailed, aspects of the wording of Policy EN2 in paragraphs 4.51-56 below, a composite recommendation is made for a re-worded policy to follow that section of this report. It no longer makes any reference to quarrying.

Main Issue c. The amount of housing development

4.21 The WSDC have raised issue with the amount of housing development proposed over the 10 year plan period in SNP Policy C3. It is stated that the plan 'supports the delivery' of 14 additional dwellings in Stogumber village and five 'spread across the hamlets'. On page 22 of the WSLP it is explained that the term 'limited development' used in Policy SC1 means no more than a 10% increase in dwelling numbers over the 20 year plan period, 2012-2032, limited to about 30% of the total increase in any five year period. That is based on a figure of 164 existing dwellings in Stogumber village. I am informed that the 2011 census 'areas' included in the Appendix to the SNP relate to somewhat different areas, hence the discrepancy. A 10% increase would therefore represent 16 dwellings. 30% of that would be 5, that is one a year or ten in the 10 year SNP period. It has also been clarified that the figures relate to new build only, not conversions which are treated as 'windfalls'. I am informed that in the period April 2012 to March 2016 there were 10 dwelling completions in Stogumber but they were all conversions, one as the sub-division of an existing dwelling.

4.22 As there have been no 'new build' completions in the village since 2012 the 14 additional dwellings provided for in SNP Policy C3 represent four more than what is termed 'limited development' under WSLP Policy SC1. Even so, I do not regard the difference to be so significant as to mean that the SNP is not in general conformity with the WSLP, (*see also paragraph 4.17 above*), bearing in mind that, as it is indicated in WSLP Policy SC2, the housing provision figures are approximate. That would apply even if the 5 dwellings envisaged for development in the hamlets were added to the village figure making 19 new dwellings over 10 years. Although almost double the WSLP 'limited development' rate it would not be a significant strategic conflict taking the plan as a whole.

4.23 The approach taken in the NPPF to housing provision is that meeting the objectively assessed needs for housing is a minimum requirement. Also, as stated in paragraph 184 of the NPPF neighbourhood plans should not provide for less housing development than in the local plan, indeed many provide for more. Practice guidance on rural housing²⁰ indicates that a neighbourhood plan can allocate additional sites to those in a local plan where supported by evidence of local need, although there are no allocations made in this plan.

4.24 It is stated on page 7 of the plan that the 'slightly elevated level of development than envisaged in the local plan is 'in order to sustain the community and local economy'. It has also been stressed in the written response to my questions, that a balance has been sought between the community's acceptance of additional development to aid the viability of essential services and facilities and, the impact of such development on the built and natural environment and its effect on the social fabric. However, in order to justify any particular level of housing provision in the plan there should be robust, but proportionate, evidence in support of it.

4.25 The Exmoor local housing needs survey conducted in August/September 2014²¹ provides an interesting perspective on the intentions of those existing residents who might choose to move house in the next 10 years, including some who identify a desire for self-build, but the results do not directly support the specific number of dwellings proposed. Indeed, it might suggest that more are required. It is undoubtedly the case that additional housing development would, to a degree, assist in supporting local services and, at my request, I have been supplied with statistics from the County Education Department which show that although Stogumber Primary School is at capacity with 49 children on the roll there is capacity at nearby Crowcombe²². It also shows that without further development the number on the Stogumber school roll is forecast to decline to 32 by 2021. In itself, that does provide a degree of justification for additional housing development but not for the specific number chosen.

4.26 I gather from the SPC's written response that work has been undertaken to identify possible sites for housing development which would come within the terms expressed in policy EN2 and meet other environmental policy criteria but, for various reasons, the results of that work have been with-held from this

²⁰ PPG Ref. ID 50-001-20160519

²¹ As part of the Exmoor Rural Housing Project

²² This evidence does not support the statement on page 20 of the SNP that the schools are 'over-subscribed'.

examination. I cannot, therefore, assess the likelihood of those sites being delivered within the plan period. It is an important aspect of plan-making that plans should be deliverable²³. I am advised that the redevelopment of the Hill Farm yard for 8-12 dwellings is considered likely but, otherwise, I have not been presented with any evidence to support the level of development proposed. I am informed by the Parish Council that the 5 dwellings proposed in the submission plan could be developed in or adjacent to the village itself and, indeed, that 'there are a number of potential development sites that, if they were all developed in the plan period, could significantly exceed the proposed limit of 19 houses.'²⁴ It is also not clear how the figure can take account of conversions because, by its very nature, that tends to be something of an unknown quantity.

4.27 From the Parish Council's responses to my questions, and the wording of the first part of Policy C3 itself, it appears that the figures of 14 and 5 are seen as targets but that is not explicitly stated either in the policies or in the accompanying text. Without relating the figures to specific sites they can be no more than estimate, based upon undisclosed survey work, of the capacity of sites which meet plan objectives and which might come forward during the plan period. It is Government policy that plans should provide positively for growth. Without robust justification it would be contrary to that policy to set a limit. As there is only a very loose relationship between the quantum of development and any support it may provide for local services there is no clear justification for the inclusion of any particular figure in the plan.

4.28 My conclusion on this issue is that, although the stated level of provision for housing in the plan may reasonably be regarded as in general conformity with WSLP policy SC1, there is inadequate justification for the inclusion of any particular figure in policy. It can be treated as no more than an estimate derived from stated community preference. Moreover, as the parish council say that they have deliberately chosen to provide a criteria-based policy against which applications for planning permission for housing will be judged, the inclusion of a figure in policy serves no useful purpose. Indeed, having regard to Government policy, any plan housing provision figure should be supported by specific site allocations which can be tested for their deliverability. Inadequate regard has been had to the practice guidance on the need for policies to be supported by

²³ PPG, Ref. ID 41-005-20140306

²⁴ Quote from the SPC written response to my supplementary question 2

proportionate, robust evidence²⁵. To meet the basic conditions, the figures should be removed from Policy C3 although they might remain in the supporting text as an indication of the level of development which is considered by the community to be appropriate over the plan period. (*A composite recommendation (No. 14) for all modifications to Policy C3 is given following paragraph 4.83 below.*)

Main Issue d. Affordable housing provision (policy C3)

4.29 After somewhat protracted legal proceedings the Courts upheld the Ministerial Statement of 28 November 2014 on the minimum site size threshold below which Local Planning Authorities should not seek the provision of affordable housing as an element of mixed open-market and affordable housing sites. That is distinct from 'rural exception sites'. The Ministerial Statement represents Government Policy which has now been incorporated in the PPG.²⁶ Although the national lower threshold is set by this policy to 11 dwellings, subject also to floor space considerations, it is 6 dwellings for certain recognised rural parishes of which Stogumber is one.

4.30 No specific justification has been given for a lower threshold of three, other than that in applying a 33% 'quota' (as distinct from 35% as in WSLP Policy SC4) this would equate with one in three dwellings. The Parish Council have now accepted that there is no local justification to depart from national policy and accept that the plan should be modified to bring it into line with national policy.

4.31 The WSLP Policy SC4 low threshold, in line with Government policy, is 6 and sets a contribution level of 35%, which would mean 2 affordable homes on a site for 6 houses all told (4 open-market). The SPC have indicated that they would be content to apply the 35% figure, although that presents an arithmetic problem (35% of 5 being 1.75). I do not regard the slight difference from the WSLP in terms of the threshold raises an issue of general conformity but it would cause difficulties in implementation of the policy and give rise to uncertainty for landowners as to exactly what the required provision might be. For example, if a development was for 10 dwellings would the affordable housing requirement be 3 or 4 dwellings? (35% of 10 being 3.5). Also, it may reasonably be assumed that evidence will have been presented on the effect on the viability of smaller developments as a basis for the WSLP policy. On the other hand, there is no

²⁵ PPG, Ref. ID 41-041-20140306

²⁶ Ref ID 23b-031-20161116

evidence from Stogumber on the implications for development viability, and hence deliverability, of applying a lower threshold of 5 rather than 6. Also, restriction of the open-market dwellings to 'principal residency' might well provide less 'cross-subsidy' for affordable housing. No consideration appears to have been given to this factor. Given the lack of locally-specific evidence and to avoid confusion I recommend that the lower threshold is 6 with a 35% contribution, as in the WSLP policy.

4.32 Part 4 of WSLP policy SC4 provides that on developments of between 6 and 10 dwellings there will be a financial contribution towards off-site provision for affordable housing rather than on-site. However, I fully accept the SPC justification for not applying that approach in Stogumber. Firstly, it is true that there is no requirement in national policy to follow the WSLP approach for everywhere outside the recognised rural settlements where the lower site-size threshold for any contributions is 11 dwellings. Secondly, the benefits of affordable housing at village level are in enabling local young people to remain within the community should they so choose rather than being forced elsewhere by the cost of housing. 'En lieu' payments could not easily be 'ring fenced' for development within the same community given the restricted availability of suitable sites, although they might help to fund an exception site. I am informed that in March 2017 Somerset Homefinder data indicates three registered applicants for affordable housing who have expressed a preference for Stogumber.

4.33 The concept of combining two sites in order to assist the feasibility and viability of development is an interesting one. I have some reservations as to how practical it might be to identify such sites unless they were in the same ownership. If it results in segregating affordable housing from open market housing rather than achieving a mix that might well militate against the creation of a balanced community as sought by Government policy. It is, however, a matter which may be left to local discretion in application.

4.34 I agree with the WSDC that the current need, derived from the 2014 study, for two bed units is likely to change over time. It is not possible to 'change the requirements' of a policy except by formal amendment of the plan. This could cause difficulty in policy implementation and that reference should be deleted. The important point is that affordable housing provision should be matched as far as possible with the latest available information on housing need.

Subject to resources, housing needs surveys should be carried out regularly. For clarity, the words 'known local need' should be qualified by reference to the most up-to-date survey of local housing needs.

4.35 The fourth paragraph in Policy C3 sets out, in detail, criteria in accordance with which the occupancy of any affordable housing units should be determined and then, in the fifth paragraph, applying what might be termed a 'cascade' approach to broaden the geographical qualifications for occupancy by those in housing need should there be no local applicants meeting the criteria in the fourth paragraph. The concept is a simple one: that priority should be given to local applicants over those from further afield.

4.36 As the WSDC have stated in their representation that Council, acting as a Local Housing Authority (LHA), has a statement of intent for allocating affordable housing. Indeed, the development of housing allocation policy is a statutory duty under the Housing Acts. It is not a responsibility of the Local Planning Authority (LPA) under the Town and Country Planning Acts although criteria are included in s106 agreements in appropriate cases. I am aware that such criteria have been included in policies in other neighbourhood plans, including the Lyn Plan, but I do not know whether the issue has been raised in representations on those plans as the WSDC have done in this case. Policies in Neighbourhood Plans are limited to land-use matters and whereas planning permission might be refused if the type and mix of housing on a particular site is not as required by such policies, the question as to the residency qualification of individual applicants for affordable housing, once built, could only be decided in conjunction with and by the agreement of the LHA. Also, no evidence has been presented by the SPC to justify the detail of the criteria in Policy C3 although there has been consultation with the Magna Housing Association. The WSDC state that these are more restrictive than those applied by the Council as LHA.

4.37 In conclusion, although the desire to ensure that any affordable housing provided in the village should be made available on a priority basis to those in need with local associations, that is a matter which can only be resolved by discussion with the WSDC as a housing authority, they cannot be 'forced' on that authority through a neighbourhood plan policy. I, therefore, see this as being in the nature of an aspiration by the local community. As stated in the PPG²⁷ such non-planning aspirations can be included in neighbourhood plans but they must

²⁷ Ref. ID 41-040-20160211

be clearly identifiable. Having regard to that guidance means that the fourth and fifth paragraphs of Policy C3 should be removed from the policy itself and, after further discussion and agreement of Local Housing Authority, may remain within the body of the plan in conjunction with the policy as long as it is clearly identifiable as a community aspiration.

Examiners Note: Understandably, the plan has been drawn up with the current model of affordable housing, as defined in the Glossary to the NPPF, in mind. However, a Government consultation has only recently closed on proposals to significantly widen the NPPF definition to include starter homes, discounted market sales housing and affordable private rented housing. Those categories of housing would not come under the purview of the Local Housing Authority. However, as this is only a consultation and the current General Election is likely to delay the issue of any revised policy guidance, the conclusion I have drawn has necessarily been based on the current NPPF definition.

Main Issue e. The 'principal residence' condition

4.38 The sixth paragraph in SNP Policy C3 states, simply, that 'all other dwellings' will be 'principal residence dwellings'. As this follows from the part of the policy which deals with 'local needs affordable units' it must be assumed that the reference is to any dwellings available on the open market whether they be for sale or rent. As things stand (*see note above*), it would apply to any open-market rented or starter homes, whether affordable or not. It would also apply to self-build dwellings.

4.39 There is no justification in the plan at all for the imposition of a restrictive condition of this kind. The third paragraph in the text on page 17 of the plan preceding Policy C3 states that the condition is to prevent new open market houses from being occupied as second or holiday homes but does not seek to justify it otherwise. There is no reference in the Basic Conditions Statement to this element of Policy C3 although in the Consultation Statement a response is given to a representation on the draft plan which acknowledges that Stogumber does not have a large number of second homes at present.

4.40 In my question 17e. I drew attention to the guidance in the PPG that occupancy conditions should only be imposed on 'exceptional occasions'. The very clearly should not be imposed lightly and they require very particular

justification. In general terms, all neighbourhood plan policies should be supported by 'proportionate and robust' evidence.

4.41 The only 'evidence' put forward to support this policy is the statistical analysis contained in the appendix to the plan which provides selective extracts from the 2011 Census. That shows, as the SPC have accepted, that there were relatively few dwellings in 2011, only 8.8% of the total in the parish as a whole, identified as having 'no usual residents'. That will include those occupied as second or holiday homes but also vacant dwellings.

4.42 The SNP policy is based on that included in the St. Ives Neighbourhood Plan, but there, as stated in the plan, 25% of the housing stock according to the 2011 Census was not occupied by a resident household²⁸ and there had been a 67% increase since 2001. There is a full analysis of the social impact that this is having on that community. There was considerable press coverage at the time the Examiner's St Ives report was released which stressed the very difficult situation in that neighbourhood area. More recently, two neighbourhood plans in Cornwall have come forward with a similar policy, again justified by the problems caused by high second or holiday home ownership. As stated in the plans, in the Rame Peninsula it is approaching 40% and at St. Minver it is 60%. The inclusion of a 'principal residence' policy in the Stogumber plan cannot be justified on the basis of second or holiday home ownership.

4.43 Instead, the SPC now put forward the argument that one of the main reasons that the community has accepted the concept of a level of development in the village over and above that provided for in the WSDP is in the benefits this would bring by the additional population helping to support local services, see paragraph 4.25 above. If new dwellings are not occupied as 'principal residences', so it is argued, they will not provide the desired support, for example, from families with children to support the local school. I am referred to the qualification in WSLP Policy SC1 that development 'will be permitted where it can be demonstrated that it will contribute to wider sustainability benefits of the area' with the suggestion that this is a way to achieve that.

4.44 There no indication within the WSLP itself as to what might be expected of an applicant in order to demonstrate such sustainability benefits except, perhaps, in the last sentence of the fourth bullet point under the justification for Policy SC1 where it is stated that development of an 'appropriate scale' in

²⁸ St Ives Neighbourhood Plan, page 25.

villages can secure the range of services and employment opportunities available in villages. It is linked to Policy SV1 which refers to the creation of 'balanced communities'. There is indeed, a reference to there being a strong demand for second and holiday homes as part of the justification for allowing more village development but there is no suggestion in the Local Plan that there should be a restriction on the occupancy of new dwellings.

4.45 The neighbourhood plan for Lynton and Lynmouth also includes a principal residence policy but that is in the context of a very restrictive policy applying to all new housing within the Exmoor National Park which applies to both affordable and open market housing. Even though that part of Stogumber parish which lies outside this neighbourhood plan area is within the National Park, the West Somerset Local Plan is significantly less restrictive.

4.46 There is also another factor to be taken into account which I touch upon in paragraph 4.31 above in connection with the provision of affordable housing. It is clear from the wording of policy C3 that it is based on the assumption that affordable housing in Stogumber will be achieved by mixed development on relatively small sites. No analysis appears to have been undertaken of the effect a restriction of open-market dwellings to that of principal residences might have on property prices and hence the viability and deliverability of housing development. It is an important aspect of Government policy that the planning system should deliver a wide range of new homes to meet need. There is an identified need for a small number of affordable homes in Stogumber. I consider there to be a real risk that a principal residence requirement applying to all open-market housing would make mixed sites delivered under SNP Policy C3 together with WSLP Policy SC4 unviable to such an extent that the number of affordable houses would need to be reduced.

4.47 In their representation on policy C3 the WSDC express reservations about the enforceability of any principal residency condition. The term would certainly need to be clearly defined as has been attempted in other plans. Academic articles suggest that there would also need to be s106 obligation which would show on the Local Land Charges Register. Should an individual's circumstances change it might prove very difficult to enforce the terms of a condition alone.

4.48 Be that as it may, my conclusion on this issue is that there is simply not the level of evidential support, neither proportionate nor robust, for the inclusion of a principal residence restriction on the occupancy of new open-market

dwellings in Stogumber. The argument that it is necessary to support local services is a very generally based one which could apply to any rural area. It is certainly not an exceptional situation which is anyway parallel to the effect on the affordability of local homes which has been demonstrated to the satisfaction of examiners in the Cornish examples given above. There are also significant differences from the situation applying within the Exmoor National Park at Lynton-Lynmouth. For these reasons, I consider that the policy as drafted fails to meet the basic conditions in that insufficient regard has been had to Government policy guidance. Much more robust evidence would be required to demonstrate why a restrictive occupancy condition was necessary in order to ensure that new housing development contributed to the sustainability of Stogumber.

Other issues arising in plan policies

4.49 As indicated above, other issues arising from the representations on plan policies will now be considered briefly, in plan order. Recommendations for modifications take account of my conclusions on the 5 main issues in the previous paragraphs.

4.50 *Policy EN1. Local Environment.* The Parish Council have agreed that the inclusion of a revised Policy O1 (Recommendation 4a.) makes Policy EN1 superfluous. I agree that if it were to remain there could be ambiguity in the application of plan policy which the PPG cautions against²⁹.

Recommendation 5

Delete Policy EN1

4.51 *Policy EN2. Location of Development.* After my initial appraisal of the plan I found it necessary to pose a number of questions about the purpose of this policy, quite apart from the treatment of the hamlets (*Main Issue b.*). As it stands, the policy intention is not at all clear which would be likely to cause some difficulty in its interpretation and implementation by the LPA in decision-taking. In that respect, insufficient regard has been had to national planning practice guidance and the relevant basic condition is not met.

4.52 The replies to my questions have been very helpful. I consider that, for the most part, the revised wording put forward by the SPC would provide a clear

²⁹ Reference ID 41-084-20160519

and unambiguous policy and meet the basic condition subject to some further amendments as discussed below. The policy would, of course, apply together with the relevant WSLP policies. The suggested wording would be closely modelled on that in part 4 of WSLP Policy SC1 referring to the preferred location for new development being within or in close proximity³⁰ to the 'contiguous built-up area of Stogumber village'. However, I have some concerns about the precise wording. It needs to be clear that development within the existing built-up area is a 'preferred location' and that development in close proximity to that area, defined as in WSLP Policy SV1 as within 50 metres of it, has also (*my emphasis*) to be contiguous with the existing built-up area. Otherwise, there could be development within 50 metres which is separated from the built-up area by a strip of undeveloped land. The word 'existing' to qualify 'built-up area' is also important to avoid development creep with a constantly moving boundary.

