



Notice of Meeting of

## **PLANNING AND TRANSPORT POLICY SUB-COMMITTEE**

**Tuesday, 8 October 2024 at 10.00 am**

**John Meikle Room, The Deane House,  
Belvedere Road, Taunton TA1 1HE**

To: The members of the Planning and Transport Policy Sub-Committee

Chair: Councillor Mike Rigby

Councillor Graham Oakes  
Councillor Richard Wilkins

Councillor Bill Revans

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Issued by (the Proper Officer) on Monday, 30 September 2024

# AGENDA

## Planning and Transport Policy Sub-Committee - 10.00 am Tuesday, 8 October 2024

**Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)**

**Click here to join the online meeting (Pages 7 - 8)**

### **1 Apologies for Absence**

To receive any apologies for absence.

### **2 Minutes from the Previous Meeting (Pages 9 - 14)**

To approve the minutes from the previous meeting.

### **3 Declarations of Interest**

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#) )

### **4 Public Question Time**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three-minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

### **5 CIL spending priorities report (Pages 15 - 40)**

To review and discuss the report and to vote on the recommendations.

### **6 Local Plan 6 monthly update report (Pages 41 - 50)**

To note the report.

## **7 Forward Plan (Pages 51 - 52)**

To review the forward plan.

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## Guidance notes for the meeting

### Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

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### Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

### Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email

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You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting or if multiple speakers wish to ask questions that are similar to others, a representative will need to be nominated to present the views of a group.

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Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

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Minutes of a Meeting of the Planning and Transport Policy Sub-Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Tuesday, 13 August 2024 at 10.00 am

**Present:**

Cllr Ros Wyke (Chair)

Cllr Dixie Darch  
Cllr Richard Wilkins

Cllr Bill Revans

**In attendance:**

Cllr Simon Coles

Cllr Sarah Wakefield

**Other Members present remotely:**

Cllr Edric Hobbs  
Cllr Mike Murphy

Cllr Marcus Kravis

**22 Apologies for Absence - Agenda Item 1**

No apologies for absence were received.

**23 Minutes from the Previous Meeting - Agenda Item 2**

**RESOLVED** that the minutes of the Planning and Transport Policy Sub-Committee held on 27 June 2024 be confirmed as a correct record.

**24 Declarations of Interest - Agenda Item 3**

Councillors present at the meeting declared the following interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

<b>SOMERSET COUNCILLOR</b>	<b>CITY, TOWN AND/OR PARISH COUNCIL</b>
Richard Wilkins	Curry Rivel Parish Council
Ros Wyke	Westbury-sub-Mendip Parish Council

**25 Public Question Time - Agenda Item 4**

No public questions were received by the submission deadline

## **26 Puriton Neighbourhood Plan - to be made - Agenda Item 5**

The Lead Member for Economic Development, Planning and Assets, Councillor Ros Wyke introduced the Head of Planning, Alison Blom Cooper, who introduced the report. The report summarised that the Puriton, Downend and Dunball Neighbourhood Plan 2019-2032 ("the Plan") was a community led planning document which had been produced by Puriton Parish Council (as the Qualifying Body).

During the discussion, the following points were raised:

- Councillors welcomed the report and were pleased to see it come forward as an important part of the local community.
- Councillors raised the importance of the plan and gave thanks to the officers involved and understood the effort and time it took to create the plan.
- The Head of Planning highlighted that there were 1079 votes and that 874 were in favour, representing a 81% vote in favour of the Plan. Councillors were pleased to note the high turnout for voting.
- Councillors formally gave their best wishes to the Parish and the Plan going forward.

Having been duly proposed and seconded, the Planning and Transport Policy Sub-Committee RESOLVED: -

- A. That the Puriton, Downend and Dunball Neighbourhood Plan be 'made' (adopted) as part of the Development Plan and be used for pre-application advice, determining planning applications and any other development management purposes in the Neighbourhood Area which was the Parish of Puriton.

