

Executive – 18 January 2012

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

Officers: Penny James (Chief Executive), Shirlene Adam (Strategic Director), Tim Burton (Growth and Development Manager), Simon Lewis (Strategy and Corporate Manager), Ralph Willoughby-Foster (Planning Policy Advisor), Nick Bryant (Strategy Lead), Richard Sealy (Performance and Client Manager), Paul Harding (Performance and Client Lead), David Evans (Economic Development Specialist), Judith Jackson (Legal Services Manager) and Richard Bryant (Democratic Services Manager)

Also present: Councillors Coles, Horsley, R Lees, Morrell and A Wedderkopp
Mrs Anne Elder, Chairman of the Standards Committee and
Steve Read, Somerset Waste Partnership

(The meeting commenced at 6.15 pm.)

1. Minutes

The minutes of the meeting of the Executive held on 7 December 2011, copies of which had been circulated, were taken as read and were signed.

2. Public Question Time

Mr Martin Aldred, the Chairman of the Halcon North Tenants and Residents' Association, stated that the community of Halcon North wanted no more consultation on Option 1 of the proposed regeneration project. He asked that no more money was spent on Option 1 as 'NO' meant 'NO'.

Councillor Mrs Jean Adkins had said previously that the regeneration was nothing to do with poverty or deprivation or the people of Halcon North – it was to do with the geographical area and the land.

The Ward Councillors and our local Vicar were opposed to this regeneration scheme being put forward as there was no benefit for the community whatsoever. Many extended family members in the area would be split if the proposals went ahead. Surely you would not wish to bring this upon young families or elderly relatives? This regeneration scheme also looks nothing like what was offered nearly two years ago.

You should be proud that the people of Halcon North want to stay with Taunton Deane as their landlord, even after all you have put them through with this flawed regeneration project. So please do not push them aside and force them out of their homes and community. The thought of this was having a detrimental effect on the health and well being of tenants and residents, so prompt action was needed before someone became seriously ill or worse.

Would the Council please work with the Halcon North Tenants and Residents Association to get a regeneration project that benefitted the community and was not

just a money driven project and a land grab?

The tenants and residents deserved to be treated far better than they have been by the Council, so would you now please enter into the minutes of this Executive meeting that Option 1 was now, no longer an option for the community of Halcon North or an option for the Council?

We have been told on several occasions that Taunton Deane would not go against the wishes of the people of Halcon North, so if you continue after today with Option 1 you would be doing exactly.

In response, the Chairman thanked Mr Aldred for his questions and promised that a written response would be sent to him. Councillor Williams added that the Council would not seek to impose a scheme on the local community. It was not money driven or a land grab. The Council simply wanted to improve the environment of Halcon North and would continue to work with the community to achieve this.

Councillor Williams also confirmed that the minutes of tonight's meeting could not dispense with Option 1, as requested, without full consideration being given to this by the Council.

3. Declaration of Interests

In connection with the Interim Release Sites item on the agenda, Councillor Hayward declared a prejudicial interest in the proposed site at Ford Farm, Norton Fitzwarren as he lived opposite the land concerned. The Chairman declared a prejudicial interest in the site at Hartnells Farm, Monkton Heathfield as the owner of a property adjoining the land. Councillor Cavill also declared a prejudicial interest in the site at Hartnells Farm and the site west of Greenway, Monkton Heathfield as the owner of land in the area. All three Councillors left the meeting before discussion on the sites they had declared an interest in took place.

4. Centre for Outdoor Activities and Community Hub (COACH) at French Weir Park, Taunton

Considered report previously circulated, concerning a proposal to grant a 125 year lease of an area of land at French Weir Park, Taunton to the Somerset Waterways Development Trust to establish a Centre for Outdoor Activities and Community Hub (COACH).

The COACH facility was both a building, including a floodable boat store on the ground floor and community facilities and cafe above, and a landmark boat lift to bring boats from below French Weir to the higher reaches of the River Tone and on towards Silk Mills. The building would also provide a sustainable and functional permanent 'home' for a wide variety of clubs and community groups.

The Project Taunton Steering Group had given 'in principle' support for the lease of the land required for the construction of a facility (to include the existing toilet block) as match funding for the delivery of the Somerset Waterways Development Trust's COACH project. The proposed location of the building was the preferred option and had the preliminary agreement of the Environment Agency.

