



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

Our Ref DS/KK

Your Ref

Contact Krystyna Kowalewska kkowalewska@westsomerset.gov.uk

Extension 01984 635307

Date 2 June 2015

**THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THE MEETING
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Dear Councillor

I hereby give you notice to attend the following meeting:

LOCAL DEVELOPMENT PANEL

Date: Wednesday 10 June 2015

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.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during the recording will be retained in accordance with the Council's policy.

Therefore unless you advise otherwise, by entering the Council Chamber and speaking during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact Committee Services on 01984 635307.

Yours sincerely

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

BRUCE LANG

Proper Officer

WEST SOMERSET COUNCIL

West Somerset House Killick Way Williton Taunton TA4 4QA

T 01643 703704 F 01984 633022 DX 117701 WILLITON

E customerservices@westsomerset.gov.uk W www.westsomersetonline.gov.uk

RISK SCORING MATRIX

Report writers score risks in reports uses the scoring matrix below

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%

- Mitigating actions for high ('High' or above) scoring risks are to be reflected in Service Plans, managed by the Group Manager and implemented by Service Lead Officers;
- Lower scoring risks will either be accepted with no mitigating actions or included in work plans with appropriate mitigating actions that are managed by Service Lead Officers.

LOCAL DEVELOPMENT PANEL

Meeting to be held on Wednesday 10 June 2015 at 2.30 pm

Council Chamber, Williton

AGENDA

1. Apologies for Absence

2. Minutes

Minutes of the Local Development Panel held on 6 January 2015, 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. Exmoor National Park Authority Duty to Co-operate Protocol

To consider the Report No. WSC 83/15, to be presented by Principal Planning Officer (Policy) Martin Wilsher – **SEE ATTACHED.**

The purpose of the report is to present a draft protocol summarising Duty to Co-operate activity between the Council and the Exmoor National Park Authority to Members for their consideration.

6. Publication Draft West Somerset Local Plan Responses and Submission

To consider the Report No. 82/15, to be presented by Planning Policy Manager Nick Bryant – **SEE ATTACHED.**

The purpose of the report is to set out a summary of the responses to the formal Publication of the West Somerset Local Plan to 2032 with comments in response in order to progress the Local Plan towards formal submission to the Secretary of State for Communities and Local Government for Examination.

7. Neighbourhood Development Plan Update

To consider the Report No. WSC 81/15, to be presented by Principal Planning Officer (Policy) Toby Clempson – **SEE ATTACHED.**

The purpose of the report is to appraise Members of Neighbourhood Development Planning activity within the Local Planning Authority area to date.

COUNCILLORS ARE REMINDED TO CHECK THEIR POST TRAYS

The Council's Vision:

To enable people to live, work and prosper in West Somerset

The Council's Corporate Priorities:

- Local Democracy:
Securing local democracy and accountability in West Somerset, based in West Somerset, elected by the people of West Somerset and responsible to the people of West Somerset.
- New Nuclear Development at Hinkley Point
Maximising opportunities for West Somerset communities and businesses to benefit from the development whilst protecting local communities and the environment.

The Council's Core Values:

- Integrity
- Respect
- Fairness
- Trust

LOCAL DEVELOPMENT PANEL**Minutes of the Meeting held on 6 January 2015
at 10.30 am****Present:**

Councillor K H Turner (Chairman)
Councillor I R Melhuish
Councillor M A Smith

Councillor B Heywood
Councillor K J Ross
Councillor A H Trollope-Bellew

Members in Attendance:

Councillor M O A Dewdney

Officers in Attendance:

Martin Wilsher, Principal Planning Officer (Policy)
Toby Clempson, Principal Planning Officer (Policy)
Nick Bryant, Planning Policy Manager
Krystyna Kowalewska, Meeting Administrator

LD13 Apologies for Absence

An apology for absence was received from Councillor A F Knight.

LD14 Minutes

(Minutes of the Local Development Panel held on 26 November 2014 – circulated with the Agenda).

RESOLVED that, subject to the addition of Councillor I R Melhuish and the deletion of the Councillors K J Ross and A H Trollope-Bellew to the list of Members present at the meeting, the Minutes of the Meeting of the Local Development Panel held on 26 November 2014 be confirmed as a correct record.

LD15 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 K J Ross	All Items	Dulverton	Personal	Spoke and Voted
Cllr K H Turner	All Items	Brompton Ralph	Personal	Spoke and Voted

LD16 Public Participation

No member of the public had requested to speak.

LD17 Approval of the Draft West Somerset Local Plan for Publication

(Report No. WSC 8/15, circulated with the Agenda.)

The purpose of the report was to recommend to Council that the Draft West Somerset Local Plan to 2032 should be formally published early in the New Year.

The report and appendices were presented in detail by the Planning Policy Manager who advised that this was the first formal procedural stage in the adoption process of the Local Plan. The Local Plan had been developed over the past few years and once it had been agreed it would be placed on deposit in February 2015 in order to undertake formal representation for a six week period. He briefed Members on the proposed policy amendments contained within Appendix 2 to the report and drew Members' attention to the project plan at Appendix 4 which highlighted the key stages and the timeframe for the adoption and publication of the final document. It was noted that from the point of submission of the Local Plan to the Secretary of State, WSC would have no control over how long the remaining stages of the Local Plan timetable would take.

An issue which the Planning Policy Manager wished Members to be highly aware of was that the Exmoor National Park Authority (ENPA) during the preparation of their local plan had concluded that it was not feasible for them to meet the market housing need within the West Somerset part of the Exmoor National Park, which accounted for approximately 250 houses, and as a result had approached WSC with a request for West Somerset to accommodate that figure. The officer explained it was not appropriate for West Somerset to accede to this request and it would be an inappropriate risk to take on due to the increased likelihood of the West Somerset Local Plan being found unsound which would result.

During the discussion, the following specific issues were raised:

- Financial contributions towards affordable housing.
- In terms of development management greater weight could be applied to the policies within the Local Plan following publication stage.
- A Programme Officer would be appointed by the Council who would liaise directly with the Planning Inspector on all correspondence relating to the Plan, and it was confirmed that if the Inspector had any fundamental concerns an exploratory meeting would normally be held to give the Council an opportunity to respond prior to the examination stage.
- Communities needed sustainability of village services which depended on the growth of affordable and market housing development and disappointment was expressed at the ENPA's request.
- It was noted that the last paragraph of the justifying text to Policy SV1 was incomplete and officers confirmed that this would be rectified.

- Offshore activities such as tidal and marine power were not within the remit of WSC, however, as these issues would impact on the District they would not be overlooked.
- The availability of brown field sites and windfall sites being identified and included in the housing land supply for development.
- Clarification was provided on the procedure for reviewing and making amendments to the Local Plan once it had been adopted.
- Hierarchy of settlements - an explanation was provided on how the figures for parish/village settlements were calculated. Parish stock figures were identified in the Strategy and Future Residential Development topic paper (Minute no. LD18) and reference to the topic paper would be included in the sources within the Local Plan.
- Policy SC5B made specific reference to protecting village shops.

The recommendation in the report was proposed and seconded, and it was

RESOLVED that it be recommended to Council to:

- Formally publish the Draft West Somerset Local Plan to 2032 attached at Appendix 1, including the policy amendments set out at Appendix 2 and the Figures and Proposals Maps amendments at Appendix 3 and any changes arising from the Sustainability Appraisal Report,
- Adopt the amended Local Development Scheme timetable attached at Appendix 4,
- endorse the schedule of which saved 2006 local plan policies are to be replaced by which new West Somerset Local Plan to 2032 policies attached at Appendix 5,
- Reject the request from Exmoor National Park to accommodate the objectively assessed open market housing need arising from the West Somerset local authority area within the National Park; and,
- Agree that the Published Plan will be submitted to the Secretary of State following the formal representation period subject to the Portfolio Holder for Housing, Health and Well-being, as guided by officers, considering there are no substantive soundness issues raised which would warrant further amendment to the Plan.

LD18 West Somerset Local Plan 2012-2032 Strategy and Future Residential Development

(Report No. WSC 10/15, circulated with the Agenda.)

The purpose of the report was to place before the Panel the topic paper that will underpin the Council's case to support Local Plan to 2032 as it moves forward to the Public Examination phase where it will be scrutinised by an independent Planning Inspector. It sets out the case behind the overall strategy and the strategic and locational policies in the Local plan and provides a summary of the evidence used the justification for the approach.

The Principal Planning Officer (Policy), Martin Wilsher presented the report, explaining that the topic paper demonstrated to the Planning Inspector how the Council had developed a strategy, addressed the housing market figures and included proposals for taking it forward. It was emphasised that

the issue concerning ENPA's request had been taken into account and was addressed within the paper, as well as addressing the requirement of the five year housing land supply. The officer went on to highlight the conclusions contained within the paper.

Members thanked the officer for producing such a valuable document to support the Local Plan.

Councillor A H Trollope-Bellew proposed the recommendation of the report which was duly seconded by Councillor I R Melhuish.

RESOLVED that the West Somerset Local Plan to 2032 Strategy and Housing Topic Paper, attached at Appendix 1 to the report, be approved as an important component of the evidence-base supporting the Local Plan through the Public Examination stage of the process.

LD19 West Somerset Local Plan: Infrastructure Delivery Plan

(Report No. WSC 6/15, circulated with the Agenda.)

The purpose of the report was to acknowledge the preparation of the West Somerset Local Plan to 2032 Infrastructure Delivery Plan attached at Appendix 1, which together with a revised Planning Obligations Supplementary Planning Document and masterplans for the Key Strategic Development sites, will assist with the implementation of the Local Plan's strategy.

The item was presented by the Principal Planning Officer (Policy), Toby Clempson who stated that it was a legal requirement to publish and submit an Infrastructure Delivery Plan. He advised that consultation had been undertaken with the key infrastructure providers, however very few responses had been received. The Plan detailed the infrastructure position pertaining to the key infrastructure areas in the District and where responses had been received these had been incorporated and / or appended. The officer also emphasised that the document was a work in progress and more detail would be added when it became available.

Various questions and issues were then raised by Members and the Principal Planning Officer (Policy) noted them down for consideration/ action.

Councillor K J Ross proposed the recommendation of the report which was duly seconded by Councillor M A Smith.

RESOLVED that the Draft West Somerset Local Plan to 2032 Infrastructure Delivery Plan, attached at Appendix 1 to the report, be approved as part of the Publication / Submission documentation for the West Somerset Local Plan to 2032.

LD20 West Somerset Local Plan: Duty To Co-operate Statement

(Report No. WSC 9/15, circulated with the Agenda.)

The purpose of the report was to approve the Duty to Co-operate Statement in respect of the Draft West Somerset Local Plan to 2032, attached at Appendix 1, in fulfilment of Section 33A of the Planning & Compulsory Purchase Act 2004, as inserted by section 110 of the Localism Act. This provision places a duty on local authorities and relevant statutory bodies to co-operate on strategic planning issues in the preparation of certain statutory planning policy documents including Local Plans. The Duty to Co-operate Statement describes how this has been done.

The item was presented in detail by the Principal Planning Officer (Policy), Toby Clempson who confirmed a lot of work had been undertaken in this regard and he highlighted that in addressing the duty to co-operate, co-operation had taken place between the Somerset local authorities over strategic planning related issues such as housing, joint working on a number of specific strategic issues had taken place and a number of key evidence base studies had also been jointly commissioned during the process. It was reported that Member and officer engagement in the Somerset Duty to Co-operate meeting process with the other Somerset LPAs had taken place. There was a requirement for continuing involvement to fulfil the duty and continuing involvement at Member level was also critical.

Councillor I R Melhuish proposed the recommendation of the report which was duly seconded by Councillor B Heywood.

RESOLVED that the Draft West Somerset Local Plan to 2032 Duty to Co-operate Statement, attached at Appendix 1 to the report, be approved as part of the Publication / Submission documentation for the West Somerset Local Plan to 2032.

The meeting closed at 12.53 pm.

Report Number: WSC 83/15
Presented by: Martin Wilsher
Author of the Report: Martin Wilsher
Contact Details:
 Tel. No. Direct Line 01984 - 635334
 Email: mwilsher@westsomerset.gov.uk

Report to a Meeting of: Local Development Panel
To be Held on: 10th June 2015

*Date Entered on Executive Forward Plan
 Or Agreement for Urgency Granted:*

WEST SOMERSET LOCAL PLAN AND ENP DUTY TO CO-OPERATE PROTOCOL

1. PURPOSE OF REPORT

- 1.1 To obtain the Local Development Panel's endorsement of the West Somerset Local Planning Authority's approach to signing a Duty to Co-operate Protocol with the Exmoor National Park Authority

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The Duty to Co-operate does not directly relate to the Council's corporate priorities but does reflect its active engagement in partnership working with other Local Authorities, agencies and, other organisations.

3. RECOMMENDATIONS

- 3.1 **Members of the Local Development Panel should select one of the following options in response to Exmoor National Park Authority's Duty to Co-operate Protocol;**
- a. **Sign the latest iteration of the Protocol;**
 - b. **Sign the latest iteration of the Protocol but with the reference to the statutory duties of the National Park deleted/crossed out;**
 - c. **Sign the earlier version of the Protocol excluding reference to the statutory duties of the National Park; or,**
 - d. **Do not sign the Protocol.**

4. RISK ASSESSMENT (IF APPLICABLE)

Description	Likelihood	Impact	Overall
Risk West Somerset Council is not seen to be engaging directly with its neighbours on relevant matters required under the appropriate legislation.	Low (4)	Medium (3)	Medium (12)
Mitigation Signing-off on an agreement of this nature demonstrates the active engagement in the Duty to Co-operate process.	Moderate (2)	Medium (3)	Medium (6)

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before and after the mitigation measures have been actioned.

5. BACKGROUND INFORMATION

- 5.1 Under the provisions of Section 110 of the Localism Act 2011¹, Local Planning Authorities (LPA's) are required to engage with their neighbours in order to address planning issues which cross LPA boundaries and are of a strategic nature. This has been introduced to replace the co-operation that was implicit behind the old system of development planning that sought to compartmentalise forward planning into a two-tier arrangement of strategic and local plans. This was abolished with the revocation, in the south-west, of Regional Strategies² and associated Structure Plans³ in 2013.⁴ Some LPA's have subsequently sought to formalise and document their co-operation with their neighbours and other affected organisations through the drafting of formal agreements in the form of a Memorandum of Understanding or, Protocol.
- 5.2 West Somerset Council has not seen the necessity of such a formal approach, to date, as it has regularly participated and collaborated with its neighbours prior to the Localism Act coming into force. This was not just through meetings such as the former Somerset Strategic Planning Conference (SSPC) but also in partnership with other LPA's including the Exmoor National Park Authority, to produce studies that have formed part of the evidence-base for the emerging West Somerset Local Plan to 2032. These have included Strategic Housing Market Assessments (SHMA's)^{5,6} and Strategic Flood Risk Assessments (SFRA's)⁷ as well as the Supplementary Planning Document (SPD) for the proposed development at Hinkley Point.⁸
- 5.3 Exmoor National Park Authority and West Somerset Council have also engaged constructively in the preparation of their respective development plans. In the case of the West Somerset Local Plan, the Council has made a number of changes and modifications to ensure that cross-boundary issues such as the potential impact of new development at the Minehead strategic allocation respects the setting of the Park. ENPA have also made some changes to respond to West Somerset concerns regarding the role and function of Dunster and its implications for spatial planning within West Somerset Planning Area.
- 5.4 The Exmoor National Park Authority has sought to formalise the Duty to Co-operate process through the drafting of a Protocol and requested that West Somerset Council as one of its neighbouring LPA's sign-up to this agreement. The two LPA's have had regular meetings at an officer level covering appropriate matters over the past two years (as stated) as well as wider meetings including representatives from North Devon and, Torridge District Councils.

¹ H.M. Government; Localism Act, Chapter 20 (as amended); The Stationary Office; 2011; pp. 103 – 105.

² Government Office for the South West; Regional Planning Guidance for the South West (RPG 10) – September 2001; The Stationary Office; 2001; ISBN 0 11 753603 2

³ Somerset county Council and Exmoor National Park Authority; Somerset and Exmoor National Park Joint Structure Plan Review 1991 – 2011: Explanatory Memorandum and Written Statement – Adopted April 2000; Somerset County Council; 2001; ISBN 0 861 83357 0.

⁴ H.M. Government; Town and Country Planning, England: The Regional Strategy for the South West (Revocation) Order 2013 – Statutory Instrument 2013 No. 935 (S.I. 2013 No. 935); The Stationary Office; 2013.

⁵ Housing Vision; Strategic Housing Market Assessment for the Northern Peninsula – December 2008; Northern Peninsula Housing Market Partnership; 2008;

⁶ Housing Vision; Northern Peninsula Housing Market Area Strategic Housing Market Assessment (SHMA) Update: Final Report – December 2014; Northern Peninsula Strategic Housing Market Partnership; 2014.

⁷ Scott Wilson; West Somerset Council and Exmoor National Park Authority Strategic Flood Risk Assessment Level 1: Final Report – March 2009; West Somerset Council; 2009.

⁸ ARUP; Hinkley Point C Supplementary Planning Document (SPD) – Adopted October 2011; Sedgemoor District Council and West Somerset Council; 2011.

There has also been a meeting involving Member representatives at the start of February 2015.

- 5.5 The Protocol has been through a number of iterations over the last 12 months and whilst there is no issue in terms of principles contained within the main document, WSC Officers have raised some concern as to some of the detailed wording and, in particular the inclusion of additional wording on the agreement part of document that West Somerset. The ENPA has sought to introduce in the part of the Protocol to be signed by West Somerset, reference to the statutory purposes of the National Park as provided for through the 1949⁹ and 1995¹⁰ Acts. Officers felt that this addition was un-necessary and could be interpreted as extending these purposes and the influence of the National Park beyond its designated area.¹¹ The purposes of the National Park as set out in the Acts relates solely to the land within the designated area. For this reason West Somerset Council Officers considered that this addition should be deleted.
- 5.6 A copy of the Protocol is attached at Appendix 1. This is the version that was presented at the end of January 2015, just prior to the Duty to Co-operate meeting in early February that involved Members from both LPA's and included the Purposes of the National Park as part of the agreement to be signed-off by representatives of West Somerset Council for the first time. Appendix 2 is an earlier draft of the West Somerset agreement element of the Protocol from November 2014, which Officers felt represented an acceptable form of wording that could be recommended to Members.
- 5.7 This Paper seeks a Member steer on which form of the Protocol (if any) the Council should sign up to. Officers would recommend the signing of the Protocol in one of the three iterations outlined below since this would provide a formalised record of the two LPAs commitment to working together on cross-border issues. ENPA feel strongly that the Protocol should include reference to the Park's statutory purposes and a commitment was given by WSC Officers to present this option to Councillors for consideration.
- 5.8 Members should be advised that of course, regardless of the Protocol itself, the two Local Planning Authorities should and will work together on matters of strategic and cross-border nature in the spirit of co-operation and sound planning.
- 5.9 **It is recommended that Members of the Local Development Panel should select one of the following options in response to Exmoor National Park Authority's Duty to Co-operate Protocol;**
- a. **Sign the latest iteration of the Protocol;**
 - b. **Sign the latest iteration of the Protocol but with the reference to the statutory duties of the National Park deleted/crossed out;**
 - c. **Sign the earlier version of the Protocol excluding reference to the statutory duties of the National Park; or,**
 - d. **Do not sign the Protocol.**

6. FINANCIAL/RESOURCE IMPLICATIONS

- 6.1 There are no direct or indirect financial implications arising from contents of this Report.

7. COMMENTS ON BEHALF OF SECTION 151 OFFICER

⁹ H.M. Government; National Parks and Access to the Countryside Act 1949, 12, 13 & 14 Geo.6. Chapter 97 (as amended); H.M.S.O.; 1949.

¹⁰ H.M. Government; Environment Act 1995, Chapter 5 (as amended); H.M.S.O.; 1995; ISBN 0 10 542595 8.

¹¹ H.M. Government; National Parks and Access to the Countryside Act 1949: Exmoor National Park (Designation) Order 1954 (HLG 92/176); H.M.S.O.; 1954

7.1 There are no Section 151 issues arising from the contents of this Report.

8. EQUALITY & DIVERSITY IMPLICATIONS

8.1 **Members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process.** The three aims the authority **must** have due regard for are:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

8.2 There are no direct or indirect equality and/or diversity issues arising from the contents of this Report.

9. CRIME AND DISORDER IMPLICATIONS

9.1 There are no direct or indirect crime and disorder implications arising from the contents of this Report.

10. CONSULTATION IMPLICATIONS

10.1 There are no consultation issues arising from the contents of this Report.

11. ASSET MANAGEMENT IMPLICATIONS

11.1 There are no direct or indirect asset management implications arising from the comments of this Report

12. ENVIRONMENTAL IMPACT IMPLICATIONS

12.1 There are no direct or indirect environmental impact implications arising from the contents of this Report.

13. HEALTH & WELLBEING

Demonstrate that the authority has given due regard for:

- People, families and communities take responsibility for their own health and wellbeing;
- Families and communities are thriving and resilient; and
- Somerset people are able to live independently.

13.1 There are no health & wellbeing issues arising from the contents of this Report.

14. LEGAL IMPLICATIONS

14.1 There are no direct legal implications arising from the contents of this Report.

AGENDA ITEM 5: APPENDIX 1

EXMOOR NATIONAL PARK AUTHORITY DUTY to CO-OPERATE PROTOCOL

(Revised draft: 30th January 2015)

Exmoor National Park Wide Duty to Co-operate Protocol

1. Purpose

- 1.1. This Protocol sets out a partnership approach to co-operative working across Exmoor National Park under the Duty to Co-operate for:
- Exmoor National Park Authority (ENPA)
 - North Devon Council
 - West Somerset Council
 - Torridge District Council
 - Mid Devon District Council
 - Devon County Council
 - Somerset County Council
 - Natural England
 - Environment Agency
 - Devon Local Nature Partnership
 - Somerset Local Nature Partnership; and
 - Heart of the South West Local Enterprise Partnership
 - North Devon Clinical Commissioning Group
 - West Somerset Clinical Commissioning Group
- 1.2. In addition, the following organisations are not signatories to the Protocol, but have agreed to continue to work closely with the National Park Authority in the formulation and implementation of relevant plans and policies (as set out in Appendix 2):
- English Heritage
 - Marine Management Organisation
 - Cornwall Council
- 1.3. The Duty to Co-operate requires that a local planning authority engages constructively, actively, and on an ongoing basis with relevant or prescribed bodies in order to maximise the effectiveness of development plan preparation and strategic matters. ENPA will act as the lead local authority in relation to this Protocol.
- 1.4. The Protocol provides a framework for the Signatories to ensure effective co-operation throughout the planning process on strategic priorities relating to Exmoor National Park, and cross-boundary issues. It applies to a range of strategic planning policy matters, particularly preparing policy and strategy, implementation, monitoring and other cross-boundary policy issues. It forms the basis for discussing strategic priorities, evaluating options to address cross-boundary issues and agreeing outcomes wherever possible but ultimately respects the individual identities and interests of its signatory organisations. It does not cover issues for co-operation between signatory authorities relating to non-Exmoor National Park matters. Should agreements on strategic issues not be achieved, positions of compromise should be negotiated. Where such compromises cannot be achieved, records should be kept identifying points of common ground, points of disagreement and the attempts made to resolve concerns.

