

Public Agenda Pack



Minutes of a Meeting of the Executive held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Wednesday, 4 October 2023 at 10.00 am

Present:

Cllr Bill Revans (Chair)
Cllr Liz Leyshon (Vice-Chair)

Cllr Theo Butt Philip
Cllr Dixie Darch
Cllr Mike Rigby
Cllr Federica Smith-Roberts

Cllr Adam Dance
Cllr Tessa Munt
Cllr Dean Ruddle
Cllr Ros Wyke

In attendance:

Cllr Leigh Redman
Cllr Sarah Wakefield
Cllr Andy Soughton
Cllr Mandy Chilcott
Cllr Fran Smith
Cllr Heather Shearer

Cllr Tony Lock
Cllr Frances Nicholson
Cllr David Fothergill
Cllr Tom Deakin
Cllr Sue Osborne
Cllr Richard Wilkins

Other Members present remotely:

Cllr Martin Wale
Cllr Mike Best
Cllr Norman Cavill
Cllr John Cook-Woodman
Cllr Susannah Hart
Cllr Dawn Johnson
Cllr Val Keitch
Cllr Martin Lovell
Cllr Graham Oakes
Cllr Evie Potts-Jones
Cllr Mike Stanton
Cllr David Woan

Cllr Steve Ashton
Cllr Adam Boyden
Cllr Nicola Clark
Cllr Andy Dingwall
Cllr John Hunt
Cllr Helen Kay
Cllr Marcus Kravis
Cllr Dave Mansell
Cllr Oliver Patrick
Cllr Gill Slocombe
Cllr Claire Sully
Cllr Rosemary Woods

Cllr Gwil Wren

41 Apologies for Absence - Agenda Item 1

No Apologies were received.

42 Minutes from the Previous Meeting - Agenda Item 2

The minutes of the Executive meeting held on 6 September 2023 were agreed upon and signed by the Chair.

43 Declarations of Interest - Agenda Item 3

COUNCILLORS WHO ARE ALSO CITY, TOWN AND/OR PARISH COUNCILLORS
SOMERSET COUNCILLOR CITY, TOWN AND/OR PARISH COUNCIL

Theo Butt Philip - Wells City Council

Adam Dance - South Petherton Parish Council

Mike Rigby - Bishop's Lydeard and Cothelstone Parish Council

Dean Ruddle - Somerton Town Council

Federica Smith-Roberts - Taunton Town Council

Ros Wyke - Westbury-sub-Mendip Parish Council

44 Public Question Time - Agenda Item 4

Public Questions were received regarding Item 10 – Octagon Project Update, from:

Kathy Rolls

Jason Welch

Tareth Casey

Ray Tostevin

All questions were considered under the relevant agenda item.

The questions and responses provided are attached to the minutes in Appendix A.

The Lead Member for Public Health, Equalities and Diversity, Cllr Adam Dance, added an update on refreshed timescales and the signage at the Octagon work area.

The Lead Member for Children, Families and Education, Cllr Tessa Munt, and the

Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, updated the Executive on the Reinforced Autoclaved Aerated Concrete (RAAC) dynamic and evolving situation.

45 Treasury Management Outturn Report - Agenda Item 5

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, to introduce the report.

The Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, introduced the report, highlighting: that the report is prepared in accordance with the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services Code of Practice (the CIPFA Code) and Prudential Code; that the report detailed the outturn position on treasury management transactions in 2022-23, and presented details of capital financing, borrowing and investment activity, the risk implications of treasury decisions and transactions; and that the appendices of the report summarised the treasury management activities during 2022/23 for each of the five legacy Councils.

The Director of Resources and Corporate Services, Jason Vaughan, added to the above points, highlighting: that the information presented is a factual report position of the former five legacy Councils; the opportunity to bring the different ways of working together and find the best way going forward, including a clear risk section.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, requested clarification of the intra-unitary borrowing and compliance regarding the former Sedgemoor District Council reports for audit, and invited comments from other Members present, questions and points raised included: the financial risk to the authority considering the reduction in investment against the borrowing position for 2022/23.

The Director of Resources and Corporate Services, Jason Vaughan, confirmed that Somerset Council are fully compliant with the CIPFA code.

The Service Manager, Investments, Anton Sweet, clarified the intra-unitary borrowing of the former Sedgemoor District Council as £34m and that the Treasury Management 6-month report is to be considered at the 6 December 2023 Executive meeting.

Following consideration of the officer report and discussion, the Executive

approved the report as being in compliance with the CIPFA Code of Practice for Treasury Management and recommended it to Full Council at the next available meeting.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

46 2023/24 Housing Revenue Account Report Q1 - Agenda Item 6

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, to introduce the report.

The Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, introduced the report, highlighting: that the report provided an update on the projected outturn financial position of the Council's Housing Revenue Account (HRA) for the financial year 2023/24; that the new unitary Somerset Council has inherited two landlord operating models (formerly Somerset West and Taunton and formerly Sedgemoor District Council) which now sit under one HRA and has over 10,000 of dwelling stock; that the HRA is a ring-fenced account and is self-financing; that the HRA has set a balanced budget for 2023/24; the ambitious capital programme and the planned new schemes, including major and improvement works and the Social Housing Development schemes; the revenue and capital challenges and risks relating to the economic operating environment; and the risks associated with support services and regulatory and compliance requirements.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, asked for assurance of building compliance, post the Grenfell Tower fire, of Westfield House residential tower block in Bridgwater; and invited comments from other Members present, questions and points raised included: dwelling housing stock and future provision work across the whole of Somerset; the duty as a Landlord for previously held HRA areas and the housing crisis issue across the whole of Somerset; the quality new builds in Minehead and the North Taunton Woolaway project; the opportunity to provide low carbon and zero carbon properties; and the zero variance across the budget lines and clarity of information.

The Director of Community Services, Chris Hall, confirmed that works had been undertaken and would be ongoing at Westfield House, to achieve the constantly changing regulatory requirements.

The Deputy Leader and Lead Member for Resources and Performance, Cllr Liz

Leyshon, commented on the HRA report, acknowledging the national and local factors that had considerable impact and challenge throughout the reporting period. The Lead Member further added that the HRA Quarter 2 report is be considered at the 6 December 2023 Executive Meeting, which will give the opportunity to provide assurance or due warning of where the Council should pay due regard.

Following consideration of the officer report, appendices and discussion, the Executive agreed:

- 1. To note the Housing Revenue Account's forecast financial performance and projected reserves position for 2023/24 financial year as at 30 June 2023, including key risks and future issues and opportunities detailed in the report which would be closely monitored and updated throughout the year.**
- 2. To note the forecast outturn position of the Capital Programme.**
- 3. To recommend to Full Council to approve a supplementary capital budget of £3,313,829 for the in-house service to spend on Fire Safety.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

47 Statement of Community Involvement - Agenda Item 7

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, to introduce the report.

The Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, introduced the report, highlighting: the requirement of Somerset Council to prepare a Statement of Community Involvement (SCI) to set out how and when the Council will engage with local communities and other interested parties when carrying out its statutory planning functions; that the SCI includes consultation on both planning applications and the preparation of planning policy documents, such as the Local Plan; that the preparation of a new single SCI for the whole new unitary area is essential to ensure a consistent approach to engagement is taken across all communities; and that following public consultation, the final SCI document had been amended significantly in response to feedback received.

