

Taunton Deane Borough Council

Executive - 8 August 2012

Adoption of the Taunton Deane Core Strategy

Report of the Policy Lead Officers

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

1. Executive Summary

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

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

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

2. Background

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

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

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

3. Full details of the Report

- 3.1 The Taunton Deane Core Strategy Inspector's Report was received on 3 July 2012 (a copy of the document is appended in Appendix 1). This report identifies a number of main modifications outlined below:
 - Clarifications to policy CP3 to define the geographical extent of town centres and the operation of the 500 m² threshold for impact assessment;
 - Additional text following policy CP4 to set out the process for advancing sites into the five-year housing land supply;
 - Removal of a reference in policy CP7 to an interim policy pending the introduction of a CIL charging schedule;
 - Amendment to policy SP1 relating to housing allocations in minor rural

centres to allow greater flexibility;

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

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

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

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

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

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

that do not affect the soundness of the document.

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

4. Finance Comments

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

5. Legal Comments

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

6. Links to Corporate Aims

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

7. Environmental Implications

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

8. Community Safety Implications

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

9. Equalities Impact

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

10. Risk Management

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

11. Partnership Implications

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

12. Recommendations

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

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Report to Taunton Deane Borough Council

by John R Mattocks BSc DipTP MRTPI FRGS

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

Date 3 July 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

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

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 14 November 2011

Examination hearings held between 7 and 10 February 2012

File Ref: PINS/D3315/429/5

Abbreviations Used in this Report

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

Non-Technical Summary

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

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

- Clarifications to policy CP3 to define the geographical extent of town centres and the operation of the 500 m² threshold for impact assessment;
- Additional text following policy CP4 to set out the process for advancing sites into the five-year housing land supply;
- Removal of a reference in policy CP7 to an interim policy pending the introduction of a CIL charging schedule;
- Amendment to policy SP1 relating to housing allocations in minor rural centres to allow greater flexibility;
- Numerical corrections to housing provision figures in policies SP4 and SS1;
- Removal of the requirement for the allocation of strategic housing sites within the identified 'broad locations' (policies SS6 and 7) to await a Core Strategy Review in 2016 and substitution of reference to allocation in the Site Allocation and Development Policies DPD by 2015 and
- Re-wording of policy SS8 (Broad location for Taunton Strategic Employment) to provide a clear criterion-based context for site identification in a future DPD
- In addition a new policy (CP1) is introduced as a main modification to ensure that the plan properly reflects the presumption in favour of sustainable development introduced in the National Planning Policy Framework

Introduction

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

Assessment of Soundness

Preamble

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

Main topic areas

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

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

The relationship with the Regional Spatial Strategy

9. The statutory Regional Strategy (RS) for South-West England is Regional Planning Guidance (RPG) 10 but that 2001 document is significantly out-of-date. It would not be realistic to relate this plan to it. The 2006 draft Regional Strategy (dRS) intended to replace RPG10 has not been approved by the Secretary of State. In his decision on the Binhamy Farm, Bude, appeal¹ the Secretary of State has clarified that the 2008 Proposed Changes document has "been abandoned in the light of the intention to revoke regional strategies" and states that he considers it should not be given weight as a material consideration in its own right. However, the technical evidence that supported the dRS remains material to the assessment of the soundness of the Core Strategy (CS). The implications of this for the overall housing provision in the plan area are discussed under topic area 4 below.
10. This CS seeks to carry forward some of the important principles behind the dRS. It is a plan for growth in line with the ministerial statement *Planning for Growth*. The plan provides for a significant expansion of the Taunton Urban Area in terms of both housing and employment development with the associated population growth. The town is identified in the dRS as one of a number of "Strategically Significant Cities and Towns" (SSCTs). In paragraph 4.2.58 of the dRS it is stated "Realising the economic potential of Taunton, and

