

# Somerset West and Taunton

## SWT Executive– 9th July 2019

### District wide Local Plan: Local Development Scheme

This matter is the responsibility of Councillor Mike Rigby

Report Author: Paul Browning: Strategy Specialist

#### 1 Executive Summary / Purpose of the Report

- 1.1 Somerset West and Taunton has the statutory responsibility to prepare a Local Plan which covers the whole of the new local authority area (excluding Exmoor National Park). It is a requirement that these Plans are kept up-to-date and fit for purpose, with planning policy guidance advising on updating such Plans in whole (or in part) at least every 5 years.
- 1.2 The Council is also required to prepare a Local Development Scheme (LDS) which sets out the programme for the preparation of the District wide Local Plan and other development plan documents.
- 1.3 The current adopted Local Plans by Taunton Deane Borough Council and West Somerset Council are in need of updating.

#### 2 Recommendations

- 2.1 With regard to the production of the District wide Local Plan, **Executive recommends to Council to:**
  - Approve the Local Development Scheme (enclosed as Appendix 1); and
  - In consultation with the Portfolio Holder for Planning and Transport delegated authority is given to the Head of Strategy to agree any necessary final amendments prior to its publication.

#### 3 Risk Assessment (if appropriate)

- 3.1 The potential risks that might impact on the preparation and timely delivery of the Local Plan and other Development Plan documents are set out the “Risk Assessment section of the Local Development Scheme (See Appendix 1 – Table 2).

#### 4 Background and Full details of the Report

- 4.1 We are required under the Planning and Compulsory Purchase Act 2004 (as

amended) (the Act) to prepare a Local Development Scheme (LDS) which sets out the programme for the preparation and review of development plan documents.

- 4.2 The need for Local Authorities to have “up-to-date” Local Plans was recently affirmed in the government’s National Planning Policy Framework (February 2019).
- 4.3 In accordance the Local Government (Boundary Changes) Regulations 2018, we must adopt a local development document under section 23 of the 2004 Act to apply to the whole of the area within a period of 5 years starting with the reorganisation date.
- 4.4 The LDS (enclosed as Appendix 1) thus takes account of national developments in planning policy and legislation and local changes. The aim is to publish:
  - Publication of an “Issues and Options” style document (Regulation 18) in Q3 of 2019/20.
  - Publication (Regulation 19) in Q2 of 2020/21.
  - Submission Plan (Regulation 22) to Secretary of State in Q3 of 2020/21.
  - Examination (Regulation 24) i.e. Public Inquiry with appointed Inspector- Q1 of 2021/22.
  - Adoption Inspector’s Report, approval at Full Council in Q3 of 2021/22.
- 4.5 At this stage the Review is about updating our adopted local plan policies to reflect current the latest position and government advice.
- 4.6 The nature of various aspects of planning policy means that Members have in the past been actively involved in the local plan process. Members will recall that adopted planning polices for Taunton Deane Borough Council and West Somerset Council were informed by regular meetings of a Member Steering Group. To this end, agenda the item gives authority to the Portfolio Holder for Planning and Transport to establish a Member Steering Group to support the review process.

## **5 Links to Corporate Aims / Priorities**

- 5.1 Officers are in the process of preparing a new Corporate Strategy to replace those previously prepared for Taunton Deane and West Somerset. The Local Plan is an important document which will help articulate and translate the Council’s emerging strategic objectives into planning policy.

## **6 Finance / Resource Implications**

- 6.1 There is an agreed budget and reserves to support the delivery of the Local Plan process.
- 6.2 The Portfolio Holder for Planning and Transport and the Head of Strategy has reviewed and approved this report with no issues arising. Minor changes to the text were suggested and incorporated.

**7 Legal Implications (if any)**

- 7.1 The Council's Constitution describes how Somerset West and Taunton will discharge its responsibilities, including responsibilities for the preparation and adoption of the Local Plan, which must be considered and endorsed by Full Council, prior to adoption.

**8 Environmental Impact Implications (if any)**

- 8.1 None at this stage. In order to comply with statutory duties associated a Habitat Regulations Assessment; Sustainability Appraisal will be prepared as part of the plan making process.

**9 Safeguarding and/or Community Safety Implications (if any)**

- 9.1 None at this stage.

**10 Equality and Diversity Implications (if any)**

- 10.1 None at this stage. In order to comply with the public sector equality duty: an Impact Assessments (IA) accompanies this series of reports and agenda items on the Local Plan (enclosed as Appendix 2). Further Impact Assessments will be prepared in due course as part of the plan making process. Further, details of the process are also available from:

<https://www.somersetwestandtaunton.gov.uk/your-council/equality-and-diversity/>

**11 Social Value Implications (if any)**

- 11.1 None at this stage.