The project, which had already garnered wide ranging public support, aimed to:-

- increase participation in wide ranging community and outdoor activities;
- promote sporting excellence and provide a 'feed' to affiliated clubs;
- encourage active lifestyles through ease of access;
- promote the River Tone – an under-used asset; and
- add a community dimension to the town centre regeneration and beyond.

The Development Trust was the umbrella organisation which managed COACH funding applications. Taunton Deane's grant of a lease for land on which the facilities would be constructed would count towards match funding and therefore substantially improve the chances of a successful bid.

Noted that the project would be subject to full planning permission being obtained, the production of a full business plan, which would take into account all "transport related issues" and the necessary funding being secured.

Resolved that the grant of a long lease at a peppercorn rent of the land required at French Weir Park, Taunton for the construction of a Centre for Outdoor Activities and Community Hub be approved, subject to full planning permission being granted, approval of the business plan and funding for the project being secured.

5. Release of further Interim Release Sites

Considered report previously circulated, concerning the proposed release of interim sites at Ford Farm, Norton Fitzwarren, land to the west of Greenway, Monkton Heathfield and Hartnells Farm, Monkton Heathfield to contribute towards the shortfall in the five year supply of housing land in Taunton Deane.

National planning policy required all Local Planning Authorities to demonstrate a five year "deliverable" supply of housing land. In order for sites to qualify as deliverable they had to satisfy some basic provisions, namely that they were:-

- Available – the site should be available now for development;
- Suitable – the site offered a suitable location for development now and would contribute towards the creation of sustainable, mixed communities; and
- Achievable – there was a reasonable prospect that housing would be delivered on the site within five years.

The Council monitored its housing land supply position through the Strategic Housing Land Availability Assessment (SHLAA). This document was reviewed annually and provided a robust assessment of the latest land supply position based on current consents and commitments.

The 2011 SHLAA which was published in December 2011 had identified that the Council could not robustly demonstrate a five year deliverable supply of housing land. The shortfall equated to approximately 0.3 years (or approx 230 dwellings).

The reasons for this shortfall included:-

- The continued slow progress in the implementation of long-standing commitments (particularly on large sites);
- The difficulties in developers obtaining finance to develop town centre flatted schemes (from which the Council would otherwise draw a significant part of its supply);
- The continued stagnation in the wider economy.

Reported that the consequences of failing to identify a five year supply were potentially severe and would impact on both plan-making and development management processes.

The Core Strategy was scheduled for independent examination commencing during February 2012. The failure to be able to demonstrate sufficient supply could result in the Inspector recommending the release of further sites which could contribute to the land supply, or worse still, finding the whole plan “unsound”. This would result in the Strategy having to go back a number of stages causing further cost, delays and uncertainty for all parties.

With regard to development management, the risk was more about the Council forfeiting the ability to determine where and when development was acceptable.

To mitigate the potential risks identified, it was recommended that the opportunity to recognise interim release sites so as to supplement the housing land supply should be considered. This would help to reduce the risk of successful appeals on sites which did not fit within the Council’s strategic plans. It would also help demonstrate at the forthcoming Core Strategy examination, the Council’s best endeavours in the face of continued difficult market conditions to plug any shortfall in housing supply.

The following sites had initially been identified as potential interim release sites:-

- Killams, Taunton;
- Comeytrowe, Taunton Early Release;
- Ford Farm, Norton Fitzwarren;
- West of Greenway, Monkton Heathfield; and
- Hartnells Farm, Monkton Heathfield.

Killams - Land at Killams had previously been proposed for interim release in May 2010. At the time, it was felt that the site was an active demonstration of “localism in practice” in view of the substantial level of local representation and consequently was dropped as an interim site. For this same reason, the site had not been subject to recent re-consideration.

Comeytrowe Early Release / Broadlands - A consortium of landowners had formed within the Comeytrowe / Trull area and had made substantive representations against the site’s non-allocation within the Published Plan Core Strategy.

Although the Published Plan had identified Comeytrowe / Trull as a “Broad Location”, it had stopped short of making a formal allocation, principally on because a comprehensive masterplan had not been undertaken.