## **27 Taunton Waterways Strategy and Guidance - Agenda Item 6**

The Lead Member for Economic Development, Planning and Asset, Councillor Ros Wyke, introduced the Garden Town Implementation Manager, Jenny Clifford, who introduced the report. The report detailed that following the designation of Taunton as a Garden Town in 2017, a Vision For Our Garden Town was adopted by Somerset West and Taunton Council in 2019. This Vision placed Taunton's waterways at the heart of the town and regeneration and sought to make the most of them and rediscover the historic connection between the town and its surrounding landscape. It reflected the Council's commitment to improve the quality of existing and new developments, strengthen connections between the town and the countryside through a network of green spaces, deliver a more prosperous Taunton to become greener and more resilient. The River Tone, its tributary waterways within the town and the Taunton and Bridgwater Canal were key elements to meet the Taunton Garden Town Vision.

During the discussion, the following points were raised:

- Councillors welcomed the report and were excited that the waterways of Taunton were being showcased as a valuable asset.
- Councillors raised concerns over funding, and that it needed to be made

clear to the public that this project was externally funded by the Ministry for Housing, Communities and Local Government (MHCLG) grant.

- Councillors praised officers for their hard work and the use of forums such as the garden board to gain feedback that was then built into the plan.
- Councillors queried which flood defences were crucial within the area.  
*The Garden Town Implementation Manager responded and advised that the flood mitigation and protection was complex. It would detail which project would benefit which area and was being carried out by specialist officers.*  
Councillors queried if there was resource within the council to complete this project.  
*The Garden Town Implementation Manager, responded to say there was resource within the Gaarden Town Team, and that funding was being finalised for the next 18 months to 2 years. The consultation period would help decipher the resources and support required.*
- Councillors queried where the external funding streams would come from.  
*The Garden Town Implementation Manager responded to say that external funding opportunities had been identified and that it was targeted work going forward working in partnership with other waterway partners.*

Councillor Dixie Darch proposed the recommendations which were seconded by Councillor Richard Wilkins.

Having been duly proposed and seconded, the Planning and Transport Policy Sub-Committee RESOLVED to:

- A. Approve the draft Taunton Waterways Strategy and Guidance and associated supporting documents for public consultation.
- B. Agree that the following were delegated to the Head of Planning in consultation with the Lead Member for Economic Development, Planning and Assets:
  - I. The screening of the Taunton Waterways Strategy and
  - II. Guidance under the European Directive 2001/42/EC (SEA Directive) and associated Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations), EU Habitats Directive and associated Conservation of Habitats and Species Regulations 2017, together with the production and consultation on resultant reports should they be screened as required.
  - III. Approve and make any minor changes prior to consultation.
  - IV. Approve and make any amendments necessary following public consultation and to finalise the documents.

## **28 Outcome of the review of the Minerals Plan - Agenda Item 7**

The Lead Member for Economic Development, Planning and Asset, Councillor Ros Wyke, introduced the Service Manager for Development and Planning, Helen Vittery, who introduced the report. The report detailed that the Mineral and Waste Policy Team had concluded a review of the current Somerset Mineral Plan (SMP) which was adopted in 2015 and was due for review every 5 years.

During the discussion, the following points were raised:

- Councillors noted that they were pleased officers were working in partnership

with the Department for Environment, Food and Rural Affairs (DEFRA) over the policy changes.

- Councillors raised concerns over the objections and the volume of stone being removed from quarries for a prolonged period of time.  
*The Service Manager for Development and Planning responded to say that the quarries had a licence to do the removal and it was critical to the economy of the country not just the county that this continued.*
- Councillors queried how reactive the policy/team could be to national changes.  
*The Service Manager for Development and Planning responded to say that if national changed it would not impact the policy.*

The Lead Member for Economic Development, Planning and Asset, Councillor Ros Wyke, As Chair proposed an additional recommendation “To work closely with transport colleagues on the emerging Local Transport Plan, to ensure that the impact of quarry traffic on the local community is identified and mitigated appropriately where possible.” This was seconded by Councillor Richard Wilkins and the recommendation was carried.

Councillor Ros Wyke proposed an amendment to the recommendations which was seconded by Councillor Dixie Darch that the recommendation to maintain a watching brief on proposed changes to plan-making process through planning reform be removed from the report. The Sub-Committee voted on the amendment and the recommendation was carried.