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

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

The robustness of the employment-led approach

11. Economic forecasting is always fraught with uncertainty, no more so than in the current global financial climate. Nevertheless, the forecasts and methodology used in the 2010 Roger Tym study² and 2011 update³ have not been seriously challenged. They are based upon an assumed growth rate of 2.8% per annum GVA against the 3.2% assumed for the dRS, but it would not be realistic now to assume any speedy return to past growth rates. Growth of 2.8% is, perhaps, optimistic in the short term but given the past economic strength of the sub-region not an unreasonable assumption for the plan period. The analysis which forms the foundation for an assumed net gain of 11,900 jobs 2006-2028 is robust and represents a sound basis for the plan.
12. The Council acknowledge that the LPA cannot have any control over where people choose to live relative to their work and therefore cannot directly control commuting patterns. However, it is a laudable objective to seek to maintain the degree of self-containment hitherto experienced in the Borough. It remains national policy to seek to reduce the need to travel (by means other than the private car) and achieving a balance between employment and housing growth is an important element in planning for a sustainable pattern of development. There are innumerable factors which influence job generation with many jobs not requiring land; self-employment has become of increasing importance but is less easy to monitor. Although the concept of an employment-led strategy requires monitoring by the Council with a view to taking corrective action at plan review⁴, there is sufficient flexibility within the strategy to ensure that a balance is maintained. It is concluded that the employment-led approach to the Core Strategy is based on soundly researched evidence.

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

Employment land provision (quantitative supply)

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

² EB/ECON3

³ EB/ECON4

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

development in sustainable locations. The updated Roger Tym study⁵ has established that the Borough-wide supply is sufficient in quantitative terms although it identifies an imbalance towards Wellington compared to the recommended 80/20 split between Taunton and the rest of the Borough. The study forms a sound basis for the land and floor space requirements of policy CP2. Allocations at the strategic sites at Monkton Heathfield and Nerrols provide for an additional 23.5 ha. to meet the required additional provision within the Taunton Urban Area with the likelihood of smaller sites being identified in the Site Allocations DPD. Policy SS1 makes provision for the long term development of an additional 10 ha. of land for B class uses at Walford Cross. The land does not count towards identified employment land supply but it does provide a contingency, subject to infrastructure constraints.

The identification of Strategic Employment Sites (qualitative provision)

14. Despite the quantitative supply, several reports⁶ have identified the need to ensure the provision of higher quality sites to attract new employers and there is anecdotal evidence of companies going elsewhere due to a lack of suitable sites. There is strong support from the local business community for an improvement in the quality of available sites. In that context policy SS5 allocates a strategic employment site at Chelston, Wellington. This site has had past permission as a livestock market and is well located relative to the M5 to provide for a single user or for the relocation of a major local employer as identified in Policy SP3: Wellington Spatial Policy. The policy is sound in so far as the site is not regarded as generally available but reserved for one single use occupier.
15. With the focus of the strategy on Taunton as the SSCT it is the town centre where major retail and office (B1a) development is to take place. That is a sound approach. Otherwise, it might be expected that any strategic employment site would be well located relative to the areas identified for future housing development. The work with the business community points strongly towards a qualitative need for the identification of a strategic employment site, with support from the Heart of the South West Local Enterprise Partnership⁷. This is the main justification for Policy SS8. However, as stated in the policy itself, there is no evidence at the present time to support a specific allocation despite the strategic nature of the proposal. It is not a true policy in the sense that it is simply a statement of intended action in the period to the next plan review in 2016. To that extent it is not sound. However, a modification to refer to the quantitative need and to provide criteria for site allocation through a subsequent DPD is recommended. In response to representations on the draft modification, the council have clarified that it is their intention to deal with the matter in the 'next Local Plan' which, according to the current LDS, is the Site Allocations and