4.53 I am aware that settlement boundaries were defined in the 2006 Local Plan shown as lines on inset Proposals Maps but that approach has not been followed in the 2012 WSLP. Instead, there is a definition of the term 'built-up area' in the supporting text to WSLP Policy SC1. I have reservations about that approach because it leads to questions over how the phrase will actually be interpreted in the context of individual applications. A landowner would not be given a clear indication by the plan as to whether a particular piece of land was developable or not. I consider that certainty and clarity can only be achieved by the inclusion of a map within the Neighbourhood Plan to show what is intended as the outer boundary of the 'built-up area' for the purpose of interpreting and implementing Policy EN2. As it has not been possible for a map to be produced within the timescale of this examination my recommended wording for the policy will make reference to it and it will need to be produced before the plan is finalised. It will be a matter for the District Council as to whether further consultation is required on that map.

4.54 It is entirely consistent with national policy that preference should be given to the development of previously developed land although I am advised that there is very little suitable and potential development land in Stogumber which comes within the NPPF definition. Rather than seeking to widen the definition of previously developed land, which could lead to confusion, it is only

³⁰ Defined as within 50 metres

necessary, as would be done in the SPC suggestion for a revised policy, to make it clear that given the particular nature of the existing development in Stogumber new development on private garden areas, subject to the criteria in revised Policy O1, would be acceptable to the community. That is helpful in so far as private gardens are excluded from the NPPF definition of previously developed land.

4.55 The wording of WSLP Policy SV1 is such that if a farm complex were situated on the edge of the built-up area, in close proximity and contiguous with that area, it might be considered for re-development. The fact that farmyards and buildings are otherwise excluded from the definition of previously developed land would not be relevant in that context. Such land could not be included within the existing built-up area by reason of the definition in the WSLP (*see 'justification' text to Policy SC1*) and I do not think it would be logical to do so. However, there is no reason why a 'preference' for the development on such sites should not be expressed as in the suggested modification to SNP Policy EN2.

4.56 With the modified wording to the first part of the policy it would be slightly misleading to leave the second part, starting 'All other land will be regarded as greenfield.', unaltered. The last paragraph in the supporting text, on page 8, helpfully lists the policies covering the types of development to which it is envisaged Policy EN2 will apply although I agree with the WSDC that to avoid confusion with categories within the Use Classes Order (e.g. Residential Institutions are in Use Class C2) the text should specifically state that that the references are to plan policies. It is notable that the list does not cover development under Policies EC1, EC5 or EC7 which is likely to be on 'greenfield' land. It is also not necessary to say that new development on greenfield land 'will be supported only in exceptional circumstances' because such circumstances would be material considerations which can always be weighed against plan policy. In practice, all land which does not come within the terms of the first part of Policy EN2 would be within the 'open countryside' where policy WSLP Policy OC1 applies, which provides for exception sites for affordable housing and agricultural worker's dwellings. A simple reference to the open countryside would allow a clear application of that policy and still met the original intention of the SNP.

Recommendation 6

a. Delete Policy EN2 and replace it with the following policy:-

The preferred location for new development is within the existing built-up area² of Stogumber village, or in close proximity¹ to, and contiguous with, that area on:

- **previously developed land as defined in the NPPF⁷; or**
- **land within private residential gardens; or**
- **land that is or has been occupied by agricultural or forestry buildings.**

All other land will be regarded as lying within the Open Countryside. Development will not be permitted on designated Local Geological Sites or Local Wildlife Sites (see Appendix 3).

¹ **'Close proximity' is defined as within 50 metres**

² **As shown on the map included as Figure * (* number to be inserted)**

b. Prepare a map for inclusion in the plan which shows the boundary of built-up area of Stogumber for the purposes of the implementation of SNP Policy EN2 as recommended to be modified.

4.57 Policy EN3. Setting of Stogumber. Although the setting of Stogumber is one of the factors listed in the recommended revised Policy O1 and the first two sentences of the second part of Policy EN3 is an unnecessary duplication which does not assist the clarity of the plan, I do not consider that the remainder of the policy fails to meet any of the basic conditions. The final sentence in particular is a firm policy statement. Consequently, I recommend only the removal of the overlap and duplication, not of the whole policy.

Recommendation 7

Delete the first and second sentences in the second paragraph of Policy EN3, that is 'The location of new development ...' to '... the setting of the village.'

4.58 *Policy EN4. Larger Development Sites.* I have drawn attention, in my question 11, to the fact that this 'policy' is not written in the form of a policy at all. Rather it is more of a statement of opinion: that larger sites (for over 10 dwellings) have the ability to bring proportionally greater benefit to the community. In response to that question, the SPC refer to the 14 dwelling figure as a 'development limit' but, as I conclude in paragraphs 4.27-8 of this report, it is not expressed as a limit nor has it been justified in those terms.

4.59 In very general terms the policy could read as seeking to encourage development for 11 dwellings or more so that they would come within the terms of WSLP Policy SC4 to yield a proportion of affordable housing on a mixed site. However, the 2014 housing needs survey is not only dated but does not clearly identify what is the level of need for affordable housing. There is a statement on page 15 of the SNP that the need for affordable houses to rent 'is limited'.

4.60 The WSDC are correct to state that a development of the size and nature envisaged in this policy were it to be in addition to the provision of 19 dwellings in accordance with the submitted SNP Policy C3 would take the total amount of development within the village well beyond the strategic concept of 'limited development' under WSLP Policy SC1.

4.61 If 'Policy' EN4 was to be re-written so that it more clearly stated how a decision-maker is to react to a planning application for a development of 11 or more dwellings in the village over and above those envisaged by Policy C3 (it is not at all clear how that judgement could be made) it would not meet the basic conditions because it would, in those circumstances, take the level of development out of general conformity with the strategic policies of the development plan. There is also no evidential basis for the underlying assumptions on the benefit such development might bring to the community.

4.62 In the light of the above I can only recommend that, for the plan to meet the basic conditions, both Policy EN4 and the accompanying text, under the heading 'Larger Development Sites' should be deleted in their entirety.

Recommendation 8.

Delete Policy EN4 and the accompanying text.

4.63 No modifications are recommended to Policy EN5.

4.64 *Policy EN6. Flood Risk.* The SPC have accepted that the first paragraph in the policy is, actually, a word-for-word repetition of the first paragraph in the supporting text and can be deleted. It is not a policy statement, nor is the second paragraph which is in the nature of an informative better included within the text. I regard these as errors.

4.65 In response to my question 12 the SPC have provided more information and clarification as to why, in the local context, the policy indicates that development in Flood Zones 2 and 3 'will not be supported', in other words, development will not be permitted. As the WSDC state that is not in accordance with national policy which sets out requirements for sequential and exceptions tests and does not preclude development altogether. However, the Environment Agency have not objected to the policy as worded and it is clear that the policy is a proper reflection of local circumstances and that regard has been had to the national policy. For those reasons, the third paragraph may be considered as meeting the basic conditions.

Recommendation 9

Delete the first paragraph in Policy EN6 and merge the second paragraph into the supporting text.

4.66 *Policy EN7. Renewable Energy.* The WSDC have raised concern about the inclusion of wind turbines within the definition of 'renewables' under this policy when the plan does not identify the area as being suitable for wind energy development as would be required in practice guidance³¹. Although it is clear from the policy that it is intended to apply only to small-scale development for local use and not designed primarily to 'export' power to the National Grid, the fact that small domestic wind turbines are 'permitted development' might give rise to uncertainty in the application of the policy. The SPC have agreed that for the sake of clarity the reference to wind-turbines should be removed from the definition and reference made in the text to permitted development rights.

4.67 This is also one of the policies which include criteria which, under Recommendation 4 would be included in the new overall policy O1. Although it is not strictly necessary, for ease of use of the plan I recommend inclusion of a cross reference to Policy O1 to replace deleted criteria.

³¹ PPG, ref. ID 5-005-20150618

Recommendation 10

a. Reword the first two paragraphs of Policy EN7 to read as follows:-

Small-scale on-site renewable energy development and proposals for micro-renewable energy schemes to serve individual or small groups of buildings, mounted on buildings or on the ground, will be permitted provided that the overall requirements for development, as set out in Policy O1, are met.

b. In the definition of 'renewables', delete the reference to wind turbines and include mention of permitted development rights within the supporting text.

4.68 *Policy EN8. Transport and Development.* This policy is in two distinct parts. The first part looks to supporting development which would reduce the need to travel outside of the Parish for employment or services. That is a laudable aim and I can well understand that the Parish Council might well support new local employment within the parish especially if it was easily accessible from Stogumber village, but the local planning authority would need to take a balanced view, taking account of sustainability factors in the round. Also, SNP Policy EC1 provides general encouragement for business and employment development. Consequently, as framed, the policy is unlikely to assist in the consideration of planning applications. As the WSDC question, it could mean refusing permission for development which does not reduce the need to travel by private car.

4.69 The second part of the policy deals with the local impact of development on highway safety etc. and would be adequately covered within the revised Policy O1 (Recommendation 4).

4.70 Taking these factors into account, I conclude that inadequate regard has been had to practice guidance on the purpose of neighbourhood plan policies in providing a clear basis for planning decisions. The SPC have suggested that the policy be deleted and I agree that to be necessary for the basic conditions to be met.

Recommendation 11

Delete Policy EN8.

4.71 *Policy C1. Local Community.* The WSDC have made representation on the last part of this policy dealing with the loss of facilities and services as the result of new development. There is concern that the policy might result in derelict or unused buildings. That part of the policy is covered more appropriately in the recommended revised Policy O1.

4.72 As with a number of other policies, this is primarily an indication of community aspirations rather than being a clear and unambiguous planning policy. It is not at all clear what kinds of development, in terms of type and scale, would achieve the policy aims because there is little indication in the plan of what the needs of the community actually are. Support and services for older people are not matters for the planning system and it is the type and price of new housing which would be most likely to attract young families; that factor could be mentioned in Policy C2. So, again, the policy does not provide an adequate basis for planning decisions and should be deleted with appropriate additions to other policies. In effect, the policy may be 'downgraded' to the plan text to provide a context for the policies which follow.

Recommendation 12

Delete Policy C1 with the aspirational aspects being included in the supporting text for other relevant policies.

4.73 *Policy C2. Housing Sites.* In response to the points raised in my question 16 which largely reflect issues raised in the WSDC representation, the SPC have suggested several deletions from this policy. However, I regard this as an important policy which assists in providing a positive approach towards the provision of housing for the community. To be fully reflective of the basic conditions it needs to be strengthened somewhat.

4.74 For example, I have drawn attention to the fact that the second sentence in the supporting text on page 15 reads as a policy. It ought to be a policy, not deleted. It covers an important point. I consider that the aspirations expressed in Policy C1 as submitted, that is in ensuring that development meets local needs and assists in attracting young families to the village, would be best achieved by ensuring that the type and size of new dwellings which are built do, in so far as possible, meet those needs. That is both through open market as well as from

affordable housing. A brief summary of the need for particular dwelling types identified in the 2014 survey is given in the sixth paragraph on page 16. That remains the most recent survey which needs to be referenced in this policy, not just for affordable housing. Effective implementation of the plan will depend upon there being regular housing needs surveys for all housing types and tenures.

4.75 The first sentence in the policy merely draws attention to other plan policies which would apply to housing proposals and so is not strictly necessary, but I do not have any basis for recommending its deletion. The meaning is clear enough and it is helpful to the lay reader. The second sentence is a slight variant on Policy EN5 which covers the issue in more detail; deletion would be in the interest of plan clarity. I accept that the third sentence has a particular local meaning reflecting experience of more recent housing layouts and the need to ensure that new development is properly integrated with the existing. With the deletion of references to development in the hamlet(s) the reference may just be to 'the village'. I also accept that those dwellings to be managed by social housing providers are, in the village context, unlikely to be so far apart as to give rise to management difficulties. The SPC suggested re-wording of the last sentence should meet WSDC concerns about the difficulty of application but that is recommended to be included in Policy C3 to which it relates more directly.

Recommendation 13

- a. Delete the second sentence in Policy C2.**
- b. At the end of the third sentence in Policy C2 delete the words 'of Stogumber or the hamlet' and replace by 'the village'.**
- c. Replace the fourth sentence of Policy C2 by the following revised wording: 'New housing development in the village should provide a variety of house types, sizes and tenures to meet local needs as identified in the latest local housing needs survey with a particular focus on the provision of housing suitable for young families and for the elderly. Tenures should be well mixed across the development.'**

4.76. *Policy C3. Housing Delivery.* This is an important policy within the plan and the issues arising from the indication of housing numbers, the provision of affordable housing and occupancy conditions, including a 'principal residence' requirement are discussed above as Main issues c. to e. inclusive. In the following paragraphs I discuss the remaining issues raised in representations leading to a composite recommendation for modification to the policy.

4.77 *Policy paragraph 7. Average and minimum internal floor areas.* Although there is some explanation in the fourth paragraph on page 17 in the plan of the reason for imposing an average maximum net floor area for new dwellings which is to ensure that dwellings are of a size to meet local needs, including downsizing, and to attract young families, no evidence had been produced to show how the particular figures of 100m² and 50m² had been derived or, how including such limits in the plan would achieve the stated aims. In response to my question 17f. the SPC have provided some information taken from a 2010 Government survey showing that the average net internal floor area for a 4-bedroomed house was around 82m suggesting that a 100m would not be unreasonable. However, most importantly, as the WSDC point out, no viability assessment has been undertaken to establish whether such restrictions would have implications for the deliverability of new housing development.

4.78 Although the main reason for including this policy in the plan is not to set space standards it is tantamount to so doing. Government have made it clear³² that if space standards are to be included in a local or neighbourhood plan they should only be by reference to the nationally described space standards.³³ The Ministerial Statement made on 25 March 2015 states:

'local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.'

4.79 I have to conclude that the SPC in drawing up Policy C3 in the SNP have not had regard to that clear statement of Government policy. This applies, in particular, to the setting of a minimum dwelling size of 50m² net without a very specific locally-based justification or viability analysis. The position with regard

³² PPG ID Ref. 56-018-20150327

³³ 'Technical housing standards – nationally described space standard' DCLG March 2015

to the 100m² average is, however, somewhat different. It is not a prescribed space standard to be applied to individual dwellings but a broad indication of average sizes in an attempt to ensure that new dwellings meet local needs. The averaging approach provides a degree of flexibility but the wording of the policy should not be overly prescriptive and should provide for the possibility that larger dwellings might meet either local needs or provide family housing. There must also be a caveat relating to a consideration of the effect on the viability of the development. With those provisos I consider that a modified policy might remain within the plan and that it would meet the basic conditions in so doing.

4.80 *Removal of permitted development rights for extensions.* The reason behind this policy provision is given in the penultimate paragraph on page 17 as 'to ensure that the dwellings remain of a sufficiently small size to meet the needs of the Parish'. Permitted development rights are set by Government by Development Order and it is stated in paragraph 200 of the NPPF there must be clear justification for the removal of such rights. It appears that the SPC have in mind that a condition removing PD rights should be attached to any permission for new dwellings, but a blanket requirement of that kind would not provide the LPA to consider the particular circumstances applying at a given point in time and whether the condition would meet the tests in paragraph 206 of the NPPF in those circumstances.

4.81 The WSDC rightly question whether removal of permitted development rights would achieve the stated aims of the plan. Young families often seek to extend their dwellings to accommodate increased space needs as children grow older. If dwellings could not be extended to meet such needs the alternative might be to move away from the village. It also needs to be borne in mind that the removal of permitted development rights only means that planning permission would be required for that development. As submitted, the plan does not provide a basis for the LPA to refuse such permission.

4.82 The most important planning consideration which underlies this policy is that the range of house types and sizes should continue to meet local needs. In considering and application for an extension the LPA would need to consider the whether the personal circumstances of the applicant, including the needs of that household for adequate housing – say for a growing family, were such as to outweigh the stated public interest of ensuring that the dwelling after extension

would continue to meet local housing needs. It may be a difficult balance which could have Human Rights implications. Only if it is clear in policy that such considerations would be taken into account on an individual basis might a removal of permitted development rights for extensions to all new dwellings be judged to meet the basic conditions.

4.83 The last paragraph/sentence in Policy C3 about self-build does not have any direct policy implication especially as the SPC have indicated it is not their intention that self-build proposals should be treated in any way differently to others. As the meaning is unclear its inclusion could cause difficulty in the implementation of the policy. It should be deleted for that reason.

Recommendation 14

- a. Delete the first paragraph of Policy C3 and include an indication of the numbers of dwellings which might be expected to be delivered through the application of the criteria in Policy EN2 within the supporting text.**
- b. In the second paragraph of Policy C3, modify the first sentence to read: 'For proposals for six units or more it is required that 35% of the total shall be a local needs affordable unit, provided on the same site.'**
- c. Modify the third paragraph of Policy C3 to read: 'Local needs affordable housing shall be of a size and type to meet local needs as identified in the latest Local Housing Needs Survey. Planning permission will be refused should the number of dwellings proposed be lower than the site's reasonable capacity, taking account of site constraints, which results in a lower provision or contribution towards affordable housing.' Move reference to the currently identified needs to the supporting text.**
- d. Delete the fourth and fifth paragraphs which set out occupancy criteria for affordable housing from Policy C3; such criteria to be moved to the plan as an indication of the Parish Council's aspirations to be discussed and agreed with the Local Housing Authority.**
- e. Delete the sixth paragraph of Policy C3 and remove all references to the imposition of a 'Principal Residence' condition on permissions for new dwellings.**

- f. Delete the second sentence in the seventh paragraph of Policy C3 which sets a minimum internal floor area for new dwellings of 50m²; modify the first sentence in that paragraph to read: 'Subject to an assessment of the effect on the viability of a development proposal, all schemes, for any number of units, including on linked sites, should provide that the net internal floor area of all dwellings, when taken in aggregate, does not exceed an average of 100m² per dwelling unless it can be demonstrated that larger dwellings would better meet identified local housing needs or assist in providing housing suitable for families.'**
- g. Add the following sentence to the eighth paragraph of Policy C3: Planning permission for the extension of such dwellings will be permitted provided that the extended dwelling would continue to meet local housing needs as identified in the latest local housing needs survey.**
- h. Delete the ninth (final) paragraph of Policy C3 relating to self-build.**

4.84 *Policy C4. Live-work.* In response to the WSLP representation and the five points I have raised under my Question 18, the SPC have requested the deletion of this policy. However, I have still to consider whether it meets the basic conditions, as submitted.

4.85 As I touched upon on several occasions Planning Practice Guidance indicates that the policies in Neighbourhood Plans should provide a clear and unambiguous basis for making decisions on planning applications. The Neighbourhood Plan policy needs to be read alongside the Local Plan and provide a locally-distinctive dimension. SNP Policy C4 is written in a highly prescriptive form without any justification for the details within it. There is no clear basis for the majority of the floorspace to be used for business purposes, especially of the unit is to be treated otherwise as if it were a dwelling for the purposes of Policies C2 and C3; nor is there a justification for the restrictions on the nature of the business and on occupancy. Taken in the round, the policy is not justified by an analysis of local circumstances and militates against the encouragement given in the NPPF for flexible working practices.

4.86 I conclude that the policy fails to have adequate regard for national policy and is inadequately justified in its detail. For these reasons, the policy should be deleted for the plan to meet the basic conditions. The matter is covered by WSLP policy, EC6.