Councillor Richard Wilkins proposed the recommendations which were seconded by Councillor Dixie Darch.

Having been duly proposed and seconded, the Planning and Transport Policy Sub-Committee RESOLVED to:

- A. Note the content of this report and endorse the conclusion herein that no update of the Somerset Mineral Plan was required at this time.
- B. Agree the following actions:
  - Publish the outcome of the plan review and inform industry.
  - Update the LDS to reflect the amended timescales for SMP review in 2029 (unless early review was triggered by monitoring processes).
  - Through the Local Aggregate Assessment process, continue to monitor the outcome of pending applications at Whiteball, Torr Works Blockworks (resolution to grant permission subject to S106), Westdown Quarry (resolution to grant subject to s106) and Moons Hill Quarry. Additionally, monitor if any further applications were submitted which could provide include in the landbank model if required).
  - Use the Mineral and Waste Planning Authority Monitoring Report (AMR) process to monitor supply (alongside LAA process as above).
  - Continue to monitor any changes in national policy, including on peat and energy minerals, which may trigger an early plan review.
  - Review the Sand and Gravel Memorandum of Understanding with Devon County Council and Cornwall Council. Continue engagement with Devon County Council on any forthcoming applications.
  - Work with Area planning teams to raise awareness and understanding of

SMP policies and how these policies were relevant to planning applications considered by area planning teams (e.g. mineral safeguarding areas).

- Update mapping layers and text on website – PEDL Licenses, Coal Authority etc.
- To work closely with transport colleagues on the emerging Local Transport Plan, to ensure that the impact of quarry traffic on the local community was identified and mitigated appropriately where possible

## **29 Forward Plan - Agenda Item 8**

The Head of Planning, Alison Blom Cooper, introduced the forward plan. The Sub-Committee noted the following items due to be reported at the next meeting on Thursday 8<sup>th</sup> October:

- Cannington Neighbourhood Plan
- Ilminster Neighbourhood Plan to be made
- CIL spending priorities report
- Local Plan 6 monthly update report
- Local Transport Plan – draft for consultation.

**(The meeting ended at 11.20 am)**

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**CHAIR**

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## **Community Infrastructure Levy Spending Priorities**

Planning and Transport Policy Sub Committee

8 October 2024

Key Decision – Yes

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## **Community Infrastructure Levy Spending Priorities**

Chair of Committee: Councillor Mike Rigby, Lead Member for Economic Development, Planning and Assets

Executive Member: Councillor Mike Rigby, Lead Member for Economic Development, Planning and Assets.

Local Members and Divisions affected: Councillor Henry Hobhouse, Councillor Kevin Messenger, Councillor Lock and Councillor Oakes, Councillor Kendall and Councillor David Woan, Councillor Caroline Ellis, Councillor John Hunt, Councillor Habib Farbahi, Councillor Dawn Johnson, Councillor Norman Cavill, Councillor David Fothergill, Councillor Dixie Darch, Councillor Derek Perry, Councillor Simon Coles, Councillor Federica Smith-Roberts, Councillor Lee Baker, Councillor Tom Deakin, Councillor Hazel Prior-Sankey, Councillor Fran Smith, Councillor Andy Dingwall, Councillor Diogo Rodrigues, Councillor Hilary Bruce, Councillor Leigh Redman, Councillor Kathy Pearce, Councillor Brian Smedley, Councillor Lance Duddridge, Councillor Gill Slocombe, Councillor Brian Bolt, Councillor Mike Caswell, Councillor Suria Aujla, Councillor Mark Healey MBE

Executive Director: Mickey Green, Executive Director, Climate and Place

### **Executive Summary**

The report seeks to clarify and confirm existing Community Infrastructure Levy (CIL) spending priorities and allocations across Somerset Council. CIL monies contribute towards providing essential infrastructure for our communities across Somerset. This is in the context of a clear funding deficit and a need therefore to make choices in respect to the various competing calls on CIL funding.