⁵ EB/ECON4

⁶ EB/ECON 3, 7-10

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

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

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

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

The scale of retail provision in Taunton town centre

17. The council have clarified that the figures given under policies CP3 and SP2, for Taunton, represent the most up-to-date available derived from the Roger Tym retail study⁸. This evidence supersedes that undertaken for the Taunton Town Centre AAP adopted in October 2008⁹. Although reservations have been expressed in relation to occupier demand no evidence has been produced to challenge the Roger Tym assumptions or calculations of floorspace requirements to 2028. It is a sound approach to envisage that the allocations made in the AAP will be subject to review through the Site Allocations and Development Management DPD (SADM) which is shown in the Local Development Scheme (LDS) as due for further consultation in September/October 2012. It is also in that DPD that it is appropriate to include more refined monitoring measures including 5 year milestones to accord with the extant PPS4 best practice guidance.

The threshold for impact assessment

18. The guidance paragraph 26 of the Framework is that local authorities should set size thresholds above which proposals for town centre uses should be the subject of an impact assessment; the 2500m² threshold is now a 'default'. The Roger Tym report¹⁰ sets out the justification for the application of a local threshold of 500m². It is soundly based.
19. However, criterion c. of CS Policy CP3 requires an impact assessment for all proposals above the threshold. While it was indicated in Policy EC16.1e of PPS4 that an assessment might be applied to proposals *in* town centres *if* they were also 'not in accordance with an up-to-date development plan' paragraph 26 of the Framework now states only that impact assessments may be required

⁸ EB/LR8-11

⁹ SD15

¹⁰ EB/LR8 paras. 9.67-83

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

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

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

21. The council were influenced in their approach to the definition of town centre boundaries and retail designations by the advice in the then policy EC3.1c of PPS4 that the extent of such areas should be shown on the Adopted Proposals Map. This is stated in CS paragraph 3.48. The Framework does not refer to the Proposals Maps although the third bullet point in paragraph 23 carries forward the advice that local plans should define the extent of town centres and primary shopping areas. However, this is a Core Strategy which would not be expected to include site-specific detail requiring amendments to the Adopted Proposals Map, although the strategic importance of Taunton town centre as a retail centre justifies its inclusion, along with Wellington, in order to define the areas to which policy CP3 applies.
22. The issue is complicated by the fact that the Proposals Map submitted with the Core Strategy is not restricted to showing the changes which would result from the adoption of this DPD¹¹, indeed there is an error on the inset map key, so it is not immediately apparent that the town centre boundaries for Taunton and Wellington are being defined for the first time. This element of unsoundness is remedied by a main modification (**MM 02**) amending the wording of paragraph 3.48 to clarify the plan.
23. The submitted Proposals Map also shows the Primary Shopping Area and primary and secondary frontages but there is no policy in the CS which relates to these, including the strategic development management policy section. The only reference is in paragraph 3.48 which suggests that the boundaries shown on the Proposals Map are of an interim nature pending review through the Development Management DPD. This was not, therefore, correct procedurally. The modification of paragraph 3.48 as referenced above removes reference to primary and secondary frontages and leaves the matter for a subsequent DPD. Such an approach is not inconsistent with paragraph 23 of the Framework.

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

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

The overall plan requirement for housing to 2028

24. As discussed above it is no longer realistic to base the scale of housing development in Taunton Deane on the higher growth rates assumed at the time of the Regional Strategy examination in 2007. More up-to-date ONS population projections are also significantly lower. Instead, the Council commissioned their own study of housing requirements¹² with an important input from a survey of actual household movements to and from the district undertaken as part of the SHMA¹³. It takes account of a wide range of demographic factors but the main impetus in Taunton Deane is the projected job growth, which influences migration flows. The study, with an update to extend the period to 2028¹⁴ (16 years from the likely adoption date), represents a sound basis for the housing provision in the plan which happens to be very close to the figure for 2006-26 included in the submitted draft Regional Strategy.
25. The actual estimate of the Borough-wide housing requirement 2008-28 is 16,278 dwellings but that does not include an additional 1760 units of "specialist accommodation". There are those who argue that this should be added to the overall plan provision making it 18,000 dwellings, or 18,500 with additional provision in major villages (see below). Although there is no firm basis for discounting the 1760 related to "commuting neutrality", it is correct that there must be a considerable degree of uncertainty about the housing intentions of older people¹⁵. As stated in paragraph A11 of the Fordham addendum, the need for specialist housing should not merely be added to the market and affordable requirement. Specialist housing will need to be provided to meet demand irrespective of the overall plan provision which is expressed as "at least" with no intention to artificially constrain development. It is a matter for monitoring. In view of this, the plan provision to 2028 is sound.