Recommendation 15

Delete Policy C4.

4.87 *Policy C5. Residential Institutions for Older and Disabled People.* This is one of the polices for which the repeated criteria would, for clarity, be replaced by cross-reference to Policy O1. Also, for clarity, reference should be made to Use Class C2.

Recommendation 16

In Policy C5 insert '(Use Class C2)' after 'residential institutions' in line 1 of the policy; delete the criteria and state 'subject to the provisions of Policy O1'.

4.88 *Policies C6-C8. School and village hall.* Policies C6 and C7 are very similar in form and they act as something of an introductory background to Policy C8 which relates to both the school and the village hall. The SPC has agreed that, for clarity, Policies C6 and C7 could be merged with C8. I agree that to be necessary for that purpose. The SPC have provided me with a detailed explanation of the community's aspirations for the two buildings and the alternatives which present themselves.

4.89 The WSDC have suggested that Policies C6 and C7 are no more than statements of community aspiration, better included in the supporting text. I consider that, in so far as they provide an indication that proposals for alteration or expansion of the two buildings on their existing sites will be supported, i.e. permission for such development will be granted, they do have a proper policy function which is best set out as the first part of a revised Policy C8. The re-location of either community facility and the re-use of the existing site(s) may then be covered by the second part of policy C8. The policy intention needs to be clear.

4.90 In the event of re-location it is important that the whole scheme remains a viable proposition. In that regard it is helpful to know that land on the Beacon Field would be gifted for the purpose of relocation of the village hall and/or the school although the acceptability of that in planning terms is apparent from Policy C10. Nevertheless, as submitted, the third bullet point in Policy C8 seeks a somewhat open-ended contribution from the enabling development to meeting 'other facilities the community needs'. That may not meet the requirements for planning obligations as set out in paragraph 204 of the NPPF. The car park has now been permitted. That paragraph should be deleted.

4.91 As explained by the SPC the final bullet point in Policy C8 envisages an alternative scenario in which the relocation is funded by grant aid rather than by enabling development of the existing site(s). It appears to be a somewhat hypothetical position. I understand that flexibility is required but any redevelopment could not reasonably be required to bring greater community benefit than the existing uses. That reference should be deleted. Otherwise the main part of Policy C8 meets the basic conditions.

Recommendation 17

a. Delete Policies C6 and C7 but include the following text as a new first paragraph in Policy C8: The alteration and/or extension of the existing school and village hall buildings or the construction of new buildings on the existing site(s) will be permitted.

b. Delete the third bullet point criterion and in the fourth criterion delete the words 'or greater use to the community'

4.92 *Policy C9. Existing Public Open Spaces.* Although it may not be an ideal situation to have policies in a neighbourhood plan which do little more than re-state, in slightly different words, policies which are included in the Local Plan. However, there is nothing in national policy or guidance which states that there cannot be such overlap. The guidance on repetition applies to local plans. I accept that a neighbourhood plan is addressed to a somewhat different audience.

4.93 This policy closely reflects the NPPF paragraph 74. It would have been an alternative approach to have simply listed the sites to which WSLP Policy CF1 applies, but that is not what has been done. The policy is clear and provides a reasonable basis for decision-taking. It meets the basic conditions.

4.94 *Policy C10. The Beacon Field.* This policy is somewhat unusual in that it relates to land which is already owned by the Parish Council which will, therefore, have full control over future uses. As the landowner, it could be said that there is a conflict of interest in the Parish Council stating the types of development to be permitted on the land. However, this is a land-use policy and nothing is proposed which would not be in the community interest. Certain aspects of the policy as expressed in the submitted plan are somewhat vague and imprecise and there is a significant degree of repetition. On the other hand, the alternative version provided in response to my Question 22 represents a significant improvement which I recommend. I have also been provided with a replacement supporting text. For completeness I recommend that also.

Recommendation 18

Delete Policy C10 and replace it by the following introductory text and policy statement:-

Text:

The Beacon Field is divided, as shown on the Stogumber Features Map, into two parts:

- **The lower part, currently public open space, and intended for the future development of community facilities. Full planning permission has already been granted for a permanent car-park.**
- **The upper part, including the Jubilee Copse and Community Orchard, currently and intended to remain, public open space or community horticulture such as allotments.**

Both parts can currently be used for occasional car-parking for large events, and it is intended that such use will continue into the future, albeit limited by any development and tree-planting that takes place.

Policy:

Permission for development on the lower part of the Beacon Field will be granted where the development is of buildings or facilities of benefit to the community, such as (but not limited to) a new village school or new village hall, subject to the criteria listed under Policy O1. Development should enable, and where appropriate, facilitate vehicular access to the upper part of the field and to the proposed new graveyard in the adjoining field. Permission for a building on the upper part of the field will not be granted except for purposes that directly improve the use of the land as public open space or community horticulture.

4.95 *Policy C11. Car Parking.* This is a policy including criteria which are recommended for inclusion in the over-arching policy O1 rather than by repetition in individual policies. The nature of the older parts of Stogumber which were not designed for the accommodation of cars clearly creates problems. It is only very recently that permission has been given for a car park on part of the Beacon Field, as mentioned in Policy C10, and it is not clear what the justification would be for further off-site parking to be financed through s106 contributions. For those to meet the requirements of paragraph 204 in the NPPF

there would need to be an identifiable proposal for an additional car park which appears not to be the case. The SPC also acknowledge that any requirement for additional parking could be to meet the needs arising from that development not to alleviate existing problems. A replacement policy has been suggested by the SPC which I recommend to meet the basic conditions.

Recommendation 19

Delete Policy C11 and replace it with the following policy:-

Development must include sufficient off-street car parking spaces to meet the demand generated by that particular development. Permission for additional car-parking spaces, beyond the minimum number required, will be granted subject to Policy O1.

4.96 *Policy C12. Essential Services.* There can be absolutely no doubt about the importance the village shop and post office has, along with the pub, as central community facilities. It is understandable, therefore, that the plan should seek to safeguard such facilities. However, as recognised in the plan these are private owned businesses and it is not possible, through planning policy, directly to prevent such establishments from closing their doors. If a business is no longer commercially viable then it would not be reasonable, or feasible, to expect a facility even of equal value to the community to be created in its stead.

4.97 There are representations against this policy from those associated with the village shop. The WSDC have rightly drawn attention to the potential for the policy to result in vacant and deteriorating buildings and that it is contrary to national policy to place an undue burden on development by overly restrictive requirements. For these reasons I consider that the policy has failed to have adequate regard for national policy. Deletion of the policy would mean that the equivalent WSLP Policy SC6 would apply.

Recommendation 20

Delete Policy C12.

4.98 *Policy C13. Church.* As stated in the PPG, policies in the neighbourhood plan can only relate to land-use matters and provide a basis for decision making on applications for planning permission submitted under the Town and Country Planning Acts. That does not cover anything which requires listed building consent, for example. As submitted, this plan policy could be read to suggest that the plan might have influence on decisions taken under other legislation which cannot be the case. The alternative wording put forward by the SPC would still refer to 'consent' and in relation to changes to 'fabric and furnishings'. Changes to internal furnishings would never require planning permission and I find it difficult to envisage a situation in which alterations to the 'fabric' would do so. The suggested wording might also be interpreted as meaning that permission should not be given if the change did not support community use of the building. I regard this 'policy' as an aspiration to seek to widen the scope for community use of the church which, laudable though it may be, is not a planning matter. The policy should be deleted from the statutory plan.

Recommendation 21

Delete Policy C13.

4.99 *Policies EC1 Local Economy and EC3 Business Space.* Policy EC1 gives general support to economic development wherever it may be, subject to site-specific criteria which the SPC have accepted are better covered in the overarching policy O1. However, Policy EC1 also applies to 'premises for business use' and Policy EC3 to 'additional business space' but the latter policy cross-references to locational Policy EN2 providing what amounts to a sequential approach to the location subject to the same site-specific criteria.

4.100 It is highly likely that any additional business space would be within 'premises for business use'. The policies are, therefore, dealing with one and the same thing. The inclusion of two policies in the plan with slightly different provisions is likely to lead to uncertainty as to how a decision maker should react to a proposal, especially for a new business development in a location which does not accord with Policy EN2 but for which there is not judged to be a 'specific business reason for a different sort of location'. The plan therefore lacks clarity and is not in accord with planning practice guidance.

4.101 To achieve clarity and remove the ambiguity the policies are best merged retaining the general support for economic development but clearly stating the sequential preference.

4.102 The text prior to Policy EC3 refers to some of the freedoms available for certain changes of use and states that permitted development rights should be restricted by condition. Even though that is not in a policy as such it reads as policy and, contrary to paragraph 200 of the NPPF, there is no clear justification for it. The sentence will need to be deleted. The fourth criterion in Policy EC3 relates to 'new retail space' and it would appear from the introduction to the policy that it is intended to apply to both Class A and Class B uses³⁴. The WSDC comment is that they are not aware of any demand for new retail space. Be that as it may, care is needed that planning policy is not seen as an attempt to protect an existing retail outlet from fair and open competition. Long-standing national policy³⁵ is expressed in terms of the effect on the 'vitality and viability' of the centre, which may include district or village centres. It should be clarified that a retail outlet falls within Use Class A1 and that policy does not apply to other Class A uses.

Recommendation 22

Delete policies EC1 and EC3 and insert a new policy EC1 to read as follows:-

Proposals for economic development, including the development of additional business space, in a location which accords with the locational priorities stated in Policy EN2, will be approved provided that the criteria in Policy O1 are met. Business (Class B) development may also be permitted in other locations where it can be demonstrated that there are specific business reasons why a different sort of location is required.

New retail (Class A1) development will be permitted provided that it would not, by reason of its location or scale, have a harmful effect on the vitality and viability of the village centre.

³⁴ As defined in The Town and Country Planning (Use Classes) Order 1987

³⁵ NPPF, paragraph 26

4.103 *Policy EC2. Visitor accommodation.* The SPC have provided a thorough response to my question 26 and I accept that full regard has been had to paragraph 28 of the NPPF in seeking to positively encourage the development of additional visitor accommodation in what is, undeniably, a most attractive rural area on the fringe of the Exmoor National Park. I am sure that there is considerable potential for this form of development.

4.104 Moving the repetitive criteria to the over-arching policy, O1, would do much to clarify the main policy message of this policy with its three parts. The focus is then on the three sub-policies. On Guest Houses and B&B's, I am sure that the SPC are aware that planning permission is only required if there is deemed to be a material change of use of the premises, which is rarely the case. On the location of new-build self-catering units, although the locational preference may be in accordance with policy EN2 there is only a limited land resource close to Stogumber meeting the modified policy requirements and WSLP Policy EC9 suggests somewhat greater flexibility.

4.105 Although I understand the thinking behind the 80m² average floor space 'cap' I do not accept that the case put forward in the SPC response constitutes the 'proportionate and robust' evidence required to justify such a stance. Self-catering holiday accommodation is required for larger than average families or by families sharing. There would be safeguards, including a condition, to ensure that self-catering units are not permanently occupied without planning permission being obtained. Should an application be made for removal of the condition then the importance to the local economy of the retention of the accommodation in holiday use would be a material consideration for the local planning authority.

4.106 Turning to the condition, I agree that any permission for self-catering accommodation should be subject to a condition which would prevent permanent residential occupation. This is put as preventing occupation by any one person for more than 28 days in any (one) calendar year. Again, although the principle is correct the detail has not been adequately justified. For example, it prevents the same person (or group) occupying a unit on separate occasions of 28 days during the year, falling well short of permanent occupancy. The policy is overly-prescriptive without justification in proportion to the degree of prescription. It would meet the aims of the policy to express it in more general terms leaving

the LPA to word an appropriate condition which would meet the NPPF paragraph 206 tests. I am not convinced the condition suggested in the plan does that.

4.107 The SPC have provided a good reason for restriction of 'small-scale camping or 'glamping' sites to five units. Although I think it unlikely that the small wooden chalets used for 'glamping' would become permanent the suggested condition would be a reasonable one.

Recommendation 23

Delete Policy EC2 and replace it with the following modified policy:-

Proposals for additional visitor accommodation will be approved provided that the provisions of Policy O1 are met and subject to the following additional requirements:-

- (i) for Guest Houses, and B&Bs, that the proposals are for the conversion or re-use of an existing building;**
- (ii) for self-catering units, that the proposals are either for the conversion or re-use of an existing building or, if new-build, that the location is in accordance with the priorities in Policy EN2 and, in either case, that the permission is subject to a condition restricting the use to that of short-term occupation as visitor accommodation;**
- (iii) for the use of land as a small-scale camping or 'glamping' site, that the proposals are for no more than five separate units of temporary accommodation of a modest nature plus commensurate communal facilities and that any permission is subject to conditions restricting the use of the site to that of visitor accommodation and requiring the removal of the units of temporary accommodation should the use cease.**

4.108 *Policy EC4. Agricultural Land.* The policy itself does not seek to distinguish between different grades of agricultural land or split Grade 3a, which is included by national and local plan policy within the definition of the 'best and most versatile' land. However, the policy could only be implemented within that context and does not explicitly contradict it. The approach taken meets the basic conditions.

4.109 *Policy EC5. Agricultural Development.* This is one of the policies with standard criteria which would be covered by the recommended modification to Policy O1 and a modification is required for consistency. Otherwise I consider that the policy meets the basic conditions. The final sentence in the text under 'Agricultural Diversification' referring to the application of a condition or s106 obligation although indicating policy is not precise. It may remain as an aspiration but I am not convinced that such an approach would always meet the NPPF tests in paragraph 204 or 206 as appropriate.

Recommendation 24

Delete the criteria in Policy EC5 and insert a cross-reference to the criteria in Policy O1.

4.110 *Policy EC6. Re-use of agricultural buildings.* As for policy EC5 in respect of the cross-reference to Policy O1. Although national policy gives support to the conversion of agricultural buildings to other uses without distinction by type I accept that there is also a general encouragement given to the development of rural businesses and that modern steel-framed agricultural buildings would be most suitable for such use. Any environmental concerns relating to commercial uses on sites which fall within the locations mentioned in Policy EN2 are covered by the Policy O1 criteria.

Recommendation 25

Delete the criteria in Policy EC6 and insert a cross-reference to the criteria in Policy O1.

4.111 *Policy EC7. Dwellings on new holdings.* In response to my question 30 the SPC have put forward a clear justification for the approach taken in this policy subject to an adjustment to the wording for the necessary clarification of the terms of policy implementation. I recommend those amendments.

Recommendation 26

Modify the second sentence in Policy EC7 to read as follows:-

Where the viability of holding business would be significantly compromised without the ability to live on site, but such an essential need is not yet proven, a temporary (3 year) consent may be granted for a dwelling designed to be of low environmental impact in construction and use, and which is readily capable of removal.

4.112 *Appendices*. I raised a query about Appendix 2 only because the purpose of Census data appears to be primarily to provide an evidential basis for some of the plan policies. Once a plan is 'made' such material is not of direct relevance and might be omitted. However, I do not suggest that its inclusion would mean, in any sense, that the plan failed to meet the basic conditions. The same applies to the other appendices and their order which is entirely a matter for the Parish Council, as the Qualifying Body.

The correction of errors

4.113 I am empowered to recommend the correction of errors. As I indicate at the start of this report, I include in this category the amendments to the plan text which will be required to ensure that the plan is up-to-date at the time it is 'made'. There will also be a number of consequential amendments required to the text in order to take account of the modifications to policies I have recommended, in some cases the deletion of whole policies. I make a general recommendation to cover these aspects.

4.114 There is but one point, raised in the representations by the WSDC, which I have not dealt with elsewhere and that is the statement in the Introduction that development is to be spread evenly over the 10 years of the plan. Presumably that is a reference to housing development. That may be an aspiration but there is no basis in the plan policies nor is there any practical mechanism to achieve that. It is analogous to the statement under 'Housing Delivery' on page 17 of the plan that the plan 'encourages and even rate of development'. Even as submitted, the first paragraph in Policy C3 does not say that. I treat these statement as an errors because they are not a correct interpretation of the plan policies, although it is also the case that it would be contrary to Government policy to seek to control the rate of development without very specific justification.

Recommendation 27

To ensure that the plan is up-to-date at the time it is made, make any amendments to the plan text which are consequential to the recommended modifications to plan policies. Also, remove references in the Introduction, page 1, and under the heading 'Housing Delivery' on page 17, to (housing) development being spread evenly over the plan period.

Section 5 - Formal conclusion and overall recommendations including consideration of the referendum area

Formal Conclusion

5.01 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights. Modifications also need to be made by way of the correction of errors to ensure that the plan is up-to-date.

Overall Recommendation A

I recommend that the modifications specified in sections 2 and 4 of this report be made to the draft Stogumber Neighbourhood Plan and that the draft plan as modified be submitted to a referendum.

The referendum area

5.02 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend whether the area for the referendum should extend beyond the neighbourhood area.

5.03 There have been no representations seeking an extension of the referendum area. As the plan is concerned only with the future development within the parish of Stogumber and there are no cross-boundary issues of significance for residents or businesses in adjoining parishes, I find there to be no need to extend the referendum area beyond the designated neighbourhood area.

Overall Recommendation B

The area for the referendum should not extend beyond the neighbourhood area to which the plan relates.

Signed:

John R Mattocks

JOHN R MATTOCKS BSc DipTP MRTPI FRGS

30 May 2017

APPENDIX 1.

Abbreviations used in this report.

| | |
|-----------|--|
| 'the Act' | The Town and Country Planning Act 1990, as amended |
| EU | European Union |
| HRA | Habitats Regulations Assessment |
| LHA | Local Housing Authority |
| LPA | Local Planning Authority |
| NP | Neighbourhood Plan (generic term) |
| NPPF | The National Planning Policy Framework ('the Framework') |
| PD | Permitted Development |
| PPG | (national) Planning Practice Guidance |
| SEA | Strategic Environmental Assessment |
| SNP | Stogumber Neighbourhood Plan ('the Plan') |
| SPC | Stogumber Parish Council ('the PC') |
| WSDC | West Somerset District Council |
| WSLP | West Somerset Local Plan |

Report Number: WSC 80/17

West Somerset Council

Local Development Panel – 1st August 2017

Finalising the West Somerset Infrastructure Delivery Plan

This matter is the responsibility of Councillor Keith Turner: Lead Member for Housing Health & Wellbeing

Report Author: Nick Bryant, Planning Policy Manager.

1 Executive Summary / Purpose of the Report

- 1.1 Further to the Local Development Panel's consideration of the draft West Somerset Infrastructure Delivery Plan at its meeting on the 1st February 2017, amendments have been made and a revised draft West Somerset IDP is presented for recommendation to Full Council for endorsement.