2. Legislative Background to the Duty to Co-Operate

- 2.1. The Duty to Co-operate is enshrined in law through Section 33A of the Planning and Compulsory Purchase Act 2004 (inserted by Section 110 of the Localism Act 2011). It is also included within the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG), specifically in terms of planning strategically across local boundaries. The duty:
- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a county council;
 - requires that councils set out planning policies to address such issues;
 - requires that councils and public bodies 'engage constructively, actively and on an on-going basis' to develop strategic policies; and
 - requires councils to consider joint approaches to plan making.
- 2.2. The NPPF (paragraphs 178-181) gives further guidance on 'planning strategically across local boundaries'. Paragraph 178 states '*Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the **strategic priorities** set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.*' The NPPF goes on to highlight the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area – for instance, because of a lack of physical capacity or because to do so may cause significant harm to the principles and policies of the NPPF.
- 2.3. The strategic issues where co-operation might be appropriate are (NPPF paragraph 156):
- the provision for new housing across a major conurbation or wider housing market area;
 - the provision of major retail, leisure, industrial and other economic development across a travel to work area;
 - the provision of infrastructure for transport, waste treatment, energy generation, telecommunications, water supply and water quality;
 - requirements for minerals extraction;
 - the provision of health, security, and major community infrastructure facilities;
 - measures needed to address the causes and consequences of climate change, including managing flood risk and coastal change; and
 - protection and enhancement of the natural and historic environment, including landscape.
- 2.4. The NPPF provides that local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross boundary impacts when their local plan is submitted for examination.

The NPPF states that cooperation should be a continuous process of engagement from initial thinking through to implementation. Further guidance is given in the National Planning Policy Guidance.

- 2.5. The Inspector will determine as part of their overall assessment of an emerging plan whether or not the Duty to Co-operate has been complied with. If it is determined that the duty has not been met, a plan will automatically fail as not legally compliant, and cannot go forward for examination of its overall soundness. This Protocol aims to ensure effective working so that authorities are able to demonstrate how they have complied with the Duty to Co-operate when submitting their Plans.

3. Organisations covered

- 3.1. There are a number of organisations which should co-operate on the various strands of work identified in this Protocol. The way in which co-operation should operate will vary according to the activities being undertaken and the needs and responsibilities of the organisations involved.

Partner Authorities

- 3.2. Each Local Authority is individually responsible for preparing the evidence that they need to demonstrate how they have met the duty to co-operate. This is likely to take the form of document providing details of how they have worked with neighbouring Planning Authorities and other stakeholders, and keeping under review partnership working in relation to planning policy.
- 3.3. Exmoor National Park Authority (ENPA) by virtue of its role as a National Park Authority has long established principles of co-operation with other local authorities and organisations. This enables ENPA to discharge its responsibilities in relation to the provision of the Environment Act 1995. Cross boundary working, and engagement with stakeholders, is embedded in the approach both to plan making and decision making and this can be illustrated by the following:
- The National Park Authority comprises members of each of the key Local Authorities which cover the National Park area, including 2 members appointed by Devon County Council, 4 appointed by Somerset County Council, 2 from North Devon Council and 4 from West Somerset Council. Whilst members are clearly making decisions and contributing to working panels representing the National Park Authority their joint role enables strong connection with other authorities at a member/councillor level.
 - The principal plan for Exmoor, the Exmoor National Park Partnership Plan, whilst led by ENPA, is a shared plan for a range of partners. The Plan draws together those with an interest in Exmoor with a set of goals to achieve a vision for the National Park. That vision is echoed in the draft Local Plan; this illustrates how the Local Plan for the National Park is furthering the shared vision for Exmoor.
 - Section 62 of the Environment Act 1995 makes it a duty for all relevant authorities to have regard to National Park purposes when coming to decisions or carrying out their duties. This duty means the ENPA has

long established relationships with government departments and agencies and a range of other local and public bodies in delivering National Park purposes.

- A National Park Authority's remit differs from a local authority. Whilst the ENPA is the statutory local planning authority for the Exmoor National Park, it does not have statutory responsibilities beyond its planning role for housing, economic development, environmental health, education and highways. The ENPA therefore works with neighbouring authorities and partners within the Partnership Plan to ensure that the Exmoor National Park residents can benefit from the decisions made and actions taken across the area.

- 3.4. North Devon, Torridge and West Somerset District Councils provide the full range of services normally provided by district councils, apart from planning functions within Exmoor National Park where the National Park Authority is responsible. North Devon and Torridge District Councils have been working jointly on development plan preparation since 2006, including a joint local plan informed by a shared evidence base. The district councils work closely with the County Councils as their upper tier authorities on strategic and cross boundary issues including highways, green infrastructure and education provision. The district councils also work with other local authorities on consideration of landscape policy. Mid Devon District Council borders the National Park to the south west.
- 3.5. As upper tier Local Authorities, Devon and Somerset County Councils have a variety of responsibilities covering cross-boundary co-operation and undertake significant work with other Authorities, including the Exmoor National Park Authority, to support local plan preparation with an appropriate evidence base, in particular covering minerals, waste and infrastructure planning issues. The County Councils are:
- Minerals Planning Authorities;
 - Waste Planning Authorities;
 - Local Transport Authorities;
 - Local Education Authorities;
 - Waste Disposal Authorities;
 - Responsible for social care provision;
 - Responsible for libraries;
 - Responsible for health and wellbeing in general; and
 - Responsible for maintaining the Devon and Somerset Historic Environment Records.
- 3.6. Devon County Council has led on the preparation of a joint Duty to Co-operate Protocol on behalf of the Devon Authorities as an understanding of the Duty to Co-operate in the Devon area. The Devon Protocol links with this Protocol to ensure a consistent approach to strategic planning matters. However, although the strategic issues with regard to the duty to co-operate and these Authorities are covered by the Devon Duty to Co-operate Protocol, to which all Devon Authorities including ENPA are signatories, Devon County Council and

other relevant Councils in Devon are Authority Partners and signatories to this document to ensure a cohesive cross border approach with Somerset as a neighbouring County Council, and West Somerset as a neighbouring District Council.

- 3.7. Similarly, Somerset County Council has produced a Statement with regard to the Somerset Minerals Plan and Sand and Gravel. However, it is deemed necessary to have Somerset County Council as a signatory to this document in order to ensure that all cross border strategic concerns are addressed, (including in relation to their role as Highways Authority for parts of the National Park).
- 3.8. Cornwall Council is not included as a Signatory to this Protocol, as housing provision for the former North Cornwall District is now being addressed by the Cornwall Local Plan. Previously, North Cornwall was part of the Northern Peninsula Strategic Housing Market Area (NPSHMA).

Agency Partners and Other Organisations

- 3.9. As per the Town and Country Planning (Local Planning) (England) Regulations 2012, Local Planning Authorities are required to co-operate with a range of organisations including government Agencies. In relation to Exmoor National Park strategic priorities, it is considered particularly important to liaise closely and through an on-going mechanism with the following organisations:
- Environment Agency;
 - Natural England;
 - English Heritage;
 - Marine Management Organisation;
 - The relevant Clinical Commissioning Group
 - The relevant Local Enterprise Partnership; and
 - The relevant Local Nature Partnership(s)
- 3.10. The Environment Agency, Natural England and English Heritage are all non-departmental public bodies and have a statutory role in the planning system. Natural England is the Government's advisory body on the natural environment and is responsible for protecting and enhancing the natural environment including biodiversity and geodiversity; promoting understanding and access to the natural environment; and contributing to sustainable development. The Environment Agency's purpose is to protect or enhance the environment, to achieve sustainable development. The Agency is responsible for: regulating major industry and waste; treatment of contaminated land; water quality and resources; fisheries; inland river, estuary and harbour navigations; conservation and ecology; and managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. English Heritage¹ is the lead advisory body on the historic environment, including listed buildings, scheduled monuments and Conservation Areas. Natural England, the Environment Agency and English Heritage are statutory consultees on Local

¹ English Heritage is not a signatory to the Protocol but has agreed to continue to work closely with the National Park Authority in the formulation and implementation of relevant plans and policies (see Appendix 2)

Plans, Strategic Environmental Assessment, Sustainability Appraisal and Habitat Regulation Assessment and for certain planning applications.

- 3.11. The Marine Management Organisation² is responsible for licensing, regulating and planning marine activities to ensure that they are carried out in a sustainable way. This includes the production of marine plans. There is an overlap of jurisdiction with local planning powers extending from the land down to low water mark and marine plans from the sea to the high water mark. The marine plan for the South West inshore area has not yet been produced.
- 3.12. The Heart of the South West Local Enterprise Partnership (HoSW LEP) covers the Exmoor National Park area. The LEP is a strategic partnership between the private sector, local authorities, universities and further education across Somerset, Devon, Plymouth and Torbay. Its purpose is to lead and influence economic growth, job creation and prosperity. It plays a key role in determining local economic priorities and undertaking activities to generate growth and employment.
- 3.13. Local Nature Partnerships (LNPs) are tasked by the government to work strategically across the private, public and third sector within their local area to promote, plan for, and support the management of the natural environment. There are two LNPs covering the Exmoor National Park area – ‘Naturally Somerset’ and ‘Natural Devon’.
- 3.14. Clinical Commissioning Groups (CCGs) were established in 2013 as GP led groupings to plan for and commission healthcare facilities and services. Exmoor National Park falls within two CCGs – the North Devon Clinical Commissioning Group and the West Somerset Clinical Commissioning Group.
- 3.15. All organisations listed in Appendix 1 of this Protocol have agreed to cooperate as appropriate on strategic priorities relating to Exmoor National Park, and cross-boundary issues. This will ensure that all signatory organisations are consistently involved in discussions identifying strategic matters that will require cross-boundary co-operation. Local Authorities will engage with the organisations listed, as appropriate, in all stages of plan preparation and other strategic planning issues as appropriate. The Agencies, Local Enterprise Partnership and Local Nature Partnerships will respond to this engagement in positive way, providing input into strategic planning matters where it is relevant to their statutory remit.
- 3.16. Other organisations are included within the regulations, however it is not considered appropriate to include all such organisations in this Protocol due to their number and spatial scope. This Protocol does not aim to provide the entire framework for co-operation in the Authority partner’s area, but rather those that concern the plan preparation process.

² The Marine management Organisation is not a signatory to the Protocol but has agreed to continue to work closely with the National Park Authority in the formulation and implementation of relevant plans and policies (see Appendix 2)

4. Strategic Priorities

- 4.1. The signatories to this Protocol have agreed the strategic priorities relating to planning matters covering Exmoor National Park that should be encompassed in co-operative activities and therefore are covered by this Protocol. These are based on the content of the NPPF but there are likely to be other matters that should be addressed on an on-going basis as they arise.
- 4.2. The Strategic Priorities listed below will not all be relevant to all parties and what is strategic to one Authority Partner, may not be strategic to another. However, it has been agreed by the Authority Partners that the following issues may be of a cross boundary nature and may require co-operation. Table 1 at the end of this section sets out the potential partners for each strategic issue.
- a) Strategic Planning
 - b) Role and Function of Settlements;
 - c) Housing Provision (including Gypsy & Travellers);
 - d) The Economy and Service Centres
 - e) Climate Change Mitigation and Adaptation;
 - f) Flood and Coastal Risk Management
 - g) Biodiversity, Ecological Networks and Green Infrastructure; Natural and Historic Environment (including National Park Statutory Purposes and National Park Landscape and Setting and Biodiversity, Ecological Networks and Green Infrastructure)
 - h) Minerals and Waste
 - i) Infrastructure Provision (including Education, Transport and Health)
 - j) The Impact of the Hinkley Point C New Nuclear Project;
 - k) Marine management
- 4.3. The nature of the co-operation on these issues is explored and explained in more detail in the sections below and Appendix 3 in terms of the scope of co-operation, the outcomes sought, and how co-operation may take place. For topics that may require additional clarity, the Authority Partners may look to sign a memoranda of understanding (MoU) with relevant parties. For clarity, this Protocol covers the matters above for the area of Exmoor National Park.

a) Strategic Planning

- 4.4. All the Authority Partners will need to liaise with regard to a range of strategic planning policy matters, particularly preparing policy and strategy, implementation, monitoring and other cross-boundary policy issues to ensure a co-ordinated, cohesive approach to planning across the Authority Partners' area. Where relevant, the Authority Partners will co-operate on joint technical studies and other work to provide a consistent evidence base to support their respective plans.

b) Role and Function of Settlements

- 4.5. Exmoor National Park shares its borders with both West Somerset and North Devon, and to a very small extent Mid Devon. As such, there are a number of settlements that sit within two Authority Partner areas. It is in the interests of the ENPA and District Council Authority Partners that there is a consistent approach to the spatial strategy for these particular settlements and that an agreed strategic approach is identified as to where and what development is permitted in principle in these settlements and what the role and function is of these settlements, for example is the settlement a rural service centre for the surrounding hinterland, a village or open countryside? Co-ordination of the terminology for the settlements and the policy approach relating to them will help to provide clarity in the adjoining plans.

c) *Housing Provision*

- 4.6. The ENPA, North Devon and Torridge Councils, West Somerset Council and Cornwall Council have been working together as the Northern Peninsula Housing Market Area to plan the strategy for housing provision across this region. A Strategic Housing Market Assessment was provided for the housing market area in 2008 and subsequently updated in 2013 and 2014 for the respective areas. North Devon, Torridge, West Somerset Councils and ENPA have also worked in partnership to produce a joint Methodology for undertaking Strategic Housing Land Availability Assessments (SHLAA). The Authority Partners will continue to work together on ensuring a co-ordinated approach to the distribution of housing across the housing market area and will undertake joint research studies where appropriate. The Partner Authorities strategic work on housing will include assessment of Gypsy and Traveller requirements.

d) *The Economy and Service Centres*

- 4.7. Economic development is the District and County Council's responsibility. However, ENPA has a duty to foster the economic wellbeing of local communities. Being a rural area, rural communities naturally rely on larger service centres such as Tiverton, Barnstaple, South Molton, Minehead and this is where the larger retail and leisure provision, employment sites and businesses are centred. Any major retail, leisure, industrial or other economic development in these areas will be a strategic issue. Other possible strategic issues may include economic sectors such as tourism which is the biggest sector across the region and is not confined to a specific authority and it is in the interests of all Partners Authorities to support this sector. The Lynton and Barnstaple Railway also crosses both the authorities of North Devon and Exmoor National Park and will be a strategic issue in the future. The Authority Partners and LEP will co-operate on strategic issues across functional economic areas and linkages to the LEP's Strategic Economic Plan.

e) *Climate Change Mitigation and Adaptation*

- 4.8. Climate change mitigation and adaption requires a co-ordinated, strategic approach in particular with regard to impacts on landscape character and

setting, biodiversity and the historic environment. There are opportunities for contributing to climate change mitigation, including through carbon storage (for example the Exmoor Mires project which is enhancing carbon storage through re-wetting peat bogs) and renewable and low carbon energy. The National Park is not considered to be an appropriate location for large scale renewable energy schemes, although small scale schemes are supported. The impact of large scale schemes outside the National Park can have a detrimental impact on the landscapes, seascapes and visual amenity and setting of the National Park. The Authority Partners and other relevant partners will work together to avoid impacts on the National Park. Climate change adaptation also requires co-operation, for example in relation to ecological networks and green infrastructure which enable wildlife to move between habitats (see strategic priority (g) below).

f) *Flood and Coastal Risk Management*

- 4.9. Cornwall, Torridge, North Devon, Exmoor National Park and West Somerset have adjoining coast lines and a co-ordinated, consistent strategic approach is required to manage flooding, coastal change, erosion and sea level rise. Somerset and Devon County Councils (as the lead flood risk bodies) have a key responsibility for flood risk and are required to develop a strategy to tackle local flood risks, involving flooding from surface water, ordinary watercourses, groundwater and small reservoirs. The Environment Agency is responsible for managing the risk of flooding from main rivers, reservoirs, estuaries and the sea. Other parties concerned include the Environment Agency, the North Devon and Somerset Coastal Advisory Group, the Somerset Drainage Boards Consortium, and the Marine Management Organisation.
- 4.10. The Partner Authorities and other Signatories will continue to work together to manage flood risk in particular with regard to strategic planning and development. Strategic Flood Risk Assessments have and will continue to be undertaken jointly where appropriate to inform spatial strategies and cross-border implications.

g) *Natural and Historic Environment*

National Park Statutory Purposes and National Park Landscape and Setting

- 4.11. Within the Partner Authority areas, there are many areas, assets and designations of landscape, wildlife and historic importance, including Exmoor National Park and Areas of Outstanding Natural Beauty. It is important that these natural and historic environments are conserved and enhanced in accordance with National Park purposes and the NPPF. National Parks, the Broads and Areas of Outstanding Natural Beauty (AONBs) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. National Park purposes are to conserve and enhance their natural beauty, wildlife and cultural heritage and to promote opportunities for the understanding and enjoyment of their special qualities by the public. It is recognised that the achievement of National Park purposes relies on the active support and co-operation of both national and

local Government. Local Authorities have legal obligations under section 11A of the 1949 Environment Act and section 17A of the 1988 Environment Act, which places a statutory duty on them to have regard to National Park purposes when making decisions or carrying out activities relating to or affecting land within the National Park. Where their activities outside the National Parks might have an impact inside them, the Government says they should have regard to National Park purposes.³ This includes potential impacts on the National Park landscape and setting. A strategic co-ordinated approach is required between the National Park authorities, the District Councils and County Councils to ensure any impacts from land management initiatives and development do not harm these areas of historic and landscape value or their settings⁴. Up-to-date Historic Environment Record data will be shared between the authorities, to ensure the protection of these areas. The ENPA, Mid Devon Council, West Somerset Council and North Devon Council will work in partnership to ensure that Local Plans include policies to protect designated areas and assets, including the setting of the National Park and historic designations. The Partner Authorities will also co-operate to ensure that strategic allocations and planning proposals are consistent with National Park statutory purposes through appropriate consultation, master-planning, design, and landscaping.

Biodiversity, Ecological Networks and Green Infrastructure

- 4.12. There are a number of sites designated for nature conservation, including Special Areas of Conservation, Sites of Special Scientific Interest, and County Wildlife Sites. Biodiversity cannot be constrained or managed within a single authority area as it does not adhere to authority boundaries, and there are designated sites, priority habitats and ecological networks which cross Partner boundaries. Joint initiatives may be required to conserve and enhance designated sites, ecological networks and create effective green infrastructure, contributing to the delivery of Biodiversity 2020 objectives. A co-ordinated approach is therefore required between the relevant Authority Partners in order to conserve and enhance the ecological networks across the region and promote green infrastructure effectively. The Partner Authorities, Local Nature Partnership and Natural England will co-operate to promote coherent ecological networks across boundaries, through joint work on ecological mapping and green infrastructure provision.

g) Minerals and Waste

- 4.13. The National Park Authority is the Minerals and Waste Planning Authority within the National Park and is responsible for determining applications for minerals and waste related development. Devon and Somerset County Council are responsible for minerals and waste development in areas adjoining the National Park. Somerset County Council has prepared a Duty to Co-operate statement for minerals planning, which ENPA is a signatory to.

³ Paras 4-8 DEFRA (2005) Guidance Note: Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty and the Norfolk and Suffolk Broads DEFRA, London.

⁴ The Devon Landscape Policy Group (which includes wide LA representation from across the County) works to ensure consistent approaches and shared evidence bases to achieve a strategic and coordinated approach on matters relating to landscape

ENPA, Devon and Somerset County Councils will co-operate to ensure that a co-ordinated strategic approach is adopted to minerals and waste and that strategic planning policies and proposals for minerals and waste are consistent with National Park purposes. Given the limited scope for minerals exploitation within Exmoor National Park, they will work together to co-ordinate local assessments of aggregate production.

h) Infrastructure Provision

- 4.14. The Authority Partners will engage as appropriate with relevant bodies to ensure adequate and effective infrastructure provision with regard to for example, telecommunications, energy, waste water, water quality, water supply for the communities of the respective authorities. Any development will need to have regard to the policies of each respective Local Plan. It is not anticipated that there is need for any strategic/major infrastructure to be provided as part of the Exmoor National Park Local Plan.

Education and Transport

- 4.15. ENPA and the District Council Authority Partners will continue to work with Devon and Somerset County Councils as the Education and Transport Authority to provide input on the strategy on education and transport provision and conversely any closure of an educational facility, which may affect the communities of the Partner Authorities. The LPAs will also engage with the County Councils on issues such as housing distribution and strategy in the context of the potential impact on infrastructure and service provision.

Health and Wellbeing

- 4.16. There are two Clinical Commissioning Groups (CCGs) covering the National Park – the Northern Devon CCG and West Somerset CCG – who are responsible for commissioning clinical services and the provision of healthcare facilities. County Councils also have a role in relation to health and well-being as a whole, supporting health lifestyles and behaviour. ENPA and the District Council Authority Partners will continue to work with the Authority Partner County Councils and relevant Clinical Commissioning Groups with regard to health provision to provide input on relevant development strategies and conversely any closure of a health facility such as a hospital or doctors surgery, which may affect the communities of the Partner Authorities.

i) The Impact of the Hinkley Point C new Nuclear Project

- 4.17. The impacts of the Hinkley Point C (HPC) new nuclear project will need to be considered and this has already given rise to a joint Supplementary Planning Document prepared by West Somerset Council and Sedgemoor District Council. Additionally, there has been a substantial process of co-operative working between the two district councils, Somerset County Council and other bodies including the Environment Agency in relation to the Development Consent Order and strategic impact. Joint working over the period of planning and implementation of the HPC project will need to continue for the duration of the project. The Partner Authorities will co-operate through monitoring the impact of the HPC project on the housing market area and on the local

economy, particularly in relation to tourism, working with the LEP where appropriate.

j) Marine Management

- 4.18. The Marine Management Organisation is responsible for licensing, regulating and planning marine activities in the seas around England and Wales so that they are carried out in a sustainable way. Torridge, North Devon, and West Somerset Councils and Exmoor National Park have adjoining coast lines and will liaise on strategic matters with the Marine Management Organisation to ensure effective integration of terrestrial and marine plans including strategic input into the respective Marine Management Plan. Whilst there are no Marine Conservation Zones off the coast of Exmoor National Park at the moment, one is proposed along the North Devon /Exmoor coast. The Partner Authorities will work with the MMO at the appropriate time to take account of any such designations in local plans and decision making.

