

LOCAL DEVELOPMENT PANEL

Minutes of the Meeting held on 19 April 2011

Present:

Councillor K H Turner (Chairman)
Councillor K J Ross

Councillor I R Melhuish

Members in Attendance:

Councillor E May

Officers in Attendance:

Ian Timms, Group Manager – Housing & Community
Martin Wilsher, Principal Planning Officer, LDF
Toby Clempson, Principal Planning Officer, LDF
Claire Richards, Member Support Officer

LD23 Apologies for Absence

Apologies for absence were received from Councillor C M Lawrence and C Morgan.

LD24 Minutes

(Minutes of the Local Development Panel held on 15 February 2011 – circulated with the Agenda).

With regard to LD21, Williton Masterplan, it was confirmed that the Smithyard Lorry Terminal was within the Williton Parish. It was further clarified that the Masterplan had received the endorsement of Full Council on 23 March 2011 and that public consultation would take place after the May elections.

With regard to LD22, it was noted that an update on the implications of the Draft Localism Bill proposals for planning would now be presented to the first meeting of the Local Development Panel in the 2011-12 municipal year.

RESOLVED that the Minutes of the Local Development Panel held on 125 February 2011 be confirmed as a correct record.

LD25 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

LD26 Public Participation

No member of the public had requested to speak on any item on the agenda.

LD27 Developing Policies for the West Somerset Core Strategy Preferred Strategy

(Copy of the schedule, circulated with the Agenda).

The Principal Planning Officer, LDF, advised that the policy headings and potential Core Strategy policies had been prepared through the Regulation 25 process, commencing with Government policy requirements, the Sustainable Community Strategies/LAA for the area. They have been subject to an issues identification and engagement process, consideration at meetings of the Council's Local Development Panel, resulting in a series of strategy and policy options which were also subject to community and stakeholder engagement all informed by the LDF evidence base and subject to Sustainability Appraisal.

He confirmed the Potential Core Strategy policies set out in the schedule below were put forward for discussion by the Panel and would be subject to further consideration and informal consultation through the remaining stages of the Regulation 25 process. He advised it should also be borne in mind that the Government had indicated that the Regional Spatial Strategy would no longer be part of the process once the Localism Bill was enacted and that this would influence the range of matters that the Core Strategy would have to address.

During discussion on the policy subjects, the following comments were made –

- EN1 – Mitigation of Impact of Hinkley Point C new nuclear proposals

Noted that the Local Development Panel, Cabinet and Full Council had endorsed a Position Statement on major energy generation projects and their associated infrastructure.

It was agreed to delete the word "C" in the policy title, which would ensure that, should there be any future developments, these would also be covered by the policy.

- EN2 – Mitigation of Impact of major energy generating proposals

The policy provided the opportunity to mitigate any adverse impacts and optimisation of beneficial impacts in response to other non-nuclear major energy generating proposals. The intention being to make the content of the Council's Position Statement into a statutory planning policy with significantly more weight in the development management process.

In response to a question as to the point at which a policy gained sufficient weight to be used in the consideration of planning applications or appeals, it was noted that there was an ongoing debate within Central Government on this matter. This debate was coupled with whether an Inspector's report on the Core Strategy Examination was binding or not. Under the 2004 Act, the Inspector's report is binding on the Local Planning Authority and policies have little weight until after the report is published. However, the Draft Localism Bill proposes to remove the Inspector's power to instruct Councils to amend the document and instead the Inspector will return to making recommendations as in the pre-2004 Local Plan process, giving the Council the final say in the Plan's content.

A question was asked as to whether this policy could be used to prevent the use of agricultural land for the growing of energy crops rather than food. It was noted there was already a policy that recognized the importance of agriculture, but it was felt such a link might be difficult in planning policy terms. The Principal Planning Officer, LDF, advised that the Government exempted agricultural land from the Town & Country Planning Act when it was introduced in 1947 to a very large extent and to introduce such a policy would require changes to the legislative structure and could attract a lot of opposition, particularly from larger corporate farming companies. However, it was agreed that the Principal Planning Officers, LDF, would research this and report back to a future meeting.

- SC1 – Hierarchy of Settlements

The Principal Planning Officer, LDF, advised this was the centrepiece of the Core Strategy and set out what kinds of development were allowed and where, and also how various communities worked in relation to each other in terms of service provision and employment. In terms of development, this meant all types, e.g. housing, employment, mixed use, etc. The main thrust of the strategy was a continuation of policy that had been in place for many years.

Members felt that, if the development was housing, there should both be an element of affordable and open market and the latter should be expected to pay an affordable element contribution. There was also a need to prepare a criteria based approach to development within and in close proximity to rural settlements.

The Group Manager – Housing & Community – stated that the Council did not wish to replicate what existed within the Exmoor National Park, but emphasized that some development was required in order to sustain communities.

With regard to Section 106 monies, Members asked why it took so long to receive the money. The Group Manager – Housing & Community – advised that this depended on the trigger negotiated and the viability of the development. The Principal Planning Officer, LDF, reminded Members that many of the existing Section 106 contributions currently held were negotiated prior to the production of the new Planning Obligations SPD and some of the agreements contained clear parameters as to what the monies could be used for and/or where they could be spent. When releasing Section 106 monies for projects, the Local Planning Authority, through its Planning Obligations Group, had to ensure that the project met the requirements of being 'relevant' and related to the original development(s) from which it originated.