2 Recommendations:

- 2.1 **To NOTE and ENDORSE the amended West Somerset Infrastructure Delivery Plan attached at Appendix 1 to this report, in order to support the delivery of the adopted West Somerset Local Plan to 2032's strategy.**

3 Risk Assessment

Risk Matrix

| Description | Likelihood | Impact | Overall |
|--|------------|--------|---------|
| That the Council does not clearly identify the infrastructure associated with new development, resulting in deficiencies in infrastructure provision which will affect existing communities and new residents. | 4 | 4 | 16 |
| <i>The mitigations for this are the proposed changes as set out in the report</i> | 2 | 4 | 8 |

Risk Scoring Matrix

| | | | | | | | |
|-------------------|---|----------------|------------|-------------|-------------|----------------|----------------|
| Likelihood | 5 | Almost Certain | Low (5) | Medium (10) | High (15) | Very High (20) | Very High (25) |
| | 4 | Likely | Low (4) | Medium (8) | Medium (12) | High (16) | Very High (20) |
| | 3 | Possible | Low (3) | Low (6) | Medium (9) | Medium (12) | High (15) |
| | 2 | Unlikely | Low (2) | Low (4) | Low (6) | Medium (8) | Medium (10) |
| | 1 | Rare | Low (1) | Low (2) | Low (3) | Low (4) | Low (5) |
| | | | 1 | 2 | 3 | 4 | 5 |
| | | | Negligible | Minor | Moderate | Major | Catastrophic |
| Impact | | | | | | | |

| Likelihood of risk occurring | Indicator | Description (chance of occurrence) |
|-------------------------------------|---|---|
| 1. Very Unlikely | May occur in exceptional circumstances | < 10% |
| 2. Slight | Is unlikely to, but could occur at some time | 10 – 25% |
| 3. Feasible | Fairly likely to occur at same time | 25 – 50% |
| 4. Likely | Likely to occur within the next 1-2 years, or occurs occasionally | 50 – 75% |
| 5. Very Likely | Regular occurrence (daily / weekly / monthly) | > 75% |

4 Background and Full details of the Report

- 4.1 Members will recall the previous report concerning the draft West Somerset Infrastructure Delivery Plan received by the Local Development Panel's meeting on the 1st February. In considering the draft document, a number of matters were identified for which Members requested that amendments should be made and be brought before the Panel in a further report.
- 4.2 The necessary amendments having been made, the revised West Somerset Infrastructure Delivery Plan is now put forward for sign off by the Panel. The amendments to the document considered in February are summarised in the paragraphs set out below:
- 4.3 Paragraph 3.5 has been amended to reflect the ceasing of Webberbus services within West Somerset and particularly the withdrawal of the bus service between Minehead and Bridgwater.
- 4.4 Paragraphs 3.18 and 3.19 relating to major highway schemes formerly proposed for West Somerset by Somerset County Council, but no longer to be progressed, have been deleted, with the succeeding paragraphs being re-numbered.
- 4.5 Paragraph 3.49 has had additional explanatory text inserted regarding the LLFA's role: *"Somerset County Council is the statutory consultee for major developments and can provide advice in relation to smaller developments where required."*

- 4.6 A new Paragraph has been added at 4.6: *“The West Somerset Schools Organisation Plan Area (SOP) includes the majority of the West Somerset planning authority area as well as Exmoor National Park. The way in which the West Somerset IDP deals with education requirements from developments in the National Park is clarified later in this section.”*
- 4.7 A new Paragraph 4.10 has been added covering primary schools within the LPA area which are in other SOPs: *“There are three other primary schools serving parts of West Somerset local planning authority area and which are within a different SOP. These are Stogursey primary school which is within the catchment area of Haygrove School in Bridgwater and Crowcombe and Stogumber primary schools which are within the catchment area of Kingsmead School in Wiveliscombe.”*
- 4.8 In Paragraph 4.14, the reference to: *“...children with special needs.”* has been amended to read: *“...children with special educational needs.”*
- 4.9 Paragraph 4.16 has been amended to include reference to the IGP end date of 2030.
- 4.10 Paragraph 4.18 has been amended to refer to the fact that potential requirements arising from the Exmoor National Park LPA area are included within the figures set out in Table 4-1, and that these being minimal, the level of developer contributions to be sought by Somerset County Council for new housing in the West Somerset LPA area will be unaffected.
- 4.11 Paragraph 4.29 has been amended to make reference to Minehead and Williton Community Hospitals and an outline of their facilities.
- 4.12 Paragraph 4.36 has been amended to refer also to Watchet cemetery.
- 4.13 Paragraph 4.39 has been amended (and a new paragraph 4.40 added) to take account of amendments to Government policy in relation to the provision of affordable housing through the February 2017 Housing White Paper.
- 4.14 An additional paragraph has been added to the IDP requirements summary at 6.4 to acknowledge that during the life of the Local Plan additional infrastructure requirements not currently identified or costed will be identified. Future IDP reviews will need to take these into account.
- 4.15 Following the publication of the Housing White Paper in February 2017 including the Government’s report on the independent review of CIL which it commissioned in 2015, Paragraphs 7.18 and 7.19 have been revised and an additional paragraph 7.20 added indicating that the Council will only be in a position to review its decision as to whether to proceed with a CIL following the Autumn Budget when any changes are due to be announced.

5 Links to Corporate Aims / Priorities

- 5.1 The Council's approach to infrastructure planning is likely to deliver outcomes against three of the four themes identified in the Council’s Corporate Strategy, namely; ‘People’, ‘Business and Enterprise’ and ‘Our Place.’

6 Finance / Resource Implications

- 6.1 There is likely to be a funding gap between the infrastructure identified in the IDP and what can realistically be paid for through developer contributions (funded through CIL/S106), it is however, important to have a document like the IDP to have a costed plan of infrastructure required. This can potentially be used as a valuable tool to support and underpin future bids for limited public funding.
- 6.2 Should the Council embark on the preparation of a CIL Charging Schedule there will be additional resource and financial implications but as the Regulations are currently written, these costs can be recovered by effectively being 'topslliced' from future CIL monies.

7 Legal Implications

- 7.1 None identified.

8 Environmental Impact Implications

- 8.1 Some of the infrastructural requirements identified by the IDP will help to minimise and mitigate the impact of new development on the environment.

9 Safeguarding and/or Community Safety Implications

- 9.1 None identified.

10 Equality and Diversity Implications

- 10.1 None identified

11 Social Value Implications

- 11.1 None identified

12 Partnership Implications

- 12.1 West Somerset Council is unlikely to directly deliver much of the infrastructure identified by the IDP. The document has been prepared following extensive engagement with a range of infrastructure providers who have identified priorities and where possible, provided costs.

13 Health and Wellbeing Implications

- 13.1 Some of the infrastructural requirements will address health and wellbeing issues, this will include provision for green space, play and community facilities.

14 Asset Management Implications

- 14.1 None identified.

15 Consultation Implications

15.1 None identified

16 Scrutiny Comments / Recommendation(s)

16.1 Not applicable

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency: Once only Ad-hoc Quarterly
 Twice-yearly Annually

List of Appendices (delete if not applicable)

| | |
|------------|--|
| Appendix 1 | Amended West Somerset Infrastructure Delivery Plan |
|------------|--|

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| | | | |
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West Somerset District Council Infrastructure Delivery Plan

March 2017

Revision 1

Prepared by Three Dragons
on behalf of West Somerset District Council.

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1. INTRODUCTION

Background

- 1.1 This is the West Somerset District Council Infrastructure Delivery Plan (IDP) 2017. The IDP gives details of the infrastructure that service providers and the council have identified as necessary to support future growth as set out in the Local Plan¹ which will guide development in West Somerset to 2032².
- 1.2 The council produced its first IDP in December 2014³. This version of the IDP provides more details of the infrastructure that will be required, its timing and, wherever possible, indicative costs.
- 1.3 The Local Plan sets out the following key objectives for development in West Somerset:
- Strengthening the roles and functions of Minehead as the District's main service centre, and Watchet and Williton as secondary service centres;
 - Implementation of types and quantities of development in locations appropriate to meet the requirements of the Strategy based on the evidence and engagement;
 - Increase self-containment within Minehead, Watchet and Williton;
 - Successfully managing flood risk in implementing new development at Minehead Watchet and Williton;
 - Make a step change in the provision of affordable housing to meet identified local needs;
 - Make a significant reduction in Co₂ emissions for the Local Plan area;
 - Create an aspirational, enterprising and entrepreneurial culture within West Somerset;
 - Develop the quality of the tourism offer within the Local Plan area;
 - Protect and enhance biodiversity in the Local Plan area;
 - Conserve and enhance the character of historic settlements, buildings and landscapes;
 - Deliver high quality design in new development which will contribute to the area's heritage in a positive way.
- 1.4 It is acknowledged that the IDP cannot specify all the infrastructure that will be needed to 2032. Changed requirements may become apparent when new areas of development are designed in more detail and/or ways of delivering services and facilities are updated.
- 1.5 Through the life of the Local Plan changes to the policies and strategies of service providers and the introduction of new technology will have implications for infrastructure requirements and their costs. Public funding levels are also likely to

¹ West Somerset Local Plan to 2032

² The Local Plan is for the period 2012 to 2032

³ West Somerset Local Plan to 2032 Infrastructure Delivery Plan, December 2014

vary over the life of the plan. The information contained in the IDP will continue to be kept under review, with further updates prepared as important changes are introduced.

Planning Policy Context

- 1.6 The IDP reflects up to date guidance on the planning for infrastructure.
- 1.7 The National Planning Policy Framework (NPPF), published in March 2012 by the Department for Communities and Local Government makes clear that local planning authorities must take into account infrastructure requirements in terms of quality, capacity and ability to meet future demands and any requirements for strategic infrastructure. Paragraph 162 states that LPAs should:
- ‘Assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management and its ability to meet forecast demands (para 162)*
- 1.8 National Planning Practice Guidance then sets out that:
- ‘The Local Plan should aim to meet the objectively assessed development and infrastructure needs of the area..... (Local Plan section - Para 002 – January 2016)*

Levels of Growth Planned for West Somerset

Housing growth

- 1.9 The Local Plan states that by 2032, ‘About 2,900 additional houses will have been provided in *the Local Plan area...*’ The Plan identifies strategic sites in the following locations:
- Minehead/Alcombe 750 dwellings + 3 hectares non-residential uses
 - Watchet (Parsonage Farm) 290 dwellings + 3 hectares non-residential uses
 - Williton 406 dwellings + 3 hectares non-residential uses
- 1.10 Two further strategic sites are identified for longer term development (with dwelling numbers to be identified at a later date)
- Minehead (south of Periton Road)
 - Watchet (to the west of Watchet at Cleeve Hill)

1.11 The Local Plan identifies the following requirements for these strategic sites:

- Minehead/Alcombe
 - A distributor road through the site linking the development to the A39 at two points, one close to each end of the site;
 - Space for the future linkage of the distributor road to the LT1 site to the west;
 - Development to be facilitated by the appropriate integrated provision of transport, community and flood risk management infrastructure.
- Watchet (Parsonage Farm)
 - Development to be facilitated by the appropriate integrated provision of transport, community and flood risk management infrastructure to include walking and cycling links connecting the new development with the town centre;
 - Measures to prevent harm to the significance of historic assets at Parsonage Farm.
- Williton
 - Development to be facilitated by the appropriate integrated provision of transport, community and flood risk management infrastructure to include walking and cycling links connecting the new development with the village centre;
 - Also to contribute to the enhancement of the designated heritage asset Battlegore Barrow Cemetery and its setting through landscaping, public access, appropriate use of the site and the implementation of a management plan.

Uncommitted development

1.12 Between April 2012 and March 2015 the council granted permission for 349 dwellings⁴, leaving 2,551 dwellings still to be committed from the 2,900 requirement in the Local Plan. Further approvals have been granted since March 2015 and, for the purposes of the IDP, a very broad estimate for 100 approvals is used to give an overall figure of about 2,450 uncommitted dwellings to 2032 as at January 2016.

Population growth and Household Size

1.13 The latest projections⁵ show an average household size for West Somerset of 2.1 in 2012, with a decline to 2.03 by 2032. West Somerset's population is projected to increase from around 33,000 to 35,000 over the same period, although this depends on which set of data is used and for what area (whole District or LPA area only). Table 4 of the Strategy and Housing Topic Paper provides an average household size of 1.97 for the District in 2012 (based on 2011 Census data) and 2.07 for the

⁴ West Somerset Strategic Housing Land Availability Assessment Update 2015

⁵ Household projections for England and local authority districts (2012-based) Source DCLG February 2015

LPA. The corresponding figures for 2032 are 1.86 and 1.90 respectively. When it comes to 'existing' and 'projected' population figures, the same Table 4 identifies populations of 34,850 for the District and 27,730 for the LPA in 2012 and 39,600 and 32,035 respectively in 2032. The 2015 SHMA Update based on 2012-population projections gives of 40,000 for the District in 2031 and 31,000 for the LPA (Tables 5.5 and 5.6 on pp. 88 & 89), whilst those based on the 2012-household projections provide totals for 2031 of 36,800 for the District and, 28,505 for the LPA (Table 4.6, p.21 and Table 4.7, p.23).

- 1.14 It should be noted that these figure are used as a general guide for the IDP. The council has more detailed analysis in the 2015 SHMA update⁶.

Delivery and Public Funding

- 1.15 Infrastructure requirements are identified in the IDP in the following time bands:

- 2016 - 2021
- 2022 – 2026
- 2027 – 2032

- 1.16 Where possible, the requirements for the first 5 years are dealt with in more detail than those for subsequent years.

- 1.17 The IDP assumes nil public funding for an infrastructure item unless a known source has been identified. Over the life of the Local Plan, new sources of public funding may become available but it is not possible to predict the form and scale of such future funding opportunities. In the shorter term, the Council may have the New Homes Bonus available to support new infrastructure; the amount of which will depend on the amount and pace of housing growth and the formula for calculating NHB operated by the government.

- 1.18 Developer contributions will be the other main source of funding for infrastructure (through planning obligations and through the Community Infrastructure Levy if the council adopts a CIL). Planning obligations can only be sought if they:

“.....assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind”. Planning Practice Guidance Reference ID: 23b-001-20150326

- 1.19 From April 2015 the CIL regulations restrict the use of pooled contributions towards items that may be funded via the Levy and:

“..... no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April

⁶ Northern Peninsula Housing Market Area Strategic Market Assessment (SHMA) Update, Housing Vision, Final Report January 2015

2010, and it is a type of infrastructure that is capable of being funded by the levy.”

Planning Practice Guidance Reference ID: 25-099-20140612

- 1.20 This restriction has implications for funding the infrastructure items identified in the IDP and which is explored further in a later chapter.

2. APPROACH

Defining Infrastructure

- 2.1 For the IDP, 'infrastructure' includes all types of infrastructure necessary to deliver the Local Plan objectives. The IDP, therefore, takes account of requirements ranging from roads to affordable housing to outdoor play space. Three broad categories of infrastructure are covered: physical, community or social and green. Table 2.1 shows the different types of infrastructure under each category.

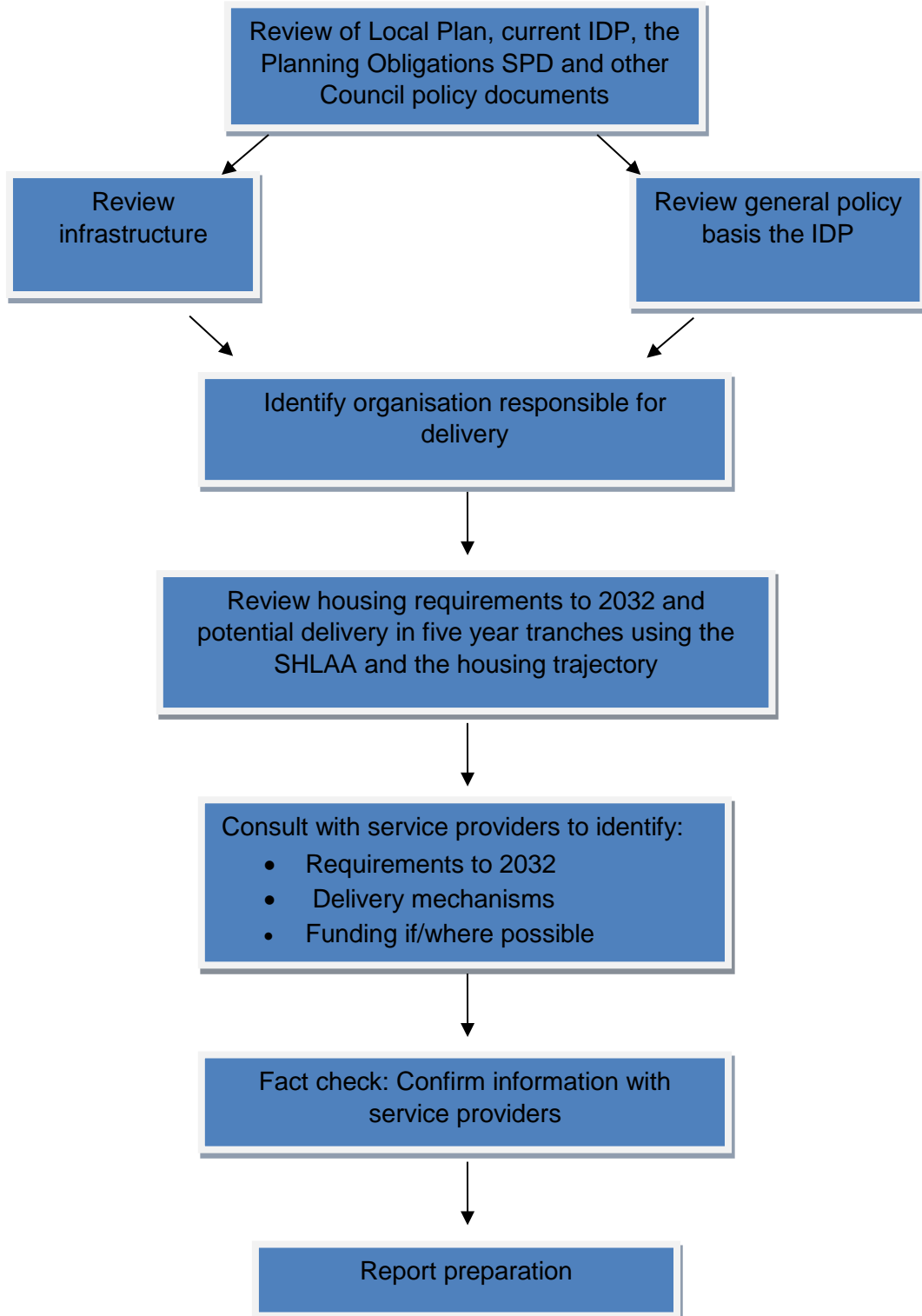
Table 2 - 1: Infrastructure included in the IDP

| Physical Infrastructure | Social Infrastructure | Green Infrastructure |
|--------------------------------|--|-----------------------------------|
| Transport | Emergency services | Public open space and green space |
| Flood alleviation | Education (primary, secondary, tertiary and early childhood) | Sport and recreational facilities |
| Utilities | Health – primary and secondary | Play provision |
| | Crematoria and burial grounds | |
| | Arts and cultural venues | |
| | Provision for community and voluntary sectors | |
| | Facilities for the faith community | |
| | Affordable housing | |

Process

2.2 Figure 2.1 shows the steps undertaken in reviewing the IDP

Figure 2 - 1: Process for Reviewing the IDP



Consulting Service Providers

- 2.3 In preparing the IDP, views were collected from the main organisations that have or could provide strategic infrastructure to support growth in West Somerset and delivery of the Local Plan. There were a variety of ways in which information was collected including a review of responses made by organisations to the 2015 IDP and/or the Local Plan and web based search of the organisation's own plans. Organisations playing a key role in local infrastructure provision and/or who had previously indicated a potential issue, were contacted directly by email, telephone and/or at face to face meetings.
- 2.4 Service providers were asked to review the requirements of their organisation in relation to the Local Plan through to 2032 and there was a generally high level of co-operation with the IDP process. The IDP is based on as comprehensive an information base as possible.
- 2.5 Organisations whose views were collected in preparing the IDP are shown in the table below. Organisations whose views were collected through a web based search and/or limited responses to an earlier consultation are marked with an asterisk.