The Principal Policy Officer, Policy, Andy Reading, with the aid of a PowerPoint

presentation, presented the report, highlighting: the legal requirements to be met by Somerset Council; that the SCI is a high level document setting out statutory legal requirements over consultation which covers engagement on planning policy, i.e. local plan, neighbourhood plan and determination of planning applications; that the SCI will replace the existing five separate SCIs of the former Districts and County Councils; that consultation on the draft SCI was undertaken during Spring 2023 prior to vesting day for a six-week period; following consultation, the content of the SCI has been reviewed and amended as appropriate to take into account comments received; summarised the consultees / interest groups, consultation statement and review of comments received, subsequent changes and key points of the received comments; summarised the main changes and key points of changes following consultation; and that there are detailed communication engagement strategies which will be prepared for particular elements of planning.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, reminded Members of the need for a structured debate and invited comments from other Members present, questions and points raised included: the comments and discussion from the Scrutiny Committee – Climate and Place held 20 September 2023: including consultation with the local community and the statutory requirements for notification on planning applications, the use of site notices and adjudicate neighbour notifications, an all Member briefing request – planning application process including notification and consultation (specifically neighbour and community), and small applications and use of website notifications; the scale of development and the effect on the area; the minimum statutory requirements of an SCI and the document presented; the role of a Unitary Councillor, particularly in a rural area; Parish, Town and City Councils engagement, consultation on planning applications and the closer alignment for improved understanding; and the constitutional review work for community involvement in planning.

The Assistant Director, Strategic Planning, Alison Blom-Cooper, advised of the current different practises across the different area teams and the work to make the practises consistent and confirmed the plan for an all Member briefing to be provided. The Assistant Director, Strategic Planning further added that the planning team welcomed comments from Parish, Town and City Councils in terms of their local knowledge and bringing issues to officers' attention.

The Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, advised the Executive of the change in the process whereby Parish Councils can now refer directly to the Planning Chairs and Vice-Chairs.

Following consideration of the officer report, appendices and discussion, the Executive formally adopted the Statement of Community Involvement

(Appendix 1 to the report).

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

48 Local Development Scheme - Agenda Item 8

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, to introduce the report.

The Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, introduced the report, highlighting; that the Council has a statutory responsibility to produce a Local Development Scheme (LDS) which sets out the work programme and timetable for the production of a development plan documents, including the local plan, minerals plan and waste plan; that given the large geographic area of Somerset, the local plan will be a very complex piece of work and that the timetable is ambitious, but necessary, as the Council is required to produce a local plan within five years of vesting day; that the development plan is a key vehicle for delivering the ambitions, policies and strategies of Somerset Council, including addressing the climate and ecology emergencies and meeting housing and employment needs; and that the proposed Planning and Transport Policy Sub-Committee would oversee and monitor the review of the development plans and local transport plan and take delegated decisions on behalf of the Executive to ensure a more streamlined timetable for producing these documents.

The Principal Planning Officer, Laura Higgins, with the aid of PowerPoint presentation, presented the report, highlighting; that the Council has a legal requirement to produce a Local Plan within 5 years of vesting day (by 1 April 2028); that Officers were supported by a Critical Friend to identify ways in which this could be achieved; the conclusion that five years could be achieved but only with sufficient financial and staff resources; the ambitious timetable and streamlined approach, including consultation and a draft plan; summarised the stages and dependent factors of the proposed elements of timetable of the local plan; the establishment and purpose of the proposed Planning and Transport Subcommittee; that the timetable assumes the Local Plan is produced as a separate work strand from the Minerals and Waste Plan reviews; and that the Local Plan is a key document that will help delivery on our Climate Emergency Strategy and its emerging policies.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: thanks to the officers and team for their work on the LDS; the challenges of achieving the local plan including: developing a new plan across a very

large geographic area, recognising and retaining the variation within Somerset, the number of other current local plans to work with, the constraints of Local Government finance, the requirement of officer and specialist skills resource, unitarisation and bringing together five local plans; the proposals in the Levelling Up and Regeneration Bill to make amendments to the plan making process and potential changes to the current arrangements and legislation and process; liaison with the National Park and inclusion in the LDS; the comments and discussion from the Scrutiny Committee – Climate and Place held 20 September 2023, including: the involvement of Members in bringing forward a new Local Plan, a potential cross party working group for development of the Local Plan to provide scrutiny and work through the early stages of policy, the cost and breakdown of costs for a DPD, Climate Emergency policies, including zero carbon standards and new renewable energy generation, best practice and comparison of other Local Authorities, emerging policies and expediting and giving weight to policies through the Local Plan, including climate change, energy, water efficiency and increasing requirements through the building regulations to move towards net zero; the Executive Subcommittee responsibilities and public meeting open and transparent process; and the unique Somerset Council situation and the need to adhere to process to deliver policies.

The Executive Director of Climate and Place, Mickey Green, added to the above points advising of the changes in the report to reflect Scrutiny Committee – Climate and Place comments, and the recognition of further work required on the consultation engagement plan to find a manageable way to ensure everyone has a voice, with a look to add this work to the Scrutiny Committee – Climate and Place forward plan.

Following consideration of the officer report, appendices and discussion, the Executive:

- i. Approved the Local Development Scheme (Appendix 1 to the report) as the Council's work programme for delivering the Development Plan; and**
- ii. In consultation with the Lead Member for Economic Development, Planning and Assets, delegated authority was given to the Service Director for Economy, Employment and Planning to agree any necessary final amendments prior to its publication; and**
- iii. Agreed to establish a Planning and Transport Policy Sub-Committee of the Executive with Terms of Reference as set out in Appendix 2 of the report.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

49 Octagon Project Update - Agenda Item 10

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, to introduce the report.

The Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, introduced the report, highlighting; that the report is a position update following the challenges and issues that have emerged since the original business case decision of the former South Somerset District Council (SSDC); the cultural, community and economical value of Octagon Theatre; that the report is not critical of the previous business case or the decision of SSDC; the conditions have changed beyond those that could reasonably have been foreseen at the time of approval; the £10m grant from the Department of Culture, Media and Sport, which was the largest given at that time and a third of its total grant; and the commitment to arts and culture and the exploration of all options available to continue the Octagon being a flagship venue.

The Director of Community Services, Chris Hall, with the aid of PowerPoint presentation, presented the report, highlighting; that the report does not review the full business case; the focus on the significant funding pressures identified; summarised the approved SSDC business case; that the report identifies a range of issues that have emerged since the original business case was approved; that the report sets out the financial pressures in both revenue and capital resources during the pre-construction, and construction phases; the report sets out further financial pressures due to the increased borrowing costs and that it is no longer possible to give assurance to Members that the future taxpayer-funded revenue costs can be met. The Executive Director further summarised the changes affecting the business case, potential mitigations, risks, and next steps; and confirmed that debt servicing costs increased from c£245k pa to c£1,055k pa (the published presentation advised c£285k pa).

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: future options appraisal and revised approval to reopen, including funding, capital and revenue scheme unknowns, future options funding, commissioned survey input, venue safety, programme and production time, partnership working and timelines; the significant long term benefit to the local

community, and the local and regional economy; the divesting of former SSDC resources and assets, including capital receipts and the requirement to budget for the whole of Somerset as one Council; the duty to all the people in Somerset when making decisions for the whole of Somerset; the transparent and open communication with Council members; the central Government financial situation affecting Councils and projects both locally and nationally; the Octagon as a building for the whole of Somerset; the local economic impacts of closure of the theatre; the operation, use and ownership Westlands Leisure Venue and opportunity for future use; the meeting frequency, oversight and reporting of the Octagon Board; modelling and forecasting based on inflation and interest rates and external treasury advice; alternative modelling regarding Minehead theatre being run by volunteers and not subsidised by the Council; The 50-year loan and the life expectancy of the refit; partnership arrangements; and the governance process dependent on options brought forward.