Table 1: Strategic Cross Boundary Issues Matrix

	Exmoor National Park Authority	North Devon Council	Torridge Council	West Somerset Council	Mid Devon Council	Somerset County Council	Devon County Council	Devon Local Nature partnership	Somerset Local Nature Partnership	Heart of the South West LEP	Environment Agency	English Heritage	Natural England	Marine Management Organisation
a) Strategic Planning	x	x	x	x	x	x	x	x	x	x	x	x	x	x
b) Role and function of settlements	x	x		x										
c) Housing provision	x	x	x	x										
d) The economy and service provision	x	x	x	x	x	x	x			x				
e) Climate change mitigation and adaptation	x	x	x	x	x	x	x	x	x		x		x	x
f) Flood and Coastal Risk Management	x	x	x	x		x	x				x		x	
g) Natural and Historic Environment	x	x	x	x	x	x	x	x	x		x	x	x	x

(including biodiversity and National Park purposes)														
h) Minerals and Waste	x					x	x				x		x	
i) Infrastructure Provision	x	x	x	x		x	x						x	
j) The impact of the Hinkley Point C new nuclear project	x			x		X								
k) Marine Management	x	x	x	x									x	x

5. Co-ordination and governance

- 5.1 Meeting the commitments set out in this Protocol will require proactive co-operation between the signatories. The administration and monitoring of the effectiveness of the Protocol will be undertaken as far as possible through existing structures, in order to ensure it operates effectively and sustainably.
- 5.2 Local Authority partners are individually responsible for demonstrating that they have met the requirements of the Duty to Co-operate in their plan preparation. In order to ensure this Protocol is operating effectively, the Protocol will be co-ordinated via Officer meetings between the relevant Signatories. Existing meetings will be used as far as possible, to ensure an efficient process. Where signatory organisations do not attend existing meetings, ENPA as the lead authority of this Protocol, will liaise with the partner organisations to ensure matters relating to the Duty to Co-operate are discussed and updated. The following meetings will be used to agree matters for on-going co-operation, such as the preparation of agreed evidence on specific issues:
- Duty to Co-operate Officer meetings between ENPA, North Devon, Torridge, and West Somerset Councils
 - biannual meetings of the Devon Planning Officer Group (DPOG); and
 - biannual meetings of the Somerset Strategic Planning Conference (SSPC).
- 5.3 It is recognised that there are resource implications associated with the co-operation required under this Protocol. Whilst the Duty to Co-operate is a legal requirement, organisations may prioritise their engagement to those issues which lie within their remit and are a priority for them. Organisations should endeavour to provide the required resources available to enable the lead organisation to undertake its functions effectively and in a timely manner. Where resources are limited or unavailable the organisation should inform the lead organisation of the level of input which they can offer.
- 5.4 The effective operation of the Duty to Co-operate will be reported to Members via each Authority. Members will be involved in discussion of strategic priorities including joint meetings between lead Members of Partner Authorities where appropriate.
- 5.5 It should be noted that the Protocol does not preclude any organisation from exercising its duties according to its own discretion and is not legally binding.
- 5.6 The operational mechanisms governing this Duty to Cooperate Protocol and the content of this Protocol itself will be monitored on an annual basis through the Exmoor National Park Annual Monitoring Report, and updated and reviewed according to evolving circumstances.

Appendix 1 - Protocol Signatories

Exmoor National Park Authority

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Exmoor National Park Authority will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the other Minerals and Waste Planning Authorities in Devon and Somerset, and other relevant organisations, in the preparation of appropriate minerals and waste planning policy, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities;
- Co-operate with the Authority Partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The Authority Partners have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to ENPA are set out in Table 1 of this document.
- Raise awareness of the general duty (S62) in the Environment Act 1995, which requires relevant authorities, including the National Park Authority itself, to have regard to statutory National Park purposes and if it appears that there is an irreconcilable conflict between the two purposes shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park.

Signed: -----

Date: -----

Position: -----

On behalf of: -----

North Devon Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, North Devon Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to North Devon Council are set out in Table 1 of this document.
- Have regard to statutory National Park purposes.

Signed: -----

Date: -----

Position: -----

On behalf of: -----

Torridge District Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Torridge District Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to Torridge District Council are set out in Table 1 of this document.
- Have regard to statutory National Park purposes.

Signed: -----

Date: -----

Position: -----

On behalf of: -----

West Somerset Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, West Somerset Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to West Somerset Council are set out in Table 1 of this document.
- Have regard to statutory National Park purposes.

Signed: -----

Date: -----

Position: -----

On behalf of: -----

Mid Devon District Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Mid Devon District Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 4 of this document. Those that are relevant to Mid Devon District Council are set out in Table 1 of this document.
- Have regard to statutory National Park purposes.

Signed: -----

Date: -----

Position: -----

On behalf of: -----

Devon County Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Devon County Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the other Minerals and Waste Planning Authority Signatories and other relevant organisations, on matters relating to Exmoor National Park, in the preparation of appropriate minerals and waste planning policy, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities;
- Co-operate with Partner Authorities in the preparation of an appropriate local planning policy framework on matters relating to Exmoor National Park, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities as set out in Table 1.
- Actively engage in the preparation of planning policy and plan delivery relating to Exmoor National Park, through on-going specialist input, infrastructure planning support and strategic guidance.
- Have regard to statutory National Park purposes.

Signed:

Date:

Position: Cabinet Member for Economy, Growth and Cabinet Liaison for Exeter

On behalf of:

Somerset County Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Somerset County Council will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Authority will:

- Co-operate with the other Minerals and Waste Planning Authority Signatories , and other relevant organisations, on matters relating to Exmoor National Park, in the preparation of appropriate minerals and waste planning policy, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities;
- Co-operate with Partner Authorities in the preparation of an appropriate local planning policy framework, on matters relating to Exmoor National Park, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities as set out in Table 1.
- Actively engage in the preparation of planning policy and plan delivery relating to Exmoor National Park, through on-going specialist input, infrastructure planning support and strategic guidance.
- Have regard to statutory National Park purposes.

Signed: -----

Date: -----

Position: -----

On behalf of: -----

Somerset Local Nature Partnership – Agreement in principle

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Somerset Local Nature Partnership will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Somerset Local Nature Partnership will co-operate with all other relevant Authorities in the preparation of strategies which are relevant to the Local Nature Partnership's priorities. In undertaking such functions the LNP will have regard to statutory National Park purposes.

Signed: -----

Date: -----

Position: -----

On behalf of: -----

Devon Local Nature Partnership – Agreement in principle
Devon LNP is a signatory to the Devon wide Duty to Co-operate Protocol, and as such has agreed to the following:

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Devon Local Nature Partnership will co-operate with all other signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular the Devon Local Nature Partnership will:

- Co-operate with all other relevant Authorities in the preparation of strategies which are relevant to the Local Nature Partnership’s priorities: (a) Protect and improve the natural environment, (b) Grow Devon’s green economy and (c) Reconnect Devon’s people and nature.

The LNP may not need to be involved in the detailed development of all strategies but will:

- Publish guidance for the relevant Authorities, which sets out Devon Local Nature Partnership high level expectations relating to the development of their strategies;
- Endorse strategies and plans which meet these expectations;
- Engage with the preparation of strategies and plans which do not meet these expectations in order to inform their development; and
- Support a common evidence base and approach to the monitoring of environmental interests through the production of an up to date web-based environmental baseline State of Environment report
- Have regard to statutory National Park purposes

Signed: -----

Date: -----

Position: -----

On behalf of: -----

The Environment Agency – Agreement in principle

In exercising its strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, the Environment Agency will co-operate with all other appropriate signatories of this Protocol on matters relating to the Exmoor National Park area. In particular the Environment Agency will:

- Fulfil its statutory roles as a consultee at formal stages in the preparation of relevant development plan documents produced by Planning Authorities, including issues relating to Strategic Environmental Assessment / Sustainability Appraisal;
- Endeavour to provide early engagement to ensure the significant strategic environmental issues are identified and agreed at the outset;
- Engage at informal stages of plan preparation and on other plans (where not a statutory consultee), where resource allows;
- Provide and share information and data held when requested (including regarding Environment Agency plans and strategies) to better inform plan and strategy evidence bases and studies
- Have regard to statutory National Park purposes

Signed: -----

Date: -----

Area Manager: -----

On behalf of: -----

Natural England - Agreement in principle

In exercising its strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, Natural England will cooperate with all other appropriate signatories of this Protocol on strategic priorities relating to Exmoor National Park, and cross-boundary issues. In particular Natural England will:

- Fulfil its statutory role as a consultee at formal stages in the preparation of relevant development plan documents produced by Planning Authorities. We will focus our engagement on issues relating to Habitats Regulations Assessment and Strategic Environmental Assessment / Sustainability Appraisal and strategic environmental issues;
- Engage at informal stages of the plan preparation process, where resource allows;
- Endeavour to provide early engagement to ensure the significant strategic environmental issues and opportunities are identified and agreed from the outset;
- Provide and share environmental information and data held by us when requested to better inform plan and strategy evidence bases and studies; and
- Provide ongoing involvement and input into the Officer Steering Group on matters which are relevant to our remit. Where Natural England’s advice is critical to a particular environmental issue then we will also assist the working groups to take forward key work areas where these align with Natural England’s remit, priorities and statutory responsibilities.
- Have regard to statutory National Park purposes

Signed: -----

Date: -----

Role: Natural England Area Manager(s) (Devon & Cornwall; and Somerset)

On behalf of: -----

The Heart of the South West LEP – Agreed in principle

In exercising its strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure planning, the Heart of the South West LEP will cooperate with all other appropriate signatories of this Protocol on matters relating to the Exmoor National Park area. In particular the Heart of the South West LEP will:

- Share appropriate data, insight and intelligence when requested to ensure a robust evidence base is embedded in policy and investment decision-making;
- Fulfil its role as a consultee at formal stages in the preparation of relevant development plan documents produced by Planning Authorities;
- Engage at informal stages of the plan preparation process, where resource allows; and
- Endeavour to provide early engagement to ensure the significant strategic economic issues and opportunities are identified and agreed from the outset.
- Have regard to statutory National Park purposes

Signed: -----

Date: -----

Director of Land Use: -----

On behalf of: -----

Appendix 2 - Other Non-signatory partner organisations

English Heritage

English Heritage is listed as one of the “prescribed” bodies relating to the Duty to Co-operate on the planning of sustainable development. Prescribed bodies are required to co-operate with local planning authorities constructively, actively, and on an ongoing basis in the preparation of development plans in relation to strategic matters. We would hope that in light of the ongoing Duty that we will be able to continue to work closely with the National Park Authority in the formulation and implementation of these plans and policies.

Marine Management Organisation

The Marine Management Organisation is the marine planning and licensing authority for the English marine area and regularly works with local planning authorities and others to develop spatial plans and policies for both the marine and terrestrial areas. The duty to cooperate complements this work by ensuring that all parties work together in an effective manner on areas of common interest. At this time, we consider that the duty to cooperate and our established ways of working are sufficient to enable the efficient delivery of this work. As such, we do not consider there to be significant benefit in agreeing a separate protocol.

Cornwall Council

The previous administrative area of North Cornwall made up part of the former ‘Northern Peninsula Housing Market Area’ – this is now within the Cornwall Council area. In preparing the Cornwall Local Plan Cornwall Council has sought to ensure that target housing provision is adequate to meet objectively assessed needs and do not therefore envisage circumstances in which there would be a call on adjoining authorities or other planning authorities within the former Northern Peninsula Housing Market Area. Cornwall Council will co-operate with the Partner Authorities to share technical studies and liaise on broad strategic planning issues.

Appendix 3 – Strategic Priorities for Co-operation relating to Exmoor National Park

Strategic priorities	Desired outcome	Which organisations?	Evidence base <i>(to be completed)</i>
a) Strategic Planning	<p>Where relevant, the Authority Partners will co-operate on joint technical studies and other work to provide a consistent evidence base to support their respective plans. This will include:</p> <ul style="list-style-type: none"> • Sharing of evidence/data and joint commissioning where appropriate; • Demographic forecasting and housing projections; and • Agreed mechanisms for on-going engagement through the plan preparation process and the provision of consultation responses. 	<p>Exmoor National Park Authority, North Devon District Council, Torrridge District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council, Cornwall Council, Devon Local Nature Partnership, Somerset Local Nature Partnership, Heart of the South West LEP, Environment Agency, English Heritage, Natural England, Marine Management Organisation</p>	
b) Role and Function of Settlements	<ul style="list-style-type: none"> • The Authority Partners will seek to co-ordinate the terminology for the role and function of settlements within two Authority areas, and the policy approach relating to them, to provide clarity and consistency in the adjoining plans. 	<p>Exmoor National Park Authority, North Devon District Council, West Somerset Council</p>	
c) Housing Provision	<ul style="list-style-type: none"> • The Authority Partners will continue to work together on ensuring a co-ordinated approach to the 	<p>Exmoor National Park Authority, North Devon District Council, Torrridge District</p>	

	<p>distribution of housing across the housing market area and will undertake joint research studies where appropriate.</p> <ul style="list-style-type: none"> • The Authority Partners will seek to co-operate on meeting objectively assessed needs across the Housing Market Areas, including accommodating the needs of adjoining authorities where appropriate. • Where needs cannot be met in a sustainable way within adjoining Authority areas, the Authority Partners will explore all other options available to meet these needs. 	<p>Council, West Somerset Council, Cornwall Council</p>	
<p>d) The Economy and Service Centres</p>	<ul style="list-style-type: none"> • The Authority Partners will co-operate on strategic issues across functional economic areas including the protection of existing employment land, support for key sectors including tourism and agriculture/forestry, and any proposals for strategic retail, leisure, industrial or other economic development. • The Authority Partners will work with the LEP to ensure that Local Plan policy framework and Strategic Economic Plan are consistent and mutually supportive. 	<p>North Devon District Council, Torridge District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council</p>	

<p>e) Climate change Mitigation and Adaptation</p>	<ul style="list-style-type: none"> • The Partner Authorities and Agencies will work together to support climate change mitigation and adaptation measures across boundaries, including ecological networks and green infrastructure. • The Partner Authorities and other relevant partners will work together to avoid impacts of renewable energy schemes on the landscapes, seascapes, visual amenity and setting of the National Park. 	<p>Exmoor National Park Authority, North Devon District Council, Torrridge District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council, Devon Local Nature Partnership, Somerset Local Nature Partnership, Environment Agency, Natural England, Marine Management Organisation</p>	
<p>f) Flood and Coastal Risk Management</p>	<ul style="list-style-type: none"> • The Partner Authorities and Agencies will continue to work together to manage flood risk in particular with regard to strategic planning and development. Strategic Flood Risk Assessments will continue to be undertaken jointly where appropriate to inform spatial strategies and cross-border implications. • The Authority Partners and Agencies will co-operate over the North Devon and Somerset Shoreline Management Planning (SMP) process, and incorporate the policy approach set out in SMP2 for the planning and management of coastal defences. 	<p>Exmoor National Park Authority, North Devon District Council, Torrridge District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council, Environment Agency, Natural England</p>	

<p>g) Natural and Historic Environment (including National Park Statutory Purposes and National Park Landscape and Setting; and Biodiversity, Ecological Networks and Green Infrastructure)</p>	<ul style="list-style-type: none"> • Partner Authorities will work in partnership to ensure that Local Plans include policies to protect designated areas, including the setting of the National Park and historic designations any local plan policies or planning proposals that may impact on the Exmoor National Park. • The Partner Authorities will co-operate to ensure that strategic allocations and planning proposals are consistent with National Park statutory purposes through appropriate consultation, master-planning, design, and landscaping. • The Partner Authorities, Local Nature Partnership and Natural England will co-operate to promote coherent ecological networks across boundaries, through joint work on ecological mapping and green infrastructure provision. 	<p>Exmoor National Park Authority, North Devon District Council, Torrridge District Council, West Somerset Council, Mid Devon District Council, Devon County Council, Somerset County Council, Devon Local Nature Partnership, Somerset Local Nature Partnership, Environment Agency, English Heritage, Natural England, Marine Management Organisation</p>	
<p>h) Minerals and Waste</p>	<ul style="list-style-type: none"> • The Partner Authorities will work together to ensure that a co-ordinated strategic approach is adopted to minerals and waste and that strategic planning policies and proposals for minerals and waste are consistent with National Park purposes. 	<p>Exmoor National Park Authority, Devon County Council, Somerset County Council, Environment Agency, Natural England</p>	

	<ul style="list-style-type: none"> Given the limited scope for minerals exploitation within Exmoor National Park, ENPA, Devon and Somerset County Councils will work together to co-ordinate local assessments of aggregate production. 		
i) Infrastructure Provision	<ul style="list-style-type: none"> The Authority Partners will engage as appropriate with relevant bodies to ensure adequate and effective infrastructure provision with regard to for example, transportation, telecommunications, energy, waste water, water quality, water supply, education and health facilities for the communities of the respective authorities 	Exmoor National Park Authority, North Devon District Council, Torrridge District Council, West Somerset Council, Devon County Council, Somerset County Council, Natural England	
j) The Impact of the Hinkley Point C New Nuclear Project	<ul style="list-style-type: none"> The Partner Authorities will co-operate through monitoring the impact of the HPC project on the housing market area and on the local economy, particularly in relation to tourism, working with the LEP where appropriate 	Exmoor National Park Authority, West Somerset Council, Somerset County Council	
k) Marine management	<ul style="list-style-type: none"> Cornwall, Torrridge, North Devon, and West Somerset Councils and Exmoor National Park will liaise to ensure a consistent approach to strategic planning in relation to the coast The coastal Partner Authorities will liaise with the Marine Management Organisation including having 	Exmoor National Park Authority, North Devon District Council, Torrridge District Council, West Somerset Council, Natural England, Marine Management Organisation	

	strategic input into the respective Marine Management Plan to ensure the policy framework is consistent and takes account of marine planning priorities.		
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AGENDA ITEM 5: APPENDIX 2

EXMOOR NATIONAL PARK AUTHORITY DUTY to CO-OPERATE PROTOCOL

(Agreement only draft: 14th November 2014)

ENPA Duty to Co-operate Protocol 14th November 2014

West Somerset Council

In exercising strategic functions and responsibilities, in matters of plan and strategy preparation and in plan and infrastructure delivery, West Somerset Council will co-operate with all other signatories of this Protocol. In particular the Authority will:

- Co-operate with the Authority partners in the preparation of an appropriate local planning policy framework, in particular regarding the consideration of planning issues which have a defined spatial element crossing administrative boundaries and authority responsibilities. The authorities have identified a number of issues that would require special consideration with regard to duty to co-operate and these are set out in section 5 of this document. Those that are relevant to West Somerset Council are set out in Table 1 of this document.

Signed:

Date:

Position:

On behalf of:

Report Number: WSC 82/15

Presented by: Nick Bryant, Planning Policy Manager

Author of the Report: Nick Bryant, Planning Policy Manager

Contact Details:

Tel. No. Direct Line 01823 356482

Email: n.bryant@tauntondeane.gov.uk

Report to a Meeting of: Local Development Panel

To be Held on: 10 June 2015

Date Entered on Executive Forward Plan Or Agreement for Urgency Granted: Not Applicable

PUBLICATION DRAFT WEST SOMERSET LOCAL PLAN RESPONSES AND SUBMISSION TO THE SECRETARY OF STATE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members of the responses to the formal Publication of the Draft West Somerset Local Plan to 2032 and to recommend on the Submission of the Plan to the Secretary of State for Communities and Local Government for Examination.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 The emerging Local Plan contributes to the Corporate Priority “Local Democracy” in that it seeks to increase the amount of Central Government funding arising from New Homes Bonus through increasing the supply of new housing within the District. The Local Plan will also contribute towards the realisation of the Corporate Priority “New Nuclear Development at Hinkley Point” by helping to mitigate the impact of the development through the application of the Plan’s policies.

3. RECOMMENDATIONS

- 3.1 That Members are recommended to note the summaries of representations to the formal Publication of the West Somerset Local Plan to 2032 set out at Appendix 1 and endorse the minor amendments **set out at Appendix 2**, drafted in response to the representations received prior to the submission of the Plan for examination under the delegated arrangement resolved upon by Full Council on 21st January 2015 subject to the Portfolio Holder for Housing, Health and Well-being, as guided by officers.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
<p>Risk: Risk of the Local Plan being found unsound due to failure to meet requirements of examination as prescribed in National Planning Policy Framework and legislation.</p>	Unlikely (2)	Major (4)	Medium (8)
<p>Mitigation: Officers should carefully consider representations made on the Draft Plan before its submission to the Secretary of State / Planning Inspectorate. It may also be necessary to take advice from the Council's lead solicitor.</p>	Unlikely (1)	Moderate (4)	Low (4)

The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

5. **BACKGROUND INFORMATION**

- 5.1 The Publication Draft West Somerset Local Plan to 2032 was formally published for representations about its soundness, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, for a six week period running from the 10th February to the 23rd March 2015.
- 5.2 34 organisations and individuals made responses including an overall total of 213 representations, the organisations can be broken down as set out below.
- 5.3 National statutory bodies:
Three national statutory bodies made representations: Natural England, Historic England (formerly English Heritage) and the Environment Agency, whilst a fourth – The Marine Management Organisation – indicated that it had considered the Plan and had no specific comments to make.
- 5.4 Adjacent Local Planning Authorities:
Of the neighbouring Local Planning Authorities only the Exmoor National Park Authority made a response.
- 5.5 Town and parish councils:
Eight town and parish councils responded, these being: Minehead Town Council, Watchet Town Council, Williton Parish Council, Brompton Regis Parish Council, Old Cleeve Parish Council, Sampford Brett Parish Council, Stogumber Parish Council, Stogursey Parish Council.
- 5.6 Landowners, developers and other commercial interests:
Fourteen landowners and/or developers made representations, mainly with housing development interests but including Bourne Leisure, the owners of Butlins, and EDF Energy with its Nuclear Power interests. In addition to these the Home Builders'

Federation also made a response.

5.7 Other groups and individuals:

Further to the above, the Quantock Hills AONB Service, the West Somerset Flood Group, the Theatre Trust, the Low Carbon Partnership West Somerset and Exmoor and two private individuals made representations.

5.8 The main issues raised:

While there were a significant number of matters raised, officers are of the view that the main issues raised during the publication period, which should be addressed through the Examination process are as follows:

(i). Whether the full objectively assessed housing need for the area has been properly determined in accordance with the National Planning Policy Framework and National Planning Practice Guidance.

(ii). Whether the content of the evidence base is sufficient to properly justify the policies and strategy of the Local Plan and whether the information has been appropriately applied. This issue has been raised particularly in relation to heritage assets and flood risk management.

(iii). The appropriateness of the process through which the Key Strategic Sites have been selected.

(iv). The appropriateness of the Plan's response to the very high proportion (c.60%) of affordable housing needed as part of the overall demonstrated housing need for the Plan area.