Noted that the Consortium was in the process of preparing an outline planning application for an “early release” at the northern end of the Comeytrowe / Trull area of search. Whilst this location could make a contribution towards the five year supply, to formally recognise the site ahead of substantial public engagement and commitment to a comprehensive masterplan would conflict with the principles established in the Published Plan Core Strategy.

Land at Broadlands also lay within the Comeytrowe / Trull area and was also being promoted by agents on behalf of the landowner as a ‘stand alone’ development opportunity. However, such a development would not be subject to any comprehensive masterplan and would not contribute towards identified strategic infrastructure requirements. As such, an interim allocation of this site would also conflict with the Published Plan Core Strategy.

As far as the other three sites at Ford Farm, Norton Fitzwarren, Hartnells Farm, Monkton Heathfield and land west Of Greenway, Monkton Heathfield were concerned, an indicative summary of suitability, availability and achievability was submitted for the information of Members. The main points were set out below. It was considered that these potential interim release sites could make a significant contribution towards the Council’s five year deliverable supply of housing land.

1. Ford Farm, Norton Fitzwarren (approx 16.48ha) – The site, which was under option to major house-builders, was partly in a functional floodplain: Flood Zone 3b and partly in Zone 3a. Any development would be dependent on the fulfilment of a Grampian condition regarding implementation of flood works. Construction of any housing would be unlikely before year 2. There would be a potential contribution of 250 – 350 dwellings towards the five year supply (total potential 400 – 500 units).
2. West of Greenway, Monkton Heathfield (approx 15ha but interim site unlikely to comprise entirety of the site) - The site was currently under option to Strategic Land Partnerships and an application could be forthcoming in the next six months for up to 200 dwellings.

The prime consideration for this site was whether or not it could be released ahead of other parcels within the wider Monkton Heathfield urban extension particularly if potential technical difficulties in transport terms were resolved.

As the site was not in the control of a house-builder and was reasonably small any contribution was likely to be confined to years 2 – 5 at a build out of 25 dwellings in the first year and up to 50 per annum thereafter. The potential contribution to the land supply was 125 – 175 dwellings.

3. Land at Hartnells Farm, Monkton Heathfield (approx 10ha) - The site was also currently under option to Strategic Land Partnerships and an application could be forthcoming in the next six months for up to 220 dwellings.

Unlike West of Greenway, this site was likely to be more significantly affected by Lesser Horseshoe Bats and the Hestercombe House Special Area of Conservation (SAC) for which a technical solution would need to be found.

Until this was achieved, it was not proposed to formally place any allowance within the Council's five year supply for this site until such time as any planning permission was granted. There was also likely to be potential technical difficulties in transport terms that would need to be resolved.

As the site was not in the control of a housebuilder and was reasonably small any contribution was likely to be confined to years 2 – 5 at a build out of 25 dwellings in the first year and up to 50 per annum thereafter. The potential contribution to the land supply was 125 – 175 dwellings.

Noted that given the relationship of the site to the Hestercombe House SAC, off-site, off-set habitat planting might well impact on the extent to which this site could contribute towards the five year supply.

Further reported that formal recognition of these sites by the Council would act as a tacit acceptance of the suitability of sites. Without such a recognition, the Council would be unable to argue that these were “deliverable” before such time as the Core Strategy was formally adopted (in the case of the sites at Monkton Heathfield) or the Site Allocations Plan had been adopted (in the case of Ford Farm, Norton Fitzwarren – assuming of course that the site was allocated in the Plan).

Written assurance from the promoters of the three sites outlined above was being sought ahead of hearing sessions scheduled as part of the Core Strategy Examination in early 2012.

Resolved that:-

- (1) The release of further interim sites be supported. The recognition of such sites would allow the Council to argue that there was a reasonable prospect that housing would be delivered on the respective sites within five years; and
- (2) The following interim release sites be agreed:-
 - Ford Farm, Norton Fitzwarren;
 - West of Greenway, Monkton Heathfield; and
 - Hartnells Farm, Monkton Heathfield.

(The Vice-Chairman, Councillor Edwards, took the Chair during the discussion in relation to Hartnells Farm, Monkton Heathfield – the Chairman having declared a prejudicial interest and leaving the meeting.)