As a Local Councillor, Cllr Graham Oakes, invited Members and Officers to the deferred meeting of Yeovil Town Council to consider the in-principle decision to work in partnership with Somerset Council to deliver the project. Councillor Oakes further added comments, highlighting: the ability for local people to express their views and feedback; advantages and opportunities for individuals and the local community and local economy; the communication between Somerset Council, Yeovil Town Council and the local community; the potential contribution to the project from Yeovil Town Council; the disadvantages and advantages of reopening, refurbishment and demolition of the theatre; the need for expertise in this project; the need for partnership working for a new way forward; and consideration of the capital programme.

The Chief Executive, Duncan Sharkey, advised that the full financial position of the Council must be considered before making decisions to invest in any area of Somerset, and that when taking decisions, only the reports and information available in the public domain should be considered.

The Deputy Leader and Lead Member for Resources and Performance, Cllr Liz Leyshon, requested it be noted that the £10m grant referred to throughout the debate, was from the Department of Culture, Media and Sport.

Having been duly proposed and seconded the Executive agreed the proposed amendment to add an additional recommendation to the officer report:

f. Confirmed that we would work with partners to mitigate the current economic impact of the closure of the Octagon.

This was agreed unanimously. The Executive proceeded to vote on the recommendations, as amended, which were also agreed unanimously.

Following consideration of the officer report, appendices and discussion, the Executive:

- a. Confirmed its commitment to the Octagon project as a flagship venue to deliver arts and culture services in Yeovil for Somerset.**
- b. Acknowledged that the current business case could no longer be met, and a revised business case would be necessary.**
- c. Acknowledged the revenue financial pressure created by the works to date and instructed Officers to explore mitigations to these costs.**
- d. Instructed officers to continue to work with the Department for Culture Media and Sports (DCMS) and Arts Council England (ACE) to find a viable Octagon business case to deliver cultural services in Yeovil for Somerset.**
- e. Instructed work to be overseen by the Octagon Theatre Redevelopment Project Board in collaboration with all partners and that we worked with partners to mitigate the economic impacts of the optimum closure in Yeovil.**
- f. Confirmed that we would work with partners to mitigate the current economic impact of the closure of the Octagon.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

Lunch Break: 2 - 2.30pm

The Lead Member for Public Health, Equalities and Diversity, Cllr Adam Dance left the Executive meeting

50 Kitchen replacement programme 2023-27 - Agenda Item 9

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, to introduce the report.

The Lead Member for Communities, Housing and Culture, Cllr Federica Smith-Roberts, introduced the report, highlighting: that Somerset Council owns and manages approximately 6000 social rented homes in the Taunton area (prior to April 2023, Somerset West and Taunton District) and under the capital maintenance programme needs to ensure continued compliance with the Decent Homes Regulatory Standard; that the Council has a specific need to replace approximately 300 additional kitchens in 2023/24; that the annual demand thereafter is forecast to be at a similar level; and that the Council has a need to implement a long-term programme to install replacement kitchens to its domestic properties to provide quality homes for tenants and maintain properties.

The Assistant Director, Housing Property, Ian Candlish, added to the above points, that the funding is available within the HRA ring-fenced budget and highlighted the emphasis on the social value element regarding contractor submissions.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: the social value and local direct employees; the minimum kitchen standard, size and unit number and the average lifecycle of a kitchen replacements; and the component life cycle standard and tenants' entitlements for a replacement.

Following consideration of the officer report, appendices and discussion, the Executive:

- a. Approved the award of three contracts for an initial period of 12 months, with an option to extend by mutual agreement for up to a further 12 months, followed by a further extension option of 24 months by mutual agreement, providing for a potential four-year contract term in total.**
- b. Approved the delegation of authority to the Service Director for Housing to approve the further extensions of the contracts subject to mutual agreement.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

The Chair advised that although the main reports for items 11, 12 and 13 were not confidential, supporting appendices available to Members contained exempt information and were therefore marked confidential – not for publication. At any point if Members wished to discuss information within these confidential

appendices, then the Executive would be asked to agree a resolution to exclude the press and public, and that there would be a requirement to agree the resolution to exclude the press and public for Item 14.

51 Cornwall and the Council of the Isles of Scilly Adoption Service to integrate with Adopt South West Regional Adoption Agency - Agenda Item 11

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, welcomed Julie Goodwin, Head of Service, Children in Care and Care Leaver, Cornwall Council and invited the Lead Member for Children, Families and Education, Cllr Tessa Munt, to introduce the report.

The Lead Member for Children, Families and Education, Cllr Tessa Munt, introduced the report, highlighting; the regional benefits of the Local Authorities grouped together will include a larger area of coverage leading to more potential adopters, a streamlined service over a large proportion of the south west area and continuity of service, not only for staff working within adoption but also for children and adopters; the provision of an agreed level of finance to support Adopt South West to continue to deliver high-quality adoption practices across the region.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: staffing resource across the adoption agency, including recruitment, budgets, experience and the associated risks and mitigations; the number of children placed for adoption and who are in placement orders for adoption across each Local Authority area; the positive feedback received from an adoption agency peer review.

The Chair, Scrutiny Committee - Children and Families, Cllr Leigh Redman, commented on the good work of the adoption South West and reported that the Scrutiny Committee - Children and Families, had looked at previous and current report and supported the proposal.

Following consideration of the officer report, appendices and discussion, the Executive agreed the proposal for Cornwall and the Isles of Scilly Adoption Service to join Adopt South West as a full member.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

52 Award of contracts for highways services - Agenda Item 12

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Transport and Digital, Cllr Mike Rigby, to introduce the report.

The Lead Member for Transport and Digital, Cllr Mike Rigby, introduced the report, highlighting: that the contract with the existing Highways TMC is due to finish on 31st March 2024, and a new contract or set of contracts will need to be in place on 1st April 2024 to ensure that the Council can continue to deliver essential statutory highway maintenance services; the number of different contractors that have carried out the work and the intention to break up the delivery into four smaller contracts; summarised the advantages including, the encouragement of a wide range of bidders and the opportunity to deliver some services in house.

The Strategic Manager Highways and Transport, Mike O Dowd-Jones, presented the report, highlighting: that the report covered the award of the Term Service Contract for highway maintenance, which included activities such as grass cutting, gully emptying, drainage works, safety defects repair, patching, signs and lines, winter service and emergency (out of hours) services; the robust **procurement process to** bring the best possible value for money from the process.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: the benefit of the Exmoor highway stewards pilot scheme and the level of flexibility in the contract; future input and feedback opportunities in respect of dark skies; the aspirations for EVCP roll out across Somerset; the Live Labs work to decarbonise highways maintenance; and the welcome climate change and sustainability implications and the clear carbon emission measuring baseline and management.

Following consideration of the officer report, appendices and discussion, the Executive:

- a. Approved the award of an 8-year contract with the option of a 4-year extension to Supplier B as identified in confidential Appendix A; for the provision of Highway Maintenance services from 1st April 2024.**
- b. Delegated the future decision regarding the extension of the contract beyond its initial term of 8 years to the Executive Lead Member or equivalent responsible for Highways Services having due regard to the contract terms.**
- c. Agreed that Appendix A be treated confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

53 Contract Award - Appointment of Providers to deliver housing related support and accommodation for 16-25 year olds - Agenda Item 13

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Children, Families and Education, Cllr Tessa Munt, to introduce the report.