**12 Partnership Implications (if any)**

- 12.1 A revised draft Statement of Community Involvement (SCI) has been prepared as part of the plan making process. To this end, agenda item seeks approval to consult upon the contents of the draft SCI.
- 12.2 The recommendations outlined in the agenda item seek to ensure that Members continue to play an active role in the review of the District wide Local Plan.

**13 Health and Wellbeing Implications (if any)**

- 13.1 None at this stage.

**14 Asset Management Implications (if any)**

- 14.1 None at this stage.

## **15 Data Protection Implications (if any)**

15.1 None at this stage.

## **16 Consultation Implications (if any)**

16.1 None at this stage.

## **17 Scrutiny Comments / Recommendation(s) (if any)**

17.1 As per the published Draft Scrutiny Minutes, during the discussion at Scrutiny, the following points were made:-

- Councillors queried once the document had been completed in 2021, how much weight it would hold.  
*In this country there was a plan led system in law, however, we delivered in a 'nuance' system where decisions were made in accordance with the government plan unless material consideration indicated otherwise.*
- Councillors queried whether the document was able to adapt to the continually changing targets set by Central Government.  
*Policy and legislation was constantly changing and officers were used to dealing with that.*
- Councillors requested clarification on the statement 'the plan was to give the local community certainty' and concern was raised over individual planning decisions and that the plan would not carry much weight.
- Councillors queried what the plan's remit was? Concern was raised on issues with local infrastructure.
- Councillors requested that officers incorporated into the plan any expected conditions for planning applications to address climate change matters.  
*The Chair advised that comments could be addressed in the consultation and as part of councillor engagement. The Head of Strategy advised that the policy was positively worded, so it gave information on what applicants could do rather than what they could not do, however, developers worked around that. The Planning Committee would need to be aware of that.*
- Councillors highlighted how infrastructure and climate change were included in the plan. They further queried how community engagement was carried out in the rural areas as they were not mentioned. They suggested that the wording used for climate change was not strong enough and that they needed to include that the Council was working toward carbon neutrality by 2030.
- Councillors requested that points were added to the document about solar panels and electric car charging points.
- Concern was raised that the Government's figures on housing needed to be revised as the original figures were too high.
- Councillors also wanted to amend the recommendation to read that any amendments were made in agreement with the portfolio holder instead of in consultation.  
*That would be addressed when the recommendations were put to the vote.*
- Concern was raised that there was no up to date countywide transport strategy included.

*The Chair agreed that although SWT had no direct responsibility for transport that we should be enabling that.*

- Concern was raised that several stakeholders had not been involved.
- Councillors requested improved religious information was included in the plan.
- Councillors queried when in 2021 would the document be adopted. They further requested that officers could improve the wording used as the whole document was in 'corporate speak'.
- Councillors requested that the percentage of affordable housing was revised to include an amount of passive housing.
- The Chair advised that although it was a SWT document, that information from the Somerset County Council and Exmoor National Park should not be excluded.

Councillor Mansell proposed the following amendment to the motion:

That the following wording be added to the first bullet point 'with the addition of working towards carbon neutrality within the key drivers'.

That was seconded by Councillor Buller. The amendment was put to the vote and lost.

Scrutiny supported the recommendations but suggested the following amendment;

- "any necessary final amendments prior to their publication are in agreement with the Portfolio Holder for Planning and Transport".

#### **Democratic Path:**

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

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

#### **List of Appendices**

Appendix 1	Local Development Scheme (LDS)
Appendix 2	Impact Assessments

#### **Background papers (links)**

All documents relating to adopted Local Plans for Taunton Deane BC and West Somerset Council can be accessed via the following link:

<https://www.somersetwestandtaunton.gov.uk/planning-policy/adopted-local-plans/>

Local Government (Boundary Changes) Regulations 2018,  
<http://www.legislation.gov.uk/uksi/2018/1296/contents/made>

Planning and Compulsory Purchase Act 2004 (as amended) (the Act)  
<http://www.legislation.gov.uk/ukpga/2004/5/contents>

Planning Act 2008 as amended by the Localism Act 2011.can be viewed at  
<http://www.legislation.gov.uk/ukpga/2008/29/contents>  
and  
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Town and Country Planning (Local Planning) (England) Regulations 2012  
<http://www.legislation.gov.uk/uksi/2012/767/regulation/18/made>

National online planning practice guidance can be viewed on the government web site at:  
<http://planningguidance.planningportal.gov.uk/>

The National Planning Policy Framework (February 2019) can be viewed at:  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Note: For sight of individual background papers and more information on the supporting evidence base please contact the report author.

### Contact Officers

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### Appendix 1: Local Development Scheme (LDS)

### Appendix 2: Impact Assessments

End