6. Planning Obligations Interim Policy

Considered report previously circulated, concerning the proposed Planning Obligations Interim Policy which was intended to operate until the Community Infrastructure Levy (CIL) was adopted later in the year.

The Taunton Deane Core Strategy, Infrastructure Delivery Plan (IDP) and Sustainability Appraisal had been submitted to the Secretary of State on 14 November 2011.

The IDP provided details of the infrastructure that local service providers and the Council had identified as key to supporting growth in Taunton Deane and in meeting the objectives of the Core Strategy. CIL would provide a mechanism to collect developer contributions towards the provision of infrastructure identified in the IDP. Until the CIL was adopted at the end of 2012, the Planning Obligations Interim Policy would provide a framework for developer contributions.

The majority of the IDP consisted of an analysis of infrastructure needs, grouped under the following headings:-

- Physical Infrastructure;
- Utilities;
- Social and Community Infrastructure; and
- Green Infrastructure.

The IDP had identified that the level of infrastructure required to support development was unlikely to be funded fully from developer contributions. With this in mind, the document had identified the following actions which should be taken in order that the growth outline in the Core Strategy was accompanied by sufficient infrastructure:-

- The Council should not take an overly optimistic view about public funding;
- An appropriate balance should be struck in identifying the maximum level of developer's contributions that could be achieved without making development unviable;
- Opportunities should be maximised to secure funding from other sources (such as the New Homes Bonus);
- Clear priorities should be determined for the use of funding that might become available; and
- Mechanisms such as deferred payments and sharing in value uplift should be explored.

Securing contributions from developers would be key to the delivery of infrastructure and services. The IDP viability assessment indicated that with a £15,000 per dwelling contribution package, 25% affordable housing would be possible.

Since April 2011, the consultants Three Dragons and Roger Tym and Partners had been working on the Planning Obligations Interim Policy and the CIL charging schedule.

Local authorities could choose to charge CIL in their area to support development by funding infrastructure that the local community needed. It applied to most new buildings and charges would be based on the size and type of development. Consultation on the CIL draft charging schedule was anticipated in spring 2012, with submission in summer, Examination in autumn and adoption in winter 2012/13.

The Department for Communities and Local Government was currently consulting on proposals to reform the CIL. The consultation proposed to provide an option to use CIL receipts for affordable housing, which could be of interest to the Council, as small housing developments of less than 15 dwellings currently did not make any contributions to affordable housing.

It also proposed to implement Neighbourhood Funds, under which a 'meaningful proportion' of CIL would be passed to Parish Councils. There was concern that there would not be enough money to fund the infrastructure that would be required to deliver the level of growth proposed. As such, it was not clear how there would be any 'spare' money to pass on, especially since the Parish Councils would have freedom to spend CIL receipts on items other than those identified in the IDP.

The Planning Obligations Interim Policy, a copy of which had been circulated to Members, had been prepared to fill the gap until CIL was adopted. It would help developers understand the scope of the planning obligations for residential development which the Council would be seeking.

This Interim Policy related to the first phase of infrastructure requirements (from 2011 – 2016) identified in the IDP. Where the level of contribution would adversely affect development viability, the Council would consider a reduced level of contribution, subject to an open book viability appraisal, so as not to affect the overall pace of development.

The Interim Policy had advantages over the usual Section 106 Agreement negotiations because it would speed up the process of getting planning permission and would create a level playing field where all developments were making infrastructure contributions on the same basis. Developers would still have the choice, if they did not wish to follow the Interim Policy, to enter into a Section 106 Agreement as at present.

During the discussion of this item, Members expressed the view that Section 2, "Infrastructure Requirements" of the Interim Policy needed to be amended to explain what the definition of "sustainable development" was.

Resolved that:-

- (1) Subject to the wording of Section 2 being amended as requested, the Planning Obligations Interim Policy be supported; and
- (2) Full Council be recommended to adopt the Interim Policy.

7. Capital Funding – Southwest One Transformation Projects

Considered report previously circulated, concerning the £2,100,000 of capital borrowings taken out to part fund the Southwest One Transformation Projects.

The total cost of the Transformation Projects was £3,650,000. This comprised £2,100,000 of capital costs and revenue costs totalling £1,550,000.