The Lead Member for Children, Families and Education, Cllr Tessa Munt, introduced the report highlighting; that the contract award is the Council's response to prevent youth homelessness in Somerset; that the statutory responsibility is shared with Community Services and Children, Families and Education services; the tender process and work across Directorates; the set up of a dynamic purchasing system to provide further beds for young people where they are required; that the award will ensure that young people are supported to manage a tenancy and develop daily living skills, as well as help them into education, employment or training.

The Strategic Commissioner for Children in Care, Julie Breeze, presented the report, highlighting: the 2 block contracts and procurement process; the flexible DPS contracting arrangement which will allow pre-approved providers to join an open account; the response from the market was highly positive and consultation sessions included input from young people and the inclusion of 10% social value commitment; the statutory requirements of the Homelessness Reduction Act, the Children Act and the Care Act; the two sets of vulnerable young people requiring different levels of support; the service concept to allow young people with housing related support needs to progress along a pathway; and the range of flexible, high-quality accommodation located across the whole of Somerset.

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited comments from other Members present, questions and points raised included: the care review, the number of young people in the system and changes in requirements and complexity of needs increase, and the broad effect across the whole care system; the comparison of need before and after the pandemic and safeguarding accommodation provision process across the age differences, including Ofsted registered provision for 16-17 year olds; and the Somerset area coverage and support networks for young people

Following consideration of the officer report, appendices and discussion, the Executive:

- **Approved the award of a 5-year contract for the appointment of suppliers to deliver housing related support and accommodation for 16 to 25 year olds, based on the most advantageous tender, to the proposed suppliers (as per the confidential evaluation report (Appendix B), commencing on 1 April 2024.**

Lot Number	Support Level	Awarded Suppliers (see Appendix B for details)
Lot 1 – Supported Accommodation for 16-25 year old children in care and care leavers, including Emergency accommodation		
Lot 1A	High	Bidder O / Bidder D
Lot 1B	Medium/Low	Bidder O / Bidder D
Lot 2 – Supported Accommodation for 18-25 year olds who are homeless, eligible and reason to believe in priority need, including Emergency accommodation		
Lot 2A	High	Bidder O / Bidder D
Lot 2B	Medium	Bidder O / Bidder D
Lot 2C	Low	Bidder O / Bidder D
Lot 2D	Emergency	Bidder O / Bidder D

- **Agreed to delegate authority to the Executive Director for Children and Family Services and the Executive Director for Community Services in consultation with the relevant Lead Members to evaluate and take a further decision on the two 2-year extension options at the appropriate time.**
- **Approved the set up and operation of a Dynamic Purchasing System (DPS) to provide further anticipated beds, as and when required. This would entail the set-up of the system itself, the approval of providers to join the DPS through a Selection process and the ongoing award of call-of contracts through the system. The maximum spend over the term of the DPS would be £100,000,000. The term would be 10 years commencing on 01/04/2024.**
- **Agreed the case for applying the exempt information provision as set out in the Local Government Act 1972, Schedule 12A and therefore to treat the confidential Appendix B in confidence, as it contained commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighed the public interest in disclosing that information.**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

54 Commercial Investment update - Agenda Item 14

The Leader of the Council and Lead Member for Governance and Communications, Cllr Bill Revans, invited the Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, to introduce the report.

Exclusion of the Press and Public:

Having been duly proposed and seconded the Executive agreed to exclude the press and public from the meeting under Schedule 12A of the Local Government Act 1972, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information.

Reason: Local Government Act 1972 – Schedule 12A

The item is likely to contain information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Lead Member for Economic Development, Planning and Assets, Cllr Ros Wyke, introduced the report and invited the Commercial Property Land Development Manager, Rob Orrett, to present the report.

The Commercial Property Land Development Manager, Rob Orrett, presented the report and a debate was had.

Following consideration of the officer report, confidential appendix and discussion, the Executive agreed:

- a. To exclude the press and public from the meeting where there was any discussion at the meeting regarding exempt or confidential information (as set out in Appendix A of the report);**
- b. That Appendix A be regarded as exempt information and be treated in confidence, as the case for the public interest in maintaining the exemption outweighed the public interest in disclosing that information;**
- c. To approve the recommendations set out in Appendix A (as amended).**

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

55 Executive Forward Plan - Agenda Item 15

The Executive noted the Forward Plan.

(The meeting ended at 3.35 pm)

.....

CHAIR

Appendix A

Public and Members Questions – Executive 4 October 2023

All questions submitted relate to Item 10 – Octagon Project Update
Question from Kathy Rolls <p>Not everyone is aware of the problems associated with being disabled when planning a venue and it is not sufficient to just put in the token ‘one disabled toilet’ to satisfy regulations.</p> <p>I am disabled (walking wounded), and my grandson is a wheelchair user, we both find it difficult using the facilities at the Octagon.</p> <p>I have often found the ONE disabled toilet being used by men who appear to not want to queue for their own facilities and have admitted to not being disabled (I know not every disability is visible). Also, parents with kiddies who require and need for them to all access and use the cubical at the same time (I understand the parent and children need), however, it still makes it difficult for the wheelchair user who for obvious reasons take longer to actually get on the loo. They need the easy and quick access. In addition, there is a need for toilets that are gender neutral.</p> <p>If a disabled person like me is seated in the upper area of the theatre currently, they need to make their way downstairs to use the conveniences which is not a convenient nor is it an easy journey as negotiating the one stairway or the one lift against the flow of rushing pedestrian traffic making their way to and from the bar can be quite precarious. I have frequently been knocked and pushed.</p> <p>Toilets need to be on both sides of the building and on all levels. I would suggest that gents on one side and ladies on the other with the gender neutral and disabled toilets in both locations on all levels also.</p> <p>I am more than happy to speak with the planners or architects to offer suggestions if required.</p>
Response from the Lead Member for Communities, Housing & Culture, Cllr Federica Smith-Roberts: <p>Please accept my apologies for the challenges you have experienced. These comments are noted but the report presented at the Executive meeting is to consider the financial challenges and business case rather than a specific design standard.</p>
Question from Jason Welch <p>In response to the recent Somerset Live article where it outlines the very strong possibility of this project being shelved due to the ever-increasing costs involved, I would like to ask just who in their right mind really thought that this was ever actually going to happen in these financially difficult times?</p> <p>This whole scheme from an honest point of view was never going to get off the ground let alone ever get to a point of completion either within a set budget or a</p>

realistic timescale. So what we are left with is a facility that was useable is now closed and a bill of almost £1.8 million to carry out the feasibility studies and site surveys which I'm sure have made the site unusable!! Just who in the council is responsible for this utter debacle?

What then compounds this 'never likely to happen' scheme is you people at the council have done all this prep work/studies/design without actually getting an interested building contractor signed up and on contract! So in reality you never actually had an idea of actual true cost or timescales - surely this smacks of public deception and then someone needs to held accountable for this shameful affair! Just what other pipe dreams does the council have bearing in mind it's almost bankrupt?

Response from the Lead Member for Communities, Housing & Culture, Cllr Federica Smith-Roberts:

The issues we face relate to the affordability of financing, as you will hear / have heard through the presentation the business case itself would have been affordable had the whole country not been exposed to the rise in interest rates, a matter beyond the control of this or any council.

The presentation demonstrates the capital cost estimates and we do have a contractor actively engage in the bidding process.

The intrusive survey works are a necessary part of the tender process as they inform contractors of the building condition and the complexities they are likely to come across during refurbishment. This helps the contractor appropriately price the works and the Council manage its risk contingency. This is normal practice in large scale construction and refurbishment contracts.