The distribution of new housing in the Borough

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

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

¹³ EB/HOU3

¹⁴ Addendum, Fordham Research, EB/HOU6

¹⁵ Housing and Older People Study, ALD25

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

27. There is no evidential support for a figure as low as 1000. On the contrary it is argued that the rural provision should be 2000 dwellings on the basis that 30% of the Borough's population is housed outside Taunton and Wellington with close to 12% in the major and minor rural centres, as well as the potential availability of suitable sites. However, an option for a higher level of dispersal towards rural settlements was evaluated at the "Issues and Options" stage SA¹⁶ and found to be less sustainable than the chosen strategy. The fundamental emphasis of the strategy is to focus housing development where there is the greatest opportunity for access to work and support facilities by sustainable transport modes, an approach which remains consistent with guidance in the Framework¹⁷. There is no evidence that the planned level of housing provision in the rural centres would reduce their sustainability. There is also adequate flexibility to allow local needs to be met, including affordable housing, within the terms of policy SP4. Neighbourhood Plans may well play a positive role. A 1500 dwelling figure for the 'rest of the Borough' would be sound (1000 is not).
28. As the plan was submitted with a figure of 1000 given in the third bullet point under policy SP4, even though it is an error, the plan is unsound without main modification **MM 06** correcting the figure to 1500.

Phasing

29. It is argued that the differential rates for housing development over the periods 2011-6; 2016-21 and 2021-28 set out in policy CP4 represent an unreasonable restriction on housing supply, particularly in the context of the Framework policy to ensure continuous delivery of land for housing for 15 years from plan adoption, with special emphasis on identifying a rolling five year supply. The phasing represents a stepping up of completion rates from 700 dwellings a year over the first five year period (3500) to 900 in the second (4500) and just over 1070 for the final 7 year period (7500)¹⁸. The latter is "challenging" compared to past trends or a 'flat rate' of 850 per year for 20 years (2008-28). The AMR 2011¹⁹ shows 1353 completions over the 3 years 2008-11, just over 450 dwellings a year.
30. This is not a policy phasing in the sense that it represents an intention to control development, for example to keep pace with infrastructure delivery. As clearly stated in paragraph 3.57 of the plan it is not a cap but a minimum to be achieved. There is a convincing argument that the currently lower level of economic growth, reflected in lower housing completions, is likely to continue

¹⁶ Sustainability Appraisal of Regulation 25 consultation, CD10, option six

¹⁷ Paragraphs 54 and 55

¹⁸ These figures assume 1500 completions 2008-11. The actual figure is 1426.

¹⁹ ALD23, Table 4.1

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

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

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

32. The inclusion of a lower estimate for housing completions during the early part of the plan period has the effect of reducing the number of deliverable sites which have to be identified from the Strategic Housing Land Availability Assessment (SHLAA) in order to ensure a five-year supply of land for housing. However, the suggestion that this is simply a means to side step the consequences in terms of the Framework²⁰ is unjustified. The council accepted that the 2011 SHLAA identified deliverable housing sites equivalent to 4.73 years supply using the criteria developed under PPS3 guidance. Some submit that the supply is lower but significant weight is attached to the SHLAA evidence. The site-specific detail which underlies the assumptions and calculations of supply is more appropriately a matter for debate in another forum.
33. As indicated at the start of this report, the National Planning Policy Framework was finalised at a rather later stage in the examination of this plan. It strengthens the need for councils to ensure that the evidence base identifies "a supply of specific deliverable sites to provide five years' worth of housing against their housing requirements"²¹ The Framework also states that an additional buffer of 5% should be provided unless there has been "a record of persistent under delivery of housing" when the buffer should be 20%²².
34. In the supplementary topic paper produced by the council to deal with the issues arising from this guidance they have re-evaluated the SHLAA evidence taking account of the revised advice on the treatment of windfalls.²³ There is no doubt that such sites have become consistently available and the evidence demonstrates that they will continue to provide a reliable source of supply; nothing in the consultation responses significantly undermines that position. The calculation put forward excludes residential garden land. On that basis the