These funding requirements had been agreed by the Executive in November 2007 which should have seen the revenue borrowings from reserves (£772,000) repaid by 2010/2011 with the whole amount of capital borrowings repaid by the end of 2011/2012.

However, procurement savings had been delivered at a lower rate than anticipated in 2007, when it was estimated by IBM that £3,376,000 savings would be generated by the end of 2011/2012.

At the end of March 2011, a total of £944,000 had been top sliced from budgets in recognition of procurement savings initiatives. During 2011/2012 a further £310,000 would also be top sliced, giving a total of £1,250,000 procurement related savings.

£276,000 of the savings had been used to partly repay borrowings from the Housing Revenue Account reserves and the remaining £668,000 had been used for revenue costs associated with the transformation projects.

Further reported that there was a standard annual calculation for the repayment of capital debt – called Minimum Revenue Provision (MRP) – which provided for 4% of capital borrowing debt to be repaid each year. The Council had already started to repay the £2,100,000 capital debt in the accounts as outlined in the report.

It was estimated that during the early part of 2014/2015 sufficient procurement savings would have accrued to settle this debt in full. However, the delay in repayment would lead to additional interest costs of approximately £61,000 per year.

The MRP requirement was already factored into the Medium Term Financial Plan and failure to repay these capital borrowings would not widen the present budget gap.

Options available to repay the borrowing were reported as follows:-

- (1) Repay the borrowing from procurement savings, as originally planned, albeit completing repayment in 2014/2015; or
- (2) Continue with the current Minimum Revenue Provision and repay the capital borrowing at 4% per annum; or
- (3) Repay the capital borrowing from reserves.

The latter two options had not been recommended to Members as prudent financing solutions in current circumstances for the reasons given.

Resolved that repayment of the borrowings from procurement savings as originally planned, completing repayment in 2014/2015, be approved.

8. Somerset Waste Partnership Draft Business Plan 2012-2017

Considered report previously circulated, concerning the Somerset Waste Partnership's (SWP) Draft Business Plan for the period 2012-2017 and its associated Draft Communications Plan. Both documents had been made available to Members.

The Draft Business Plan and associated Action Plan were the means by which the partnership described its business, evaluated changes to the operating environment, identified strategic risks and set out its priorities. The plan had a five year horizon with particular focus on the next 12 months. It was the primary means to seek approval for and to secure the necessary resources to implement its proposals from the partner authorities.

Comments on the Business Plan were requested by mid-February, to enable the Somerset Waste Board (SWB) to adopt both the Plan and its budget at its meeting on 24 February 2012.

The Key Issues set out in the Business Plan for the Collection and Disposal Contracts were as follows:-

Collection Contract

- With the completion of Sort It Plus roll out in the current financial year, there were no further initiatives of this scale planned, although SWP would continue to seek to maximise capture rates of materials from households, particularly food waste.
- SWP would explore and, subject to a sustainable business case and viable end markets, work with May Gurney to trial collections of other materials such as mixed plastic packaging, household batteries and absorbent hygiene products.
- SWP would work with May Gurney to provide solutions for communal and other properties that were not served or only partially served by Sort It Plus.

Disposal Contract

- Following major changes to site operations last April and despite a requirement to find a further £671,000 of savings from the Somerset County Council budget, there were no proposals for closures, further reductions in hours, increasing existing fees or implementing any new fees.
- The main portion of these savings would be taken by assuming a continuing decline in overall waste arising.
- During the current financial year, negotiations with Viridor over the development of an Anaerobic Digestion Facility for food waste had progressed and Heads of Agreement had now been approved by the SWB.
- The SWB continued to keep a watching brief on emerging options for alternative routes for disposal of non recyclable waste.
- SWP would work with Viridor to explore the economics and practicalities of adding new materials (for example carpets and mattresses) for recycling at Recycling Centres and Community Recycling Sites and the possibility of establishing re-use centres.
- Although there are no firm plans to introduce this in 2012/13 or beyond, SWP would explore the financial and other implications of charging at Recycling Centres for the acceptance of asbestos and plasterboard waste.

Details of other key areas for 2012-2017 which had been included in the Business Plan were submitted.