Currently CIL is charged across three parts of Somerset, the former Sedgemoor District (SDC), South Somerset District (SSDC), and Taunton Deane Borough (TDBC) areas. CIL was not charged across the former West Somerset Council area; hence it only applies to part of the former Somerset West and Taunton area. There is no CIL provision in the former Mendip District area. CIL monies can only be spent within the former District Council area (Charging Authority) they are collected in.

The absence of CIL in the former Mendip District and West Somerset Council areas does not mean that contributions to new infrastructure required to support new development will not be provided as Section 106 agreements are used to secure contributions in these areas.

To ensure that CIL meets its purpose of supporting the delivery of development in Somerset it is also proposed to allocate £500,000 to forward fund infrastructure associated with the Up Mudford, Sustainable Urban Extension, planning application reference 14/02554/OUT. This funding is currently in the bank and is not allocated to

any other schemes. It will be recovered via the Section 106 agreement. This is a strategically important allocated site in Yeovil proposing 765 homes, employment land, a care home and other infrastructure.



## Recommendations

That the Planning and Transport Policy Sub-Committee agrees:

- a to maintain the CIL infrastructure priorities and spending set out in this report.
- b that should planning permission be granted to use Community Infrastructure Levy (CIL) funding over the period 2026-2036 to provide cashflow to forward fund infrastructure to support the Up-Mudford Yeovil Sustainable Urban Extension. This funding will be fully recovered from the development via its s106.
- c Agreement for forward funding £500,000 of the walking and cycling infrastructure, secondary access and associated infrastructure at Up- Mudford, Yeovil Sustainable Urban extension is delegated to the Chief Planning Officer and Service Director for Infrastructure and Transport, in consultation with the Head of Legal Services.

## Reasons for Proposals

- I. To provide clarity for communities regarding Somerset Council's CIL spending priorities
- II. To ensure CIL receipts are spent on infrastructure required to support development, in accordance with the CIL Regulations 2010 specifically as amended in September 2019 ('the CIL Regulations')
- III. To ensure CIL serves its purpose of supporting the delivery of the infrastructure necessary to support the development in Somerset.
- IV. It is a persistent issue raised in connection with large scale development that none of the infrastructure is delivered early, to provide work play and community facilities and establish linkages to provide for active travel. There are often very good reasons for this and often that reason is cashflow. The proposed approach at Up-Mudford allows some of this infrastructure to be forward funded to support place making.

Report Author: Jo Wilkins, Climate and Place, Planning Policy  
Contact Details: 01935 462588, jo.wilkins@somerset.gov.uk

### Background and purpose of report

1. CIL takes the form of a charge per square metre of net additional floor space (new build or extensions). The money raised through CIL is used to help deliver prioritised infrastructure that is needed to support the growth proposals set out in the relevant development plans of the charging Authorities. It is for individual authorities to determine the rates of CIL and the types of development it is charged against.
2. A proportion of CIL is given to Town and Parish Councils (meaningful proportion) as set out in Regulation 59 of the CIL Regulations. For areas where there is no neighbourhood plan in place, 15% of CIL receipts from development within that Town/Parish area are given up to a maximum of £100 per Council tax dwelling per annum. This rises to 25% where a neighbourhood plan is in place.
3. According to the Community Infrastructure Levy (Amendment) Regulations 2012 the Council as Charging Authority, can spend its portion of CIL on:

*“the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.”*

The Planning Act 2008 states that ‘infrastructure’ includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces.

4. Planning obligations through S.106 are specific to individual planning applications and can only be sought where they meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Paragraph 57 the National Planning Policy Framework, December 2023 (NPPF):  
*Planning obligations must only be sought where they meet all of the following tests:*
  - a) *necessary to make the development acceptable in planning terms;*
  - b) *directly related to the development; and*
  - c) *fairly and reasonably related in scale and kind to the development.*
5. CIL spending priorities were previously set out under the Regulation 123 List, but this requirement has now been deleted and effectively replaced by Regulation 121A(1)(a) that requires the infrastructure funding statement to include a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL. This is known as the ‘infrastructure list’. With the amendments to the CIL Regulations the Council will now also have more opportunity to use CIL to address funding shortfalls and ‘top-up’ projects

that have not secured all the required funding for their delivery. This can now include combining CIL money with financial contributions secured through other funding mechanisms, including Section 106 legal agreements.