(v). The proportion of the housing provision which should be provided at the different kinds of strategic location as set out in policy SC1 and SC2, and also the proportion of the overall provision which should be specifically allocated.

(vi). Whether Sustainability Appraisal has been appropriately used in the development of the Plan with the proper testing of reasonable alternatives.

(vii). Whether the Plan will properly address the need for a sufficient supply of housing land as per the NPPF.

(viii). Whether the Duty to Co-operate has been properly fulfilled.

(ix). Whether the policies of the plan provide an appropriate context for managing development in proximity to Hinkley Point nuclear power station.

5.9 It is considered that none of these issues necessitate substantial amendment to the plan requiring further consultation. They will be discussed further and considered by the Inspector at the Examination together with any other issues which the Inspector may think it appropriate to address.

5.10 Officers have assessed the representations made on the Published Plan, this report sets out the results of that exercise prior to seeking Portfolio Holder approval for its submission to the Secretary of State and Planning Inspectorate. A Planning Inspector will be appointed to preside over an examination of the Plan and the

representations summarised at Appendix 1 (all of which will be copied to the Secretary of State in full). The Inspector will make a Report recommending the non-adoption or adoption of the Plan subject to certain changes. Following receipt of the Inspector's Report, subject to the Plan's soundness, the document can be adopted to form part of the statutory development plan for the District.

Proposed minor amendments to the Plan in response to the Publication representations are set out at Appendix 2.

7. FINANCIAL/RESOURCE IMPLICATIONS

- 7.1 The cost of carrying out the statutory Local Plan submission procedure including publicity, printing, postage and officer time will be met from within existing departmental budgets.

8. COMMENTS ON BEHALF OF SECTION 151 OFFICER

To follow.

9. EQUALITY & DIVERSITY IMPLICATIONS

- 9.1 An Equalities Impact Assessment (EqIA) for the Local Plan was prepared as part of the Publication documentation.

10. CRIME AND DISORDER IMPLICATIONS

- 10.1 Policy NH10 of the Local Plan to 2032 aims to ensure that the public realm is attractive, safe, accessible and well connected to its surroundings. The justification of the policy also refers to designing out crime approaches although it is considered that further more detailed consideration of this matter may be required as part of any Design SPD to be prepared at a subsequent date as well as through the development management process.

11. CONSULTATION IMPLICATIONS

- 11.1 Ref to consultation to date, officers consider no additional consultation required at present but more may be necessary prior to Adoption should the Inspector's report recommend significant modifications.

12. ASSET MANAGEMENT IMPLICATIONS

- 12.1 None identified.

13. ENVIRONMENTAL IMPACT IMPLICATIONS

- 13.1 Under the Strategic Environmental Appraisal Directive (2004) the Council is obliged to consider the effects of certain plans and programmes on the environment. The Sustainability Appraisal which has been prepared to underpin the Plan and accompany it sets out all likely significant effects on the environment as well as economic and social factors and mitigation measures.

- 13.2 West Somerset Council is the 'competent authority' under the Conservation of Habitats and Species Regulations 2010, in fulfilment of which a Habitat Regulations Assessment of the Publication Draft Local Plan has been prepared by the Somerset County Council ecologist.

14. HEALTH & WELLBEING

- 14.1 Policy CF2 of the Local Plan to 2032 aims to address the causes of ill health and maximise the benefits which spatial planning can provide in shaping healthy communities. The policy seeks to ensure development proposals should be designed to maximise the attractiveness of walking and cycling and encourages provision for disability access.

15. LEGAL IMPLICATIONS

- 15.1 The preparation of a Local Plan is a statutory duty of the Council.

Summary table of responses to the formal publication of the West Somerset Local Plan to 2032 and comments.

APPENDIX 1

Name of Representor	Policy / matter	Summary of representation	Soundness test	Suggested change	WSC comment	Proposed change.
Natural England	NH3	The revised version of policy NH3 agreed between Natural England, and the Somerset County Ecologist through the Habitat Regulations Assessment process, necessary for the Plan to be sound in this respect, reads as follows: "MEASURES WILL BE TAKEN TO PROTECT OR MITIGATE TO ACCEPTABLE LEVELS (OR, AS A LAST RESORT, PROPORTIONATELY COMPENSATE FOR) ADVERSE IMPACTS ON BIODIVERSITY. MEASURES SHALL ENSURE A NET GAIN IN BIODIVERSITY WHERE POSSIBLE. THE SOMERSET 'HABITAT EVALUATION PROCEDURE' WILL BE USED IN CALCULATING THE VALUE OF A SITE TO SPECIES AFFECTED BY A PROPOSAL AS APPROPRIATE-WHERE THE CONSERVATION VALUE OF THE HABITAT IS <u>REPLACABLE TO BE REPLACED</u> MITIGATION TECHNIQUES NEED TO BE PROVEN;"	Not effective.	The policy should be amended so that the last sentence reads: "WHERE HABITAT IS REPLACABLE MITIGATION TECHNIQUES NEED TO BE PROVEN;"	The policy should be amended to read as per Natural England's representation.	the last sentence of the policy to be amended to read: "WHERE HABITAT IS REPLACABLE MITIGATION TECHNIQUES NEED TO BE PROVEN;"
Historic England (formerly English Heritage).	EN2	Some level of harm is considered to be acceptable under the policy, Para 132 of the NPPF states that any harm or loss should require clear and convincing justification.	Not consistent with national policy	Amend to read: <i>"The impacts on the historic environment are not harmed and can be mitigated."</i>	The concern expressed can be addressed by an amended change to clearly indicate that impacts must be justified and can be mitigated.	Amend last part of policy to read: <i>"The impacts on the historic environment are justifiable and can be mitigated."</i>
Historic England (formerly English Heritage).	MD1	Bullet point 2 assumes a level of harm as a starting point, this is not in accordance with the NPPF or the principles of sustainable development. The historic environment is significant contributor to Minehead as a tourist destination. As tourism is the main economic driver the council should wish to build upon and enhance the town as an asset.	The policy is not effective or consistent with national policy.	Amend the second bullet point to read: <i>"Preserve and enhance the historic environment of the urban area."</i>	The issue relates to the level of detail appropriate to the strategic policies of the plan. The detailed consideration of design of development schemes would include mitigation measures to safeguard heritage assets. It is essential to read the plan as a whole.	No change
Historic England (formerly English Heritage).	MD2	The Heritage Assets Evidence Base Identifies <i>"Magnitude of impact and significance of effects"</i> to a number of assets on the Hopcott Road. While this may be less than substantial harm, this is still harm. We advise the need for the policy and future masterplan to appropriately consider the impacts upon the historic environment. This will provide a strategy for the historic environment. These issues could also be addressed through the Green Infrastructure Policy.	Unsound	Amend to add an additional bullet point: <i>"Measures to prevent harm to the significance of historic assets on the late 19th/early 20th century villas on Hopcott/Periton Road ; Lower Hopcott; Periton & Periton Cottages: Grade II listed buildings and Higher Hopcott Farm"</i>	The issue relates to the level of detail appropriate to the strategic policies of the plan. The detailed consideration of design of the Key Strategic sites for instance would take place through the masterplanning process which would include mitigation measures to safeguard heritage assets. It is essential to read the plan as a whole.	No change
Historic England (formerly English Heritage).	WA1	There is no reference to the historic environment in either the policy or text. Watchet is significant in terms of its historic environment and the Issues Paper recognises this. The evidence base appears not to have been adequately used as part of the process to actually determine the appropriateness of potential development.	The policy is not positively prepared, justified, effective or consistent with national policy	Amend the second bullet point to read: <i>"Maintain and enhance the attractiveness of the historic character and heritage assets as a tourist destination, including the operation of the marina"</i>	The issue relates to the level of detail appropriate to the strategic policies of the plan. The detailed consideration of design of development schemes would include mitigation measures to safeguard heritage assets. It is essential to read the plan as a whole.	No change
Historic England (formerly English Heritage).	WA2	The allocation of this area would destroy the rural setting of the grade 2 listed building at Parsonage Cottage, as concluded by the Heritage Asset Study: "the development impact is Major and Moderate/Large", and that harm will result from this allocation, the plan needs to set out ways in which this harm might be mitigated. There is a requirement in the 1990 Act that <i>"special regard"</i> should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess. Consequently, there is a need to ensure that those elements which contribute to the significance of this building are not harmed are referred to in development guidelines. If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this building and its setting, then the plan will need to justify this allocation in terms of NPPF Paragraphs 133 and 134. This will provide a strategy for the historic environment.	The policy is not positively prepared, justified, effective or consistent with national policy.	The justification to this allocation needs to set out the reasons (NPPF Paragraphs 133 and 134.) why this site is considered appropriate as an allocation given the fact that the Council considers that it would appear to result in harm to elements which contribute to the significance of the grade 2 listed building at Parsonage Cottage. If it is still considered appropriate to allocate this site, the development guidelines need to set out more explicitly, how the listed building and its setting might be safeguarded. A design led response could be considered to help arrive at the numbers and location of development with an indicative plan. The policy would then needs to set out ways in which this harm might be mitigated. If harm cannot be mitigated then the site should be deleted.	The issue relates to the level of detail appropriate to the strategic policies of the plan. The detailed consideration of design of the Key Strategic sites for instance would take place through the masterplanning process which would include mitigation measures to safeguard heritage assets. It is essential to read the plan as a whole.	No change
Historic England (formerly English Heritage).	WI2	Battlegore Cemetery Scheduled Monument. Given that the allocation of this area would lead to development which appears poorly related to the form and character of the town, would destroy the rural setting of most of the scheduled monument, along with views to the south and southwest, resulting in it being sandwiched between two areas of modern development; it is unsurprising that the Historic Environment Issues Paper concludes the harm is <i>"substantial"</i> .	The policy is not positively prepared, justified, effective or consistent	Delete the site to the east of the Battlegore cemetery Scheduled Monument A design led response could be considered to help arrive at the numbers and location of development with an indicative plan. The policy would then needs to set out ways in which this harm might be mitigated.	The issue relates to the level of detail appropriate to the strategic policies of the plan. The detailed consideration of design of development schemes would include mitigation measures to safeguard heritage assets. It is essential to read the plan as a whole.	No change

		<p>We agree with this final conclusion but it casts doubt as to whether the site can accommodate 406 dwellings along with associated infrastructure without causing harm and any mitigation may not resolve this. On what basis or site analysis was the site given a number of 406?</p> <p>Any numbers proposed should be based on response to the constraints of the scheduled monument and its setting. This work should be carried out before allocation in the local plan. A review of the evidence base does not reveal this work, in fact we can find no reference to the site in the 2010 SHLAA.</p> <p>The evidence is further called in to question within the SEA, which believes there to be uncertain effect on the SA objective 9a and that mitigation is appropriate. The impact of policy on 9a is not uncertain, there is very likely to be harm to; and archaeological field evaluation does not mitigate issues pertaining to setting. This calls the SEAs thoroughness in to doubt.</p> <p>We therefore question the sustainable credentials of this site. The historic environment seems not to have been adequately used as part of the process to actually determine the appropriateness of potential development. The evidence should identify a clear understanding of the significance of the heritage assets and their settings, necessary to develop proposals which avoid or minimise to the scheduled monuments.</p> <p>The plan needs to set out ways in which this harm might be mitigated, any reference to mitigation should be explicit and in policy not in text.</p> <p>You might also choose to address these issues through the Green Infrastructure Policy.</p> <p>If, as a result of the mitigation, it is likely that there will still be harm to elements which contribute to the significance of this building and its setting, then the plan will need to justify this allocation in term of NPPF Paragraphs 133 and 134.</p> <p>In its current form though the policy is not positively prepared to achieve the aims and objectives of the plan; neither is it justified as the most appropriate location based on the evidence; nor will it be effective in delivering the numbers of housing proposed; and ultimately fails to achieve sustainable development and so is not consistent with national policy.</p>	with national policy.			
Historic England (formerly English Heritage).	LT1 (Watchet)	<p>Daws Castle and the Lime Kilns are historic assets of national importance.</p> <p>The Heritage Issues paper doesn't appear to have been used to inform the policy or seek positive outcomes for the historic environment. It states</p> <p><i>"Options for rescue excavations in advance of further coastal erosion of Daw's Castle should be considered through Section 106 agreements with developers. It is included on the Heritage at Risk list (2014) as being a monument at medium risk and considered stable (at time of listing) but its status is likely to change to high risk due to increasing coastal erosion."</i></p> <p>The plan should be answering questions around will this development mitigate the harm and how could it address management issues so close to a site of national importance?</p>	Unsound	<p>Amend to read:</p> <p><i>"Proposals must safeguard and where appropriate enhance historic asset of Daws Castle and the lime kilns and their settings.</i></p> <p><i>The masterplan should consider the use of soft landscaping, green spaces and sympathetic design in terms of appearance to mitigate harm.</i></p> <p><i>Options for rescue:</i></p> <p><i>excavations in advance of further coastal erosion of Daw's Castle will be sought through Section 106 agreements with developers"</i></p>	The issue relates to the level of detail appropriate to the strategic policies of the plan. The detailed consideration of design of the Key Strategic sites for instance would take place through the masterplanning process which would include mitigation measures to safeguard heritage assets. It is essential to read the plan as a whole.	No Changes
Historic England (formerly English Heritage).	CC1	<p>The impact of Renewable and Low Carbon Energy has the potential to cause substantial harm to the historic environment, whether to the setting of conservation areas or other assets, listed buildings etc. The NPPF sets out policies in relation to the protection and conservation of the historic environment and its significance and is clear (para. 97) that in promoting the use of low carbon energy and renewable energy a local authority should design their policies to ensure that the adverse impacts are addressed satisfactorily, including cumulative and visual impacts making clear the criteria used to achieve this.</p> <p>The Plan and SEA do not appear to consider the impacts upon the historic environment at page 31 CC1. The policy lacks any mention that the benefits of renewable energy sources should be appropriately balanced against harm and impact on the historic and natural environment. It should be made clear that applicants are expected to fully understanding the heritage significance and context of the surrounding areas and the impact a scheme will have on the wider setting and surroundings.</p>	Unsound	<p>Add points to read:</p> <p><i>"Proposals must safeguard and where appropriate enhance historic assets and their settings."</i></p> <p>The preamble in the text should explain why there is a need for this consideration by applicants.</p>	The issue relates to the level of detail appropriate to the strategic policies of the plan. It is essential to read the plan as a whole.	No Changes
Historic England (formerly English Heritage).	NH1	<p>While we appreciate that there will be DM policies in the future DPDs, the strategic policy in this form is not a strategy for the historic environment and is not sound. A positive strategy for the historic environment is more than this one policy, it should be embedded in the plan, in all the relevant or appropriate policies where the historic environment is impacted or where it can be used as a catalyst for positive change.¹</p> <p>Policy NH1 should be clear that proposals should conserve and enhance the historic environment, both designated and undesignated (for example buildings on local lists, or sites that have the potential for archaeology.)</p> <p>It should identify a strategy for what it will do for those heritage assets at risk.² In your justification for the policy bullet points highlight a number of assets of note, this policy could usefully highlight those assets at risk and outline your strategy for getting them off the Register.</p>	Unsound	<p>Amend the policy to read:</p> <ol style="list-style-type: none"> Proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can have to the delivery of wider social, cultural, economic and environmental objectives. Elements of the historic environment which contribute towards the unique identity of areas and help create a sense of place will be conserved and, where possible, enhanced, with further detail set out in part 2 Local Plans. Elements of particular importance include: 	The issue relates to the level of detail appropriate to the strategic policies of the plan. The recommended policy is appropriate to a development management policy document. It is essential to read the plan as a whole.	No Changes

		<p>Change is proposed, for example, in Watchet and Minehead and a detailed response could be outlined in those relevant policies in the plan in order to provide a clear indication of how the local authority will respond to development.³ This will provide certainty to a developer. This should be a strategic priority.⁴ Within these and other villages the Council's approach to managing change in the conservation areas should be based on the use of character appraisals and management plans as management tools.</p> <p>The plan should be clear that proposals for development should understand the significance of the asset.⁵ An appropriate evidence base⁶ such as urban and rural characterisation assessments should be used.</p> <p>Good design in the public realm has the opportunity to mitigate the significant adverse impacts on the historic environment and can be key in helping to achieve sustainable development but in its current wording the policy is a missing an opportunity.</p> <p>We therefore propose a number of changes which in conjunction with Policies NH1A and B will provide a sound local plan and hooks for the second part (DM Policies).</p>		<p>a) Registered Parks and Gardens, St Audries/West Quantoxhead landscape park, Fairfield House deer park and Crowcombe Court Park, and</p> <p>b) important historic landscape features such as the impressive upstanding medieval remains including Cleeve Abbey and Stogursey Castle, or the Bronze Age barrow cemetery at Battlegore in Williton and the Iron Age hillfort of Trendle Ring and</p> <p>c) historic features within the anglo-saxon town of Watchet with its Tudor port; and</p> <p>d) Minehead, with its Tudor port and as a Victorian resort.</p> <p>3. A variety of approaches will be used to assist in the protection and enjoyment of the historic environment including:</p> <p>a) the use of appraisals and management plans of existing and potential Conservation Areas;</p> <p>b) taking opportunities for removing assets from the at risk register;</p> <p>c) considering the use of Article 4 directions;</p> <p>d) working with partners, owners and developers to identify ways to positively manage and make better use of historic assets;</p> <p>d) considering improvements to the public realm and the setting of heritage assets within it;</p> <p>e) ensuring that information about the significance of the historic environment is publicly available;</p> <p>f) where there is a loss in whole or in part to the significance of an identified historic asset then evidence should be recorded of its importance; and</p> <p>g) considering the need for the preparation of local evidence or plans.</p> <p>4. Particular attention will be given to heritage assets at risk of harm or loss of significance, or where a number of heritage assets have significance as a group or give context to a wider area.</p>		
Historic England (formerly English Heritage).	NH1A	The policy is supported	Sound	None	Noted.	No Changes
Historic England (formerly English Heritage).	NH1B	The policy is supported	Sound	None	Noted.	No Changes
Historic England (formerly English Heritage).	NH4	Many heritage assets form part of either the Green Infrastructure network (such as Historic Parks and Gardens) or the Green Infrastructure contributes to their setting. There should be a requirement that green infrastructure protects and enhances the heritage assets of the Borough. It can be an opportunity to mitigate development that might otherwise harm historic assets. There are a number of examples in this plan, two such possible examples of this might be the Grade 2 listed building at Parsons cottage on site WA2 in Watchet or policy MD2.	Unsound	That green infrastructure "to help protect and enhance the heritage assets." Alternatively the policy could be clear about where it should be applied on specific sites.	The issue relates to the level of detail appropriate to the strategic policies of the plan. The recommended amendment is appropriate to a development management policy document. It is essential to read the plan as a whole.	
Environment Agency	General	The Local Plan's policies and allocations provide a low degree of chance for future flood risk as all Key Strategic Site allocations are within Flood Zone 1, which accords with NPPF sequential test principles evidenced by the Exmoor and WSDC level 1 Strategic Flood Risk Assessment.	None stated	None.	Noted.	No Changes
Environment Agency	Section 4.8	The policy is supported, as is the aspiration that managing flood risks in main settlements is a critical issue for the Plan. The EA seeks to lead or partner with developers and other risk management authorities, to identify and deliver appropriate flood risk reduction projects across the District.	None stated	None.	Noted.	No Changes
Environment Agency	Section 6.1	The policy is supported with flood risk in Minehead, Watchet and Williton being noted as a key issue, however the plan is rather vague as to what is actually required in terms of infrastructure or how much it might cost.	None stated	None.	Noted.	No Changes
Environment Agency	MD1, MD2, WA1, WA2, W11 and W12.	The policies mention flood risk reduction objectives, the EA supports these in principle but would require to view the details of any physical requirements. Justification sources could include the SFRA documents.	None stated	None.	Noted.	No Changes
Environment Agency	W11 and W12	The policy could be strengthened to be more definite about requiring contributions towards a comprehensive flood alleviation scheme for Williton. The IDP fails to mention flood alleviation works for Williton.	None stated	Strengthen policy to be more definite about requiring contributions towards a comprehensive flood alleviation scheme for Williton.	All the Key Strategic Site allocations are within zone 1 flood risk areas, where all that can be required is to attenuate the run off of surface water from the development.	No Changes
Environment Agency	CC2	The policy is supported	Sound.	None.	Noted.	No Changes

Environment Agency	CC3	The policy is supported subject to an amendment. It is considered that the policy is too restrictive, it should also allow for flood risk management infrastructure, habitat creation projects etc. In addition, some allowance should be made for the future revision of the CCMA boundaries in the light of future improved technical evidence supporting such changes. The Draft CCMA policy for Porlock Weir in the Exmoor National Park Authority's Draft Local Plan is put forward as an example to follow as set out below: <u>CC-S3 PORLOCK WEIR COASTAL CHANGE MANAGEMENT AREA</u> 1. A Coastal Change Management Area (CCMA) is designated at Porlock Weir as shown on the Proposals Map. 2. Within the Porlock Weir CCMA: a) Permanent new residential development will not be permitted. b) Change of use will be permitted for less vulnerable and water compatible tourism-related development, shops, small scale business or leisure activities requiring a coastal location and providing substantial economic and social benefits to the community. c) Key community infrastructure will be permitted, which has to be sited within the CCMA to provide the intended benefits to the wider community and there are clear, costed plans to manage the impact of coastal change on it and the service it provides. d) Adaptation measures to existing buildings and businesses, which increase resilience to flood risk will be supported. 3. Any development permitted under (2) above will be subject to time-limited planning permissions. 4. Replacement of buildings and facilities likely to be lost as a result of coastal change will be permitted in accordance with Policy CC-S4 Replacement Dwellings from CCMA's. 5. A strategy for Porlock Weir and surrounding area will be produced in line with the principles in (2) above and CC-S4 Replacement Dwellings from CCMA's. Any proposals for adaptation and relocation at Porlock Weir will be required to be achieved in accordance with this strategy.	None stated	Amend the policy to be consistent with the approach set out in the CC-S3 Porlock Weir policy attached to the Agency's representations.	The policy does not preclude the types of development mentioned in the representation: flood risk management infrastructure, habitat creation projects etc. The extent of CCMA's would be subject to change on review as is everything in the Local Plan. The issue of threat from erosion to existing dwellings in the Local Plan area is significantly different from that existing at Porlock Weir and does not justify a clause permitting automatic replacement.	No Changes
Environment Agency	WA1	It would provide additional clarity if the policy area were to be shown on the Proposals Map.	None stated	Add policy area WA1 to the Proposals Map amendments.	The policy applies to the Watchet built up area and its immediate surroundings. The Plan does not use residential development boundaries.	No change.
Environment Agency	CC6	The policy wording should be amended in order to connect it more directly to the Agency's practice guidance and standards.	None stated	The policy should be amended to read as follows: Development that would have an adverse impact on: - The availability, quality and use of existing water resources; - The existing water table level. - Accessibility to existing water courses for maintenance and, - Areas at cumulative risk of flooding by tidal, fluvial and /or surface water run-off will only be permitted in accordance with the policies set out in the Environment Agency's Groundwater Protection: Policy & practice (GP3) and if adequate and environmentally acceptable measures are incorporated that provide suitable protection and mitigation both on-site and through displacement to adjoining land.	The changes proposed involve a level of detail more appropriate to detailed development management policy.	No changes.
Environment Agency	NH6	The policy wording should be amended in order to connect it more directly to the Agency's practice guidance and standards.	None stated	The policy should be amended to read as follows: All development proposals on or in proximity to land known to be, or which may be, contaminated will include measures designed to prevent an unacceptable risk to public health and the environment. In order to protect water quality and resources any such proposals will only be permitted in accordance with the policies set out in the Environment Agency's Groundwater Protection: Policy and practice (GP3). - Development proposals will not be permitted on or in proximity to land known to be, or which may be, unstable.	The changes proposed involve a level of detail more appropriate to detailed development management policy.	No changes.
Environment Agency	EN2	The policy doesn't refer specifically to emerging unconventional oil and gas development. Does the Local Authority have any policies relating to the location of such developments?	None stated	None.	Not specifically covered but larger scale schemes would be considered under EN2	No change.
Environment Agency	MD1	The policy appears to ignore the landscape and wildlife value of Dunster Marsh.	None stated	None.	The scope of the policy relates to the built up area of Minehead / Alcombe and their immediate environs, and as such does not include Dunster Marsh.	No change.
Environment Agency	WA1	Watchet environmental considerations include an area in the valley bottom in the vicinity of the paper mill which is at high risk of flooding. Sequential and exceptions tests apply here with compensational flood storage possibly being required.	None stated	None.	Noted, in the event of development being proposed in that area, the issue would be addressed via policy CC2	No change.
Environment Agency	WI2	The area allocated to the west of the Village has ditches and leats known to have been used by otters. If the site is to be used for development, preliminary ecological work will be necessary to assess the importance of the site for otters and otter movement.	None stated	A requirement for ecological assessment in relation to otters in advance of development should be included	The proposed Key Strategic Site is not in the area of former water meadows. Otter issues would be addressed through the masterplanning process.	No change.
Environment Agency	CF1	Informal recreation / amenity/ education uses can often be developed on areas used to accommodate flood water, eg sustainable urban drainage schemes if they are properly planned for multifunctional use. Flood events in steep catchments are likely to be of short duration.	None stated	None.	Noted.	No change.
Environment Agency	CC1	Small scale hydro schemes must not compromise fish movement especially by key migratory species such as salmon, sea trout, eel and river lamprey.	None stated	None.	These issues would be addressed through the development management process.	No change.
Environment Agency	CC6	Development should be set back from watercourses not only for maintenance access but also to safeguard the biodiversity of riparian habitats and provide linear recreational space.	None stated	None.	This is a matter more appropriate to development management policy.	No change.