Regarding the section of the suggested policy addressing development in the open countryside, Members felt that the second version of this part of the policy set out in the table was more appropriate to conditions in West Somerset than the shorter first version.

The fourth section of the suggested policy covering development at villages without a development boundary the words "in close proximity to" were preferred by Members rather than "immediately adjacent to". A discussion took place about the pros and cons of identifying development boundaries for settlements, and how a policy could ensure that the desired scale and type of development could be allowed there without "opening the flood gates". It was clarified that the policy was addressing a variety of types of development, not just housing.

- **SC2 – Strategic Development**

This section provided more detail on managing delivery and the balance of development. It was noted that in the past 20 years, circa 80% of housing completions have consistently been provided at Minehead, Watchet and Williton.

A general point was raised for clarification regarding the extent of the coverage of the Core Strategy. It was explained that the Core Strategy only covered the parts of the West Somerset district that lies outside the Exmoor National Park. The Exmoor National Park Authority is the Local Planning Authority for the parts of the district, which lie within the National Park. This is the same situation as exists with regard to the West Somerset District Local Plan. It was requested that the text of the Core Strategy should make this explicit. The Group Manager, Housing and Community, advised that the Core Strategy would include plans and text clearly indicating that the policy

coverage was limited to the area outside the Park, as had been set out in the Core Strategy Options Paper.

- SC3 – Appropriate mix of housing types and tenures

This was a policy that sought to ensure appropriate mix of housing types and tenures was provided in response to the needs of the various communities within the Core Strategy area.

Members questioned how often the evidence required to assess these matters was updated and whether the results varied. In response, the Group Manager, Housing & Community, advised that a full Strategic Housing Market Assessment (SHMA) had been undertaken in 2008/09, and that local needs survey work was undertaken continuously through the rural housing project. A review of the main SHMA study would be undertaken in two years' time.

The Principal Planning Officer, LDF, added that two SHMA's had been undertaken covering our area (West Somerset being part of two overlapping housing market areas) and that they provided a very good quality up-to-date evidence baseline.

- SC4 – Affordable Housing

The Principal Planning Officer, LDF, confirmed this was a difficult area of policy as it was not something that had traditionally been undertaken through the planning policy system. The policy was based on the evidence based relating to the size of development that triggers requirements for affordable housing. It sets out a threshold for each type of settlement; for example, Minehead has a threshold applying to sites of 8 or more dwellings. The Principal Planning Officer, LDF, indicated that the proposed policy seeks to give the approach currently set out in the Council's Planning Obligations SPD statutory planning policy status, thereby strengthening it.

Members queried whether the numbers relating to areas other than in Minehead, Watchet or Williton, were correct and the Group Manager – Housing & Community advised this was consistent with the policy currently in place. He further stated that the Supplementary Planning Document adopted an approach of ratios and allowed for the affordable housing allocation to be cascaded from one particular village to another. However, he agreed to check this and report back at a future meeting.

Members also questioned how much the additional cost of providing Code for Sustainable Homes (CSH) level 4 for affordable housing compared to the cost of CSH level 3 would be and whether this would effectively prohibit such development by rendering it unviable. The Principal Planning Officer, LDF, confirmed that the actual cost difference between the two code levels would be between £6,000 to £10,000, but the big issue was the type of elements that have to be met for a code level 4 property, such as sustainability, travel, bus

routes, etc, compared to a code level 3 property. The application of CSH is outside the remit of the Council as such; currently the HCA requires that all affordable dwellings are built to code level 3. Code level 4 had been due to become a requirement on 1 April 2010, but the Government is in the process of reviewing the definitions of the CSH code levels due to concerns they have about viability and deliverability of housing schemes.

The Principal Planning Officer, LDF, also indicated that the CSH currently only applies as a requirement to affordable housing.

Members queried the issue of protecting areas if development boundaries were removed. They were advised that the manner of ensuring this was one that would have to be very carefully covered by policy, and that evidence about the settlement and its surroundings would be important. For example, an assessment of all the sites in a village could be undertaken in order to assess which sites were and were not acceptable for development, and the maximum amount of development to be provided within a specified timeframe could be controlled based on a percentage of the existing number of dwellings within the defined area.

The Principal Planning Officer, LDF, advised that this section also related to justification for local needs affordable housing in and around small settlements, which do not have a development limit. The suggestion was that there had to be clear evidence as to whether there was a need. The Council was exploring the issue with particular emphasis on the issue of settlement clusters. The concept of settlement clusters recognizes that a series of small villages that individually have perhaps only one service may collectively cover a wider range of day-to-day services.

Members acknowledged that they had not been able to consider all the policy proposals contained in the document due to time constraints. They agreed that the officers should continue work on these and other policy development for inclusion in the LDF Core Strategy, including incorporation of the suggestions made at the meeting. This work should be brought back for discussion and consideration at future meetings of the Local Development Panel over the summer.

The meeting closed at 4.28 pm.