Resolved that the contents of the Draft Business Plan and the associated Draft

Communications Plan be approved.

9. Delivery of an Inward Investment Service post March 2012

Considered report previously circulated, concerning how the Council proposed to deliver inward investment activities after March 2012.

The Into Somerset project had commenced in March 2008 with funding from the Somerset Strategic Partnership, Business Link Somerset and the six Local Authorities in Somerset. This had been delivered through a Service Level Agreement with the Somerset Chamber of Commerce and Industry. Although this contract was due to terminate at the end of the current financial year, it was anticipated that a provider would soon be appointed to deliver the service for a further three year period.

Taunton Deane Borough Council had contributed £20,000 per annum for the first three years of the initiative and £12,500 in 2011/2012.

The Corporate Scrutiny Committee had received a presentation before Christmas from Mr Rupert Cox, Chief Executive of the Somerset Chamber of Commerce, who had informed Members of the aims of the programme, its four target investor types and sectors, and its successes within the County this year. During the year and despite the current difficult economic conditions, the partnership had been successful in supporting eight businesses to relocate to Somerset. Of those, four had been attracted to Taunton Deane, promising the creation of 231 jobs. 225 of those jobs were in the proposed secure health facility at Chelston, Wellington.

Mr Cox was of the view that the Into Somerset initiative should be seen as a two strand project: firstly to raise the profile of Somerset nationally as a place to invest, and secondly to actually secure the investment.

The Board of Into Somerset had taken notice of this Council's request to ensure that the contract for the delivery of the Into Somerset programme was issued for full, open tender upon the termination of the current contract in March 2012.

An invitation to tender had now been issued and the contract would be for a further three year period. The requirements of the delivery partner would be as follows:-

- The strategic marketing of Somerset – increased visibility of Somerset as a location, developing and implementing a marketing plan, with clear targeted marketing approaches and defining specific campaigns to support the implementation of the plan; and
- The effective handling of inward investment enquiries working methods – networked into Government bodies such as the Local Enterprise Partnership for the Heart of the South West and UK Trade and Investment; building close working relationships with the Somerset Local Authorities; flexed to local circumstances; and close collaboration with the private sector.

If the Council signed up, there would be an onus on officers to support the contract provider effectively. The Council would lend its local knowledge and expertise to the marketing messages.

The Board would also be seeking a contribution of £12,500 from Taunton Deane Borough Council for each year of the new contract.

At the time, the Corporate Scrutiny Committee felt that the investment that had been made to Into Somerset over the last four years had not proved to be value for money. Members had therefore recommended withdrawal from the Into Somerset Partnership.

Inward investment played an important role in developing the local economy, bringing new skills and business processes to the local area, and stimulating new supply chains and sectoral strengths.

The role of the public sector in attracting inward investment had changed in recent years, mainly through the growth of the Internet where investors could find a lot of the information they needed without having to contact the local authority. It was important, therefore, that an effective and well informed presence was maintained on the web in order to furnish investors with the information they needed in one attractive and accessible place.

Where the local authority could also add value was in bringing regeneration and development schemes forward, overcoming any perceived barriers to investment and ensuring that there existed an adequate supply of the necessary resources to attract businesses, such as land, skilled employees and infrastructure. By consistently reinforcing that enabling role the Council could justifiably communicate to investors that it was 'open for business'.

The Council appeared to have the following options in delivering its inward investment programme in the future:-

1. To withdraw from the Into Somerset partnership and deliver inward investment activities alongside Project Taunton, using the budget previously earmarked for Into Somerset for its own marketing activities.
2. To commit to the Into Somerset partnership for a further three years at the level requested.
3. To offer a reduced contribution to Into Somerset, and to enable the Council to buy in to those elements of the service of which it had the need.

Whichever option was selected, it was important that the Council sustained a dynamic, investor friendly business environment, fulfilling the enquiries received and reinforcing at all levels throughout the organisation its enabling role.

Resolved that Taunton Deane's financial support for the Into Somerset Partnership be withdrawn from the end of March 2012, and that officers be requested to deliver inward investment activities alongside Project Taunton.

10. Executive Forward Plan

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

Resolved that the Forward Plan be noted.

(The meeting ended at 8.15 pm.)