²⁰ Paragraph 49 in the Framework

²¹ Quote from paragraph 47 in the Framework

²² Paragraph 47, second bullet point

²³ Paragraph 48 in the Framework

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

35. The evidence on past housing provision against the requirements of the Somerset County Structure Plan is that between 1998 and 2011 the annualised requirement of 522 dwellings was exceeded only in 4 years²⁴ and by March 2011 only 93% of the pro-rata provision had been achieved. This might reasonably be considered as 'persistent under provision', in which case the guidance in paragraph 47 of the Framework would suggest that a 20% buffer should be required.
36. Nevertheless, it is necessary to consider the circumstances behind the under-provision which has occurred to understand what the implications might be should such additional housing land need to be identified now. Firstly, the Taunton Deane Local Plan (2004)²⁵ identified a requirement for a 1000 dwelling urban extension in the Monkton Heathfield area as a significant proportion of the planned housing provision with 850 dwellings proposed for 'phase 2', after 2006. Bearing in mind that, although permission has been granted, development has only recently commenced owing to the particular constraints which need to be overcome and, latterly, the downturn in market expectations, the delivery of 93-94% of the overall requirement is a notable achievement. This Core Strategy facilitates continuation of the growth agenda; it has been positively prepared.
37. Secondly, the Core Strategy is a strategic policy document and forms but part of the 'local plan' as defined in the Framework glossary. It does not seek to allocate the housing sites needed to meet the identified requirements, especially in the first five years. The plan-making process will only be complete once the Site Allocations DPD has been adopted. The remedy to a shortfall in housing provision lies mainly in this sister DPD together with the annual review of the SHLAA and any other mechanism there may be to bring forward allocated sites into the supply.
38. As stated in the Framework the purpose of identifying a buffer over and above a five-year supply is 'to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'. The most effective means to achieve such a purpose is to move forward to the production of the Site Allocations DPD which can include full evaluation and consultation on major sites such as Comeytrowe. To delay adoption of the Core Strategy

²⁴ Council Addendum statement for Matter 2, paragraph 2.67, Table 1.

²⁵ Document SD/4, policies H2 and T8

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

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

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

41. During the examination the council produced an updated housing trajectory²⁶ which shows 15473 dwelling completions from the plan base date of 1.4.08 up to 31.3.28, which is somewhat over 1500 dwellings short of the plan requirement. However, such a shortfall is not significant spread over a 20 year plan period, particularly when it is considered that a mid-point figure has been used for the two largest strategic sites (Staplegrove and Comeytrove) whereas developer evidence points to the sites providing up to a further 1000 dwellings; other sites are likely to be identified in the Site Allocations DPD and no allowance has been made for windfalls, or small sites, beyond those with permission.
42. Year 6 after adoption is likely to start in April 2017. At that point the housing trajectory shows development at Monkton Heathfield well under way supported by continuing development at a wide range of other sites which either already have permission or are allocated. Although the strategic sites²⁷ at Staplegrove and Comeytrove are not showing a contribution before 2019/20 evidence from

²⁶ Appendix 2 to statement for Matter 2

²⁷ Currently "broad locations"