Far from a pipe dream, this was until the interest rates increased, a funded and well thought through project that attracted millions of pounds of external investment, and once complete would bring considerable economic benefits to Yeovil and the surrounding area.

Question from Tareth Casey

For the statement referred to please see Appendix B – Octagon Theatre Statement

As I am unable to attend the Executive meeting on Wednesday 4th October due to work commitments and being unaware that The Octagon Theatre would be on the agenda for this meeting, please find attached my statement in regards to the discussion on whether to continue to progress the Octagon Theatre project in Yeovil. Just to highlight the contents of this document

- Pages 1 - 2 provide a high-level summary on why progressing this project should be reconsidered
- Pages 2 - 4 provide a more detailed statement

- Pages 5 onwards - details of previous objections on planning grounds as to why this proposal should not go ahead, largely all still relevant.

All sections are relevant and should be read by the attending Committee (whom I have included), however I am happy that just the Summary section is read out as my statement during the Executive meeting, but with reference to note the additional sections that have been provided and with confirmation that the Councillors on the committee have read the full statement.

My apologies in advance for the roughness of this statement, but with just 36 hours' notice that this topic was due to be discussed at this meeting and a deadline of 5pm today, it was a rush to complete. Once again, I would note that the public need to be given more notice on what these Committees are planning to discuss, to allow them a genuine opportunity to attend and engage! It would almost feel that you don't want engagement or scrutiny from the public?

Response from the Lead Member for Communities, Housing & Culture, Cllr Federica Smith-Roberts:

Thank you for your detailed submission, without wishing to inaccurately summarise, your request is that the Octagon project is not continued.

You will note in the recommendations that continuing with the project and absorbing the increased costs is not being put forward to Council.

The committee today has heard / will hear that it is my recommendation to have a further options appraisal conducted to gain the best solution for Yeovil and beyond. You have questioned the benefits assessment and I can confirm that this was not only a consideration for the Council but was also assessed by the Department for Culture, Media and Sports along with Arts Council England. Their support was so strong for the Octagon that they awarded a £10m grant, over 1/3 of the total funding package.

You raise concerns over the number of tender responses, it is disappointing that we haven't drawn greater interest in the project. Had we have been able to meet with the outline business case we could legitimately have awarded the contract. We have held an open market tender process. Whilst we have received a limited response, the process has been a compliant one, this position has been tested with our own procurement professionals and with DCMS who are satisfied in our approach.

The purpose of the report coming before Members today is to clearly articulate the issues, whilst we could wait for the final stage of the tender process to complete the main challenge is access to affordable borrowing and so it felt right to discuss this in public now.

Question from Ray Tostevin

I have felt very conflicted about the Octagon Theatre redevelopment. As "Somerset's premier art and entertainment venue", the Octagon in Yeovil already plays a vital role promoting and celebrating all forms of creative talent. Not just in Somerset, but from

across the United Kingdom and beyond. The hugely successful Yeovil Literary Festival has made its main home at the Octagon, for the past decade.

I am a keen supporter and advocate for improving the Octagon's "cultural offer".

However, reading the report from Community Services director Chris Hall, which you are considering this morning, I am not persuaded by the case to continue with the current proposals: likely costs already £30+ million, and expected to rise yet higher. No clear timeline on construction actually getting underway, never mind completing proposed work. No firm date set on when the Octagon will reopen. This cannot be allowed to continue.

Even reopening the Octagon as it stands now, would cost, according to Chris Hall's report, £9m (why so much?? Have contractors already gutted the inside as part of their preparations for the re-building ahead? How will they possibly need to spend £9m, just to get the Octagon, back up and running?? But reopen it must. As soon as possible.

Please, SAVE some of the remaining millions to finish the Yeovil Refresh works (already years late and £4m+ overbudget) , in a timely manner. Get Yeovil back on its feet, with people wanting to come and visit, and shop, and spend time here. Rather than giving our Town the widest possible berth. (Who can blame them?) As I walked through Yeovil centre last Friday, I asked a Man in Hard Hat, how much longer before the Town centre "refresh" would be complete? He said, they were "looking at another 18 months" (!!)

Please STOP the Octagon "redevelopment". Spend what it takes to REOPEN it NOW. FINISH the much-needed facelift in Yeovil town centre.

Response from the Lead Member for Communities, Housing & Culture, Cllr Federica Smith-Roberts:

A detailed cost to reopen the facility has not been established as this would divert the contractor from delivering their final tender price, whilst the report does not seek to approve the additional expenditure that would be necessary the price to deliver the designed scheme would still be a helpful benchmark.

The recommendations of the report are to return to Members with an options appraisal of which I would expect an assessment of reopening the facility to be one of those.

It is worth bearing in mind that the facility was in need of refurbishment and upgrading prior to its closure, one of the reasons to consider the larger scheme was due to the work necessary.

Partial demolition, renovation and extension of Octagon Theatre, Yeovil. Expansion of main auditorium from 622 to 900 seats, construction of 2no. new cinemas, dance studio and expanded foyers. Construction of new theatrical fly tower and expanded backstage provision. | Octagon Theatre Hendford Yeovil Somerset BA20 1UX

Dear Somerset Council, Executive Committee

Summary

In light of the recent announcements in relation to the increased cost of the construction work for the Octagon Theatre and the acknowledgement of the impact of inflation on the payback costs of the currently estimated £16million for the redevelopment of the Theatre, I would like to raise my concerns over continuing with this project. To be honest I believe this to have been a foolish project in the first place and these additional costs just aid to the weight of arguments for not moving forward with this project.

In high level (as I know many Councilors fail to read the full documentation provided), the reasons why this project can no longer go ahead are below, but in simplest terms “the cost out-ways any perceived (and yet undefined) benefits.”

- Uncertainty over the cost of the budget for this project with a second stage of tenders still to go and an expectation from the project team that this will see a further increase.
- The fact that only one Tender could be provided goes against the approval process for tendering for projects. In a small-scale project maybe, this could be overlooked but a project of this size means the lack of businesses willing to tender highlights a flaw in the project.
- Again, in relation to the tender, the response from a potential bidder (who didn't tender) – highlights that lack of a feasible project *“Feedback from one of the anticipated bidders was that they did not believe the scheme was deliverable for the budget and so declined to participate.”*
- The risk of further increased prices on theatre goers who are already now paying a premium for their tickets following rises due to Covid-19, the Westland's development and already being levied for this project.
- This risk caused by the massive increase from interest rates for a publicly supported venue is unacceptably high - annual interest repayments c£245k increasing to c£1,055k. The Octagon currently has been unable to operate without public funded support from Somerset Council therefore this additional burden will be unsustainable, over a possible 50-year payback period!
- The impact on timescales is clearly unknown, this “was” a community asset used by many local groups who are now struggling to find venues with the capacity, availability, and facilities to allow their groups to continue to perform during the period of closure. Already closed for 4 months without any real progress, a tender process that will not end till 2024 and even then, decisions will need to be made. Changes to the design will no doubt come in and this will require resubmission of planning and that's before further delays once the work starts. Realistically the Octagon will not reopen until at least 2027 / 2028. An 18-month project extended to 4 – 5 years!

It is worth noting that mounting costs and the increase in payback should come as “no surprise”. This

was highlighted to all Councillors, by myself back on the 29th of January 2023, quite a few months before the final closure of the Octagon, stating “...also putting aside the potential for increased cost and time on this project, given the global cost of living crisis, rising inflation and the experience from the Yeovil Refresh” (see attached objection letter, also available on the Somerset planning portal <https://ssdc.somerset.gov.uk/civica/Resource/Civica/Handler.ashx/Doc/pagestream?cd=inline&pdf=true&docno=11371983>) Therefore this was no surprise for the project team or Somerset Council and yet where was the contingency and active risk management?