Environment Agency	NH3	River and stream corridors including riparian margins are a natural habitat which often retains continuity, providing links between discontinuous areas of woodland for instance. Development which interrupts this continuity should be revised.	None stated	None.	This is a matter more appropriate to development management policy.	No change.
Environment Agency	NH4	Stream and river corridors should be specifically mentioned in the policy as a key example of green infrastructure.	None stated	Stream and river corridors should be specifically mentioned in the policy as a key example of green infrastructure.	The policy is strategic in nature, it is suggested that the reference would be more appropriately added to the policy's justification.	Add to the end of the first bullet of the justification: "Stream and river corridors are a key example of green infrastructure."
Environment Agency	CC5	The policy is supported.	The policy is sound.	None.	Noted.	No change.
Environment Agency	Habitat Regulations Assessment	A number of specific comments were made on the content of the Habitat Regulations Assessment.	None stated	None.	The Habitat Regulations Assessment is a technical document which is not subject to representations as part of this exercise.	
Marine Management Organisation	N/a	Makes no specific comments.	None stated	None.	Noted.	No change.
Exmoor National Park Authority	SC2	The Plan's provision for 2,900 dwellings is welcomed, however, this is considered sufficient to provide for the whole open market housing requirement for the West Somerset Housing Authority Area including that part within the Park. The 3 rd bullet of the justification for SC2 should be amended to reflect this. The National Park element of this open market requirement would be a maximum of 233 dwellings.	None stated	The 3 rd bullet of the justification for SC2 should be amended to indicate that the Plan will provide for some 233 open market dwellings the need for which arises in the National Park part of West Somerset.	The Plan's soundness would be significantly undermined by an acknowledgement that this requirement, displaced from a neighbouring LPA area, could be provided for within the Plan's existing housing requirement.	No change.
Exmoor National Park Authority	MD1	The changes to the policy's 5 th bullet and the corresponding changes to the justification are supported. It is suggested however that the reference to the National Park lying 'some distance' beyond the fringes of the town in the justification is not accurate. Alternative wording is suggested.	None stated	The first sentence of the 7 th bullet of the policy's justification should be amended as follows: "Minehead lies relatively close to the designated area of the Exmoor National Park which lies some distance beyond the southern and western fringes of the town."	The revised wording suggested is noted.	No change.
Exmoor National Park Authority	MD2	The change to the policy's 5 th bullet ensuring an appropriate design response to the site's proximity to the National Park is supported. The requirement for a master plan to assist with the development of the site is welcomed, the National Park Authority wishes to be consulted on its preparation. The justification references in bullets 7 and 8 regarding the treatment of the National Park and its dark skies are also welcomed.	None stated	No change proposed	Noted.	No change.
Exmoor National Park Authority	LT1	The National Park Authority welcomes the 3 rd and 4 th bullet points, requiring master plans providing for appropriate design responses to the sites' proximity to the National Park. The National Park Authority wishes to be consulted on such master plans. Justification bullets 4 and 5 regarding the appropriate treatment of the National Park and its dark skies reserve are welcomed.	None stated	No change proposed	Noted.	No change.
Exmoor National Park Authority	SV1	The named Primary and Secondary settlements which are close to the National Park, including Carhampton, Battleton and Brushford. The justification should include the same provisions regarding the appropriate treatment of the National Park and its dark skies reserve using wording similar to the MD1 justification bullets 7 and 8.	None stated	The justification should include the same provisions regarding the appropriate treatment of the National Park and its dark skies reserve using wording similar to the MD1 justification bullets 7 and 8.	The use of policy SV1 should facilitate the application of these principles. This is essentially a matter of detailed design which will be dealt with through development management policies.	No change.
Exmoor National Park Authority	NH2	The policy is supported, the first bullet point of the justification could be usefully strengthened by the inclusion of the same provisions regarding the appropriate treatment of the National Park and its dark skies reserve using wording similar to the MD1 justification bullets 7 and 8.	None stated	Add the same provisions regarding the appropriate treatment of the National Park and its dark skies reserve using wording similar to the MD1 justification bullets 7 and 8.	The use of policy SV1 should facilitate the application of these principles. This is essentially a matter of detailed design which will be dealt with through development management policies.	No change.
Exmoor National Park Authority	NH10	The policy's positive aims of sustainable design are welcomed. The Authority recommends that the Council refers to the Exmoor National Park Dark Skies reserve in the justification to encourage the use of effective and efficient lighting that reduced light pollution / spillage.	None stated	Add the same provisions regarding the appropriate treatment of the National Park and its dark skies reserve using wording similar to the MD1 justification bullets 7 and 8.	The use of policy SV1 should facilitate the application of these principles. This is essentially a matter of detailed design which will be dealt with through development management policies.	No change.
Brompton Regis Parish Council	Gen	Responded that it did not consider itself competent to judge whether the plan was legally compliant or not.	N/a	No change proposed	Noted.	No change.
Minehead Town Council	Flooding - general	Attention should be paid to development sites as a source of flooding elsewhere. Proper account has not been given to the Minehead Surface Water Management Plan in preparing the Local Plan.	Not effective	No specific change proposed, but 'further updating' is said to be urgently required.	The Minehead Surface Water Management Plan (MSWMP) was taken into account in preparing the Plan. The Council was party to its preparation.	No change.
Minehead Town Council	MD1	The general statement that development at Minehead / Alcombe must "contribute towards resolving the flood risk issues which affect the settlement including improving the sea defences protecting the eastern end of the town" is pointless unless there is something in place to indicate how this is to be achieved. The difficulties presented by the inability to pool more than 5 S106 agreements was also highlighted in relation to flood defence infrastructure in the absence of a CIL scheme for the area.	Not effective	It is suggested that more specific proposals for addressing these issues are identified in the Plan. Also that clarification of funding mechanisms for flood defence infrastructure is provided.	The Local Plan is a strategic level planning document. The level of detail referred to here is more appropriate to the negotiation of planning proposals for the implementation of the Plan.	No change.
Minehead Town Council	MD2	The reference to appropriate flood risk infrastructure being required by the policy is set against the suggestion that the Minehead Surface Water Management Plan is not part of the Plan's evidence base, and that there is a lack of specifically addressed issues relating mainly to surface water management and the allocated Key Strategic Site. The level 1 and 2 Strategic Flood Risk Assessments are said to be out of date and totally inadequate in their approach to surface water flooding. The assertion that provision of strategic development will help to minimise risk from flooding is not demonstrated. The statement in the Plan that the land is 'unconstrained by specific flooding or landscape designations' is misleading, development there would have an impact on wider flooding and landscape issues.	Not effective	Additional detail must be added as to the nature of flood risk infrastructure to be provided.	The Local Plan is a strategic level planning document. The SFRA documents prepared as part of the evidence base are appropriate to the task they have to do. The Council participated in the preparation of the MSWMP and is well aware of its content which was used to inform the preparation of the Local Plan. The MD2 site is unconstrained by specific flooding or landscape designations. There is no implied inference that it has no wider impact in relation to these matters. Such issues can be properly considered and mitigated through the masterplanning and design processes	No change.

Minehead Town Council	SC1.5	The NPPF requires that Local Plans should include policies to manage flood risk from all sources by applying its guidance. It is suggested that this has not been achieved in the Draft Local Plan.	Not effective	Add an additional sub-clause F to the section 5 of the policy: "WHERE IT DOES NOT INCREASE FLOOD RISK TO ADJOINING LAND AND EXISTING DEVELOPMENTS."	This matter is addressed through the application of policy CC2.	No change.
Minehead Town Council	LT1	Similar issues affect the Minehead part of the LT1 allocation as do the MD2 allocated Key Strategic Site. No account has been taken of the 'possible locations for attenuation features and improved sewer capacity from the options appraisal within the Minehead Surface Water Management Plan.	Not effective		The Plan has been prepared in consultation with the Environment Agency and the utility companies.	No change.
Minehead Town Council	CC2	States that the policy applies the flood risk management provisions set out in NPPF para. 100 – it does not. Particularly because the Council's Level 1 and 2 SFRAs are not adequate to evidence the management of flood risk from all sources. No advice appears to have been taken from the Local Lead Flood Authority as the SWMP has been ignored in the evidence base and no reference has been made to its surface water flood risk maps.	Not effective	The policy should be amended to read: "DEVELOPMENT PROPOSALS SHOULD BE LOCATED AND DESIGNED SO AS TO MITIGATE AGAINST AND TO AVOID INCREASED FLOOD RISK TO NEW AND EXISTING DEVELOPMENT AND LAND."	The Council participated in the preparation of the MSWMP and is well aware of its content which was used to inform the preparation of the Local Plan. Development can, in any case, include 'land'.	No change
Minehead Town Council	CC3	There is a reference to the superseded PPS25, this should be changed to NPPF para 100.	N/a	Amend plan as requested.	The plan has already been so amended.	No change.
Minehead Town Council	CC6	The policy is not clear enough to enforce. Access standards should be defined, sewage management is not mentioned – a key aspect of water management and flood management.	Not effective	The policy should be amended by the deletion of the word 'cumulative' from the policy. Further detail is required in the policy and justification to set out how water is to be managed through the Plan.	The Plan has been prepared in consultation with the Environment Agency and the utility companies.	No change.
Minehead Town Council	EC5	The period of 12 months for marketing a business to demonstrate that it cannot be sold at a competitive price is too short in current market conditions.	Not effective	The policy should be amended by increasing 12 months to 24 months.	12 months is considered to be a reasonable amount of time for the purposes of demonstrating the saleability of a business.	No change.
Minehead Town Council	Additional Town Centre Policy.	An additional policy is required in order to safeguard the area's existing town centres.	Not effective	Add and additional town centre uses policy: Proposals for small-scale retail, leisure and office uses will be encouraged within shopping centres where the proposed development would be of an appropriate scale to provide an essential service for the surrounding area. Proposals for the change of use of ground floor premises within the local shopping centres to uses other than A1, A2, A3, A4 and A5 will not be permitted. Proposals for change of use of ground floor A1 retail premises within the centres to other "retail" uses (A2, A3, A4 or A5) will only be permitted when there would be, either individually or cumulatively, no significant adverse impact on the character, appearance, retail function, viability and vitality of the centre, on highway safety or on the amenity of neighbouring uses.	The additional EC policy protecting town centres added at the Revised Preferred Deposit stage essentially does this job. Changes have also been made to the GPDO and the GDMO which also have a bearing on these matters.	No change
Minehead Town Council	New policy needed to encourage new businesses.	A policy is needed to encourage new businesses and business expansion within the area in accordance with the NPPF. This would help to address the proportion of non-private car travel within the area, retaining more younger people within the community, and addressing the problem of low pay.	Not effective	Add suitable policy.	Planning policy is powerless to make entrepreneurs invest in an area. The Plan has as much policy encouragement for new business as is required – see policy EC1. This matter is also addressed through Economic Development activity.	No change.
Minehead Town Council	Land should be allocated for business use.	No new land is allocated for business development within the Local Plan.	Not effective	Land should be allocated for new and expanding business.	Provision has been made for each of the Key Strategic Sites to have a mixed use element of three hectares of non-residential uses which provides the opportunity for an element of employment use.	No change
Minehead Town Council	NH1	The policy should include Grade 1 and Grade 2 buildings and set out a strategy for conserving and enhancing the historic environment as required by the NPPF.	Not effective		Listed buildings are subject to separate statutory protection as such. The Historic Environment Issues Paper which forms part of the evidence base helps to ensure that the heritage is properly taken account of in exercising planning powers.	No change
Minehead Town Council	New policy for the protection of hotels.	Due to its importance as a tourist destination, there should be a policy protecting hotels from change of use similar to that included by the Exmoor National Park Authority in its Local Plan.	Not effective	A policy with a test requiring a 2 year period of demonstrable marketing at a competitive price before change of use is allowed, should be included similar to policy SC5B.	Such cases could be considered under policy EC5.	No change
Minehead Town Council	New policy to prevent hotels and large houses being converted into flats.	The creation of self-contained flats helps to meet the housing need, however their provision can be detrimental to the amenity of existing residential areas. Large concentrations of flats can lead to problems such as low levels of owner occupation and can give rise to lower standards of maintenance and environmental decline (undermining environmental and regeneration objectives). The cumulative impact of converting larger dwellings into flats can adversely affect the mix and balance of communities by reducing the proportion of family homes available.	Not effective	A policy to prevent subdivision of hotels and large houses should be added.	This is a detailed matter appropriate to development management policy. SC3 and NH10 refer at a strategic level.	No change
Minehead Town Council	SC3	Bungalows and lifetime homes should be encouraged as part of the policy.	Not effective		The use of the Lifetime Homes standard is not helpful in bringing schemes forward in West Somerset due to its inflexibility. The Plan's housing policies require a range of dwelling types and this includes bungalows. Lifetime homes principles are acknowledged in the policy SC3 purposes. In addition, the SHMA has highlighted	No change.

					the issue of the high proportion of the population formed by the elderly.	
Minehead Town Council	Additional design principles	A suggested statement of 12 'design principles' should be included in the Plan. These address: <ul style="list-style-type: none"> • Design of development in the context of local character • Protecting amenity • Urban design • Crime reduction and public safety • Access(including for the disabled) • Transport linkage • Parking provision • water economy, recycling • ensuring local wastewater treatment and sewerage capacity is not exceeded • incorporate sustainable urban drainage solutions in schemes • retention of existing natural features / integration of new into landscape • highway safety 	Not effective	Add new material to the plan as supplied by Minehead Town Council.	These 'design principles' are couched more in the form of development management policies. They repeat much of what is already in the Local Plan or that is standard Development Management practice.	No change.
Minehead Town Council	Additional self-build policy.	Paragraph 159 of the NPPF give Local Planning Authorities the task of addressing the needs of those who wish to build their own homes. A policy should be added to the Local Plan in order to encourage self-build as the Exmoor National Park Authority has done.	Not effective	Add appropriately worded self-build policy.	There is nothing in the Local Plan to prevent self-build projects, they are treated the same way as any other planning application for a dwelling. There is no need for such a policy which is not considered to be strategic. The Council is currently engaged in an exercise to quantify the level of demand for self-build opportunities through the preparation of a register of interests which will inform future policy development	No change.
Old Cleeve Parish Council	SC1	Some development eg: village shop, PO or business unit, should be allowed at the smaller villages such as Old Cleeve which have been treated as 'open countryside'.	Not sound	None stated.	The development of facilities which attract additional trips to small rural settlements is unsustainable and not consistent with the Plan's objectives.	No change
Old Cleeve Parish Council	CC6	Water management – robust plans are required!	Not sound	None stated.	The Plan has been prepared in consultation with the Environment Agency and the utility companies.	No change
Old Cleeve Parish Council	NH5	Protection of best and most versatile agricultural land, who makes this judgement?	Not sound	None stated.	BMV is a technical definition of agricultural land's versatility usually assessed by agricultural consultants.	No change
Old Cleeve Parish Council	NH10	The policy is welcomed, but it should not exclude small domestic applications or changes of use.	Not sound	Remove exclusion as per comment.	It would be impractical and unreasonably onerous to apply the policy to small domestic extensions. Many proposals for change of use involve no physical alterations to which a design policy could be applied.	No change
Old Cleeve Parish Council	Infrastructure Delivery Plan	Section 2, clause 2.6. The strategic development proposed will give rise to significant additional traffic on the A39 and A358 which has not been assessed. This will result in worsening environmental conditions in the settlements along these routes. Bulk goods should be carried on the West Somerset Railway rather than the roads.	Not sound	None stated.	The Council has a statutory duty to prepare a Local Plan based on its full objectively assessed housing need, and inevitably much of this housing will be provided at the main settlement of Minehead. There will be transport assessments for the major developments involved. Also, the County Highways Authority has been involved in the preparation of the Plan. Whilst the West Somerset Railway has occasionally carried freight, eg stone for coastal defence works, regular freight services linking West Somerset with the national rail network around the year are beyond the Railway's operating capacity. It is doubtful whether the way in which modern freight services operate – whole train loads of one commodity – would work for this purpose.	No change
Old Cleeve Parish Council	Waste water 2.24	Wessex Water's review is valid until 2020. The sewer from Watchet to Washford does surcharge during peak flows already.	Not sound	None stated.	Noted.	No change
Sampford Brett Parish Council	Whole Plan	The Parish Council consider the Local Plan to be both legally compliant and sound.	Sound	None.	Noted	No change.
Stogumber Parish Council	SC1	Attention is drawn to what is described as an error at the foot of page 21 in the list of primary villages with dwelling numbers at the start of the plan period. It is suggested that using the parish dwelling number rather than the Stogumber village dwelling number to calculate to maximum level of increase over the plan period is inappropriate, and would give rise to too great a level of growth in the settlement (33 as opposed to 20 additional dwellings).	Not justified, not effective.	The base dwelling numbers in the list on page 21 should be amended so that they all relate to the main settlement dwelling total within the Parish concerned.	The Strategy and housing topic paper has covered this issue. The parish dwelling number has been used as a proxy for the settlement dwelling number in this case.	No change
Stogursey Parish Council	Whole Plan	The Parish Council consider the Local Plan to be both legally compliant and sound.	Sound	None stated.	Noted.	No change
Watchet Town Council	WA1	In the supporting text box 3rd bullet: The flood risk issues are not specified. Coastal erosion is active to the west of the town between Watchet and Blue Anchor as well as at Helwell Bay which is mentioned at the bottom of page 37.	Not effective.	None stated.	The way in which the Plan is worded in this respect reflects the relatively high level nature of the document's policies. Additional detail would be provided through detailed flood risk assessment of proposed development sites.	No change
Watchet Town Council	WA2	Re flood risk management infrastructure, there is no indication of what this will involve. Sewage and drainage are crucial issues and if the system is to be upgraded, there must be some indication of what will be done in this Plan.	Not effective.	None stated.	Any such works would be identified as part of the masterplanning process for the site.	No change
Williton Parish Council	TR1 / W11	If more housing is to be provided at the village, a better road system is needed, in particular the A39 and the A358 if the Council's Corporate Priority "a thriving and increasingly varied economy where people will have the skill to work and prosper" is to be achieved.	Not positively prepared	None stated.	The potential to improve the routes of these two roads in the vicinity of Williton is heavily constrained by their physical context. Transport Assessments accompanying major applications including the Key Strategic Sites should identify and provide for any necessary highway improvements. The implementation of the Key Strategic Sites will be accompanied by necessary highway improvements which would form part of the legal agreement associated with any such planning permissions.	No change