Table 2 - 2: Organisations whose views were collected

| Organisations Consulted | | |
|--------------------------------|---------------------------------------|--------------------------------|
| Physical Infrastructure | Social Infrastructure | Green Infrastructure |
| West Somerset District Council | West Somerset District Council | West Somerset District Council |
| Connecting Devon and Somerset | Taunton Deane Borough Council | Taunton Deane Borough Council |
| National Grid* | Avon and Somerset Police* | |
| West Somerset Railway | Devon and Somerset Fire Service* | |
| Network Rail* | Southwest Ambulance Service Trust* | |
| Somerset County Council | Somerset County Council | |
| Highways agency* | Somerset Clinical Commissioning Group | |
| Somerset Waste Partnership* | | |
| Wales and Western Utilities* | | |
| Wessex Water* | | |
| Western Power* | | |
| Environment Agency | | |
| Somerset Rivers Authority | | |

Historic under-provision

- 2.6 The infrastructure investment identified in the IDP is required to deliver the sustainable growth set out in the Local Plan.
- 2.7 The IDP does not set out to make up for historic deficits in infrastructure. However, there will be instances where making provision for the growth set out in the Local Plan, is most effectively achieved by upgrading an existing facility. Examples of this could range from improvements to public transport, extensions to existing schools to expanded community halls.

Important Caveats about the IDP

- 2.8 The IDP provides a focus for long term strategic financial decisions but, in this context, there are two important points to be borne in mind:
- The IDP is not a policy document. Information included in the assessment does not override or amend agreed/adopted strategies, policies and commitments which the council and other infrastructure providers currently have in place.
 - Infrastructure providers will inevitably review their policies and plans over the life of the Local Plan and this can impact on the amount and type of infrastructure required. The IDP sets out a broad framework for infrastructure delivery to 2032 with more detail for the period to 2021 where this is available.
- 2.9 It should be noted that the costs and timings identified are broad estimates based on the best information at this time. They will be subject to change as more detailed work is undertaken.

3. PHYSICAL INFRASTRUCTURE

Transport

Introduction

- 3.1 Transport plays an important role in ensuring connectivity within and between settlements in West Somerset as well as enabling access to employment and services elsewhere.

Public transport - bus service

- 3.2 The main bus service in West Somerset is the route between Taunton and Minehead, via settlements such as Williton, Watchet, Washford and Dunster. The service runs regularly throughout the day and the timings allow commuting and access to services and shops. This service also provides access to other public transport routes through the mainline railway station in Taunton, the bus station in Taunton and the West Somerset Railway in Bishops Lydeard.
- 3.3 The district is also served by school bus routes providing access to education in West Somerset, Bridgwater and Taunton.
- 3.4 Demand responsive transport is provided through the SLINKY accessible transport service, which covers West Somerset as well as other parts of the County. The service is funded through Somerset County Council and operates six days a week.
- 3.5 Somerset County Council consulted about a Review of Subsidised Local Bus Services last winter with proposals to withdraw support for some services while others would operate with a reduced service. Following the consultation process the County Council and bus operators agreed the following:
- Route 25 Taunton-Dulverton Minor changes.
 - Route 198 Minehead-Dulverton No change.

In May 2016 one of the operators (Webberbus) that had previously provided bus services in West Somerset ceased to operate. A number of services were affected; three routes in West Somerset have been taken over by other operators with some reduction in services and/or additional public support, to maintain a level of service, at least in the short term. However, the route 16/24 has been deleted and the only way to travel by bus between Minehead and Bridgwater is via Taunton.

Future bus service improvements

- 3.6 No specific additional service requirements have been identified.

Public transport - rail services – national rail network

- 3.7 No changes are identified for national rail network that would affect West Somerset

Rail services – West Somerset Railway

- 3.8 The West Somerset Railway (WSR) is a heritage railway operating under a Light Railway Order which runs on a single line track from Bishops Lydeard to Minehead, a

distance of about 20 miles. WSR operates for about 10 months of the year and is geared to the leisure market but does offer concessionary fares for local residents and fulfils a role for local people travelling between settlements within West Somerset. No other scheduled rail services use the line. The railway is also permitted to allow a limited number of 'charter services' each year to access the system. These originate from elsewhere on the Main Line network.

- 3.9 The WSR is a private company employing about 50 people and supported by over 1200 volunteers, it contributes an estimated £10m. each year to the local economy according to a study undertaken in 2004 (Local Economic Impact Study by Manchester Metropolitan University).
- 3.10 The WSR is operated on a long lease from Somerset County Council and WSR is responsible for the operation and maintenance of the track and associated structures. There is also an operational track linking Bishops Lydeard and Taunton station, partly using the national rail network. The stretch of line from Norton Fitzwarren to Taunton is owned by Network Rail and is used occasionally for leisure related trains going to and from Minehead (from Taunton station and beyond).
- 3.11 There are no plans currently to integrate the WSR service from Minehead to Bishops Lydeard into the national rail network. This would require commitment from central government and significant levels of funding, including upfront money to support the necessary feasibility work. However, a more modest proposal is currently being considered by WSR and a range of other interested parties including the local authorities. The proposal, if taken forward, would provide a regular scheduled service using the national network linking Bishop Lydeard and Taunton stations. The service could be used by commuters into Taunton (e.g. using a Bishops Lydeard park and ride facility) and by visitors to West Somerset who would transfer at Bishops Lydeard from the national service to the WSR. The proposal is still being developed and will require support from the Department for Transport for inclusion in the forthcoming bidding for the Greater Western Franchise. If taken forward it would be 2 to 3 years at least until the new service could be operational.
- 3.12 Therefore, this version of the IDP does not provide any indication of timing or costs for making the Bishops Lydeard to Taunton 'link' operational, but notes that this option should be kept under review in any future revisions to the IDP.
- 3.13 The WSR has a number of potential future plans to enhance the operation of the heritage railway and to provide part of a wider integrated transport link to Minehead, using the existing Heritage steam services. Future reviews of the IDP will also need to include an update on progress with these.

Provision for pedestrians

3.14 Pedestrian infrastructure requirements include:

- Pedestrian bridge over the West Somerset Railway in Watchet to preserve the role of the town centre and to serve additional development to the south of the town (Local Plan policy WA1). It is estimated⁷ that the bridge may cost between £0.5m - £1m (mid-point £0.75m) and that it will be funded by development. For the purposes of this IDP it is assumed that the bridge will be required by 2022-26 as development proceeds on a number of sites around Watchet;
- Pedestrian linkages to serve new development at Parsonage Farm, Watchet (WA2). It is assumed that these links will also be funded by the development and it is assumed that they will be required early on in the development process;
- Pedestrian link to Williton to serve new development to the west of the village (WI2). This link is across water meadows that are understood to be in the same ownership as the proposed development. It is understood that provision of the link will be funded through the specific development concerned and it is assumed that it will be required early on in the development process.

3.15 There will be other measures within new developments that will be needed to provide for pedestrians. These measures will be agreed with the Council as part of the design and planning process on a scheme by scheme basis.

Strategic highways

3.16 The Highways Agency is responsible for strategic highways, which includes the M5 and the A303 in Somerset. There are no parts of the strategic highway network within West Somerset.

Other highway improvements

3.17 As the local traffic authority, Somerset County Council has a duty to manage the road network. The County Council's transport policies include a list of *major* schemes anticipated in the County. None are in West Somerset⁸.

3.18 The new nuclear development at Hinkley Point has had some implications for the highway network in West Somerset. A new roundabout has been constructed at Washford Cross to enable construction workers to access the Smithsyard park & ride site near Washford. No further highway implications from the new nuclear development at Hinkley Point have been identified.

3.19 Lastly, the B3191 Cleeve Hill to the west of Watchet is vulnerable to coastal erosion. This route forms an alternative to the main A39 when this is closed and this section of B3191 is subject to monitoring for movement by Somerset County Council. There

⁷ SCC advice

⁸ Transport and development – Transport Policies, as part of Somerset County Council Future Transport Plan 2011-2026

is no reliable timescale for the severing of this road by erosion; this will be dependent on weather conditions. There is no realistic way to patch the road or slow the erosion, and in due course the road will need to be re-aligned inland.

- 3.20 This re-alignment may be facilitated through housing development in this location⁹ although at the time of writing there are no live proposals. It may be necessary to secure public funding for a road re-alignment if the link is severed in advance of the housing development. While Watchet is anticipated to provide housing under the emerging Local Plan, the strategic housing site in Watchet is to the south (Parsonage Farm¹⁰). For the purposes of this IDP this infrastructure is assumed to be required 2022-26 and in advance of any information about what new road might be required, an allowance of £0.6m has been made as a very broad assumption¹¹. The eventual requirement may be less than this if development comes forward and the realigned road has frontage development.

Ferry

- 3.21 There have been long term proposals for private sector ferry services across the Bristol Channel to South Wales, from Ilfracombe and from Minehead. There are currently no known firm plans.
- 3.22 The potential Bridgwater Bay tidal lagoon project (see the Utilities infrastructure section) may offer the opportunity to include a ferry terminal as part of the lagoon wall. However, plans for the tidal lagoon are at an early stage.
- 3.23 These potential infrastructure projects are noted in this IDP but not considered any further at this time. Future updates of the IDP should keep this under review.

Transport infrastructure measures

- 3.24 The following table summarises the transport measures identified in the IDP and shows their estimated costs and how much of this is assumed to be funded from development contributions.

⁹ West Somerset Council, 2015, SHLAA Update site WAT8 – c.100-150 dwellings

¹⁰ Local Plan Policy WA2

¹¹ 300m of new road at £2,000 per metre

Table 3 - 1: Summary of transport measures – all costs in £ millions

| Measure | Total cost | Identified Funding | Costs Programme | | |
|--|---------------|--------------------|-----------------|---------------|-------------|
| | | | 2016-2021 | 2022-2026 | 2027-2032 |
| Watchet pedestrian bridge over the WSR | £0.75m | £0 | - | £0.75m | - |
| Watchet pedestrian links to the south | n/a | £0 | n/a | - | - |
| Pedestrian link to west of Williton | n/a | £0 | n/a | - | - |
| B3191 Cleeve Hill | £0.6m | £0 | - | £0.6m | - |
| Total | £1.35m | £0 | n/a | £1.35m | £20m |

Utilities

Electricity

- 3.25 West Somerset District's Distribution Network Operator (DNO) is Western Power Distribution. All electricity DNOs have a statutory duty under the Electricity Act 1989 to provide connections (i.e. extensions from its distribution system) upon request from persons seeking connections. West Somerset is served by a 132kV line and a 33kV line from Taunton, with further 33kV lines radiating from Bowhays Cross¹². 11kV lines and low voltage lines then provide services locally. 2014/15 investments in the SW include works at Bridgwater supergrid substation and connections to solar and wind generation sites (particularly North Devon and North Cornwall). WPD is currently working on a project to allow an increased level of distributed generation and demand, focused on rural areas¹³.
- 3.26 The Secretary of State for Energy has approved a nationally significant infrastructure project (NSIP) which involves a substantive upgrade and re-alignment of the national grid between Hinkley Point, to service the proposed new nuclear power station and Seagate, Bristol via Bridgwater. Other than this upgrade, no significant network upgrades have been identified as needed to accommodate the proposed development in the district. Western Power Distribution seeks to service new development as far as possible through providing further connections into the existing electricity power network. In some instances, expansion of existing primary substations or upgrading of existing cables or overhead lines may be required to provide capacity for a new development and Western Power would negotiate developer payment for this on a site by site basis as part of site specific development costs.

¹² <https://www.westernpower.co.uk/docs/About-us/Our-business/Our-network/Long-term-development/Long-term-development-statement-for-South-West-Nov.aspx>

¹³ https://www.westernpower.co.uk/docs/About-us/financial-information/2015/GROUP_WPD_IFRS_Stats_Mar15.aspx

- 3.27 There are proposals for a new tidal lagoon in Bridgwater Bay, with one scheme being discussed by Tidal Lagoon Power (who are developing the Swansea tidal lagoon) and another from LongBay Sea Power. Both schemes are proposed to deliver renewable electricity using the energy from the large tidal range in the Bristol Channel, with the power distributed through the national grid via a connection in Brean or South Wales. The proposals are in early stages of development and are likely to follow the Swansea tidal lagoon project which is likely to be the first tidal power project in the Bristol Channel. Early indications are that the tidal lagoon may extend from Minehead east beyond the District boundary towards Brean. It seems unlikely that a tidal lagoon project in Bridgwater Bay will come forward before 2022-2026. As well as producing electricity it is anticipated that the scheme(s) will provide construction and operational employment benefits as well as tourism opportunities (such as a marina and other watersports) and the potential to include a ferry terminal as part of the lagoon wall. The tidal lagoon is unlikely to have an impact on the local electricity distribution network.

Gas

- 3.28 National Grid owns and operates the national gas transmission system in England, Scotland and Wales connecting to eight distribution networks. Wales and West Utilities (WWU) owns, operates and develops the gas distribution network (which includes low pressure, medium pressure, intermediate pressure and high pressure pipes) that includes the District. The rural area of West Somerset has limited connection to mains supply of natural gas, with approximately 25% of dwellings (including the area of the Exmoor National Park within the District) being in off-gas areas¹⁴.
- 3.29 No major infrastructure requirements have been identified in terms of gas supply; however, it is possible that reinforcements will be required to ensure the correct operating pressure. The detail of these reinforcements will be determined as sites are developed, so it is not possible at this stage to identify any specific requirements, costs or how they may be funded. WWU indicates that it seeks to ensure minimum capacity in anticipation of developments phased over a number of years that have been already approved and committed by the local authority and would generally view large scale network expansion for committed development as funded by WWU as part of its investment procedure. WWU adopt a year-to-year approach in order to identify long-term priorities and optimize expenditure. Plans, which may be replacement or reinforcement projects, are subject to change as and when the need arises.

¹⁴ West Somerset District Council, 2011, West Somerset Local Planning Authority Area Renewable & Low Carbon Energy Potential Study

Potable Water

- 3.30 Wessex Water provides potable water in Dorset, Somerset, Bristol, most of Wiltshire and parts of Gloucestershire and Hampshire. There are no known issues with water network capacity or quality, and consequently at a strategic level there is no constraint on development. Under the (2015-2020/AMP 6^[1]) Business Plan, £721 million of potable water expenditure is planned across the whole Wessex Water area, £86 million more than the previous Business Plan period. Investment in new water infrastructure is through private capital raised by Wessex Water, with costs of borrowing met by customer bills. The 2015-20 Business Plan refers to the benefits from the current low interest rates.
- 3.31 Local network upgrades and reinforcements may be necessary to provide a water supply to a particular development. The requirement for these and the associated costs will be part of the development costs for individual schemes. Wessex Water has made some detailed comments about individual strategic sites in Minehead, Watchet and Williton. Some of the issues raised will be costs to the development or may influence development design.

Wastewater

- 3.32 Wessex Water is the owner of the wastewater sewerage network, and operator of the wastewater treatment works in West Somerset. Under the (2015-2020/AMP 6^[2]) Business Plan, £1,139 million of sewerage expenditure is planned across the whole Wessex Water area, £273 million more than the previous Business Plan period. Investment in new strategic wastewater infrastructure is through private capital raised by Wessex Water, with costs of borrowing met by customer bills. As part of this process there will be significant maintenance work to replace existing plant and apparatus at Minehead in the period to 2020.
- 3.33 Local sewage treatment plants and connections may require upgrades and reinforcements as a result of new development, although it is not anticipated that a new treatment plant will be required. The requirement for upgrades and reinforcements to sewerage and the associated costs will need to be assessed by developers for individual development schemes.
- 3.34 Wessex Water has made some detailed comments about individual strategic sites in Minehead, Watchet and Williton. Some of the issues raised will be costs to the development while others may be dealt with through future Wessex Water business plans.

^[1] AMP – Asset Management Plan

^[2] AMP – Asset Management Plan

Waste Management

- 3.35 Somerset Waste Partnership (SWP) manages waste and recycling services for Somerset local authorities including West Somerset. This includes waste collections, recycling centres (Minehead and Williton) and disposal. There are no known waste infrastructure proposals for West Somerset¹⁵.

Telecommunications

- 3.36 BT Openreach provides the telecommunications infrastructure network and is obliged to provide a telephone line service on request.
- 3.37 Mobile telecoms are provided commercially and there is an issue with patchy coverage particularly in the rural areas that make up the majority of the District. There has been increased use of mobile devices¹⁶ and therefore increased importance of good network coverage, including 4G availability. Low population densities in West Somerset make the commercial case for better coverage less attractive than in other more populous areas. Mobile telecom improvements cannot be funded directly because of state aid issues.
- 3.38 The relatively poor physical transport links in West Somerset mean that telecoms are particularly important for businesses and residents. Availability of fibre optic cabling has opened up the opportunity for fast broadband, with extended services delivered through the BDUK initiative 'Connecting Devon and Somerset'. The first phase of this initiative is bringing superfast broadband (24Mbs+) to 90% of the area covered by the programme and a minimum speed of 2Mbs to the remaining 10%. Within West Somerset the initiative has provided 57 live cabinets (fibre enabled) with 27 soon to become live¹⁷.
- 3.39 A Phase 2 'Connecting Devon and Somerset' will then extend the superfast speeds to at least another 5% of premises, with the bidding process currently underway. The initiative is funded through BDUK (using DCMS funds) plus the LEP and the local authorities in Devon and Somerset.

Utilities – Delivery and funding

- 3.40 The electricity, gas, water and waste water service improvements required to support development will be delivered through the investment programmes operated by the service providers (funded through user charges). Where individual sites require local service connections or services in advance of the operator investment programmes, then the cost will be borne by the development.
- 3.41 Much of the telecoms network is provided commercially with public sector funding already secured to extend the availability of superfast broadband.

¹⁵ Somerset Waste Partnership, 2015, Business Plan 2015-2020

¹⁶ <http://media.ofcom.org.uk/news/2015/cmr-uk-2015/>

¹⁷ <http://www.connectingdevonandsomerset.co.uk/where-when/?geog=E07000191>

Hinkley Point C

- 3.42 It is proposed to construct and operate a nuclear power station comprising two European Pressurised Reactor units and supporting development at Hinkley Point (Hinkley Point C). Each unit would be capable of producing around 1,630 MW of electricity, giving a total generating capacity of 3,260 MW.
- 3.43 EDF and the China General Nuclear Power Corporation signed a Strategic Investment Agreement for the construction and operation of Hinkley Point C nuclear power station in October 2015.
- 3.44 Hinkley Point is expected to provide 25,000 jobs during construction and 900 in its planned 60 year operating life, with at least 5,000 people from Somerset expected to work directly on the project. EDF Energy have also announced contracts worth £225 million which will see local companies supply goods and services to the construction site.

Utilities infrastructure summary

- 3.45 There are no requirements for utilities infrastructure anticipated to 2032, other than Hinkley Point, the tidal lagoon (neither of which are directly addressing a constraint on development) and superfast broadband. Other utilities provision will be development related and will either be met by the provider as part of their duties or paid for by the developer as part of the normal development costs.