The right decision needs to be made now, Somerset Council are now in a situation where they are gambling with public funds to support a project that has no clear budget, no end date, and no tangible measurable benefits. This is not an investment opportunity; it is a money pit. Halt this project, accept the hit on costs and reopen Yeovil’s community asset ASAP.

Where was the benefit assessment?

I would like to highlight why this project should never have commenced from the concept stage in the first place. In simplest terms - Yeovil clearly does not need a larger theatre, it already has 3 (Westland, The Octagon and The Swan) and the provision of an extra 300 seats effectively takes the venue out of the reach of local Community groups, while only providing a small increase on the level of touring shows that the Theatre could attract. This did not justify the £27m budget assigned to the project.

This project commenced because it was perceived as an easy, visible project by our Council and not because it was what was right for the town. In simple terms they were looking for a quick win, a success story just as they had attempted and failed with the Yeovil refresh!

The Octagon redevelopment failed to carry out any form of benefits assessment for the town, failed to identify if this was “the one project Yeovil needed” instead of taking a bold step and coming up with a long term strategy for a rejuvenated Yeovil which would focus on an ambitious long-term approach to driving visitor numbers up in Yeovil, by expanding on what Yeovil needed, our Council focused on refreshing one of the few successful assets we have.

This “flagship” theatre has been identified as a key project in the regeneration of Yeovil, a town in severe need of regeneration, but just like the behind time and over budget Yeovil Refresh there is no business case which addresses just how it ‘truly’ benefits the wider Yeovil, no clear benefits assessment which highlights how these projects provide a return on publicly funded investments and no long term strategy to align with the potential £50M+ spent on Yeovil dying town centre? Business cases should be backed up with a clear assessment of the long-term benefits, this does not occur with SSDC / SC projects that are based on assumptions and high-level opinions from our out of Touch Councillors.

If Yeovil Town Centre was a prosperous, vibrant attractive location that enticed both Yeovil residents and visitors from further afield into our retail and leisure sectors then this proposal would provide added benefits to the town. But Yeovil is a town centre which is largely closed after 6pm, it has over 50% of its retail shops closed, a public transport system that shuts down at 17:30 every day and doesn't even run on Sundays and Bank Holidays and a spiraling issue of crime and antisocial behavior. The Yeovil

Refresh project has been downgraded time and time again due to cost and timescales, and the output is that it provides new paving slabs without addressing the unoccupiable commercial properties, the derelict site of the Cattle Market and the now empty Glovers Walk and Bus Station (what a way to greet visitors to Yeovil).

Personally I am a huge advocate of Yeovil and the positives we have, the Octagon was a positive, it doesn't need improving at this time, what Yeovil needs is more to attract visitors, A museum, Heritage Centre, Arts Centre, a regular market, better use of our green space, regular events, improved public transport, visitor centre and above all a commercial / retail Centre that our town can be proud of. Don't waste Yeovil's investment, save your extra 300 seats till we have all that!

What now, too big a risk?

The issue now is, it's too late - we should have been putting forward long term strategy 5 years ago, 10 years ago. We could have been speaking with the Arts Council England about funding for a museum not an expansion of this venue. Now we are in a gambling situation should we "stick or Twist"? Carry on with a project that is already over budget and over schedule and likely to get progressively worse the further into the project we go, or cut our losses, get the Octagon back up and running and accept that this was an ill-conceived, badly planned, and clearly an SSDC /Liberal democrat vanity Project. Unfortunately, the loss to Yeovil is a lack of much needed investment but the decision is one that is clear to make, this has to be stopped before it's too late.

This project cannot proceed, if it does it will be at the cost of the taxpayer, through Town and County taxes, through additional levy's that are already heavily added to the Octagon and Westland's Ticket prices. To increase ticket prices and use of the facilities, will price households out of the ability to attend; what should be a community asset! The project team itself has highlighted that there are no certainties around this project, stating **"It is now clear that assurance cannot be provided"** (page 327 of today's meeting pack). This risk cannot be put on public funds.

Additionally, there is now no certainty around the overall cost of the project with a second tender phase still to take place between now and the beginning of 2024 again the project team themselves highlight the unknowns around the budget (Page 326)

- Feasibility study Oct 2020 said £23m
- RIBA stage 2 in Jan 2022 said £29m
- 1st stage contractor response estimated £30.7m
- **Second stage tender Dec/Jan 2023 will say...?**

Would you really invest in a business case that stated budget costs were unknown? This in turns has the potential impact on timescales for the project, already behind plan, the second phase of tendering is going to push into next year (2024) and with the possibility that a redesign and resubmission of planning will need to take place. This is likely to push any completion of a project of this size back to 2027 /28, what was proposed as an 18-month project will be closer to 4 to 5 years.

The sums themselves do not add up, the rate of interest increase, which the report suggests **“could not have been foreseen”** and yet the rest of the country seemed fully aware of (even I fixed my mortgage 18 months ago for the first time in many years!). Borrowing over a 50-year period at over £1 million per annum and the risk this has to the on-going ability to run a viable business or the risk to public funds that may never be repaid, while Somerset Council have to continue to bail out The Octagon running costs at even greater expense to the public on an annual basis. All this on a project that has no tangible benefits defined within its business case for the venue itself but more importantly not a single assessment has been carried out on how this project benefits Yeovil as a whole, sure we’ve heard potential benefits thrown around by Councillors trying to justify this project – but where is the business case that highlights the tangible, measurable benefits to Yeovil?

Backout now!

This project cannot proceed, if it does it will be at the cost of the taxpayer, through town and county taxes, through additional levies that have already heavily added to Yeovil’s ticket prices therefore pricing many households out of the ability to use, what should be a community asset! While the level of risk for this project and the business has just become too great for this authority to invest public funds in (regardless of any promises of payback).

The Octagon should be reopened and any plans for redevelopment reconsidered at a later date and in line with a long-term strategy for Yeovil and the redevelopment of it’s Town Centre, Our Council needs to halt knee jerk, quick win, high-cost projects and be held accountable for a long-term strategy with ongoing investment into Yeovil over a 10-year period.

A reminder of why it should have never been approved at planning!

As an additional note I would like to draw the Committee’s attention to the submission I made to the planning application and distributed to all Councillors at the time. This highlights very genuine reasons why this application should not have been approved in the first instance and yet with Somerset Council effectively marking their own homework (i.e. deciding on a planning application with the applicant being Somerset Council (or SSDC - but it's the same names and faces)) these concerns were ignored in favour of supporting this application.

Document sent to Somerset Councillors on Sunday 29th January 2023 19:01 Planning Objection to 22/02486/FUL | Partial demolition, renovation and extension of Octagon Theatre, Yeovil. Expansion of main auditorium from 622 to 900 seats, construction of 2no. new cinemas, dance studio and expanded foyers. Construction of new theatrical fly tower and expanded backstage provision. | Octagon Theatre Hendford Yeovil Somerset BA20 1UX

Dear SSDC/Area South planning committee

I would like to draw your attention to a planning application scheduled for a decision at Area South Planning Committee for South Somerset District Council next Wednesday (February 1st) and highlight a number of planning reasons on why this planning application cannot be approved based on its current

proposal.