Williton Parish Council	WI2	Concern is expressed about the development site to the west of the village being separated from it by the water meadows. The water meadows need to be re-located so that the development can be sustainable.	Not positively prepared	None stated.	The water meadows are substantially identified as zone 2 or zone 3 flood risk area and also have an existing heritage and ecological value. They cannot simply be moved. A key element of the design of the Key Strategic Housing site will be the way in which it is linked through the water meadow area into the village centre.	No change
South West HARP Planning Consortium.	SC1	The arbitrary devices of maximum percentages of the existing dwelling total to limit new development, and the 50m policy are inappropriate as set out in previous representations (M6/0501-07) but should rather respond to local context as per NPPF para 58. Plan policy NH10 already includes these criteria, which are more appropriate to assess the appropriate scale of development proposals.	Not justified, not effective, not consistent with national policy.	None stated.	The mechanisms for considering appropriate scale and location of development at the settlements in which policy SC1 envisages development taking place are intended as a helpful guide to achieving successful schemes without damaging the character of existing settlements.	No change
South West HARP Planning Consortium.	SC2	The Council should consider the implications of a return to the previous household formation rates based on the 2008 household projections, which would represent a more ambitious and positive approach to housing need. It would also support the Government's aim of significantly boosting the supply of housing. To use a headship rate which reflects the recession is unduly pessimistic. The NPSHMA Update Jan 2015 gives a backlog of affordable housing delivery of 244 units.	None stated	None stated.	The Plan's housing requirement is based on a positive and up to date assessment of the objectively assessed housing need for the area. The concepts of adopting more ambitious or positive approaches to housing provision – ie: a higher level of allocation than the SHMA suggests – is only meaningful in a housing market where development pressure exists. In West Somerset there is very little pressure for development, and to over-allocate would have the unwanted effect of reducing the level of focus and control of the strategy with no additional development taking place as a result.	No change
South West HARP Planning Consortium.	SC4	The removal of 'nil-cost to registered social landlords' is supported. Concern is expressed at the blanket policy of 35% market to 65% affordable housing on exception schemes.	None stated.	None stated.	The proportion in the policy is a target to which the Council aspires in negotiation. Clearly under the NPPF, viability will always be an important consideration.	No change
South West HARP Planning Consortium.	OC1	The policy is supported. However, the wording of the policy is too restrictive to work effectively. The burden of a sequential site search should be removed. Affordable housing exception sites should be encouraged wherever they occur adjacent or in close proximity to settlements with proven affordable housing need. The requirement for a functional and financial test is neither justified nor explained, likewise the criterion that permission will initially be on a personal basis is strongly objected to, it should be removed.	Not effective	None stated.	Due to an error, the last part of the policy, beginning "Applications for dwellings...", appeared in the wrong place making it read as if this section applies to all the dwelling types mentioned in the policy. This section of the policy should follow on from "...or hunting employment," and before "or". The policy should be corrected to read as follows: <i>"Residential development in the open countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either:</i> <ul style="list-style-type: none"> • <i>Such a location is essential for a rural worker engaged in eg: agricultural, forestry, horticulture, equestrian or hunting employment. (Applications for such dwellings would be considered subject to a functional and financial test. Where permission is granted consideration would be given to this being initially made on a temporary basis), or;</i> • <i>it is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work / live development, or;</i> • <i>it meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;</i> • <i>it is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permitted in accordance with policy SC4(5)."</i> 	Amend policy to read as set out to the left.
South West HARP Planning Consortium.	EC6	It is unlikely that the current context would allow units meeting the terms of the policy to be viable, or meet the needs of current home working practice which tends to be focused on office accommodation. The requirement for the workspace element to be larger than the living accommodation should be removed.	Not effective	None stated.	If the suggested change were to be made, then houses could be provided through it which were indistinguishable from any other similarly sized houses with a room which could be used as an office. This is not the intention of the policy.	No change
South West HARP Planning Consortium.	Lack of old persons' housing policy.	This is a critical issue for West Somerset, so it is disappointing to see no policy addressing it. Policy SC3 does not adequately address this need. An example of such a policy is attached (see below). "The Council will encourage the provision of specialist housing for older people across all tenures in sustainable locations. The Council aims to ensure that older people are able to secure and sustain their independence in a home appropriate to their circumstances and to actively encourage developers to build new homes to the 'Lifetime Homes' standard so that they can be readily adapted to meet the needs of those with disabilities and the elderly as well as assisting independent living at home. The Council will, through the identification of sites, allowing for windfall developments, and/or granting of planning consents in sustainable locations, provide for the development of retirement accommodation, residential care homes, close care, Extra Care and assisted care housing and Continuing Care Retirement Communities"	None stated	Revised policy should be added.	Plan policy SC3 provides for a range of types and tenures of dwelling including housing for older people. This issue is also informed by the Strategic Housing Market Assessment.	No change

WYG for Summerfield Developments (SW) Ltd.	General 1	Their previous reasons for the policies identified below being unsound still stand, and should be provided to the Inspector, these representations are supplementary to and should be read together with the previous representations.	N/a	None stated.	Noted.	No change
WYG for Summerfield Developments (SW) Ltd.	General 2	The evidence base is inadequate, the Plan has been prepared on the basis of insufficient evidence, much of the evidence base has been prepared retrospectively and does not support the content of the Plan..	Not justified	None stated.	On the contrary, the Plan's evidence base is robust and consistent with the nature of the area being planned for.	No change
WYG for Summerfield Developments (SW) Ltd.	General 3	Sustainability Appraisal and the consideration of alternatives has not been properly carried out, or has been done in retrospect.	Not justified	None stated.	There has been an iterative process for the selection of development allocations informed by the evidence base. SA has been appropriately carried out.	No change
WYG for Summerfield Developments (SW) Ltd.	SC2 – rep a	Whilst the Plan's housing requirement of 2,900 is broadly supported the Plan's strategy for delivering it is not robust. The historic delivery of housing has largely relied on small sites, a concern then that only 50% of the Plan's housing is on allocated sites. The need for affordable housing suggests that more of the total be allocated.	Not effective	A greater proportion of the Plan's requirement should be allocated.	The allocation of a significant proportion, but not all of the housing provision in the Plan allows a helpful degree of flexibility to respond positively to appropriately located development proposals which do come forward, such as the recently permitted Summerfield Homes site at Doniford Road, Watchet.	No change
WYG for Summerfield Developments (SW) Ltd.	SC2 – rep b	The Plan will not help the Council to demonstrate an adequate five year housing land supply. In order for the Plan to be found sound it must allocate more land to deliver the requirement.	Not effective	"	See response above, allocating a greater proportion of the housing provision in the plan could be counter-productive and lead to the refusal of planning permission for larger windfall sites which come forward.	No change
WYG for Summerfield Developments (SW) Ltd.	SC2 – rep c	There is no clear strategy for allocating sufficient land which is suitable for development in the area as per the NPPF requirement. Nor does the Plan indicate how land not yet allocated will be identified later in the plan period.	Not effective	The plan should indicate how land not yet allocated will be identified later in the plan period.	See above.	No change
WYG for Summerfield Developments (SW) Ltd.	SC2 – rep d	The 20% of the total to be provided at Villages is too great, particularly as most of these locations are relatively unsustainable, and are unsuitable for anything except for small scale development. A more sustainable strategy would result from providing a higher proportion of development at the three major settlements.	Not effective	The proportion of housing to be provided at the main settlements should be increased.	In view of the lack of development pressure in the Plan area, it is helpful to have a wide range of components to the potential land supply. Smaller scale development in the Primary and Secondary Villages has always been an important component in the completions within the Plan area and will hopefully continue to be so. Reducing the percentage of the total provision to be provided in villages will not bring forward more housing in the three main settlements, they relate to different aspects of the market.	No change
WYG for Summerfield Developments (SW) Ltd.	WA1 / WA2 – rep a	There is capacity to direct a greater proportion of housing to Watchet.	Not justified	The site at Liddymore Farm should be allocated as a key strategic site, potentially in association with the Doniford Road site which already has planning permission, instead of the WA2 site.	The Plan's approach of allocating some Key Strategic Development sites, and retaining a flexible approach to delivery of the remaining housing provision at the main centres means that other sites, possibly including that at Liddymore Farm subject to testing, will also be needed in order to fulfil the Plan's strategy.	No change
WYG for Summerfield Developments (SW) Ltd.	WA1 / WA2 – rep b	Concern remains that the WA2 Parsonage Farm site was not identified or assessed through the SHLAA process.	Not justified	"	The SHLAA process relies mainly on landowners submitting sites. The owners of the WA2 site did not submit it in response to the SHLAA call for sites. It is unlikely that the Plan's strategy could be fulfilled without some significant degree of development on the WA2 site. The WA2 site was assessed through the SHLAA as a broad strategic location for development.	No change
WYG for Summerfield Developments (SW) Ltd.	WA1 / WA2 – rep c	The WA2 site will give rise to potential impact on the landscape setting of the town and the setting of the Parsonage Farm listed building group would also be damaged. It is not the most appropriate site when considered against reasonable alternatives	Not justified	"	Clearly there will be some impact of this type, it is considered d that this can be mitigated through the masterplanning process. SA and the consideration of reasonable alternatives have been an integral part of the strategy development process.	No change
WYG for Summerfield Developments (SW) Ltd.	WA1 / WA2 – rep d	SHLAA refs. WAT4 & WAT6 at Liddymore Farm and Doniford Road Watchet both are capable of forming part of the 5 year housing land supply and could collectively be seen as a preferable alternative strategic site allocation instead of WA2.	Not justified	"	We note that there is planning permission on part of this land and some of it could potentially come forward through an initial release process. It is not big enough to form a Key Strategic Site.	No change
WYG for Summerfield Developments (SW) Ltd.	WA1 / WA2 – rep e	It has been demonstrated that the town centre is more accessible on foot from WAT4 & WAT6 than from WA2. The SA found that the two locations performed relatively similarly. WAT4 & WAT6 are less constrained than WA2 and should therefore be allocated instead.	Not justified	"	The issue has been considered and has been demonstrated to be a marginal deciding factor.	No change
WYG for Summerfield Developments (SW) Ltd.	W11 / W12 – rep a	There is capacity to direct a greater proportion of housing to Williton.	Not justified	The W1L3 site to the east of Williton should be allocated as a Key Strategic Site instead of the site allocated in the plan to the west of the village.	The Plan's settlement hierarchy has been through the iterative plan preparation process including the assessment of potential broad directions for growth prior to Key Strategic Site selection	No change
WYG for Summerfield Developments (SW) Ltd.	W11 / W12 – rep b	Concern remains that the W12 'west of Williton' site was not identified or assessed through the SHLAA process. Grave concern is expressed as to the way in which this site was identified in preference to Summerfield's site to the east of the settlement. This is a very important consideration for the Inspector.	Not justified	"	The Plan's settlement hierarchy has been through the iterative plan preparation process including the assessment of potential broad directions for growth prior to Key Strategic Site selection	No change
WYG for Summerfield Developments (SW) Ltd.	W11 / W12 – rep c	The Council's Landscape Assessment and Historic Environment Issues Paper set out the damaging impacts of the West of Williton W12 site. The SHLAA ref W1L3 land, controlled by Summerfield, to the east of Williton performs better in these terms and is more appropriate as a Key Strategic Site.	Not justified	"	It is considered that such impact can be appropriately mitigated. These are not the only factors involved.	No change
WYG for Summerfield Developments (SW) Ltd.	W11 / W12 – rep d	The land to the east of Williton enjoys better access to the village centre than would the allocated W12 site to the west of the village.	Not justified	"	This is not the only factor involved.	No change
WYG for Summerfield	W11 / W12 – rep e	They disagree with the conclusions of the SA in respect of the W1L3 land to the east of Williton controlled by Summerfield.	Not justified	"	Noted.	No change

Developments (SW) Ltd.						
Home Builders Federation	Duty to Co-operate	The unresolved cross boundary housing issue between West Somerset Council and the Exmoor National Park Authority should be resolved before the Plan is submitted.	None stated	The unresolved housing provision issue with the National Park Authority should be resolved prior to submission.	It is resolved, the issue has been pursued as far as it can be.	No change
Home Builders Federation	SC2	The Council has not undertaken a full OAHN and the housing requirement is too low as a result. The Plan requirement should accordingly be reviewed prior to submission.	None stated	Review Plan housing requirement prior to submission.	The update was lower still, the council has opted for a challenging but realistic figure in the context of the proposed Hinkley Point new nuclear project.	No change
Home Builders Federation	SC1	It is not reasonably certain that there would be a 5 year housing land supply at the time of Adoption as the Plan is currently drafted. The Plan is therefore neither effective nor consistent with national policy. Also the Sedgefield rather than Liverpool approach to dealing with a shortfall should be adopted.	Not effective, not consistent with national policy.	The Council should provide additional information on the 5 year housing land supply position.	The SHLAA update is published alongside the submitted plan.	No change
Home Builders Federation	SC4	The approach is confusing, the Council should state clearly and explicitly in bullet point 2 and 5 that its target affordable housing provision is 35%.	None stated		The Council's position is that this is already done.	No change
Home Builders Federation	SC4 Bullet point 4	Williton should also be excluded from the requirement for affordable housing on sites of 6 – 10 dwellings in accordance with the Housing of Commons Written Statement (HCWS50) Support for Small Scale Developers, Custom and Self-Builders.	None stated		Williton shouldn't be excluded. SI 1997 N.621 States that only Minehead and Watchet are excluded.	No change
Home Builders Federation	SC3 bullets 3B and 3C also CC1, CC5 and NH10.	These policies will need to be checked against the outcomes of the Housing Standards Review etc.	None stated		Noted	No change
Smiths Gore for The Wyndham Estate	SD1	Compliant with national planning policy	Sound	None	Noted	No change
Smiths Gore for The Wyndham Estate	SC1	Doesn't meet the requirements of Paragraph 55 of the NPPF, neither will it meet the development needs of the area's smaller settlements. The focus on development at Minehead Watchet and Williton is however welcomed. The concept of an un-evidenced, arbitrary cap on development in the villages is however flawed and should be removed as being contrary to the NPPF.	Not consistent with national policy, not justified.	A more flexible approach, based on evidence as to what level of development is appropriate for each settlement should be introduced.	The Plan's strategy reflects the long term distribution of delivery. The approach is not contrary to para. 5.5.	No change
Smiths Gore for The Wyndham Estate	SC1 point 4	This section is not compliant with national policy and should be revised, it is unsound as drafted.	Not consistent with national policy	Amend to accord with national policy.	Disagree.	No change
Smiths Gore for The Wyndham Estate	SC1 point 5	The Plan is now considered to be sound on this point, notwithstanding the matters raised above.	Sound	None	Noted.	No change
Smiths Gore for The Wyndham Estate	SC4	The policy fails to acknowledge the issue of financial viability and how this can affect the delivery of affordable homes.	Not Justified Not consistent with national policy	Amend to take account of market conditions affecting viability of development over time, also should be less prescriptive about the types of affordable housing being required.	This is contained within the NPPF, and its presence in policy is "not necessary" A strategic level viability assessment has been carried out but there may be variations on a site by site basis	No change
Smiths Gore for The Wyndham Estate	SC4 point 5.2	More flexibility and less prescriptiveness as to the mix of affordable housing to be sought is needed in order to ensure compliance with the NPPF.	Not consistent with national policy	Amend to accord with national policy	The policy does not seek to be prescriptive. Disagree.	No change
Smiths Gore for The Wyndham Estate	WA1	The policy correctly identifies the key issues that need to be addressed by future development at Watchet.	Sound	None	Noted.	No change
Smiths Gore for The Wyndham Estate	WA2	The proposed allocation is considered to represent the most sustainable location for future development at Watchet.	Sound	None	Noted.	No change
Smiths Gore for The Wyndham Estate	WI1	The policy correctly identifies the key issues that need to be addressed by future development at Williton.	Sound	None	Noted.	No change
Smiths Gore for The Wyndham Estate	WI2	The proposed allocation is considered to represent the most sustainable location for future development at Williton.	Sound	None	Noted.	No change
Smiths Gore for The Wyndham Estate	OC1	Conflicts with para 55 of the NPPF.	Not consistent with national policy	It must be amended, particularly in respect of residential conversion schemes to make it compliant with the NPPF.	Due to an error, the last part of the policy, beginning "Applications for dwellings...", appeared in the wrong place making it read as if this section applies to all the dwelling types mentioned in the policy. This section of the policy should follow on from "...or hunting employment," and before "or". The policy should be corrected to read as follows: "Residential development in the open countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either: • Such a location is essential for a rural worker engaged in eg: agricultural, forestry, horticulture, equestrian or hunting	Amend policy to read as set out to the left.

					<p><i>employment. (Applications for such dwellings would be considered subject to a functional and financial test. Where permission is granted consideration would be given to this being initially made on a temporary basis), or:</i></p> <ul style="list-style-type: none"> <i>it is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work / live development, or;</i> <i>it meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;</i> <i>it is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permitted in accordance with policy SC4(5)."</i> 	
Smiths Gore for The Wyndham Estate	EC6	It is unreasonable to require that the work space element will for the majority of floor space in a work/live unit. Household / business types which might use this sort of accommodation vary considerably, not all of them require large areas of floorspace. The use of the workspace element can be controlled by condition.	Not justified when considered against other reasonable alternatives.	The policy should be amended accordingly.	If the suggested change were to be made, then houses could be provided through it which were indistinguishable from any other similarly sized houses with a room which could be used as an office. This is not the intention of the policy.	No change
Smiths Gore for The Wyndham Estate	EC9	The third criterion in the policy is too restrictive as private car travel is often the only viable way of reaching large parts of the Plan area. Its application is likely to negate much of the benefit of the policy.	Not consistent with national policy	Amend the policy to bring it in line with national policy.	This failsafe clause is necessary to managing such development.	No change
Smiths Gore for The Wyndham Estate	TR1	The removal of the word "larger" from the first sentence of the policy means that it now applies to all development, which is contrary to national policy and entirely unreasonable in relation to smaller scale rural development. The NPPF paras. 29 and 34 refer to the need to adopt different transport approaches in rural areas.	Not consistent with national policy & not justified.	Reinstate the word 'larger' in the policy.	The travel plan thresholds ensure that the policy is applied in a proportionate way.	No change
Amec Foster Wheeler for The Crown Estate	SC1, SC2 MD2	The Plan requires additional site allocations to meet a shortfall of circa 1000 homes once existing commitments and site allocations are taken into account. The plan's only mechanism for delivering the remainder being windfalls and unidentified sites within villages and broad locations post 2026. Dunster Marsh should be amended to provide 215 dwellings as part of the Key Strategic Site allocations for the Local Plan. Without such changes it will not be possible to maintain a 5 year supply of housing land. A detailed housing trajectory must be added to the plan	Not justified, effective, positively prepared or consistent with national policy.	Allocate additional Key Strategic Sites under policy SC2. Add a detailed housing trajectory. Amend MD2 to include Dunster Marsh as part of the strategic allocation.	The housing trajectory is included in the updated SHLAA. It is not proposed to allocate all the plan's requirement in the interests of flexibility. Dunster Marsh was rejected as a strategic site through the Members' strategic site selection process.	No change
JLL for Mrs C Shapland	SD1	The policy is supported.	Sound.	none	noted	No change
JLL for Mrs C Shapland	SC1	More of the strategy's housing should be provided at Minehead.	None stated	Amend Plan accordingly.	The Plan's settlement hierarchy has been through the iterative plan preparation process including the assessment of potential broad directions for growth prior to Key Strategic Site selection	No change
JLL for Mrs C Shapland	SC2	The plan's reliance on windfall development is contrary to national policy. More sites should be allocated at Minehead including that put forward in this representation. This is partly to provide more chance of the strategy being fulfilled, but also to allow for non-implementation of sites which might occur.	Not consistent with national policy.	Amend Plan accordingly.	Para 48 allows this. The allocation of a higher proportion of the housing requirement in the plan would reduce the flexibility available to manage implementation of the plan.	No change
JLL for Mrs C Shapland	SC4	The 35% affordable housing specified in this policy is not supported by evidence and may make the development of the plan's sites unviable. 35% was not achieved in the area in the housing boom which preceded the downturn, so it is even less likely to be achieved in present conditions.	Not Justified	Amend Plan accordingly.	The Strategic Land Viability Assessment and Strategic Housing Land Availability Assessment refer. 35%+ affordable housing has been achieved in West Somerset in the recent past.	No change
JLL for Mrs C Shapland	SC5A	The policy is supported.	Sound.	none	noted	No change
JLL for Mrs C Shapland	MD1	The gist of the policy is supported. The representation also recommends a site at Bratton Lane as a development proposal capable of accommodating c.55 dwellings.	None stated	Allocate site for 55 dwellings at Bratton Lane.	The site was assessed through the SHLAA process and was found to be unsuitable for development.	No change
JLL for Mrs C Shapland	MD2	The gist of the policy is supported. The representation also recommends that more sites be allocated at Minehead including a site at Bratton Lane as a development proposal capable of accommodating c.55 dwellings.	None stated	Allocate site for 55 dwellings at Bratton Lane.	The site was assessed through the SHLAA process and was found to be unsuitable for development.	No change
JLL for Mrs C Shapland	EC1	The policy is supported	None stated	None	noted	No change
JLL for Mrs C Shapland	EC6	The policy is supported	None stated	None	noted	No change
JLL for Mrs C Shapland	TR2	The benefits of modal choice in Minehead make it a suitable location for additional strategic development.	Sound.	none	noted	No change
JLL for Mrs C Shapland	CF2	The benefits of a good level of services in Minehead make it a suitable location for additional strategic development.	Sound.	none	noted	No change
JLL for Mrs C Shapland	CC1	The policy is supported.	Sound.	none	noted	No change
JLL for Mrs C Shapland	NH2	The policy is supported.	Sound.	none	noted	No change
JLL for Mrs C Shapland	NH3	The policy is supported.	Sound.	none	noted	No change
JLL for Mrs C Shapland	NH4	The policy is supported.	Sound.	none	noted	No change