6. The tables below summarise the priorities listed in the current infrastructure lists and further details can be found within the individual IFS at ([Infrastructure Funding Statements \(somerset.gov.uk\)](https://www.somerset.gov.uk/infrastructure-funding-statements)). Appendix A includes a table showing the CIL charging rate, from when it was established in each of the former district areas and the current rate charged to developments, based on the BCIS index rate.

#### Former SDC Charging Area

Infrastructure Topic	Funding scheme/area	Planned Delivery
Flood Risk Management	Bridgwater Tidal Barrier * Burnham-on-Sea and Highbridge Tidal Flood Defence	2024 - 2027 Throughout plan period
Transport and public realm	Environmental improvements to walking, cycling and public transport infrastructure and public realm across the District	Throughout plan period
Education	Does not include infrastructure required to support the delivery of the following sites allocated in the Local Plan; B2 Land at West Bridgwater, B3 Land at East Bridgwater, and BH1 Land South of Brue Farm	Throughout plan period
Off-site outdoor sport and recreation	Specific sites and schemes that are identified in the play area audit and other relevant strategies	Throughout plan period
Off-site green infrastructure	Meads Eco Park	Throughout plan period

#### Former SWT Charging Area (covering the former Taunton Deane Borough Council area only)

Infrastructure Topic	Planned Delivery
Cycle & Pedestrian Improvements	2023-2025
Contribution towards the new primary school at Orchard Grove, Comeytrowe	2023-2024 onwards
Taunton Town Centre Regeneration	2024-2026 onwards
Surface Water & Flood Risk Mitigation	2024-2026 onwards
Community Development	

Wellington Station access road (forward/loan funding)	2024-2025
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### Former SSSC Charging Area

Infrastructure Topic	Funding scheme/area	Planned Delivery
Strategic Fund	The Triangle Project, Yeovil	2024
Strategic Fund	Wyndham Street area public realm works, Yeovil	2024
Strategic Fund	Chard Leisure Centre Public Access	Completed

7. The current CIL funding position for the three charging authorities is set out in the tables below and represents the position as of 31 March 2024:

### Former SSSC Charging Area

Balance at 31/03/2024 – total received since CIL adopted	5% Admin	Town and Parish Council Payments	Balance of Strategic Fund	Spent	Available
£3,134,445	£156,386	£526,951	£2,451,108	£1,945,552	£505,556

### Former SDC Charging Area

Balance at 31/03/2024 – total received since CIL adopted	5% Admin	Town and Parish Council Payments	Balance of Strategic Fund	Spent	Available (including allocated funds)
£13,864,377	£693,218	£1,799,827	£11,371,331	£222,500	£11,148,831
20% of total CIL allocated to the Bridgwater Tidal Barrier					£2,772,875.40
Balance					£8,375,955.60 This balance is not committed but it is anticipated

					that it will contribute towards education provision at Puriton and South Bridgwater
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**Former Somerset West and Taunton area (covering the former Taunton Deane Borough Council area only)**

Balance at 31/03/2024 – total received since CIL adopted	5% Admin	Town and Parish Council Payments	Balance of Strategic Fund	Spent	Committed
<b>£19,501,980</b>	<b>£769,139</b>	<b>£3,457,667</b>	<b>£15,275,174</b>	<b>£8,062,195</b>	<b>£7,212,979</b>

<b>CIL Strategic Pot collected since 2014</b>	<b>£15,275,174</b>
Taunton Station Improvements	-£91,518
Coal Orchard, Taunton Public Realm improvements	-£420,000
Public open space, Wellington	-£550,677
Orchard Grove New Primary School, Taunton	-£7,000,000
<b>Balance as at 31/3/24</b>	<b>£7,212,979</b>