<https://publicaccess.southsomerset.gov.uk/online/applications/applicationDetails.do?activeTab=summary&keyVal=RH89N8OWGQ600>

Putting aside some of the wider concerns over the size of investment into a single project when Yeovil is suffering in so many other areas and also putting aside the potential for increased cost and time on this project, given the global cost of living crisis, rising inflation and the experience from the Yeovil Refresh, there are a number of planning concerns that have been raised and should be addressed before this planning application gets approval. Firstly, there are a number of clarifications that need to be made in relation to the Planning Officers report.

Listed buildings and Conservation area.

The planning application is to significantly increase a building that is in direct vicinity of two listed buildings, Historic England have stated that they have concerns over the visage of these buildings on the back of this proposal and highlights that there would be significant harm to the Grade II-listed coach house, and to the Yeovil conservation area. The Planning Officers report, however, chooses to focus on the feedback of the second listed building where Historic England state, “a less than substantial degree of harm” The former significant harm has been ignored in the Planning Officers report.

The full quote from Historic England in relation to Hendford Manor states that “This harm would be significant, because it would harm the principal views of the principal elevations of Hendford Manor.”

Additionally, what has been overlooked by both the Planning Officer and Historic England is the impact of the proposed material on both the listed buildings and the Conservation Area it sits alongside with the risk that this building could in time resemble a rust bucket! In addition to this, Cor-ten Steel has the potential for causing pollution of the local environment, this has not been considered or mitigated (more on Corten Steel below) within the design document.

Lead Local Flood Authority Feedback and other Water Concerns

Somerset's Lead Local Flood Authority raised a number of concerns with this planning application on 16th November 2022, specifically around drainage for the new building, while a number of these issues seem to have been resolved (although no reference to how these are resolved, appears in the planning portal) there are still as of 17th January 2023 several outstanding concerns around this proposal from the LLFA.

- Can the Applicant please provide justification for the increase in the proposed discharge rate from 4 (in the Drainage strategy report reviewed for the previous LLFA response) to 5 l/s? It appears that the blue roofs have been removed from the proposal (and now only permeable paving and filter strips are proposed in terms of SuDS? Appropriate justification should be given to why these changes have been proposed.
- No information/response has been provided regarding our previous comment on SuDS (point 3 of our previous response 16/11/22).

The LLFA therefore state in summary “the LLFA requirements for a Full Planning Application have not been addressed and the above issues need to be addressed/clarified before an appropriate planning condition can be set.”

Yet the Planning Officer in their final report has stated “Discussions and negotiations are on-going with the Applicant and LLFA and further details and clarification is to be submitted. It is anticipated that the drainage strategy for the site will be agreed in due course and thereafter detailed specifications and implementation can be the subject” But it is clear that no final decision can be made, and no report should have been published until these issues had been resolved.

In addition to the above and specifically related to the drainage concerns raised by the LLFA, I have raised in both the planning application and to the LLFA the concerns over the use for Corten Steel for this building which has been identified as a potential pollutant without suitable drainage. I quote from one source.

“to the issues you have raised is the issue around ensuring there is no build-up of rain water and adequate drainage in relation to the Cor-ten Cladding Steel, failure to do so can result in rust-dirty water dripping onto adjacent surfaces and staining them permanently, or even worse, can cause pollution of the local environment. (nickel, iron and manganese). This could have a significant damaging effect on the area.”

Landscape and Trees / Conservation area

In relation to landscape and Trees the planning officer has consented to document what appears within the original proposal for the planning application but has however failed to address or even highlight the concerns raised by SSDC Tree Officer who in summary of this planning application has stated.

“In the absence of securing appropriate tree protection and landscaping details, I strongly recommend that we ought to avoid granting planning consent.

For the reasons I have outlined, I’m afraid that I am obliged to object to this proposal, because I believe it is contrary to the Council’s objectives to preserve and enhance the quality and character of the local landscape and the features (trees) within it - in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Nor do I believe that the proposal currently provides suitably detailed measures to fulfil the Council’s duty (to secure the planting of new trees and shrubs) as relates to The Town & Country Planning Act, 1990 (Para 197a - as amended).”

All the above leads to an understanding that this planning application is not ready to go to final committee for decision at this point and if it did and was approved would have been done wholly based on the timescales around a mid-2023 start date for this project (as communicated publicly by SSDC) and the time pressures around the dissolving of SSDC. While investment is encouraged it doesn’t allow for procedures and processes to be overlooked to fast track because it is an internal (to the Council) project.

In addition to the above I would also like to highlight a number of other issues that have been raised on the Planning Portal by the public, this includes greater detail on the issues of Cor-ten Steel, the primary cladding for the building. While reference of these have been made in the Planning Officers report these have not been addressed in anyway, largely, we assume due to the speed in which this has been processed. These critical planning concerns should all be addressed before this planning application can be approved.

Landscape and Trees / Conservation area

The loss of mature trees within the Country Park which should have TPO's on is of concern, SSDC should have had these mature trees under TPO however because it was SSDC land they have refused to do so. Now there is a proposal to destroy 13 mature trees. While replacing these is a positive output this is a significant loss of trees of considerable age that SHOULD have been under TPO.

The removal of these trees means that this planning application is not complying with the following policies

- South Somerset Local Plan 2006-202 Policy EQ2 seeks to achieve high quality development which promotes the local distinctiveness and preserves or enhances the character and appearance of the area.
- South Somerset Local Plan 2006-202 Policy EQ3 seeks to conserve and where appropriate enhance heritage assets.
- National Planning Framework Section 15 Conserving and enhancing the natural environment. • Comment submitted date: Tue 15 Nov 2022

Cor-ten Steel

The use of Cor-Ten Steel as the primary material for cladding on the outside of the building raises significant concerns over the impact of the look of the area especially in such proximity to two listed buildings and a conservation area. While Cor-Ten seems like a great solution to 'blend' in with the Country Park. There is sufficient risk going forward in the way in which this material 'evolves' and it has many risks which could see a very different future look to the outside of this building and just look like a rusty building! For those of you not familiar with Cor-Ten it is the same material used for the Angel of the North. From a distance it looks great, up close (as the Octagon visitors would see it) not so good and also note the Angel of the North is constantly maintained by a steel company to ensure it is treated correctly and Cor ten has to be kept clean at all times. Who will be maintaining the Octagons Cor-Ten? Examples below highlight the concerns of the future look of this imposing building.





When looking into Cor-ten as a solution there are many don'ts related to this material, Considerations such as

- Don't get mud, grease, oil, paint, cement, mortar and other substances, and keep leave piles away from it.
- Don't build with Cor-ten is in contact with other metal materials which has a negative impact on the evolution of this material. What metal is being used for the framework of the building?
- Ensure there is no build-up of rainwater and adequate drainage, failure to do so can result in rust-dirty water dripping onto adjacent surfaces and staining them permanently, or even worse, can cause pollution of the local environment. (Nickel, iron and manganese). Given the concerns from LLFA the likelihood of drainage problems seems high.

If you examine the designs the plan is to have Cor-ten bordering directly with a lawn area (page 14 Section 4 Part1 Architecture) therefore being in direct contact with mud, which will splash up the building during rainy weather. There is no mention of the material to be used alongside Cor-ten for the internal structure of the building, therefore this planning application is unable to confirm if there is a risk of contact with other metals that would negatively impact the Cor-ten. Finally, it has already been noted the concerns over drainage by the LLFA, however the risk that this could cause pollutants into the locality highlights why this planning application cannot be approved until a full assessment of the management of water and drainage and the behaviour of Cor-ten steel within the proposed location.