Surface water drainage and flood risk management

Responsibilities for flood risk management

- 3.46 The Environment Agency (EA) is responsible for taking a strategic overview on the management of all sources of flooding and coastal erosion in England. The EA also has its own operational powers for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea and for maintaining its flood defence infrastructure to appropriate standards. The EA's primary interest is to manage flood risk to existing development, and has no direct responsibility to improve standards of flood protection to any new development constructed post January 2012.
- 3.47 Somerset County Council (as the Lead Local Flood Authority, LLFA) has lead responsibility for managing the risk of flooding from surface water, groundwater and ordinary watercourses.
- 3.48 The Wessex Regional Flood and Coastal Committee is responsible for ensuring plans are in place for identifying, communicating and managing flood and coastal erosion risks across catchments and shorelines; for promoting efficient, targeted investment in flood and coastal erosion risk management; and for providing a link between flood risk management authorities and other relevant bodies to develop mutual understanding of flood and coastal erosion risks in their areas.

- 3.49 Approval for sustainable drainage systems¹⁸ to control surface water runoff from **new** development is the responsibility of Somerset County Council, as LLFA, working with West Somerset District Council (as the Planning Authority). Somerset County Council is the statutory consultee for major developments and can provide advice in relation to smaller developments where required. Certain planning applications in flood risk areas need to be accompanied by a Flood Risk Assessment¹⁹ which demonstrates how any flood risks to, or posed by the development will be managed now and over the development's lifetime, taking climate change into account, and with regard to the vulnerability of its users.²⁰
- 3.50 Also playing a role in flood protection across Somerset is the Somerset Rivers Authority (SRA) which was launched in January 2015 as an action from the Somerset Levels and Moors Flood Action Plan. The SRA's purpose is to help facilitate delivery of enhanced levels of flood protection investment across Somerset than would be funded nationally alone, and to help communities create better flood protection and resilience against further flooding by joint planning and delivery (where possible).

Current fluvial flood risk mitigation proposals within West Somerset

- 3.51 Over the lifetime of the West Somerset Local Plan, excluding Williton, there are no planned schemes to address fluvial flooding issues from Main River in West Somerset that feature on the EA's capital investment programme. However, tidal defences at Stolford are programmed for potential upgrades in the EA's capital investment programme. At this time, there are no other known flood risk reduction schemes being promoted by the other flood risk management Authorities (RMAs) on ordinary watercourses and the coastline in West Somerset.
- 3.52 Williton has experienced a long history of intermittent, varying severity flood events over the years from the Monksilver and Doniford streams, both designated as Main River through the town centre. There have been several studies to identify possible flood alleviation schemes for the town, the last of which recommended options for a flood diversion channel around the north of the town and/or possibly an upstream detention reservoir. The scheme (or a preferred alternative) requires further analysis, and a business case by the EA was approved in summer 2016 to carry out more detailed appraisal work to establish if it can be taken forward to delivery.
- 3.53 A broad estimate of the likely minimum costs (which will be subject to review as a scheme is worked up) is £3-4m. Funding for the scheme will be required from a number of sources. Depending on the level of protection to existing homes and

¹⁸ Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. See National Planning Practice Guidance ID: 7-051-20150323

¹⁹ A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1; all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding. NPPF Footnote 20

²⁰ See National Planning Practice Guidance at ID: 7-030-20140306

businesses that the preferred scheme provides, a rough estimate of £1.0M may be available as Flood Defence grant in aid (FDGiA) from DEFRA towards the EA's capital investment programme. Other funding may be available from the Local Levy²¹, and capital programmes of the County Highway Authority and the District Council. If WSDC introduced a Community Infrastructure Levy (CIL), this could offer a source of private sector funding, as would any direct developer contributions e.g. section 106 agreements from new developments in Williton that would benefit from any flood reduction scheme.²²

- 3.54 The EA is currently the lead promoter of the Williton scheme, and currently plans for delivery of a viable scheme by 2020/21 (subject to identifying a scheme that is economically, technically, and environmentally feasible.)

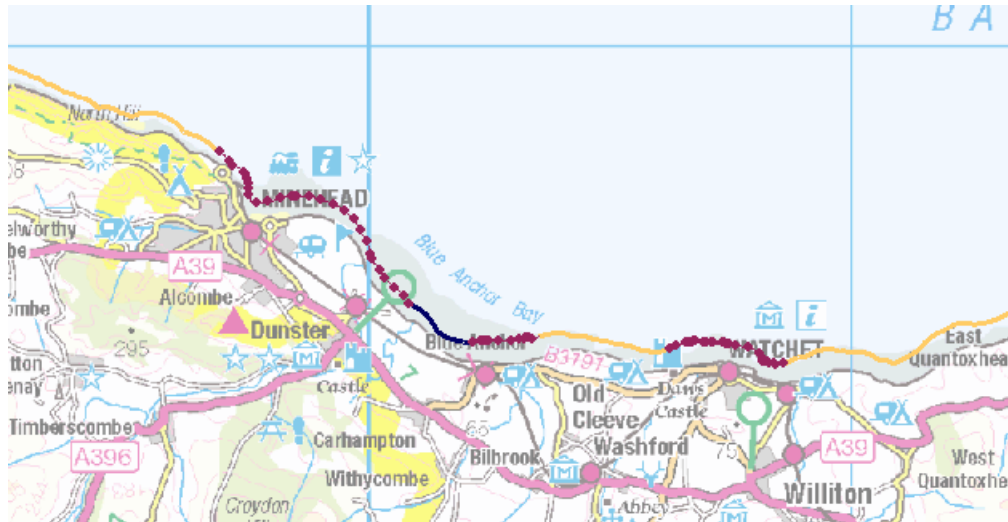
Current coastal flood risk and erosion issues in West Somerset

- 3.55 The map below illustrates those parts of the West Somerset coastline that are subject to policy interventions to control potential coastal flood risk and erosion.





²¹ A fund collected from the local authorities in the area of the Wessex Regional Flood and Coastal Committee and administered by that Committee. The Committee can elect to use Levy to fund flood project appraisal and delivery and will evaluate competing bids for flood alleviation measures. There is therefore no certainty that money would be available from this source.

²² Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. 23b-001-20150326

Figure 3 - 1: Coastline Subject to Erosion (Extract from the Environment Agency Website)



Key

-  No active intervention
-  Hold the existing defence line
-  Managed realignment
-  Advance the line
-  Information not currently available

- 3.56 The North Devon & Somerset Shoreline Management Plan (SMP) was produced in draft in June 2010 by the North Devon and Somerset Coastal Advisory Group (NDASCAG)²³. SMPs provide an assessment of the risks to people and the developed, historic and natural environment, resulting from the evolution of the coast and estuaries up to their tidal limits. The SMP is a non-statutory policy document for the planning and management of coastal defences; the Environment Agency makes coastal defence investment decisions based on it.
- 3.57 The draft SMP sets out policies for different parts of the coastline over the long term (to 2105) but it includes shorter term policies to 2025 and these are set out below as being relevant to the Local Plan. For the purposes of the IDP it is assumed that medium term policies to 2055 lie outside the scope of the IDP. Listed below are policies to 2025 that require action, elsewhere the draft SMP sets a brief to observe and monitor at least until 2025 – these policies are not included in the table.

²³ Members of the group include West Somerset District Council, Somerset County Council and the Environment Agency. For a full list of members see <http://www.ndascag.org/groupmembers.html>

Table 3 - 2: Issues requiring action in the draft Shoreline Management Plan

| Location | Action from the SMP | Comments |
|---------------------------|--|---|
| Minehead | Maintain and improve the existing defences to continue to provide protection | No scheme currently proposed. Development allocations in the current Local Plan are located away from the area liable to coastal flooding. |
| Blue Anchor | Maintain the existing seawall and rock revetment defences, and replace defences at the eastern end near the Blue Anchor Hotel. Extend them a little to the east, to continue protecting people, property and the B3191 from flood risk | A proposed scheme and funding was submitted to the EA ²⁴ in 2014 but required further work. There has been no further action. Responsibility for taking this forward is with West Somerset District Council as the Coast Protection Authority |
| Watchet to Doniford | Maintain the existing seawall and breakwater defences, with eventual replacement of some defences with larger structures, to continue protection against flood and erosion risk | No scheme currently proposed. |
| Lilstock | Maintain the existing embankment/gabion defences to continue protection against flooding | No scheme currently proposed. |
| Hinkley Point | Maintain the existing seawall defences, and possibly construct new seawall defences along the shoreline to the west, to continue protection against flood and erosion risk | |
| Hinkley Point to Stolford | Continue to maintain existing embankment defences under a hold the line policy. Investigate opportunities for managed realignment. | A contribution from EDF has been secured through a s106 agreement to improve c.200m of tidal flood bank with potential for Coast Path access improvements |

- 3.58 There is no process or timetable for finalising the draft SMP. Responsibility for this remains with the NDASCAG. Future reviews of the IDP will need to update on progress with the SMP.

²⁴ Specifically to the Environment Agency South West Project Assurance Board (PAB)

Flood risk management

- 3.59 As Lead Local Flood Authority for Somerset, the County Council has a duty to 'develop, maintain, apply and monitor' a Local Flood Risk Management Strategy²⁵. This Strategy focuses on local flood risk resulting from surface water, groundwater and ordinary watercourses flooding to cover surface water, ground water and highway flooding. Additionally there is a Minehead Surface Water Management Plan which includes a number of actions (see SWMP Action Plan and Monitoring). There are actions in the Minehead SWMP for proposals to increase culvert capacity under the railway. These options are currently subject to further modelling and assessment by the Internal Drainage Board and to address wider concerns about the need for attenuation measures in the area.
- 3.60 As proposals for development are brought forward, in Minehead or elsewhere in West Somerset, they will be expected to show how they will deal with any surface water, ground water or highway flooding issues that might arise as a result of the development. When considering new applications SCC will be able to draw upon its flood risk and historical flooding data to inform what impacts will need to be considered and mitigated from development.

Summary of flood alleviation costs²⁶

Table 3 - 3: Estimated costs of flood alleviation measures 2016 to 2032

| | 2016 to 2021 | 2022 to 2026 | 2027 to 2032 | Total |
|-----------------------------------|-------------------------|-------------------------|-------------------------|---------------------|
| Williton flood alleviation scheme | £3-4m (estimate) | | | £3-4m (estimate) |
| Total | £3-4m (estimate) | | | £3-4m (estimate) |

²⁵ Somerset County Council, Minehead Surface Water Management Plan, Detailed Assessment and Options Appraisal Report, Hyder Consulting (UK) Limited, 2012

²⁶ Figures in the table are either EA only flood risk reduction potential investment or supplementing with the other authorities' investment plans, if any.

4. SOCIAL INFRASTRUCTURE

Emergency Services

Ambulance Service

- 4.1 Demand has increased over the last 10 years resulting from a number of factors The South Western Ambulance Service NHS Foundation Trust serves the counties of Cornwall and the Isles of Scilly, Devon, Dorset, Somerset, Wiltshire, Gloucestershire and Bristol, Bath, North and North East Somerset and South Gloucestershire. It serves a resident population of 5.3 million people, including a growing population and increased demand from an ageing population.
- 4.2 The Trust is working on a number of strategies to ensure it can continue to deliver the services it is required to but there are no specific requirements identified for new facilities/infrastructure in West Somerset.

Police Service

- 4.3 Somerset and Avon police (which covers West Somerset) have not indicated that there are any new dedicated strategic facilities which would be required as a result of the population and housing growth. Any requirements would be addressed on a site by site basis and negotiated accordingly.

Fire Service

- 4.4 The Devon and Somerset Fire and Rescue Service has indicated they do not require any additional facilities to support the growth planned to 2032.

Education

Meeting Core Strategy Objectives

- 4.5 It is important that education provision keeps pace with the increase in the child population in West Somerset. Somerset County Council (SCC) is the statutory authority with responsibility for ensuring that sufficient school places are provided to meet the needs of the population. Information about the County Council's plans is contained in their publication, Early Years and School Place Planning Infrastructure Growth Plan (IGP).²⁷
- 4.6 The West Somerset Schools Organisation Plan Area (SOP)²⁸ includes the majority of the West Somerset planning authority area as well as Exmoor National Park. The way in which the West Somerset IDP deals with education requirements from developments in the National Park is clarified later in this section.

²⁷ <http://www.somerset.gov.uk/policies-and-plans/plans/early-years-and-school-place-planning-infrastructure-growth-plan/>

²⁸ www.somerset.gov.uk/EducationIGP

- 4.7 Within the West Somerset SOP there are 3 levels of schools that provide education for 5 to 19 year olds and which falls within the catchment area of the West Somerset College. The three levels are:
- First schools for 5 to 9 year olds;
 - Middle schools for 9 to 13 year olds;
 - Upper schools for 13 to 19 year olds
- 4.8 In addition, all three and four year old children and some two year old children are entitled to a free part-time nursery education place of up to 15 hours per week for 38 weeks of the year. From September 2017, working parents will be able to receive up to 30 hours of free childcare.²⁹
- 4.9 There are 5 first schools located West Somerset³⁰ – two in Minehead and three elsewhere in the West Somerset local planning authority area.³¹
- 4.10 There are three other primary schools serving parts of West Somerset local planning authority area and which are within a different SOP. These are Storgursey primary school which is within the catchment area of Haygrove school in Bridgwater and Crowcombe and Stogumber primary schools which are within the catchment area of Kingsmead school in Wivelsiscombe.
- 4.11 West Somerset is served by two middle schools – in Minehead and Williton.
- 4.12 The West Somerset Community College in Minehead provides secondary education for West Somerset, although some students choose to travel to Taunton e.g. to attend Richard Huish Sixth Form College or the Somerset College in Taunton. The Community College currently has significant capacity and no requirement is identified in the IDP for additional provision to 2032.
- 4.13 Early years places are provided in a variety of ways including, for example, on existing school sites, in village halls, community spaces and through childminders using their own premises.
- 4.14 West Somerset is served by Selworthy Special School in Taunton which provides primary and secondary education for children with special educational needs.

Forecasts of additional school provision required

- 4.15 SCC estimates the number of school pupil places likely to be required from new development, depending on the type of school. Those relevant to West Somerset are shown below³²:

²⁹ Parents are required to work a minimum of 16 hours per week

³⁰ Dunster First School, while located in Exmoor National Park, has part of its catchment in West Somerset planning authority area

³¹ The County Council's Early Years and School Place Planning Infrastructure Growth Plan for Somerset 2016 shows a larger number of schools in West Somerset. This is because the Growth Plan includes schools in Exmoor National Park and the IDP does not include the National Park.

³² See Appendix B of the County Council's Early Years and School Place Planning Infrastructure Growth Plan (IGP)

- First schools – 30 places per 210 dwellings
- Middle schools – 30 places per 262 dwellings
- Upper -schools - 30 places per 262 dwellings
- Early years – 3.5 places per 100 dwellings

One classroom is assumed for 30 pupils.

- 4.16 SCC assesses the capacity of schools (of each type) to accommodate growth in West Somerset. This reflects current school capacities and forecast population changes. The latter takes into account changes within the existing population, housing development with planning permission but not yet completed and other housing development identified in the Local Plan housing trajectory (2012 to 2032). SCC forecasts look ahead to 2020 and the IGP to 2030. The latter therefore does not take into account potential development in the last two years of the West Somerset Local Plan and allowances made in the housing trajectory for windfall development; SCC considers both to be too uncertain to use in their forecasts.
- 4.17 SCC divides West Somerset into two areas for its school planning; these are the urban area of Minehead and the remaining rural part.
- 4.18 In West Somerset, there is already capacity in many of the existing schools. This, combined with a relatively low birth rate means that the new development identified in the Local Plan will not lead to a substantial requirement for new school provision. The following table sets this out and shows the notional additional school places needed by 2030. The figures shown include potential requirements from development in the National Park but these are very limited and do not affect the overall picture about where new classrooms will be required and the level of developer contributions SCC will seek for new housing in West Somerset local planning authority area.

Table 4 - 1: Estimate of requirement for additional provision to 2030

| | Minehead | | | Rest of West Somerset | | |
|--------|----------|-------------|---------|-----------------------|-------------|---------|
| | Capacity | Requirement | Balance | Capacity | Requirement | Balance |
| First | 468 | 565 | -97 | 964 | 996 | -32 |
| Middle | 648 | 719 | -71 | 656 | 548 | 108 |
| Upper | 1509 | 1287 | 222 | As for Minehead | | |

Note: Capacity figures for the 'Rest of West Somerset' include schools within the National Park. The County Council's Infrastructure Growth Plan does not distinguish between the two areas

- 4.19 Over the period to 2030, changes in the way individual schools use their estate could increase the capacities shown above but, as noted earlier, development of windfall sites and planned development post 2030 could increase demand.
- 4.20 However, on the basis of current forecasts, no additional provision is required at upper school level.
- 4.21 In the 'rest of West Somerset' there is no requirement for additional middle school provision. There is a marginal additional first school requirement (32 places or one new classroom). However, given the length of time to 2030 and potential changes

across a range of variables (birth rates, school estate plans) the IDP does not identify any additional school provision to 2030 in the 'rest of West Somerset'³³.

- 4.22 In Minehead, the situation is different and the IDP makes allowance for the equivalent of two additional middle school classrooms and three first school classrooms. But there is no requirement for a new school at either level.
- 4.23 All the above needs to be kept under review in both SCC's future Growth Plans and in the IDP, to take account of all the factors that affect the need for new classrooms.
- 4.24 The cost of providing the additional provision will depend on a variety of factors including the form it takes, where it is located and site specific conditions if new building work is undertaken. For the purposes of the IDP, an allowance of £1m is made to reflect the requirement identified (based on a notional 5 new classrooms) but this is a broad estimate for IDP purposes only.

Developer contributions

- 4.25 Where new school provision is required, SCC seeks contributions from developers through a planning obligation (a s106 agreement). SCC can only seek contributions where it can demonstrate that a new housing development will lead to the need for additional classrooms or some other form of additional provision. As with other planning obligations, SCC can only collect contributions for education from developments of over 10 dwellings and is not able to seek contributions from more than 5 planning obligations for the same infrastructure (including education provision).
- 4.26 To calculate the contribution it will seek from developers (where this can be justified), SCC uses the DFE Basic Need Cost Multiplier as of June 2015. This equates to a contribution per dwelling of:
- First school - £2,001 per dwelling This has been calculated as £14,007 per pupil place, 1 pupil place per 30/210 dwellings;
 - Middle school - £2,010 per dwelling This has been calculated as £17,556 per pupil place - 1 pupil place per 30/262 dwellings;
 - Early years - £490 per dwelling This has been calculated as £14,007 per pupil place - 1 pupil place per 3.5/100 dwellings.
- 4.27 In addition to developer contributions, SCC's Capital Programme, (partly funded from allocations made available from the Department for Education), helps meet the education costs arising from population changes for children under 16.

Health

- 4.28 The Somerset Clinical Commissioning Group (CCG) currently has no plans for new health facilities in West Somerset. The CCG's plans will need to be kept under review and taken into account in updates of the IDP.

³³ Historically, it was anticipated that additional provision would be required in the 'rest of West Somerset' but this may no longer be the case. SCC will keep this under review.

- 4.29 There are no acute hospitals in West Somerset, which is served primarily by Musgrove Park Hospital in Taunton. However, there are two community hospitals located within West Somerset. These are Minehead Community Hospital which has 19 inpatient beds, an 8 bedded theatre suite and a minor injuries unit and Williton Community Hospital with 20 inpatient beds, 12 of which are for specialist stroke rehabilitation.