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

Affordable Housing

43. The Affordable Housing Viability Assessment (AHVA)²⁸ carried out by Fordham research supports the inclusion of a 25% target for affordable homes in policy CP4. As indicated in Table 2.4 the overall target of 4000 dwellings over the plan period equates to just under 25% of the plan housing provision of 17000 dwellings.²⁹ This makes no allowance for the threshold of 5 dwellings under which no contribution will be required but, as stated in evidence by the council, there has been a relatively high level of contributions from "non s106" schemes. The 'lions share' of provision will come from the sustainable urban extensions in Taunton and Wellington. Recent rural provision has been very close to the 20 dwellings a year required under Table 2.4. On that basis the target is achievable. The threshold figure is not fully supported by the AHVA but that study did not account for the affordable rent category. The proviso within policy CP4 recognising the importance of scheme viability is an important one. It demonstrates a flexible approach by the council which is especially important given the fluidity of development economics at present. The policy is justified and sound.
44. Self-build housing does not come within the definition of affordable housing³⁰. Self-build housing may be low-cost but it is generally regarded as a form of market housing. Policy CP4 recognises the need to ensure an appropriate mix of new housing types. That is sufficient for a Core Strategy. Greater policy specificity is more appropriate for a Development Management DPD.

Topic area 5 – Deliverability, Transport and Infrastructure

Deliverability

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

²⁸ EB/HOU4

²⁹ Not identified separately in the housing trajectory as per paragraph 47 of the Framework

³⁰ Annex 2 (Glossary) of the Framework

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

Transport and Infrastructure

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

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

The evaluation of alternatives for the expansion of Taunton

51. The background work undertaken to investigate the options for sustainable urban extensions to Taunton has been thorough, dating from 2004 through to 2010³¹. The options have been subject to public consultation and involvement
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³¹ EB/SS1-3

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

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

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

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

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

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

54. Since the submission of the Core Strategy further design work³², taking account of the now more flexible approach to housing density, indicates that housing delivery at Monkton Heathfield will be closer to 4500 than the 5000 indicated in policy SS1. That aspect of the policy is not, therefore, justified by the evidence base and is unsound. A main modification (**MM 07**) to adjust the policy figure would make it sound.
55. At Priorswood/Nerrols the southern part was identified in July 2011 as an IRS. The council have resolved to grant planning permission subject to a s106 agreement. Mitigation measures as required by the HRA are covered by these arrangements. The land is owned by the Crown Estates who suggest that development may be more rapid than assumed in the council's housing trajectory.
56. Although there must always be a degree of uncertainty about the delivery of sites for development, especially major allocations such as Monkton Heathfield, the evidence from the development industry and from the extensive studies submitted as part of the evidence base confirm that the strategy is likely to be effective in ensuring that the sites come forward in accordance with the housing trajectory. The plan is sound.

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

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

³² EB/SS13

59. On the assumption that this Core Strategy is adopted later this year (2012) year 6 will commence in April 2017. The contribution to housing completions from these sites would commence in year 8. That is within the period of years 6-10. The guidance in the Framework remains that broad locations for future growth may be identified for these future years and, where they are, they should be shown on a key diagram³³. As a Core Strategy the plan was submitted taking account of the then advice in paragraph 4.11 of PPS12 that the infrastructure planning for a core strategy should also include the specific infrastructure requirements of any such strategic sites which are allocated in it. Although that advice is repeated in the Framework there remains an emphasis on the importance of infrastructure delivery to support development³⁴. The plan would, therefore, be unsound should there be insufficient evidence on infrastructural requirements to justify a specific allocation.
60. On the model used for Monkton Heathfield the council look to a masterplanning exercise to establish the infrastructure requirements. That is specified in both policies. It is some way off for Staplegrove. For Comeytrove, a developers' consortium has submitted an initial masterplan and significant information about infrastructural requirements but this was only done at plan publication stage linked to a representation seeking an allocation for up to 2000 dwellings in the northern part of the 'broad location'. The lateness of this submission is not in the spirit of frontloading which is integral to the plan-making process.
61. Nevertheless, there has been meaningful and constructive dialogue on the details of the Comeytrove proposals. There are important matters which remain unresolved, however. Most significant of these relates to the provision of a sustainable transport package to reduce the impact on the existing road network. The consortium's proposals are for a 'showcase bus route' along the A38 with a 'Park and Bus' facility at Rumwell. Although these proposals may work for the 2000 dwelling proposal it remains far from clear how the development would then contribute to infrastructure requirements for the longer-term scheme, beyond this plan period, for a further 6000 dwellings in the Comeytrove area. A policy which simply stated that development would be "without prejudice" to the longer term proposals would not be sound; the policy must explicitly relate to the longer-term development area in the interests of good planning.
62. Only after a comprehensive masterplanning exercise has been undertaken will it be clear how the essential infrastructure for the wider area can be delivered. Policy SS7 does not state that this masterplan need be undertaken by only one developer and indeed the council would have a significant part to play. It is also necessary to engage the landowners for the more southern part of the area, some of whom have indicated support for the plan approach.
63. The level and detail of the information available on infrastructural requirements
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³³ 3rd bullet point in paragraph 47 and 4th bullet point in paragraph 157