By using Cor-ten there is no guarantee about what the building will look like going forward, therefore designs presented do not provide a clear indication of the impact of the area on this development and because the Cor-ten can evolve in different ways based on sun exposure, rain exposure wind and contact with other materials there is no guarantee of consistency.

In addition to this Cor-ten steel is known to have an issue with rust run off during rainy weather which then stains the ground around it, some examples of this can be seen below. Given the wide path areas and the extensive use of Cor-ten Steel on the building, it surprises me that there are no plans for mitigation of this issue within the formal plans?



Details of this staining issue can be found in many articles in relation to the use of these for planters in the garden, one such example of the issue can be found <https://niceplanter.com/will-my-corten-planters-stain-surrounding-area-with-rust-or-runoff/>

However, and most relevant I believe; to the issues you have raised is the issue around ensuring there is no build-up of rainwater and adequate drainage in relation to the Cor-ten Cladding Steel, failure to do so can result in rust-dirty water dripping onto adjacent surfaces and staining them permanently, or even worse, can cause pollution of the local environment. (Nickel, iron and manganese). This could have a significant damaging effect on the area.

This issue has been documented in a number of research papers and are referenced in

these websites, [https://www.cantorialluminio.it/en/cladding-of-facade-in-sheet-](https://www.cantorialluminio.it/en/cladding-of-facade-in-sheet-corten/)

[corten/](https://www.cantorialluminio.it/en/cladding-of-facade-in-sheet-corten/)

<https://www.sciencedirect.com/science/article/abs/pii/S0269749116301828>

Proper analysis of how Cor-ten Steel will react into the proposed location, must be carried out before this is allowed to proceed – to do otherwise not only risks the character of the area but has a potential to pollute waters used by our local wildlife.

Therefore, not complying with

- SSDC Local Plan 2006-202 Policy EQ2, EQ3 or NPPF section 16 /17

Impact on Community Groups and use of a Community Asset

The increase in capacity actually risks 'sizing out' the Community and Amateur shows currently put on at the Octagon, many of these are far from fully attended and this change would risk (over) half empty auditoriums causing these community groups to look elsewhere and removing the opportunity for young and amateur performers to perform on a professional stage! In addition to this the cost of a larger venue would price many local performing clubs out of being able to use this facility. If this happens what are the alternatives Westlands does not have the back of house facilities and The Swan Theatre is often too small

Consideration also needs to be given on the impact of price, caused directly by this proposal and the ability for Yeovil residents ability to be able to afford this "Community Theatre". Prices have risen sharply over the past few years due to Covid-19 and the cost-of-living crisis. This proposal will see the Octagon place an additional Levy on tickets to support the cost of this development and the cost-of-living crisis is not going away anytime soon – the risk of pricing out the general user and in particular families is extremely high.

Therefore, this proposal risks the community aspects of the Octagon and does not therefore comply with • South Somerset Local Plan 2006-2028 Policy EP15 supports the provision of new community facilities.

Impact to Other Local Businesses

There is an inclusion of 2 Cinema screens in this proposal, this is a community Theatre, and the addition of screens changes its use. There is already have a Cinema in Yeovil at the leisure park which would be directly impacted by this competition and would risk that business.

Cineworld is already impacted by SSDC's decision to screen mainstream films at Westlands. A loss of Cineworld, would have a knock-on effect to the other business within that Leisure Park (which already has a number of empty premises), this will have an overall negative impact on the vitality of the Town.

Therefore, this planning application does not conform with

- South Somerset Local Plan 2006-2028 Policy EP11 supports proposals that enhance the vitality and viability of the town centre.
- National Planning Framework Section 7 Ensuring the vitality of town centres.

Public Transport

The planning application highlights the need for providing adequate public transport to the location the published travel plan states and I quote. "Having regard to the proximity of the bus stops, the frequency of buses and the areas that the existing local buses serve, the Theatre is accessible by public transport."

While this may be adequate for daytime travel, the majority of performances at the octagon take place in the evening for which there is no public transport as Yeovil has no buses running in the evening. Also, worth adding that there are no buses on a Sunday - therefore adequate public transport is not available and the only way for the majority of visitors to the Octagon both currently and within the future is by Private Car - causing increased traffic, lack of parking spaces and increased environmental impact.

Therefore, this planning application does not comply with the following.

- South Somerset Local Plan 2006-2028 Policy TA1 seeks to reduce single car occupancy and the need to travel, or encourage the use of more sustainable travel, or alternative fuels where travel is necessary.
- South Somerset Local Plan 2006-2028 Policy TA5 sets out the Council's policy relating to the transport impact of new development and encouragement for sustainable transport.
- National Planning Framework Section 9 Promoting sustainable transport.

Car Parking

The issues of parking have not been resolved through this planning application, there is a significant shortfall in the current Petters way Car park for the Octagon even when it is not at full capacity already, and the proposed solution for car parking at the nearby Goldenstones carpark is already one used as an overflow for the Octagon. We also need to remember that these car parks are used for other reasons such as the Gym and pool, Ninesprings and the Town Centre.

There are peak times in the evenings during the summer when Goldenstones car park is largely full already (with the community's use of Nine Springs Country Park) and the Petters way Car park is used extensively during the day for Town Centre which often clashes with Matinee performances.

The report from the planning officer highlights a potential 1000 plus users at any one time once redeveloped. The current primary car park for the Octagon (which is also a general Town Centre car park and used by those who work in offices close by) is 211 spaces, this is already a shortfall for the 600-seater theatre that the Octagon is now. Proposals in the Transport Plan (see planning application) suggest that additional space can be provided in a number of areas.

- Goldenstones Car park - this is a small walk away but up a large gradient hill and therefore not suitable for many. The Goldenstones car park also provides parking for a Gym and Pool as well as the local Country Park. This car park is heavily used in the summer evenings when most of the Theatre shows would take place.
- Tesco underground car parking - this has been highlighted as an alternative park area for Octagon users, but due to antisocial behaviour this is locked from 7:30pm each evening. Therefore, cannot be counted.
- Tesco Main Car park - this car park is a supermarket car park and is restricted to supermarket users only and a maximum of two hour stay. Therefore, not a suitable alternative parking location.
- It should also be noted that matinee shows tend to take place on a Saturday for shows, this would coincide with the busiest day for the town centre and therefore has a potential significant clash of usage for all the car parks above leaving a huge shortfall for a potential 1000 visitors.
- Once again it is worth noting that Yeovil has no evening bus services therefore any evening shows and car parking capacity cannot be mitigated by the use of public transport - the only option for attendees of the Theatre is to drive.

Below was an example day of the Peters Way (the primary car park for the Octagon) car park on a Thursday during the Christmas period when the Pantomime was taking place, attendance for this show was around 80% of capacity however as you can see the Petters Way Car Park is full (save for a couple of disabled spots).



Petters Way is a poorly designed car park with a significant gradient and regardless of 'other car parks' around town, Octagon visitors will head to Petters way as their first option, an additional several hundred cars trying to manoeuvre on a sloped car park with drivers needing to reverse out due to lack of space will cause chaos. Regardless of minimal parking requirements that are suggested for a proposal of this type, the hard facts are that there is not enough parking for this service as anyone attending a show at the octagon will testify too this.

Therefore, not complying with

- South Somerset Local Plan 2006-2028 Policy TA6 states that parking standards for new developments should be undertaken in accordance with the Somerset County Council Parking Strategy.

While it is positive to see investment into Yeovil (although maybe over-investment in a couple of projects was the wrong approach for SSDC) this does not get away from due diligence within the planning approval process and as can be clearly seen from the issues provided within this document, there are currently too many concerns and unknowns around this planning application to allow it to be approved.