JLL for Mrs C Shapland	ID1	There are question marks over the soundness of the Plan in respect of the infrastructure to deliver the key strategic sites not having been costed.	Not justified.	KSS infrastructure costs should be calculated in order to inform viability evidence.	These would be identified as part of the masterplanning process. The infrastructure information supporting plan preparation is based on the responses received from the relevant infrastructure providers.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	SD1	Supportive of its content but question whether it is required as it duplicates national policy.	Not justified, effective, positively prepared or consistent with national policy.	Consider removal.	This is the government's model sustainable development presumption policy.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	SC1	Support the identification of Watchet as a rural service centre, but question the reference to development in the primary settlements as having to be generally proportionate to their roles and functions to their own communities. The external factor of the Hinkley Point project means that the wording of the policy is not appropriate as it stands.	Not justified, effective, positively prepared or consistent with national policy.	Amend policy accordingly.	This issue has been addressed through the Hinkley Point DCO process.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	SC2	The general level of housing proposed in the Plan is supported, however in order to be responsive to changing circumstances the figure should be expressed as a minimum in the policy. Leaving 50% of the Plan's provision to be delivered on unallocated sites is unnecessarily risky, consideration should be given to allocating additional land adjacent to the three main centres. Significant soundness problems are suggested with the Council's five year housing land supply situation, failure to propose meeting the existing backlog within the first five years of the plan, proposing a 5% buffer rather than a more appropriate 20% buffer in particular. The supply presented is not deliverable.	Not justified, effective, positively prepared or consistent with national policy.	Amend policy accordingly In relation to the housing land supply situation, a 20% buffer should be applied and an interim release of sites be actioned.	The use of the word "approximately" facilitates a helpfully flexible approach in response to a constantly changing context for development. In relation to the suggestion of a larger 'buffer' this is not accepted. The plan needs to be deliverable, and must be able to respond to market fluctuations. The Plan is already challenging with a housing requirement 23% above the long term delivery trend.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	SC4	The requirement for 35% affordable housing is likely to have an adverse impact on the viability of schemes to the extent that larger housebuilders are not likely to take an interest in developing within the area. Other authorities in this situation have been more pragmatic, eg: Taunton Deane which has adopted a 25% target in its Core Strategy. Development and affordable units have actually been provided under this policy. Providing for 25% in West Somerset making clear that this is a minimum would help to attract developers into the area.	Not justified, effective, positively prepared or consistent with national policy.	Amend policy accordingly	The Council's Strategic Housing Land Viability Assessment covers this.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	WA1	The policy is generally supported, however the reference to flood risk issues be removed from the policy. The policies provisions relating to allotments and better links across the railway are supported, as is the long term protection for the West Somerset Railway.	Not justified, effective, positively prepared or consistent with national policy.	Remove reference to flood risk issues.	Surface water issues affect all sites to some extent. CC2 also refers.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	WA2	The allocation of land to the east of Watchet on the site proposed by the representation is preferred to the WA2 site on landscape grounds in particular. However, the allocation of land to the east is not dependent on deletion of WA2. In any case, an interim release of housing land is likely to be needed to address the chronic land supply problem.	Not justified, effective, positively prepared or consistent with national policy.	The WA2 site should be reduced in size and an allocation be made to the east of Watchet.	The site was considered through the SHLAA process, it was not considered big enough to be a Key Strategic Site. The Council will in any case be considering an interim release of appropriate sites, and this site could be assessed as part of that process.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	LT1	The approach of reserving the LT1 sites until post 2026 is mistaken as additional sites are needed early in the plan period. The policy should be overhauled to provide for immediate release of additional sites as demanded by the land supply situation. Also, the Cleeve Hill LT1 site is unsuitable for the proposed development.	Not justified.	The LT1 site is not appropriate for development and should be deleted.	These sites are reserved for longer term development and as a contingency.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	Proposed additional site WA3	Strategic Development allocation at Normandy Avenue, Watchet. This site would address the five year HLS deficit and compensate for any necessary reduction in the scale of the WA2 site. The proposal provide a housing site, a new parkland open space, ecological benefits and would integrate Normandy Avenue into the town.	None stated	Land at Cherry Tree Way / Normandy Avenue to the east of Watchet should be allocated for development to supplement the town's allocations.	The site was considered through the SHLAA process, it was not considered big enough to be a Key Strategic Site. The Council will in any case be considering an interim release of appropriate sites, and this site could be assessed as part of that process.	No change
Grass Roots Planning Ltd. For SW Strategic Developments.	Proposed permissive development policy	Additional allocations are necessary in order to address the 5 year HLS deficit. Assuming that 50% of the plan's provision would come forward on unallocated sites is inappropriate. If the Council reject additional allocations, a permissive development policy should be added to the plan to facilitate the necessary additional development.	None stated	Add new policy: DEVELOPMENT WITHIN OR IN CLOSE PROXIMITY (WITHIN 50 METRES) TO THE CONTIGUOUS BUILT-UP AREA OF MINEHEAD/ALCOMBE, WATCHET AND WILLITON WILL BE CONSIDERED FOR DEVELOPMENT WITHIN THE FIRST FIVE YEARS OF THE PLAN PERIOD WHERE IT CAN BE DEMONSTRATED THAT: A. IT IS WELL RELATED TO EXISTING ESSENTIAL SERVICES AND SOCIAL FACILITIES WITHIN THE SETTLEMENT, AND; B. THERE IS SAFE AND EASY PEDESTRIAN ACCESS TO THE ESSENTIAL SERVICES AND SOCIAL FACILITIES WITHIN THE SETTLEMENT, AND;	The mechanism the Council has identified for the interim release of housing sites is a more effective way of addressing this issue.	No change

				C. IT RESPECTS THE HISTORIC ENVIRONMENT AND COMPLEMENTS THE CHARACTER OF THE EXISTING SETTLEMENT, AND; D. IT DOES NOT GENERATE SIGNIFICANT ADDITIONAL TRAFFIC MOVEMENTS OVER MINOR ROADS TO AND FROM THE NATIONAL PRIMARY AND COUNTY HIGHWAY ROUTE NETWORK E. IT DOES NOT HARM THE AMENITY OF THE AREA OR THE ADJOINING LAND USES.		
Acorn Rural Property Consultants for Thorne, Thorne and Doggrell.	SC1 & SC2	The reliance of the Plan on windfall and unallocated sites for 50% of its development total is inconsistent with para. 47 of the NPPF because it would not significantly boost the supply of housing in the area. The Plan is already under-delivering. There is no up to date SHLAA and the Council doesn't have a 5 year HLS. The Plan is rendered ineffective because it fails to identify more deliverable sites. The site put forward with the representation is put forward as just such a site.	Not justified, effective, positively prepared or consistent with national policy.	Additional housing sites should be allocated, in particular the site put forward by the respondent at Porlock Road, Minehead totalling 4.4ha.	Flexibility is helpful, the SHLAA is published alongside the Submission Local Plan. The Council does have a five year supply of housing land. The site was considered through the SHLAA process, it was not considered big enough to be a Key Strategic Site. The Council will in any case be considering an interim release of appropriate sites, and this site could be assessed as part of that process.	No change
Niki Denning	SC1	Huish Champflower has been inappropriately classified in the policy as 'open countryside'. On the basis of the facilities in the village it should be a Secondary Village.	Not justified.	Huish Champflower should be added to the list of Secondary Villages in SC1(3)	The settlement is not considered to satisfy the criteria needed to be a Secondary Village. The Town and Village Centres Study refers.	No change
C R Durham	TR1	The policies downplay the importance of main road links to West Somerset and their need for improvement. This is distinct from the availability of funding to address such issues. Development should ideally be redistributed to the east of the District within cycling distance of the Taunton / Bridgwater corridor if jobs can't be created in Minehead. Funding prospects may improve in the future, also, if employment aspirations for West Somerset are not realised, the roads will need to be improved for commuters travelling to Taunton and Bridgwater.	Not effective or positively prepared.	Detailed wording amendments are proposed to the policy to effect these changes.	Minehead is the most sustainable location for significant new development within the Local Planning Authority area due to its very high level of self containment.	No change
Savills for the Caravan Club	MD1 & MD2	The representation seeks the allocation of the Caravan Club's land at Minehead as a housing site.	Not justified.	Seeks the allocation of the Caravan Club's site in Hopcott Road as a housing site.	This land is already part of the Plan's MD2 Key Strategic Site allocation.	No change
S Powley	Whole Plan	There has been a lack of due process, consultation and due diligence on the amended Plan, in particular in relation to Williton. The site north of Danesfield School is outside the settlement boundary. This site has not been previously referred to in the process, and other options have not been properly investigated. The need for so much housing is questioned. A range of adverse impacts would arise from development of the site including those on traffic, ecology and landscape.	Not justified, effective, or positively prepared.		The Plan's strategy has been evolved through an iterative process, involving Sustainability Appraisal and the application of the evidence base items and the results of public engagement. See EC4 and EC6.	No change
Gladman Developments Ltd.	Housing Evidence and whole plan.	The Plan will fail to meet the full objectively assessed housing need for the area, and the Duty to Co-operate has not been properly fulfilled. SHMAs need to have been reviewed post-NPPF in order to be compliant. NPPG considerations for assessing OAN have not been applied. In essence the suggested response to the challenging supply situation in West Somerset is to increase the supply of housing land beyond that included in the Plan.	Not justified, effective, positively prepared or consistent with national policy.	Housing evidence should be updated and substantial additional housing land supply should be included.	The housing evidence has been reviewed for the 2012 update, Objectively Assessed Need has been reviewed in the light of this update, the Plan providing for more development.	No change
Gladman Developments Ltd.	SC1	The Council must review its evidence base in the light of the NPPF and NPPG guidance in order to ascertain what the OAN figure for the Plan area is. This should include taking account of the 2012 CLG projections. The current level of housing proposed is inadequate. The Council should not seek to implement its spatial strategy until the full OAN has been identified. However the principle of allocating growth to the main service centres in the area is supported. Sustainable Urban Extensions are frequently difficult to implement due to land ownership problems and expensive masterplanning. The restrictive approach to development in the Primary and Secondary villages to only 5% or 10% is also unjustified. If the spatial distribution in the Plan's strategy doesn't reflect OAN then the housing required may not be delivered.	None stated		The Evidence base has already been reviewed. The idea of increasing the village development proportion is both contrary to the long term trend, and would not be sustainable.	No change
Gladman Developments Ltd.	SC3	The approach of the policy is supported subject to regular review of the required housing mix in various parts of the area.	None stated		Noted.	No change
Gladman Developments Ltd.	SC4	All affordable housing should be delivered off site where it is most needed. Adverse market signals should be taken into account by increasing the amount of housing provided for / allocated in the Plan.	None stated		Disagree.	No change
Gladman Developments Ltd.	LT1	If sites are sustainable they should go ahead without delay, the approach put forward in the policy is contrary to the NPPF.	Not consistent with national policy	The policy is unsound and should be deleted.	No absolute bar on their development, but the other allocated sites should be developed first.	No change
Gladman Developments Ltd.	SV1	Clauses SC1 (2) & (5) will prevent this policy from being implemented. The Council should recognise the key role that rural villages can play in the delivery of sustainable development to meet the identified housing need.	Not consistent with national policy		The two policies are designed to complement each other.	No change
Gladman Developments Ltd.	OC1	The policy seeks to prevent development in open countryside areas which are not adjacent to or close to major settlements or Primary / Secondary villages. The policy should not seek to prevent development on sites outside of settlement limits.	Not consistent with national policy	The policy should be re-worded to reflect the positive wording in the NPPF.	It won't do so, so long as they are compliant with SD1	No change
Gladman Developments Ltd.	NH3	Biodiversity considerations should not be used as a reason to prevent sustainable development schemes going ahead. Good design can often improve biodiversity whilst facilitating development.			Noted	No change

Gladman Developments Ltd.	NH5	The Council's policy is more restrictive than the approach set out in para. 112 of the NPPF. Sustainable development potential of sites and the local need for housing should be balanced against the protection of BMV agricultural land.	Not consistent with national policy	The policy should be deleted.	In practice this is unlikely to be an issue given the scale of development proposed.	No change
Gladman Developments Ltd.	NH10	The policy places an undue burden on developers and is likely to undermine the viability of schemes. The NPPF (para. 173) requires that Plans' strategies should be deliverable, and that includes the sites being viable. The policy should ensure that the policy is not overly prescriptive and not impose particular architectural styles or stifle innovation.	Not effective	The policy should be modified accordingly.	SHLVA deals with viability. The design approach will be provided through the government's national housing standards review.	No change
Gladman Developments Ltd.	ID1	The plan should be deliverable, and this includes not requiring too onerous planning obligations, such that the viability of schemes is prevented. Such a policy seeking developer contributions should be appropriately tested.	Not positively prepared	The policy should be subject to testing.	It will be, through the masterplanning process.	No change
Gladman Developments Ltd.	Duty to co-operate.	Determining Objectively Assessed Need must be carried out with full regard to the DTC. DTC discussions relating to OAN have been commenced with SDC, TDBC and ENPA, but none of these have been satisfactorily concluded. The area of consultation should be widened until OAN can be met.	Not consistent with national policy		Maximising affordable housing providing in excels of market housing, TDBC & SDC can't accommodate shortfall, ENPA discussions have been taken as far as possible, no further action was achievable.	No change
Gladman Developments Ltd.	Sustainability Appraisal	The SA is acknowledged, however, it fails to analyse a suite of reasonable alternatives in respect of whether the Council is capable of delivering a higher housing requirement which would reduce the affordability gap currently affecting the District. It therefore does not meet the SEA directive or PPG requirements.	Not justified, effective, positively prepared or consistent with national policy.	Following OAN updating, the council should test its SA to assess whether a higher housing requirement to encourage a 'pro-growth' scenario in line with the requirements of the Framework can be delivered.	The Plan has been prepared through Issues, Options, Preferred Strategy and Revised Preferred Strategy stages informed by SA, evidence results of consultation etc. including the testing of reasonable alternatives at the appropriate stages.	No change
Gladman Developments Ltd.	Overall soundness	Gladman consider the plan to be unsound for the above reasons, particularly that it is not positively prepared or compliant with the National Planning Policy Framework.	Not justified, effective, positively prepared or consistent with national policy.		See comments made in response to Gladman's representations above.	No change
Smiths Gore for F Slade.	SC1	Sets out a sustainable approach which is consistent with the principles of the NPPF.	Sound	None	Noted	No change.
Smiths Gore for F Slade.	SC2	The approach set out in the plan is consistent with the NPPF's aim "to boost significantly the supply of housing".	Sound	None	Noted	No change.
Smiths Gore for F Slade.	MD1	The criteria set out in the policy are consistent with a wide range of policies within the NPPF	Sound	None	Noted	No change.
Smiths Gore for F Slade.	MD2	The allocation and density are supported, however, the requirement relating to the distributor road with two accesses is too specific and should be left to the masterplanning process to determine. Also, the requirement for an element of non-residential use should be further considered.	Not effective.	Delete the requirement for a distributor road and non-residential uses on the site.	This land is subject to a current planning application.	No change.
MWA for J Gliddon & Sons	WI1	The Plan is considered to be sound apart from this policy. The NPPF requires LPAs to proactively provide for the needs of their communities. The general approach of the policy is supported, however it does not identify how the present and future needs of the community are to be met. In particular the policy fails to explain how future investment / development can be accommodated particularly in relation to retail and commercial uses.	Not positively prepared or consistent with national policy.	Amend policy accordingly.	All the policies in the Plan apply where their content is relevant. This issue is really one for development management policy.	No change
NLP for Bourne Leisure Ltd.	SD1	The policy is endorsed.	Sound	None	Noted	No change
NLP for Bourne Leisure Ltd.	MD1	The policy is endorsed in principle, however it should go further and explicitly cite Butlins as the town's key tourism asset. It should support development proposals seeking the retention consolidation and enhancement of Butlins Resort. The policy should also specifically allow operators to undertake / contribute towards sea defences to protect their sites and operations.	Not effective or consistent with national policy.	Amend the policy accordingly.	It is a strategic policy.	No change
NLP for Bourne Leisure Ltd.	EC1	Tourism should be named as a key employment generating activity in the policy, this would be in compliance with the NPPF.	Not effective or consistent with national policy.	Tourism should be specifically identified as a key employment generating activity in the policy.	Tourism's importance in the policy is self-evident because of its significance as an economic sector locally.	No change
NLP for Bourne Leisure Ltd.	EC8	The policy is welcomed, however it should be amended to refer to promoting other forms of tourism development such as visitor accommodation and other locations which can increase tourism business in the area which would be more in line with the NPPF.	Not effective or consistent with national policy.	The policy should be redrafted as follows: <i>"New tourism development and the redevelopment / expansion of existing tourism facilities which increases the range of open air and wet weather attractions / activities within existing settlements will be encouraged subject to an appropriate location for the use proposed and appropriate proposals for the management of:</i> <ul style="list-style-type: none"> • parking, • amenity impact, and; • accessibility, <i>subject to the provisions of clauses A to E of policy SC1."</i>	This detailed material is more appropriate for development management policy.	No change
NLP for Bourne Leisure Ltd.	EC9	Additional clarity is needed on the application of the proposed criteria in the policy. The appropriate evidence for testing need and alternative locations should be specified. Many tourism businesses in the area need to be sited close to the sea by their nature, expansions of these businesses also need to be in this kind of location. As drafted it is not compliant with the NPPF.	Not effective or consistent with national policy.	Reword policy to make clear that being outside of settlements is not the only determining factor in judging its acceptability.	Policy SD1 refers,	No change
NLP for Bourne Leisure Ltd.	EC10	The policy is endorsed in principle, however the wording should be amended to specify that the provision of a range of tourist accommodation and facilities are encouraged.	Not effective or consistent with national policy.	The policy should be amended to full recognise and refer to Minehead's role as a tourist destination in its own right and as a gateway to the wider local plan area.	Policy SD1 refers,	No change
NLP for Bourne Leisure Ltd.	TR2	The Plan fails to recognise the essential car-dependent nature of development such as touring caravan sites. Many other tourism uses are car dependent. The policy should reflect the NPPF and recognise that	Not effective or consistent	Amend policy accordingly.	Policy SD1 refers,	No change

		sometimes there is no alternative. The policy should also encourage the improvement of cycle and pedestrian routes for movement of tourists whilst visiting the area.	with national policy.			
NLP for Bourne Leisure Ltd.	CC2	The policy is endorsed in principle, and in particular the fact that development can be designed to mitigate against any increased flood risk which might otherwise arise from it. The Plan should take account of the special flood risk which arises from the coastal location of some tourism development which cannot be located elsewhere. Recognition should also be given to the essential need to maintain coastal locations for many tourist industry developments within the area, business owners and operators should be able to contribute to the provision maintenance and improvement of existing coastal defence works which protect their interests.	Not effective or consistent with national policy.	Amend policy accordingly.	This is a coastal management issue policy CC4 refers.	No change
NLP for Bourne Leisure Ltd.	CC4	The policy is endorsed in principle, however some additional information is needed to define how the test in the policy would be assessed. Some tourism development needs to be in close proximity to the sea.	Not effective or consistent with national policy.	Add this text to the policy: <i>"The part of the tourism industry relating to seaside tourism activities needs to develop some tourism related facilities in that sensitive environment."</i>	The suggested amendment is not necessary, the existing policy content covers this point.	No change
NLP for Bourne Leisure Ltd.	Para. 2.7	The reference to Butlins Holiday Centre in Minehead is welcomed, as is the reference to tourism as one of the major sources of employment in the area.	Sound	None	Noted	No change
NLP for Bourne Leisure Ltd.	Paras. 5.0 – 5.3	The Spatial Vision is endorsed, however additional material should be added on the benefits that tourism can bring to the local area. Specific reference should be made to the existing sites and how their expansion would be beneficial. This would provide better alignment with the strategic objectives of the plan and the subsequent policies.	Sound	Add appropriate additional text to the Spatial Vision as described.	Noted.	No change
Low Carbon Partnership – West Somerset and Exmoor.	SD1	The wording is vague and permissive, showing no urgency regarding climate change and how the community might become resilient to its effects.	Not effective or positively prepared.	Add reference to the Renewable and Low Carbon Energy Study recommendations eg: to produce an energy hierarchy to mitigate climate change and promote renewables as examples of using natural resources prudently.	This is central government's model policy, inclusion of which is required in Local Plans.	No change
Low Carbon Partnership – West Somerset and Exmoor.	SC1	The hierarchy of settlements doesn't take account of the increasing use of low carbon energy generation, transport and energy conservation measures providing for low carbon occupation of more remote locations.	Not effective or positively prepared.	Amend policy accordingly.	Noted.	No change
Low Carbon Partnership – West Somerset and Exmoor.	SC2	Alternative funding for low cost housing is not included – eg: Somerset Community Land Trust.	Not effective or positively prepared.	Amend policy accordingly.	The definition of affordable housing types given is not exhaustive.	No change
Low Carbon Partnership – West Somerset and Exmoor.	SC3	There is a contradiction in any larger open market homes being needed in an area of generally low wages. Rental properties would be most helpful to low income residents with insecure jobs who need to be mobile to follow employment opportunities.	Not effective or positively prepared.	Amend policy accordingly.	The policies have been informed by the Strategic Housing Market Assessment and the Council's local housing needs information.	No change
Low Carbon Partnership – West Somerset and Exmoor.	EN2	Sound as far as it goes but imminent development of Severn Tidal Power is not referred to which is a considerable omission. Some sites being investigated would impact directly on the Plan area.	Not effective or positively prepared.	Amend policy accordingly.	This is a general, strategic policy which is sufficiently flexible to address such types of development.	No change
Quantock Hills AONB Service	Para 5.3	No reference is made to protected landscapes, nor is there any reference in the 'vision' section as to how the Council intends to safeguard them into the future. The Quantock Hills AONB must be included here for appropriate treatment of the issue in the Plan.	Not consistent with national policy.		The Spatial Vision focuses on development in the area, policies NH2, 3 and 4 cover this matter.	No change
Quantock Hills AONB Service	NH2	The Plan should include a policy dedicated to protecting the nationally designated landscapes within the Plan area, not just a reference in the text to appropriate design of schemes within such areas. Current approach of the Plan is not consistent with NPPF para. 14.	Not consistent with national policy.	Sedgemoor District Council's policy is set out as an example: <i>"Landscape – Development proposals within the Mendip Hills AONB or the Quantock Hills AONB will only be supported where they enhance or conserve the natural beauty, or the exceptional character or quality of the landscape in these areas. Elsewhere in the District proposals should ensure that they enhance the landscape quality wherever possible or that there is no significant adverse impact on local landscape character, scenic quality and distinctive landscape features."</i>	AONBs are protected by virtue of their national statutory designated status. A policy such as that proposed does nothing to increase their level of protection through the planning system.	No change
Quantock Hills AONB Service	OC1	Explicit reference should be made to the fact that development in open countryside within AONBs will only be permitted where it would not cause harm to landscape character and scenic beauty and that it will be strictly controlled. (NPPF paras. 113, 115 and 14 refer).	Not consistent with national policy.		The Plan must be read as a whole. OC1 is about types of development which may exceptionally be permitted in such areas. NH2 also refers.	No change
Quantock Hills AONB Service	SD1	Specific reference should be made in the policy to the AONB and National Park within West Somerset. This would be in line with footnote 9 to the NPPF which clearly identified nationally protected landscapes as areas where development should be restricted.	Not consistent with national policy.		This is central government's model policy, inclusion of which is required in Local Plans.	No change
Quantock Hills AONB Service	EN1	Consideration must be given in the policy to potential impacts on the wider landscape particularly those that are visually vulnerable such as the Quantock Hills AONB. This would also support Para 115 of the NPPF. The scenic beauty of the Quantock Hills AONB would be afforded greater protection by inclusion of the suggested text.	Not consistent with national policy.	Change the 3 rd bullet of the policy thus: <i>"They respect the local natural environment in which they are located and from which they are seen"</i> .	Disagree – the AONB is designated in order to protect the quality of the landscape extending to its boundaries.	No change
Quantock Hills AONB Service	SC1	As a number of the primary and secondary settlements are villages within the Quantock Hills AONB, explicit reference should be made to the fact that development in AONB villages will only be permitted where it would not cause harm to landscape character and scenic beauty (in line with paras 113 and 115 of the NPPF).	Not consistent with national policy.	Amend policy accordingly.	The Plan must be read as a whole. NH2 also refers.	No change
Quantock Hills AONB Service	SC4	Policy SC4 should make explicit reference to the fact that development of affordable housing within the AONB will be not be permitted where it would be harmful to landscape character and scenic beauty (thereby threatening the national designation). The affordable housing scheme at Higil Lea (Crowcombe) was treated as an exception site and has resulted in adverse impacts to landscape character and scenic beauty within the Quantock Hills.	Not consistent with national policy.	Amend policy accordingly.	The AONB is not green belt, appropriately designed and sited development of a suitable scale can be provided within an AONB without harming AONB objectives.	No change