**Capital CIL Allocations**

	2024/25	2025/26	2026/27	2027/28	Totals £
Cycle & Pedestrian Improvements	£999,999			£449,323	£1,449,322
Taunton Town Centre Regeneration	£500,000				£500,000
Surface Water & Flood Risk Mitigation	£412,757	£2,200,442	£3,148,851		£5,762,050
Community facilities		£150,000		£2,000,000	£2,150,000

Wellington Station access road (forward/loan funding)	£5,000,000				£5,000,000
<b>Total Expenditure</b>	<b>£6,912,756</b>	<b>£2,350,442</b>	<b>£3,148,851</b>	<b>£2,449,323</b>	<b>£14,861,372</b>

8. The amended CIL allocation table includes a provisional CIL allocation of £2.15m to assist with the delivery of community facilities at the Orchard Grove development (Taunton). Whilst the CIL allocations currently project an overspend of £1,648,393 by 2027/28, the CIL allocation for the Wellington Station access road is a forward funding loan. All the CIL allocations will need to be reviewed on an annual basis as the costs (following detailed design work) and delivery timescales for the infrastructure projects are confirmed. The infrastructure priorities will be considered in partnership with Taunton Town Council, to understand their CIL spending priorities for the CIL income they are due to receive.

#### Up-Mudford Sustainable Urban Extension

9. The Up-Mudford Sustainable Urban Extension, application 14/02554/OUT, is a strategically important application for Yeovil, proposing 765 homes, employment land, a care home, neighbourhood centre and primary school expansion site. It is allocated via Policy YV2 of the SSDC Local Plan. The application site is CIL exempt.
10. The application was resolved to approve in October 2019 but was later caught by the Natural England advice in August 2020 which required all non-approved applications to demonstrate nutrient neutrality. Three years later a solution has been found at a cost of £1.5m and the application has been refreshed and updated and is due to be considered at South Committee in October 2024. This has required a new viability assessment which concludes the site cannot deliver all the required planning obligations, reiterating the situation from 2019 which found the same.
11. The approach has therefore been to retain affordable housing at 15% rather than the policy requirement of 35% which was the percentage resolved to approve in 2019. This has enabled all other obligations to meet requirements. Notwithstanding this fact, an issue remains regarding cashflow and this has impacted on the trigger points that have been able to be agreed as to when certain cash payments can be made or certain works can be undertaken. In order to pay for certain infrastructure any developer needs to sell homes to create income to balance (or seek to) the outgoings, often the up-front costs of development are too much to be affordable, and certain triggers are pushed back (delayed) in order to smooth cashflow by allowing more homes to be sold until a certain piece of infrastructure or a specific payment is made.

12. This includes funding the following:
- Hedgerow and tree protection
  - Site clearance and early landscaping
  - Further ground investigation and mitigation measures
  - Archaeological investigation
  - Roundabout access with Bus stops and ancillary works
  - Onsite roads, footpaths and cycleways
  - Surface water drainage and pond 1
  - Foul drainage including offsite improvements to existing network
  - Utilities provision to site including improvements to existing off site networks
13. It should be noted that phosphate mitigation needs to be paid for prior to consent being granted. This will change to a pre-commencement condition going forwards.
14. The total s106 package is valued at circa £21m for affordable housing, transport, health, sport, play, community and open space.
15. The cashflow implications means that the full extent of approved infrastructure such as the off-site walking and cycling routes/connections cannot be delivered as early as is desirable. The delivery of a key junction at Lyde Road/Mudford Road would also be aided if more money was available towards the start of the development, but it simply is not available without pushing back other obligations later in the spend profile. Education Authority colleagues and the Wyndham Park Community Association working with Mudford PC and Yeovil Without PC on delivery of the school and community hall respectively would prefer 'their' monies to be triggered earlier than is proposed.
16. For reasons set out above it is proposed to allocate the existing £500,000 in the Area South CIL pot to unlock and frontload infrastructure provision on the Up-Mudford, Yeovil Sustainable Urban Extension. This funding is in the bank and not allocated to any other schemes. It will be recovered via the S.106 agreement. Further detailed information about the scheme is attached as Appendix B.