Community Halls

- 4.30 The West Somerset Sport and Recreation Facilities Study identified the need for provision of new community halls to address current deficits. The key facilities required were:
- A new large hall in the Minehead area although a shared use large hall might provide a solution;
 - As an alternative up to four small halls capable of providing for badminton use could be provided in settlements such as Watchet, Williton, Stogursey and one or more villages in the Brompton Ralph and Haddon ward;
 - The hall at Huish Champflower was identified as needing rebuilding within 5 – 10 years.
- 4.31 Providing the equivalent of a fully equipped small hall (of about 300 sq m) would cost in the order of £650,000 (at 2013 prices - excluding land). A small hall would include a main hall, toilets, kitchen and meeting/activity room. Assuming that the hall at Huish Champflower will cost the same to re-provide, the total cost of addressing the current deficit in provision would be about **£3.25m**.
- 4.32 For new development, the equivalent of 0.38 sq m of community hall is required per dwelling. The requirement for the allocated sites in the Local Plan is estimated as follows:

Table 4 - 2: Provision of community halls for strategic sites

| Allocation | Total number of dwellings | Community hall requirement in sq m | Provision | Estimated capital cost |
|----------------|---------------------------|------------------------------------|--|------------------------|
| MD2 - Minehead | 750 | 285 sq m | Small hall on-site – room sizes to be agreed with the Council. | £650,000 |
| WA2 - Watchet | 290 | 110 sq m | Equivalent contribution | n/a |
| W12 - Williton | 406 | 154 sq m | Equivalent contribution | n/a |

These figures shown are for guidance and will be subject to review when schemes are brought forward for planning approval.

- 4.33 Strategic site MD2 will require on-site provision of a small community hall (which may also meet the needs of other developments nearby and/or development nearby beyond 2032.) Elsewhere a contribution will be sought towards provision of community halls equivalent to £800 per dwelling. The contribution would be

increased annually in line with the all-in Tender Price Index published by the Building Cost Information Service of the RICS.

- 4.34 Including the strategic sites, it is estimated that the total provision of the equivalent of 8 village halls will be required to 2032 (four to meet current deficits, one as a replacement at Huish Champflower, one at the strategic site in Minehead and a further two halls to meet the needs of other new housing). The total cost of provision for community halls would be £5.2m. However, the IDP is not intended to make up for historic under-provision and so the cost of new halls to support the planned growth in West Somerset would be **£1.95m**. For the purposes of the IDP it is assumed the requirement is spread evenly to 2032.
- 4.35 In practice some of the demand for village halls from the new housing away from the Minehead strategic site could be accommodated in spare and/or additional capacity at existing halls. The figure of £1.95m is therefore a high estimate of the costs of this provision.

Crematoria and Burial Grounds

- 4.36 The Council has a statutory duty to provide burial sites and the discretion to provide cremation facilities. West Somerset has public cemeteries at Minehead and Watchet but no crematorium. There are also privately run alternatives such as church graveyards.
- 4.37 Demand for burial plots has declined in favour of cremations. Although the population is ageing, which could potentially put pressure on existing facilities, the land requirements are not likely to be significant. No requirements for additional facilities has been identified.

Other social facilities

- 4.38 No strategic requirements have been identified for the following social facilities:
- Arts and cultural facilities;
 - Provision for community and voluntary sectors;
 - Faith community (although provision for faith facilities should be included in planning for the strategic allocation sites).

Affordable Housing

- 4.39 The Local Plan sets out the Council's affordable housing policy at SC4. In summary, this is to secure a significant percentage of affordable houses³⁴ (with a target of 35%) to be provided as part of any development of over 10 dwellings. In all identified settlements (Policy SC1: Hierarchy of Settlements) in the Local Plan to 2032, off-site

³⁴ Affordable housing is defined in the Planning Practice Guidance as, "Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market."

contributions can be sought for developments of 6 – 10 dwellings except in Minehead and Watchet.

- 4.40 In February 2017 the government published a Housing White Paper³⁵. The White Paper proposes a definition of affordable housing which includes a wider range of affordable home ownership tenures, including Starter Homes. Starter Homes are new homes at a discount against market value and will be targeted at first time buyers. The regulations setting out how Starter Homes are to be delivered are awaited.

³⁵ Fixing our broken housing market, DCLG, Cm 9352, February 2017

5. GREEN INFRASTRUCTURE

Local Plan

- 5.1 In the Local Plan, Policy CF1 (Maximising Access to Health, Sport, Recreation and, Cultural Facilities) states that, “*The appropriate provision of formal sports facilities and / or informal public amenity open space / play space will be required as an integral part of new development.*” The Local Plan does not provide specific guidance on the level of provision required for new development or how it will be funded. However the supporting text to CF1 refers to a recent review of provision and notes that:
- 5.2 The Planning Obligations SPD (2009) (at 4.5) states that:
“...the District Council will use planning obligations to secure the provision or improvement of community facilities and open spaces where development will generate additional demands.”
- 5.3 The Infrastructure Development Plan (2014) makes no specific provision for play and leisure but refers to the saved, adopted 2006 West Somerset District Local Plan which includes policies for the provision of open space, sport and recreation facilities.
- 5.4 The 2017 IDP provides more detailed guidance on the Council’s requirements and when provision is to be ‘on’ or ‘off’ site.

Children’s Play

- 5.5 The West Somerset Sport and Recreation Facilities Study did not review all forms of play provision but commented on the provision of MUGAs (Multi Use Games Areas) and noted that additional small, freely accessible, MUGAs should be considered in a number of villages in the area and that further provision in Minehead should also be considered.
- 5.6 The 2017 IDP identifies the following requirements for play provision in new developments to 2032. These are based on an average household size of 2.0 people which is slightly lower than the current or projected 2032 household size but provides a conservative approach which minimises the estimated future requirements and their costs.

LEAPs

- Schemes of 25 dwellings or more require on-site provision;
- Schemes with fewer than 25 dwellings should make an equivalent off-site contribution;
- One bedroom units do not count towards the provision of LEAPs.

NEAPs

- Schemes of 60 or more dwellings require on-site provision;
- Schemes with fewer than 60 dwellings should make an equivalent contribution (but, if over 25 dwellings, would still be required to provide an on-site LEAP);

- One bedroom units do not count towards provision of NEAPs.
- 5.7 Where provided on-site, the total provision of all forms of children's play will be 16 sq m per dwelling (the balance of LEAP and NEAP provision to be agreed with the council on a scheme by scheme basis). Part of any on-site requirement may be as a MUGA, if local circumstances indicate that this is appropriate.
- 5.8 For the strategic sites in the Local Plan, the following amounts of children's play will be required on-site. The figures shown are for guidance and will be subject to review when schemes are brought forward for planning approval.

Table 5 - 1: Play provision for strategic sites

| Allocation | Total no. of dws | Estimated no. of dws - 2 bed plus | LEAPs | NEAPs | Estimated cost ³⁶ | Year of delivery |
|----------------|------------------|-----------------------------------|-------|-------|------------------------------|-----------------------------|
| MD2 – Minehead | 750 | 675 | 2 | 2 | £416,500 | 50% in 18/19 - 50% in 25/26 |
| WA2 – Watchet | 290 | 260 | 1 | 1 | £208,250 | 18/19 |
| W12 – Williton | 406 | 365 | 2 | 1 | £269,500 | 18/19 |

Note: For the above calculation, it has been assumed that the allocated sites will include 10% one bedroom units. This is an estimate used purely for compiling the above table and is not indicative of council policy. 10% is a much lower figure than set out in the Strategic Housing Market Assessment (November 2013) but is consistent with percentages for recent completions in the South West as shown in DCLG Live Table 254 37 (for which there is data to 2011/12 but not thereafter)

- 5.9 Elsewhere, some schemes may be of sufficient size to warrant on-site provision and this will be reviewed when schemes are brought forward for planning approval. Where on-site provision is not required, a contribution will be sought towards children's play (including MUGA) provided elsewhere, equivalent to £2,450 per dwelling. The equivalent contribution should be increased annually in line with the all-in Tender Price Index published by the Building Cost Information Service of the RICS.

³⁶ Costs at 2015 values and subject to future increases to reflect increase in construction costs

³⁷ Housebuilding: permanent dwellings completed by house and flat, number of bedroom, tenure: South West

5.10 It is estimated that the cost of providing for play to 2032 at current prices is made up as follows:

- Strategic sites £894,250
- Other dwellings forming part of the 2,900 dwellings without planning permission (i.e. 2,395 without planning permission less 1,446 in the strategic sites) – 949
- Less 10% allowance for one bedroom properties – c850
- 850 dwellings at £2,450 = £2,082,500
- Total cost = c£3.00 m

Summary of play measures

5.11 The following table summarises the measures identified in the IDP for the provision of play and shows their estimated costs and how much of this is assumed to be funded from development contributions. It is assumed that the costs are spread evenly to 2032.³⁸

Table 5 - 2: Summary of play provision – all costs in £ millions

| Measure | Total cost | Identified Funding | Costs Programme | | |
|-----------------------------------|--------------|--------------------|-----------------|--------------|--------------|
| | | | 2016-2021 | 2022-2026 | 2027-2032 |
| LEAPs and NEAPs – strategic sites | £0.9 | - | £0.3 | £0.3 | £0.3 |
| LEAPs/NEAPs elsewhere | £2.1 | - | £0.7 | £0.7 | £0.7 |
| Total | £3.00 | - | £1.00 | £1.00 | £1.00 |

Artificial Grass Pitch

5.12 The West Somerset Sport and Recreation Facilities Study identified a need for an AGP in the eastern part of West Somerset, to respond to the lack of provision in the area and to help meet demand on the edge of the Minehead AGP.

5.13 The cost of providing an AGP would be about £450,000. Provision of the AGP could be by the private sector with secured community use and the IDP assumes this for costing purposes.

Outdoor recreation

5.14 Outdoor recreation includes playing pitches, outdoor tennis courts and other facilities e.g. outdoor gyms. The West Somerset Sport and Recreation Facilities Study did not deal with outdoor recreation as a separate topic.

³⁸ It should be noted that the costs and timings identified are broad estimates based on the best information at this time. They will be subject to change as more detailed work is undertaken.

- 5.15 The 2017 IDP identifies a requirement of the equivalent of 36 sq m of playing pitches per new dwelling³⁹. Therefore a scheme of 600 dwellings (or thereabouts) requires on-site provision of a playing pitch. The strategic site at Minehead (MD2) will therefore require on-site provision at an approximate cost of £800,000⁴⁰. The other strategic sites will not require on-site provision.
- 5.16 Elsewhere a contribution will be sought towards outdoor recreation at an equivalent of £1,330 per dwelling. The contribution would be increased annually in line with the all-in Tender Price Index published by the Building Cost Information Service of the RICS.
- 5.17 It is estimated that the cost of providing for outdoor recreation to 2032 at current prices is made up as follows:
- Strategic site (MD2) – 1 on-site playing field = £800,000
 - Strategic site (MD2) – additional contribution from balance of 150 dwellings = £199,500
 - Other dwellings forming part of the 2,900 dwellings without planning permission (including the other strategic sites) – 1,645
 - 1,645 dwellings at £1,300= £2,138,000
 - Total cost = £3.14 m
- 5.18 Some of the costs of the assessed need for outdoor recreation could be provided commercially (e.g. for tennis or bowls) while developer led funding would focus on junior and adult football, rugby and hockey. For the purposes of the IDP, it is therefore assumed that about half will be funded commercially leaving a cost to development and other funding sources of £1.57m.

Summary of other outdoor leisure provision

- 5.19 The following table summarises the measures identified in the IDP for other outdoor leisure provision and shows their estimated costs and how much of this is assumed to be funded from development contributions.⁴¹

³⁹ For the purposes of the IDP, the equivalent contribution of £1,330 per dwelling could help fund any of the recreation facilities identified.

⁴⁰ This provides a drained and laid out playing pitch with changing pavilion

⁴¹ It should be noted that the costs and timings identified are broad estimates based on the best information at this time. They will be subject to change as more detailed work is undertaken.

Table 5 - 3: Summary of other outdoor leisure provision measures – all costs in £ millions

| Measure | Total cost | Identified Funding | Costs Programme | | |
|--------------------------|---------------|----------------------------------|-----------------|---------------|---------------|
| | | | 2016-2021 | 2022-2026 | 2027-2032 |
| AGP | £0.45m | Assume private sector funded | - | - | -- |
| Other outdoor recreation | £3.14m | Assume 50% private sector funded | £0.52m | £0.52m | £0.52m |
| Total | £3.14m | | £0.52m | £0.52m | £0.52m |

Allotments

- 5.20 The West Somerset Sport and Recreation Facilities Study noted a continuing interest in the provision of more allotment space in West Somerset but did not set out any standards for provision for new development.
- 5.21 A full sized allotment plot is 290 sq m. A standard allotment site of 20 plots costs an estimated £82,500 to provide (excluding land costs).
- 5.22 The 2017 IDP sets out a requirement for allotment provision of 12.3 square metres per new dwelling. Land should be provided on-site for all new developments over 470 dwellings (providing the equivalent of 20 full sized plots) although on-site provision may also be appropriate on smaller sites with fewer plots. Where a financial contribution is sought, this will be at a rate of £176 per dwelling.
- 5.23 Provision on the strategic sites will be required as shown in the table below.

Table 5 - 4: Allotment provision for strategic sites

| Allocation | No. of dws | No. of plots | Provision on site | Estimated capital cost |
|----------------|------------|--------------|--|--|
| MD2 - Minehead | 750 | 32 | 1 x 20 plot allotments + equivalent contribution off-site at £176 per dwelling | £82,500 for on-site provision £49,300 for equivalent provision off-site |
| WA2 - Watchet | 290 | 12 | Equivalent contribution off-site at £176 per dwelling | £51,000 for equivalent provision off-site |
| W12 - Williton | 406 | 17 | 1 x 20 plot allotments | £82,500 |

Note – although the scheme at W12 does not strictly warrant a full sized allotment, it is of such a size that this would be an appropriate way to provide for allotments.

- 5.24 Elsewhere a contribution will be sought towards allotment provision equivalent to £176 per dwelling. Financial contributions will be increased annually in line with the all-in Tender Price Index published by the Building Cost Information Service of the RICS.
- 5.25 Including the strategic sites, it is estimated that the total provision of about 100 allotment plots will be required to 2032, at an estimated cost of **£412,000**. The IDP assumes that funding requirement will be spread 'evenly' to 2032.

Other leisure provision

- 5.26 The West Somerset Sport and Recreation Facilities Study identified the need for provision to meet existing shortfalls of the following types:
- 5.27 Swimming Pools- despite a community desire to see a new 25m 4-6 lane swimming pool in Minehead, the Sport and Recreation Facilities Study concluded that it would not be financially viable to run and that, “*work should continue to help ensure that privately run pools support the network of pools by allowing an increasing use of their pools for the community.*”
- 5.28 The IDP makes no provision for swimming pool(s)
- 5.29 Indoor bowls - No new need was identified and the IDP makes no provision for indoor bowls
- 5.30 Outdoor tennis courts – small gaps in provision were identified in the southern part of West Somerset and within an area between Williton / Watchet, Stogursey and Crowcombe.
- 5.31 Provision of outdoor tennis courts could be made wholly by the commercial sector. If the council considered the need for tennis courts to be particularly pressing, it may consider using part of the general contribution to outdoor recreation facilities to help fund them.
- 5.32 Indoor sports facilities (e.g. bowls, tennis, squash) – the Sport and Recreation Facilities Study did not identify a specific need for indoor sports facilities. If there was demand for a new facility, this would be met by the commercial sector and so no allowance is made in the IDP. Similar comments apply to any future requirement for golf or other sports such as athletics, health and fitness.

Amenity open space

- 5.33 There are no requirements for other amenity space (other than incidental open space within new developments which contributes towards the quality of the development). There is no requirement for any country park or similar. However, this would not preclude proposals for these kinds of facility from private land owners.

6 SUMMARY OF INFRASTRUCTURE REQUIREMENTS

Overview

- 6.1 The table below summarises the overall costs of the infrastructure requirements to 2032 in three time bands – 2016 to 2021, 2022 to 2026 and 2027 to 2032.
- 6.2 The grand total cost of the infrastructure identified for the IDP is in the order of £13m. Of this, £3-4m is for the Williton flood alleviation scheme. The remaining £9.2m is for a range of items including education, play, community halls and recreation.
- 6.3 There will be other investment made in West Somerset to support the growth set out in the Local Plan including in utilities, open space, commercial premises. The IDP does not provide an estimate of this.
- 6.4 It is also acknowledged that, over the course of the Local Plan, additional infrastructure items not currently costed will be identified and future IDP review will need to take these into account.

Table 6 - 1: Summary of cost of infrastructure for 2016 to 2032

| Measure | 2016-21 | 2022-26 | 2027-32 | Lead organisation |
|---|--|----------------|----------------|--------------------------|
| Transport | | | | |
| Provision for Pedestrians | | | | |
| Watchet Pedestrian Bridge | - | £0.75m | - | Private sector |
| Parsonage Farm, Watchet pedestrian link | n/a | - | - | Private sector |
| West of Williton pedestrian link | n/a | - | - | Private sector |
| Highway schemes | | | | |
| B3191 Cleeve Hill, Watchet | - | £0.6m | - | SCC |
| Surface water drainage and flood risk mitigation | | | | |
| Williton flood alleviation scheme | £3-4m (est) | | | EA |
| Education | | | | |
| 5 additional classrooms in Minehead* | | £0.5m | £0.5m | SCC |
| Community halls* | £0.65m | £0.65m | £0.65m | WSDC |
| Children's' Play* | £1.0m | £1.0m | £1.0m | WSDC |
| Other outdoor recreation* | £0.5m | £0.5m | £0.5m | WSDC |
| Allotments* | £0.14m | £0.14m | £0.14m | WSDC |
| Total | £2.29 Plus £3-4m est ⁴² | £4.14m | £2.79m | |

Note – item marked with an asterisk (*) are notional allocations across the time bands shown in the table.

⁴² Williton flood alleviation scheme

7 DELIVERY AND FUNDING

Public Sector Funding

- 7.1 Public sector funding has been significantly reduced over recent years and it is not anticipated that there will be an increase in mainstream Central Government money to fund infrastructure nor that the local councils (County or District) will have the scale of capital budget to fund provision themselves as they have done in the past. However, the County Council maintains a capital spending budget.
- 7.2 Some public sector funding is now routed through different partnership programmes, such as the Local Growth Fund which is, for the foreseeable future, to be one of the primary sources of public funding for significant infrastructure projects. The Local Growth Fund is administered by the Heart of the South West Local Enterprise Partnership (LEP), through the Local Transport Board (LTB). Central government allocates Local Growth Funds to each LEP based upon the detail of their Strategic Economic Plan (SEP) and annual Growth Deal bid. For a scheme to be funded through this mechanism it must be recognised within the SEP and prioritised for funding by the LEP/LTB.
- 7.3 Priority areas of spend for the Local Growth Fund are:
- Investment that specifically unlocks economic growth;
 - Investment that enables, facilitates and promotes sustainable and active travel modes.
- 7.4 West Somerset Council has put forward the four 'Corridor of opportunity' highway schemes identified earlier to the LEP in 2012. This formed part of a funding proposal of £36m in 2015 against an estimated total scheme cost of £40m, with developer contributions anticipated to make up the £4m balance⁴³. Thus far the schemes have not been prioritised by the LTB nor have any other schemes specific to West Somerset.