Quantock Hills AONB Service	MD2	There should be reference within the policy or in the supporting text to Minehead's geographical proximity to the Quantock Hills AONB. The policy identifies that the land is not constrained by landscape or nature conservation designations but does not recognise the nationally important landscape nearby. This does not properly reflect para 113 of the NPPF which states that "Distinctions should be made between the hierarchy of international, national and locally designated sites so that the protection is commensurate with their status and gives appropriate weight to their importance..."	Not consistent with national policy.	Amend policy accordingly.	AONBs are protected by virtue of their statutory status, the proposed change is not considered to be appropriate.	No change
Quantock Hills AONB Service	WA2	There should be reference within the policy or in the supporting text to Watchet's geographical proximity to the Quantock Hills AONB given that the open heathland summits offer clear views across the area. The policy identifies that the land is not constrained by landscape or nature conservation designations but does not recognise the nationally important landscape nearby. This does not properly reflect para 113 of the NPPF which states that "Distinctions should be made between the hierarchy of international, national and locally designated sites so that the protection is commensurate with their status and gives appropriate weight to their importance..."	Not consistent with national policy.	Amend policy accordingly.	AONBs are protected by virtue of their statutory status, the proposed change is not considered to be appropriate.	No change
Quantock Hills AONB Service	WI2	There should be reference within the policy or in the supporting text to Williton's geographical proximity to the Quantock Hills AONB given that the open heathland summits offer clear views across Williton. The policy identifies that the land is not constrained by landscape or nature conservation designations but does not recognise the nationally important landscape nearby. This does not properly reflect para 113 of the NPPF which states that "Distinctions should be made between the hierarchy of international, national and locally designated sites so that the protection is commensurate with their status and gives appropriate weight to their importance..."	Not consistent with national policy.	Amend policy accordingly.	AONBs are protected by virtue of their statutory status, the proposed change is not considered to be appropriate.	No change
Quantock Hills AONB Service	Para 2.2 and Map 1	This paragraph makes reference to Figure 1 as 'the Local Plan Area set in its context'. The map should show the Quantock Hills AONB as well as the wider context of the adjoining districts or Boroughs. The graphics offer no sense of the coastal context of West Somerset.	Not consistent with national policy.	Provide more detailed map showing geographical and landscape designation context.	The purpose of Map 1 is to show which settlements lie within the Plan area, planning constraints are not appropriate for inclusion as they would render the map significantly more difficult to read for its intended purpose. The AONB boundary is clearly shown on the proposals map.	No change
Quantock Hills AONB Service	Para 2.3	The variety of landscape on the Quantocks should be described to improve public understanding of the AONB as more than just the heathland summits, much of the Quantock Hills is lowland heath, which is not typically referred to as 'moorland' which is the reference made in the draft text.	Not consistent with national policy.	The third bullet of the list could be amended as follows: <i>"The northwestern part (approximately one third) of the Quantock Hills – notable for its open heathland summits, as well as deep wooded combs, rich farmland and Jurassic coast".</i>	Noted	No change
Quantock Hills AONB Service	Para 2.9	Part of this paragraph reads <i>"The part of the Quantock Hills within the Local Plan is designated as an Area of Outstanding Natural Beauty"</i> . This is an awkward sentence and also implies that there are areas of the Quantock Hills that are not designated.	Not consistent with national policy.	A possible amendment to the text could be: <i>"Approximately one third of the Quantock Hills Area of Outstanding Natural Beauty falls within the boundaries of West Somerset District. The Quantock Hills share the same level of statutory landscape protection as Exmoor National Park"</i> .	Noted	No change
Quantock Hills AONB Service	Para 5.0	The Spatial Vision does not provide a holistic vision for West Somerset. Before breaking the vision down into key headings, it would be good to have an overarching vision that pulls all the elements together.	Not consistent with national policy.	This is the example from Sedgemoor's approved Core Strategy which we consider to be very useful: <i>"By 2026/2027 Sedgemoor will be progressing towards becoming a truly sustainable community consisting of a revitalised Bridgwater that acts as the focal point for the District, supported by thriving and prosperous market towns and key rural settlements where local people can access affordable housing, local employment, and community services. This will be complimented by a living and working countryside that contributes to the overall prosperity and well-being of the District and conserves and enhances its natural beauty. Where growth has occurred the necessary infrastructure has been delivered at the right time and right place to support this"</i> .	Noted	No change
West Somerset Flood Group	Introduction para. 3.2, Evidence base	The evidence base relating to flooding is out of date, incomplete and flawed. The Local Plan's strategy is based on flood risk information regarding fluvial and sea flooding. Surface water flood risk evidence has been ignored, in particular, the Minehead Surface Water Management Plan. There are many examples of recent flooding events in West Somerset not mentioned in either of the SFRAs carried out.	Not justified.	Improve the evidence base in respect of flood risk.	SFRA levels 2 & 2 are appropriate to their task. The Council participated in the preparation of the Minehead Surface Water Management Plan and used it in the development of the strategy.	No change
West Somerset Flood Group	SC1 (5)	This provision appears in NPPF para. 103 but is of sufficient importance to be specifically included in this policy.	Not effective.	Add a further clause: "F. It does not increase the flood risk elsewhere.	Disagree, this is part of national policy.	No change
West Somerset Flood Group	MD1	The requirement: "contribute towards resolving the flood risk issues which affect the settlement including improving the sea defences protecting the eastern end of the town" whilst laudable is too vague. There is no indication as to what is intended and how it would be delivered. The reference to the eastern end of the town is confusing, the Environment Agency have a policy of "do nothing" in that area. Surface water flooding also needs to be taken account of in the area.	None stated		These are detailed development management level issues which in relation to the local plan sites will be managed through the masterplanning process. Appropriate schemes have not been identified by the Environment Agency.	No change
West Somerset Flood Group	MD2	No details are provided of the flood risk management infrastructure mentioned in the policy, nor who is responsible for providing it. These things must be made more explicit. Sewage and drainage should also be mentioned explicitly. The grounds for the assumption that strategic development will help to minimise the risk from flooding are not set out. The statement that 'the land identified by the policy is unconstrained by specific flooding or landscape designations' is misleading. The runoff from this area flows into the Minehead built up area.	None stated		These are detailed development management level issues which in relation to the local plan sites will be managed through the masterplanning process.	No change

West Somerset Flood Group	WA1	The requirement that development proposals: "contribute towards resolving the flood risk issues which affect the settlement" is too vague. There is no indication as to what is intended and how it would be delivered.	None stated		These are detailed development management level issues which in relation to the local plan sites will be managed through the masterplanning process.	No change
West Somerset Flood Group	WA2	No details are provided of the flood risk management infrastructure mentioned in the policy, nor who is responsible for providing it. These things must be made more explicit. Sewage and drainage should also be mentioned explicitly, and if the system is to be upgraded the nature of the works should be specified in the plan. The grounds for the assumption that strategic development will help to minimise the risk from flooding are not set out.	None stated		These are detailed development management level issues which in relation to the local plan sites will be managed through the masterplanning process.	No change
West Somerset Flood Group	WI1	The requirement that development proposals: "where appropriate, contribute towards resolving the flood risk issues which affect the settlement" is too vague. There is no indication as to what is intended and how it would be delivered and the wording "where appropriate" makes the provision ineffective. "Contribution" in the form of S106 monies is not possible as it cannot be levied for maintenance. Under 'Purpose' a change has been made since previous versions of the Plan to accommodate the Water Framework Directive which has weakened its flood relief provisions. There is no reason why specific flood risk mitigation provisions should not appear alongside the need to protect 'good ecological status'.	Not effective.	The previous wording should be re-instated.	The wording change subject of this representation was made at the behest of the Environment Agency in relation to Water Framework Directive ecological responsibilities. These are detailed development management level issues which in relation to the local plan sites will be managed through the masterplanning process.	No change
West Somerset Flood Group	WI2	No details are provided of the flood risk management infrastructure mentioned in the policy, nor who is responsible for providing it. These things must be made more explicit. Sewage and drainage should also be mentioned explicitly. The grounds for the assumption that strategic development will help to minimise the risk from flooding are not set out.	None stated		These are detailed development management level issues which in relation to the local plan sites will be managed through the masterplanning process.	No change
West Somerset Flood Group	LT1	Land in the Minehead element of LT1 would create the same flood risk problems as the MD2 site, the same comments apply. It is not stated how the policy will deliver a new alignment for the B3191.	None stated		These are detailed development management level issues which in relation to the local plan sites will be managed through the masterplanning process, including a potentially realigned B3191.	No change
West Somerset Flood Group	CC2	The expression "to new and existing development" in the policy is too narrow in scope. The policy's justification states that it applies the flood risk provisions of NPPF para. 100, it does not, given the weaknesses of the Council's level 1 and 2 SFRAs set out above, and that no advice has been taken from the Lead Local Flood Authority.	Not effective	Replace "to new and existing development" with "elsewhere".	The Council participated in the preparation of the MSWMP and is well aware of its content which was used to inform the preparation of the Local Plan. Development can, in any case, include 'land'.	No change
West Somerset Flood Group	CC3	The superseded document PPS 25 is referred to.	Not consistent with national policy.	This reference should be changed.	This has already been corrected.	No change
West Somerset Flood Group	CC6	The policy is not clear enough to enforce, for example regarding the nature of required access to watercourses not being described. There is no mention of sewage management which is a key element of protecting the water resource and managing flood risk. The word 'cumulative' in the policy weakens it by narrowing its application, it should be removed. Further detail is needed to make the policy effective.	Not effective	The word "cumulative" should be removed from the policy. Further detail as to how water should be managed in the policy and justification is required.	The word 'cumulative' must be included because this is the only way of assessing the overall impact of development in terms of flood risk.	No change
The Theatre Trust	CF1	The Plan is not legally compliant because the policy fails to meet the requirement in para. 70 of the NPPF to protect as well as to enhance <i>cultural facilities</i> . The policy should also be renamed " <i>Maximising access to recreation and community facilities</i> ". The following description should also be added: <i>community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.</i>	Not consistent with national policy.	The policy should be amended to read: <i>The provision of new, and improvement of existing, health, sport, recreation and cultural facilities will be supported, where this helps to strengthen and or enhance a balanced range of provision for local communities and visiting tourists.</i> <i>Where a development would result in the loss of recreational or community facilities, equivalent or greater replacement facilities serving the same area must be provided as part of the proposals. either on site or in a nearby location, unless it can be demonstrated there is no longer a community need for the facility.</i> <i>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.</i>	These matters are for detailed development management policy.	No change
EDF Energy	EN1	This policy is inconsistent with national policy set out in the NPS and NPPF. Local Plan policies cannot set tests which relate to Nationally Significant Infrastructure Projects subject to Development Consent such as Hinkley Point C. The policy is therefore not consistent with national policy and should be deleted. The NPPF states that it does not contain specific policies for NSIPs which are governed through NPS.	Not effective and not consistent with national policy.	The policy should be deleted. The following statement should be added for clarity: NSIPs are subject to a separate planning process within the national planning regime. Therefore, the Local Plan does not set any policies, tests or requirements for the Planning Inspectorate / secretary of State to apply in considering and deciding whether any element of the development comprised in an application for development consent is acceptable, nor the basis on which any such application should be approved. Accordingly, the Local Plan does not have the same status for decision making by the Secretary of State as it does for decisions under the town and Country Planning Act 1990, where the Council is the determining authority.	In clarification, the following text should be added to the purposes: <i>"This policy does not apply to development covered by the NSIP process and to which a DCO applies."</i>	Add purposes: <i>"This policy does not apply to development covered by the NSIP process and to which a DCO applies."</i>
EDF Energy	EN2	Whilst the policy is not directly addressed to the Hinkley Point site, or any other NSIP, it is not clear what other schemes it might be applied to. This policy is also non-compliant with national policy expressed through the NPS and the NPPF.	Not effective and not consistent with national policy.	If the policy is specifically intended for application to non-NSIP projects then this should be clearly stated, otherwise the policy should be deleted. In the interests of clarity the following statement should be added: NSIPs are subject to a separate planning process within the national planning regime. Therefore, the Local Plan does not	In clarification, the following text should be added to the purposes: <i>"This policy does not apply to development covered by the NSIP process and to which a DCO applies."</i>	Add purposes: <i>"This policy does not apply to development covered by the NSIP process"</i>

				set any policies, tests or requirements for the Planning Inspectorate / secretary of State to apply in considering and deciding whether any element of the development comprised in an application for development consent is acceptable, nor the basis on which any such application should be approved. Accordingly, the Local Plan does not have the same status for decision making by the Secretary of State as it does for decisions under the town and Country Planning Act 1990, where the Council is the determining authority.		<i>and to which a DCO applies.*</i>
EDF Energy	Revised Preferred Strategy policy NH7	An amended version of this policy (which is not included in the Publication Draft Local Plan) should be reinstated in order to set out when the Council will consult the Office for Nuclear Regulation concerning planning proposals in the relevant consultation zones around the Hinkley Point power station site. The amended version should include consultation zones which are consistent in their size with the Detailed Emergency Planning Zone and text to make clear the requirement to consult ONR on all planning applications within the inner zone and planning applications for development in the outer zone based on the ONR's defined consultation criteria.	Not effective and not consistent with national policy.	New Policy NH7 should be reinstated with revised inner and outer zones to reflect the ONR's consultation zones and criteria. Supporting text should be added to outline the circumstances where ONR would be consulted on planning applications, making clear that for all planning applications for development within the Inner Zone the ONR would be consulted.	Noted, the position regarding this policy is that the Office for Nuclear Regulation asked the Council to include a policy specifying the scale of various types of development appropriate at various distances from the Hinkley Point power station site. EDF made a technical objection to the policy and advice was sought from ONR as to how to treat the matter. No advice was forthcoming from ONR, and the Council felt it had little choice but to withdraw the draft policy.	No change

34 respondents.

202 responses.

APPENDIX 2

Policy	West Somerset Local Plan Publication Response Report – Proposed minor changes.
EN1	Add to 'purposes': <i>"This policy does not apply to development covered by the NSIP process and to which a DCO applies."</i>
EN2	Add to 'purposes': <i>"This policy does not apply to development covered by the NSIP process and to which a DCO applies."</i>
EN2	Amend last part of policy to read: <i>"The impacts on the historic environment are justifiable and can be mitigated."</i>
OC1	Amend policy to read as follows: <i>"Residential development in the open countryside (land not adjacent or in close proximity to the major settlements, primary and secondary villages) will only be permitted where it can be demonstrated that either:</i> <ul style="list-style-type: none"> <i>• Such a location is essential for a rural worker engaged in eg: agricultural, forestry, horticulture, equestrian or hunting employment. (Applications for such dwellings would be considered subject to a functional and financial test. Where permission is granted consideration would be given to this being initially made on a temporary basis), or:</i> <i>• it is provided through the conversion of existing, traditionally constructed buildings in association with employment or tourism purposes as part of a work / live development, or;</i> <i>• it meets an ongoing identified local need for affordable housing in the nearby settlement which cannot be met within or closer to the settlement, or;</i> <i>• it is an affordable housing exceptions scheme adjacent to, or in close proximity to, a settlement in the open countryside permitted in accordance with policy SC4(5)."</i>
NH3	the last sentence of the policy to be amended to read: <i>"Where habitat is replaceable mitigation techniques need to be proven."</i>
NH4	Add to the end of the first bullet of the justification: <i>"Stream and river corridors are a key example of green infrastructure."</i>

Report Number: WSC 81/15

Presented by: Toby Clempson, Principal Planning Officer - Policy

Author of the Report: Toby Clempson, Principal Planning Officer - Policy

Contact Details:

Tel. No. Direct Line 01984 635284

Email: toby.clempson@westsomerset.gov.uk

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UPDATE ON NEIGHBOURHOOD DEVELOPMENT PLAN ACTIVITY WITHIN WEST SOMERSET

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members of Neighbourhood Development planning activity within the West Somerset Local Planning Authority area.

2. CONTRIBUTION TO CORPORATE PRIORITIES

- 2.1 Neighbourhood Planning activity, whilst not contributing directly to the Council's corporate priorities, does help to implement the National Planning Policy Framework for defined 'neighbourhood areas' alongside the West Somerset Local Plan to 2032, with which neighbourhood development plans must be generally compliant. Neighbourhood development plans can therefore be seen as generally contributing to the implementation of the Corporate Priority "Local Democracy", through seeking to increase the amount of Central Government funding arising from New Homes Bonus through increasing the supply of new housing within the District.

3. RECOMMENDATIONS

- 3.1 That Members note the contents of the report and in particular the resource implications of neighbourhood plan preparation.

4. RISK ASSESSMENT (IF APPLICABLE)

Risk Matrix

Description	Likelihood	Impact	Overall
Risk: That the Council's planning policy team resources prove insufficient to progress the Councils' own Local Plan and other planning policy documents, as well as assisting with the preparation of an unpredictable number of neighbourhood development plans.	Unlikely (2)	Major (4)	Medium (8)

<p>Mitigation: Providing advice to Parish and Town Councils about the purpose of neighbourhood development plans and whether these or other types of document such as parish plans or village design statements would be most likely to address the community's needs.</p>	Unlikely (1)	Moderate (3)	Low (3)
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The scoring of the risks identified in the above table has been based on the scoring matrix. Each risk has been assessed and scored both before the mitigation measures have been actioned and after they have.

5. **BACKGROUND INFORMATION**

- 5.1** Neighbourhood planning was introduced in the 2011 Localism Act to provide means for communities to develop a shared vision for their neighbourhood and shape the development and growth of their local area. The emphasis on their introduction was that they should be used to facilitate development allocated in statutory Local Plans, or to promote higher levels of development than those allocated.
- 5.2** Neighbourhood Plans are community led, local statutory planning policy documents. They may, subject to successful independent examination and endorsement by public referendum, be adopted as planning policy for the local area. The Town and Country Planning Act 1990 as amended by the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 are the key statutes which set out the requirements and process for preparing a neighbourhood plan. There is a considerable amount of published plain English guidance available to help with the application of the legislation.
- 5.3** A Neighbourhood Plan must be predominantly land-use based eg: dealing with the appropriate use of land: residential, industrial etc. or types and scale of development). A Neighbourhood Plan cannot be prepared contrary to national or local planning policy (site allocations, Local Plan etc.), nor can it conflict with European legislation (such as that relating to equalities and ecological impact). It cannot restrict development but it can shape development that has been allocated or otherwise provided through the application of local planning policy.
- 5.4** The process is led, carried out and controlled by a "Qualifying Authority". This will always be a Parish or Town Council within West Somerset, it being a wholly parished area. Preparing a neighbourhood plan requires a lot of time and effort. It involves the community in reaching a broad consensus on objectives, key issues and outcomes, some of which are likely to prove contentious and quite possibly divisive.

6. **THE LOCAL PLANNING AUTHORITY'S STATUTORY DUTY TO SUPPORT NEIGHBOURHOOD DEVELOPMENT PLAN PREPARATION:**

- 6.1** Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination

and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the LPA responsibilities as:

- Designating a forum
- Designating the area to be covered by the neighbourhood development plan
- Advising or assisting communities in the preparation of a neighbourhood development plan
- Checking a submitted plan meets the legal requirements
- Arranging for the independent examination of the plan
- Determining whether the neighbourhood development plan meets the basic conditions and other legal requirements
- Subject to the results of the referendum/s bringing the plan into force

In addition legislation sets out who the relevant councils are with responsibility for arranging the referendums.

6.2 The 1990 Act Schedule 4B para 3 states that:

“A local planning authority must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for NDPs in relation to neighbourhood areas within their area”.

This applies to neighbourhood development plans through S38A of the Planning and Compulsory Purchase Act 2004. There is however no requirement to give financial assistance.

6.3 To date, informal discussions about neighbourhood development planning have been held with a small number of the town and parish councils within the West Somerset LPA area. So far, Stogumber is the only parish council which has opted to proceed with the preparation of a Neighbourhood Development Plan. The Parish Council applied for the designation of a neighbourhood development area for Stogumber, and following a six week consultation period, the Council formally designated a neighbourhood development area consisting of the part of Stogumber Parish lying outside the Exmoor National Park on the 30th April 2014.

6.4 During the preparation period, a number of meetings have been held between the Council’s planning policy team and the Parish Council’s representatives. It is understood that the Parish Council is currently finalising the draft Stogumber Neighbourhood Development Plan for public consultation in advance of submission to the Council for formal advertisement prior to examination by an independent person. Assuming that the document passes the tests set in the legislation and is successfully recommended for referendum as a result of the examination, the Council will arrange for a referendum to take place, following which the document would become a statutory planning document.

6.5 Members will need to consider the Stogumber Neighbourhood Plan in more detail when it is formally submitted to the Council. Once it has been decided that the document complies with the appropriate legal requirements, the further progress of the document through to Examination and Referendum is set out in the relevant Neighbourhood Planning Regulations.

7. FINANCIAL/RESOURCE IMPLICATIONS

7.1 The cost of preparing a neighbourhood development plan falls partly on the parish or town council progressing it (for which some central government grant aid is available), and partly on the Local Planning Authority within whose area the plan sits. The costs involved are significant, for example the Lyn Plan covering Lynton and Lynmouth in Devon is understood to have cost c.£50,000 exclusive of Exmoor National Park Authority planning policy officer time. Clearly costs are likely to vary to some extent depending on the scope of the document and the nature of the area being planned for. Central government assistance for Local Planning Authorities is provided through the Neighbourhood Planning Grant scheme. The basic level of funding provided is £30,000 per (successfully examined) neighbourhood development plan. The first payment of £5,000 is made following the designation of the neighbourhood area. The second payment of £5,000 is made when the final pre-examination version of the neighbourhood plan is publicised by the local planning authority prior to examination (for which the plan must have satisfied the statutory tests). The third payment of £20,000 is made on successful completion of the neighbourhood planning examination (ie: recommendation that it be taken forward to a referendum). The £30,000 is unlikely to meet the cost in particular of arranging the examination and carrying out a referendum.

7.2 The other important issue regarding resources is that there is no control over how much neighbourhood plan work comes forward. Given the resource situation in the Planning Policy Team area work on neighbourhood development plans will potentially serve to slow down the delivery of statutory local plan documents to some extent, the more there is, the more work on the Councils' plans will be impacted.

8. COMMENTS ON BEHALF OF SECTION 151 OFFICER

To follow

9. EQUALITY & DIVERSITY IMPLICATIONS

9.1 None.

10. CRIME AND DISORDER IMPLICATIONS

10.1 None.

11. CONSULTATION IMPLICATIONS

11.1 The Council's statutory role in relation to neighbourhood development planning involves publicising the draft plan and various of the decisions. The cost of this is defrayed to some extent by Neighbourhood Planning Grant.

12. ASSET MANAGEMENT IMPLICATIONS

12.1 None identified.

13. ENVIRONMENTAL IMPACT IMPLICATIONS

13.1 The Council has to advise on how the terms of the Strategic Environmental Appraisal Directive (2004) should be satisfied.

14. HEALTH & WELLBEING

14.1 None.

15. LEGAL IMPLICATIONS

15.1 Assistance with the preparation of neighbourhood development plans is a statutory duty of the Council.