³⁴ For example, paragraph 177

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

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

Other 'strategic' sites

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

Topic area 7 - The spatial strategy, Wellington strategic sites

The evaluation of alternatives for the expansion of Wellington

67. Realistic alternatives for the development of Wellington are more limited than for Taunton. Ten possible small sites were considered through the SA at the issues and options stage³⁵. Those chosen as strategic sites have been shown to be the most sustainable with a longer term option (Longforth North-East of railway) not required during this plan period. The approach taken is sound.

The relocation of Reylon and Swallowfield

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

The re-opening of Wellington station

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

The function of the Northern Relief Road (Longforth)

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

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

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

72. Core Strategy policy SP1 sets out the rural settlement hierarchy. It replaces saved policy S4 of the 2004 Local Plan and defines Wiveliscombe and Bishops

³⁵ Combined with Site Allocations DPD

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

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

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

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

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

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

Topic area 10 - Development Management policies

Policy DM2 – Conversion of existing buildings in the countryside

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

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

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

78. Policy CP1 on climate change does not set a target for local renewable energy generation although the policy indicates a positive approach to the consideration of such installations. The focus through policy DM5 is on the achievement of high carbon reduction standards through construction, seeking CO₂ emission reductions one level higher under the Code for Sustainable Homes than those set nationally. However, this is restricted to the urban extensions and town centre allocations where the scale of development should permit efficiencies which should not place an undue burden on the developer/purchaser. Even so, there is an important caveat on viability. The policies are sound on that basis.

Topic area 11 – Consistency with the National Planning Policy Framework

The presumption in favour of sustainable development

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

(MM11) to make the plan sound.

Other issues

84. The council have produced an over-view of the Core Strategy which identifies two topic areas in which it is accepted that the Strategy does not comply with the Framework³⁶. As indicated elsewhere the Framework applies to local plans generally and does not distinguish between strategic policy documents and those which apply more detailed site-specific criteria. In that regard a policy indicating in which areas it may be necessary to limit the freedom to change the use of buildings³⁷ is more appropriately included in the forthcoming SADM document.
85. The provision in the Framework relating to defence, national security, counter-terrorism and resilience³⁸ represents new policy advice and it would not be reasonable to delay adoption of the Core Strategy for further work to be done on this topic. It is a matter which will need to be covered in a subsequent development (local) plan document.
86. With the exception of these policy areas it is considered that the submitted Core Strategy is broadly consistent with the Framework.

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

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

³⁶ Document ED/28

³⁷ 6th bullet, paragraph 157 of the Framework

³⁸ Paragraph 164 of the Framework

Assessment of Legal Compliance

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

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

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

Overall Conclusion and Recommendation

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

John R Mattocks

Inspector

This report is accompanied by the Appendix containing the Main Modifications

Taunton Deane Core Strategy 2011-2028

Schedule of Main Modifications

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

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

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

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