New Homes Bonus (NHB)

- 7.5 NHB is paid by central government to local Councils that increase the number of homes in use. It provides grant based on the extra money that Council's receive through Council tax from the new dwellings, for a six-year period.
- 7.6 The payment to be received by West Somerset for 2016/2017 is £142,516.⁴⁴ The government announced a consultation on the future of the New Homes Bonus in December 2015⁴⁵ DCLG has made clear that, "*No changes are proposed for either*

⁴³ Heart of the SW LTB, 2015, Scheme Prioritisation Proforma A39 West Somerset Bypass Improvements

⁴⁴ <https://www.gov.uk/government/publications/new-homes-bonus-final-allocations-2016-to-2017>

⁴⁵ New Homes Bonus: Sharpening the Incentive, Technical Consultation, December 2015
Department for Communities and Local Government

calculation of 2016-17 allocations or payments due to be made in 2016-17 relating to previous years.”

- 7.7 The government has reported on the consultation responses⁴⁶ and, amongst other changes, has indicated a move to 5 year payments in 2017/18 and then to 4 years from 2018/19. The Bonus is to continue to be an unringfenced grant.

Community Infrastructure Levy

Operation of the Levy

- 7.8 The Community Infrastructure Levy (CIL) is a mechanism available to local authorities to help deliver infrastructure to support the development of the area. The levy is payable on any development which creates net additional floor space exceeding 100 square metres but includes any new house or flat (but see later re self build). The levy is collected by the local authority (charging authority) who then administer its spending. The charging authority sets out in its ‘Regulation 123’ list, the items on which the levy should be spent.
- 7.9 CIL operates in tandem with scaled back planning contributions which are still required to mitigate the direct impact of a development⁴⁷.
- 7.10 Where the CIL has been adopted, certain types of development are exempt from paying the levy. These are summarised below:
- Minor development with a gross internal area of less than 100 square metres (but a whole house is not excluded);
 - Charities;
 - Social housing relief – applying to most social rent, affordable rent, intermediate rent provided by a local authority or private registered provider, and shared ownership dwellings;
 - Charging authorities may offer relief from the levy in exceptional circumstances where a specific scheme cannot afford to pay the levy. Exceptional circumstances relief cannot be granted if it would constitute a notifiable state aid;
 - Self build exemption applies to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals claiming the exemption must own the property and occupy it as their principal residence for a minimum of three years after the work is completed.
- 7.11 A charging authority can set different CIL rates for different uses (e.g. residential and retail) and for different ‘zones’ within its area which reflect the viability of the

⁴⁶ New Homes Bonus: Sharpening the Incentive, Government Response to the Consultation, December 2016, Department for Communities and Local Government

⁴⁷ Planning obligations must meet the three statutory tests - that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

development found there. The rates adopted will be subject to a formal process of consultation and an examination in public.

- 7.12 Full details about the levy and its operation can be found in the Planning Practice Guide⁴⁸ and the associated regulations.

Planning obligations with no CIL in place

- 7.13 Local authorities which do not adopt CIL can continue to use planning obligations to provide the infrastructure required by new development but there are restrictions on this.
- 7.14 Since April 2015 local authorities have not been able to pool contributions from five or more obligations for an infrastructure project or type of infrastructure that is capable of being funded by the levy. Examples of this from the IDP might include play provision, additional classrooms and community halls.
- 7.15 There are further restrictions on the use of planning obligations. Contributions for affordable housing and tariff style planning obligations⁴⁹ should not be sought from small scale developments of 10-units or less and with a maximum combined gross floorspace of no more than 1000sqm and from self-build development.
- 7.16 The Council's Planning Obligations Supplementary Planning Document was adopted in 2009⁵⁰ and therefore pre dates the introduction of CIL and the restrictions on the use of planning obligations. The 2009 SPD is based on the West Somerset District Local Plan of April 2006.

Introduction of CIL

- 7.17 At the time of preparing the IDP, nationally, about 130 local authorities have adopted a CIL. The Council is yet to decide whether to introduce a CIL for West Somerset.
- 7.18 The Housing White Paper⁵¹ (February 2017), reporting on the independent review of CIL it had commissioned in 2015 and which was published at the same time⁵², stated that, "...the current system is not as fast, simple, certain or transparent as originally intended..." and that the government will, ".....examine the options for reforming the system of developer contributions...". A further announcement is expected at the Autumn Budget 2017.
- 7.19 The CIL Review included a number of recommendations for its future; central to these is the recommendation that CIL should be replaced with a hybrid system of a

⁴⁸ <http://planningguidance.communities.gov.uk/blog/guidance/community-infrastructure-levy/>

⁴⁹ Tariff style contributions are planning obligations contributing to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider areae such as open space, recreation facilities, education facilities

⁵⁰ West Somerset Council Planning Obligations Supplementary Planning Document, Full version, Adopted 2009

⁵¹ Fixing our broken housing market, DCLG, Cm 9352, February 2017

⁵² A New Approach to Developer Contributions, A Report by the CIL Review Team (chaired by Liz Peace), Submitted October 2016

broad and low level Local Infrastructure Tariff (LIT) and Section 106 for larger developments.

- 7.20 The Council's decision on whether to proceed to the adoption of a CIL for West Somerset, will need to take into account the announcement on CIL at the Autumn Budget; recognising that it cannot be assumed that proposals set out in the CIL Review will automatically be taken into policy.

8 MONITORING AND REVIEW

- 8.1 This is the first review of the IDP for West Somerset. The information contained in this IDP will help the Council and its partners identify investment priorities and funding gaps over the life of the Local Plan. As more detailed monitoring processes are established, future IDPs will be able to report more accurately on infrastructure gaps / needs and provide more detailed costs. Future IDPs will also be able to provide feedback on the most effective means of implementing the Local Plan and monitoring progress.
- 8.2 It is WSDC's continuing intention to review its IDP on a regular basis and to report progress in delivering infrastructure. In preparing the next review the Council will liaise with other service providers. The review will use the indicators and targets set out in the Local Plan.
- 8.3 Key information to be reviewed will include:
- Infrastructure completed during the year (and other items underway);
 - Feedback on the costs of provision and any implications for the IDP;
 - Requirements that have been lost from the IDP, revisions to requirements and/or new requirements to be added;
 - Changes to the timing of delivery of required infrastructure;
 - Changes in available funding – particularly where new funding sources have been secured.

Report Number: WSC 86/17

West Somerset Council

Local Development Panel – 1st August 2017

Local Plan evidence-base progress report

This matter is the responsibility of the Portfolio Holder: Housing, Health & Well-being, Cllr. K. Turner

Report Author: Martin Wilsher, Principal Planning Officer - Policy

1 Executive Summary / Purpose of the Report

1.1 Following the adoption of the West Somerset Local Plan to 2032 (WSLP to 2032)¹ one of the requirements contained in the Inspector's Report² was that the Local Planning Authority (LPA) embark on an early review of the local plan. National guidance contained in the National Planning Policy Framework (NPPF)³ requires development plan documents to be supported by an up-to-date evidence-base. The purpose of this report is to inform Members as to the progress on up-dating various elements of the evidence-base prior to commencement of drafting a replacement local plan. The items which are covered, include;

- Employment-land, Retail and, Leisure study
- Strategic Housing and Employment Land Availability Assessment (SHELAA)
- Strategic Flood Risk Assessment (SFRA) Level 1 study
- Master-planning of the Strategic Sites in the WSLP to 2032

2 Recommendations

2.1 **It is recommended that the Panel note the current position on the evidence-base items for the local plan.**

3 Risk Assessment

None. This report is for information only.

¹ West Somerset Council; West Somerset Local Plan to 2032 (Adopted – November 2016); West Somerset Council; 2016.

² The Planning Inspectorate; Report to West Somerset Council: Report on the Examination into the West Somerset Local Plan to 2032 – Final Report, 14th September 2016 (PINS/H3320/429/1); Department for Communities and Local Government; 2016.

³ Department for Communities and Local Government; National Planning Policy Framework – March 2012; Department for Communities and Local Government; 2012; ISBN 978 1 4098 3413 7.

4 Background and Full details of the Report

4.1 The West Somerset Local Plan to 2032 was adopted November 2016⁴ following an examination process that included public hearing sessions in March 2016. The local plan was commenced as a 'Core Strategy' document in 2009 under the provisions of the original Planning and Compulsory Purchase Act⁵ and associated Regulations.⁶ The intent was to provide a set out the development strategy for the Local Planning Authority (LPA) area and provide a high level policy framework. These would be supplemented by a second development plan document that would provide detailed development-management policies and sites to be allocated for certain types of development. However, in the intervening period there were changes to national guidance on development plan production, the most significant of which was the publication of the National Planning Policy Framework (NPPF) in 2012.⁷ This introduced requirements that development plan documents needed to include in order to progress to 'submission stage'. The WSLP to 2032 had to be revised in order to be compliant with national policy. The Inspector in his Report of the examination into the local plan noted that it was not a complete plan as was now being emphasised by national government but acknowledged that in order to achieve this would incur significant delay in the LPA securing an up-to-date local plan. He recommended that the plan could go forward for adoption, subject to the modifications he had outlined elsewhere in the report, on the understanding that the LPA commit to an early review of the Local Plan to 2032.⁸

4.2 The NPPF requires LPA's in the progression of development plans, and in particular Local Plans, to be based on an up-to-date evidence-base about the economic, social and, environmental characteristics, issues and potential of the area.⁹ The updating of the evidence is to a degree determined by the demand for new development and the quantum that can be expected to be delivered over a given period of time, plus any other factors that are deemed relevant and provide a useful local context for policy-making. Much of the evidence-base compiled for the WSLP to 2032 was collected in the early stages of the production of that plan. Its value as a material consideration in the decision-making process diminishes with time. There are four pieces of the evidence-base that require updating and these comprise;

- Employment-land, Retail and, Leisure study
- Strategic Housing and Employment Land Availability Assessment (SHELAA)
- Strategic Flood Risk Assessment (SFRA) Level 1 study, and,
- Master-planning of the Strategic Sites in the WSLP to 2032

Employment-land, Retail and, Leisure study

4.3 This has recently been commissioned jointly with Taunton Dean Borough Council. It will update the understanding of the existing and future anticipated requirements of parts of

⁴ West Somerset Council; West Somerset Local Plan to 2032 (Adopted – November 2016); op. cit.

⁵ H.M. Government; Planning and Compulsory Purchase Act 2004, Chapter 5 (as amended); The Stationary Office; 2004; ISBN 0 10 540504 3.

⁶ .M. Government; The Town and Country Planning (Local Development) (England) Regulations 2004 - Statutory Instrument 2004 No.2204 (S.I. 2004:2204); The Stationary Office; 2004; ISBN 0 11 049748 1

⁷ Department for Communities and Local Government; National Planning Policy Framework – March 2012; op.cit.

⁸ The Planning Inspectorate; Report to West Somerset Council: Report on the Examination into the West Somerset Local Plan to 2032 – Final Report, 14th September 2016 (PINS/H3320/429/1); Department for Communities and Local Government; 2016; p.31 (para. 147).

⁹ Department for Communities and Local Government; National Planning Policy Framework – March 2012; op.cit.; p.38 (para. 158).

three previous studies. The last Employment Land Review (ELR) was carried out in 2009/10¹⁰ and the findings of that study informed the strategic-site allocations in the WSLP to 2032, ensuring that the identified land was for a mix of land-uses rather than wholly residential. Since completion of the original study a number of significant changes have taken place that affect the demand for and, availability of, land for employment development. A number of sites previously surveyed have subsequently been taken up for development but in some cases not for employment uses. In addition the closure of the Watchet Paper-Mill at the end of 2015 has presented the LPA with a potential brown-field site for regeneration but that comes with a number of significant constraints that may have viability implications for any re-development proposals.

4.4 The previous ELR only looked at existing sites and locations in respect of the B-class Uses which comprise;

- B1 – Light Industrial, Commercial Office and, Research & Development
- B2 – General Industrial, and,
- B8 – Storage and, Warehousing

As a consequence retail centres and tourism activities were excluded from the locations studied and the future employment projections for the area. However, since that study there have been a number of reports published¹¹ which have highlighted the fact that these use-classes contribute less than 50% of employment in the many parts of the south-west region, and this is particularly the case in West Somerset. This change was noted by the Inspector when examining the WSLP to 2032 and mentioned in his report stating; *“..that looking at employment provision on a ‘B’ Use Class basis no longer reflected the world of employment either today or in the future,”*¹² In order to address these other employment generating activities, the brief has been widened to include a retail study that will improve the Council’s understanding on retailing and leisure provision for the indigenous population. These will update the Town and Village Centres Study of 2012¹³ and elements of the Sport and Recreation Facilities Study completed the same year.¹⁴

Strategic Housing and Employment Land Availability Assessment (SHELAA)

4.5 This study seeks to update the LPA’s knowledge on potential land-availability for future residential and employment developments. In the case of the former it will update the Strategic Housing Land Availability Assessment (SHLAA) reports of 2010¹⁵ and 2015.¹⁶ It will also indicate the potential land that could come forward, and indicate when, that would be compliant with existing policies in the adopted WSLP to 2032. This will provide a notional updating of the Council’s 5-year housing land supply position. The employment land element is new. It develops upon an element of the former ELR which was previously conducted through an in-house survey using local knowledge. It has been included so that land nominated as potentially available for this type of activity can

¹⁰ Hunter Page Planning Ltd.; Employment Land Review: Report Stages 1 – 3, May 2009 – April 2010; West Somerset Council; 2010.

¹¹ GVA Grimley Ltd.; Planning for Prosperous Economies: Maximising the Role of the Non B Use Class Sector – Summer 2009; GVA Grimley; 2009.

¹² The Planning Inspectorate; Report to West Somerset Council: Report on the Examination into the West Somerset Local Plan to 2032 – Final Report, 14th September 2016 (PINS/H3320/429/1); op.cit.; p.14 (para.59).

¹³ Todd, Stuart; West Somerset Local Planning Authority Area Town and Village Centres Study – November 2011; West Somerset Council; 2012.

¹⁴ Stuart Todd Associates; West Somerset Council Local Planning Authority Sport and Recreation Facilities Study – March 2012; West Somerset Council; 2012.

¹⁵ Hunter Page Planning Ltd.; West Somerset District Council Strategic Housing Land Availability Assessment – March 2010; West Somerset Council; 2010.

¹⁶ West Somerset Council; West Somerset Strategic Housing Land Availability Assessment: Update 2015; West Somerset Council; 2015.

be assessed in a similar and consistent way as that which has been put forward for residential development. A Call-for-Sites announcement was made at the end of 2016 and 55 responses were received. These have been initially assessed by Officers and will be also considered by a Panel of representatives. These representatives have previously participated in the two previous SHLAA studies and comprise members of local commercial/estate agents, Registered Providers and local developers. Following consideration by the Panel, the conclusions will be written up into a report. It is anticipated that the final report will be placed in the public domain as a part of the evidence-base in the second half of this year.

Strategic Flood Risk Assessment (SFRA) – Level 1

- 4.6 An important part of the environmental element of the LPA's evidence-base is an SFRA which identifies areas and land that is prone to flooding particularly in relation to that from rivers over-flowing and tidal inundation. The Assessment is carried out in two parts. The Level 1 study looks at the strategic dimension of potential flood risk across the whole of the LPA area, whilst the Level 2 study focuses on those areas/land that could be considered for large-scale development in the future. The Level 1 study is based on historical records of events and flood-mapping work that has been carried out by the Environment Agency. Surface water flooding events and mapping can be used to supplement the understanding of local flood issues. This information is provided by the local-lead flood authority, Somerset County Council, via the Environment Agency's website. The Level 1 Study endeavours to map the land which is most likely to be at risk from flooding. Land is graded as to the degree and type of flood risk with Zone 1 being least likely and, Zone 3b defining functional flood-plain where development should generally be avoided unless there are exceptional reasons that make it appropriate to be located there.
- 4.7 The current Level 1 SFRA covering the West Somerset LPA dates from early 2009¹⁷ and there have been a number of significant flooding events within the area since that time. The information available from these flood events needs to be incorporated to update the local understanding of fluvial (river) flooding, where it has occurred and the extent of the land affected particularly where this may have been influenced by recent development activity. Also, the Environment Agency updates its fluvial and tidal flood-mapping records on a regular basis and the level of detail in terms of areas affected has improved since the first study. The LPA has agreed a draft brief for an updated Level 1 study to be carried out. This is being done in partnership with South Somerset District and, Taunton Deane Borough Councils. The information collected through this study will inform any relevant policy changes through the early review of the Local Plan should they be required. It will also provide evidence to support the decision-making process of the Development Management function of the LPA when considering development proposals in areas where a risk of flooding has been identified.
- ### ***Master-planning of the Strategic Sites in the WSLP to 2032***
- 4.8 One of the requirements of the WSLP to 2032 in relation to the allocated Strategic Sites is that they should be master-planned in order to ensure that development does not occur in an incremental and ad-hoc manner over the plan-period. It also ensures that the necessary infrastructure to service the whole of the individual sites is identified from the outset and provided for in a consistent way. Whilst the land for the two main strategic sites at Watchet (Parsonage Farm) and Williton (land west of Williton) are in single ownership, the land south of Hopcott Road in Minehead/Alcombe is in multiple

¹⁷ Scott Wilson; West Somerset Council and Exmoor National Park Authority Strategic Flood Risk Assessment Level 1: Final Report – March 2009; West Somerset Council; 2009.

ownership. The aspirations of the individual land-owners on the last-named site are likely to be different and in order to ensure that an effective and efficient development occurs across all the identified land, all parties need to participate in the production of a master-plan that will address all the major planning issues and constraints that affect the strategic site.

- 4.9 The LPA is currently developing a design-guide that should facilitate the detailed design aspects that will need to be considered throughout the development of the site. However the, need to identify in general terms the location and distribution of infrastructure and activities/uses needs to be established at an early stage before development on site commences. The purpose of the master-plan should not be too prescriptive in terms of its content but it should establish the general principles and location of activities and uses to produce the most sustainable outcome for the development itself and its integration with the surrounding communities and landscape.

5 Links to Corporate Aims/Priorities

- 5.1 The various pieces of the evidence-base that are proposed in this report will indirectly support the following Key Theme in the Corporate Strategy;
- Helping our communities remain sustainable and vibrant is vital in keeping West Somerset a great place in which to live and work.

6 Finance/Resource Implications

- 6.1 There are no direct finance or resource implications arising from this report.

7 Legal Implications

- 7.1 There are no direct legal implications arising from this report.

8 Environmental Impact Implications (

- 8.1 There are no direct environmental impact implications arising from this report.

9 Safeguarding and/or Community Safety Implications

- 9.1 There are no safeguarding and/or community safety implications arising from this report.

10 Equality and Diversity Implications

- 10.1 There are no equality and diversity implications arising from this report.

11 Social Value Implications

- 11.1 There are no social value implications arising from this report.

12 Partnership Implications

- 12.1 The only partnership implications are those in relation to the other Local Authorities with which West Somerset are jointly working with to produce the various studies.

13 Health and Wellbeing Implications

13.1 There are no direct health and well-being implications arising from this report.

14 Asset Management Implications

14.1 There are no direct asset management implications arising from this report.

15 Consultation Implications

15.1 There are no consultation implications arising from this report.

16 Scrutiny Comments/Recommendation(s)

16.1 Not applicable

Democratic Path:

- **Scrutiny/Corporate Governance or Audit Committees – Yes/No** (delete as appropriate)
- **Cabinet/Executive – Yes / No** (delete as appropriate)
- **Full Council – Yes / No** (delete as appropriate)

Reporting Frequency: Once only x Ad-hoc Quarterly

Twice-yearly Annually

Contact Officers

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