#### Future CIL spending

17. As has been demonstrated above many of the existing spending priorities are on-going long-term projects. This means that the opportunity to divert funds to alternative projects will depend on the time and expenditure required to deliver existing priorities. This will also depend on the amount of CIL income generated which in turn is dependent on the amount of chargeable development that comes forward in the area.
18. A decision on whether to introduce a Somerset wide CIL when the Local Plan has progressed will need to be taken in the light of the provisions and the best approach at that time. Currently CIL monies collected must be

spent within the former district Council area (charging authority) they are collected in.

19. Future CIL spending will be discussed council wide across relevant services through the Creating Communities Officer Working Group and the Senior Leadership Team with recommendations to the Planning and Transport Policy Sub Committee. and agreed by the Planning and Transport Policy Sub Committee.

### **Links to Council Plan and Medium-Term Financial Plan**

20. CIL is an important source of funding for infrastructure necessary to mitigate the impact of new development. Funding is also secured through s.106 agreements. The report seeks to provide clarity around priorities for spending CIL in the context of expected income. Details of CIL and S.106 income and spending are required to be published annually in the Infrastructure Funding Statement.

### **Other options considered**

21. No alternative options were considered as the mechanisms are not yet in place to change spending commitments and there is only a limited pot of money available to spend.

### **Key considerations for the Council**

#### **Scrutiny comments / recommendations:**

22. The proposed decision has not been considered by a Scrutiny Committee as it seeks to confirm existing spending priorities.

### **Consultation and feedback**

23. Relevant Divisional members have been consulted and the report was discussed at the Creating Communities Officer Working Group on 5 September 2024.

### **Financial and Risk Implications**

24. The priorities for the allocation of CIL monies towards specific infrastructure projects will mean that not all infrastructure projects across Somerset will be able to access the limited pot of money.
25. The committed CIL allocations set out in this report have previously been agreed by the former district councils. The proposed allocation of £500,000 of the CIL monies in the former SDDC area uses money that has already been collected. The main risk is tying up a portion of the CIL collected in Area South, however we will have delivered infrastructure for the benefit of existing residents in the area and future residents of the site sooner than would have otherwise been the case and reaped the benefits of doing so



earlier. The re-payment of the monies will be secured through the s.106 legal agreement. The main risk is if the site slows, or stalls and the re-payment trigger is delayed.

Current Risk Score:

<b>Likelihood</b>	<b>5</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>15</b>
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Projected risk score if recommended actions are agreed and delivered:

<b>Likelihood</b>	<b>5</b>	<b>Impact</b>	<b>3</b>	<b>Risk Score</b>	<b>15</b>
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### **Legal and Procurement Implications**

26. The functions of the Planning and Transport Policy Executive Sub-Committee include:
- To oversee matters on behalf of the Council arising from the Planning Act 2008 and subsequent legislation in connection with the Community Infrastructure Levy (CIL), including the approval of draft stages of the CIL Charging Schedule for consultation and to recommend the approval of the CIL Charging Schedule to Full Council.
  - To agree infrastructure priorities and approve Community Infrastructure Levy and s106 spending priorities to support the development of the area and infrastructure funding bids

### **HR / Workforce Implications**

27. There are no HR implications as the report seeks to confirm existing spending priorities.

### **Equalities Implications**

28. There are no direct equalities impacts arising from the recommendation to re-confirm CIL spending priorities. The allocation of future spending priorities will need to consider whether the distribution of funds would have an impact on protected groups or whether priorities will have positive benefits. The Council has a proactive responsibility to make reasonable adjustments for disabled people and this will be included within the design of works delivered as part of this funding.

29. When the decision is made to release the money for the Up Mudford forward funding due regard will be given to the Equality Act 2010.

### **Community Safety Implications**

30. There are no direct community safety implications from the report. As this relates to CIL spending any such implications would be considered on a case-by-case basis when a decision is made to spend funds on particular infrastructure projects in the future.

## **Climate Change and Sustainability Implications**

31. As the recommendation/s relate to existing agreed CIL spend, any such implications would be considered on a case-by-case basis when a decision is made to allocate money to other projects.
32. Current CIL spending priorities do directly support the Climate change strategy identifying spend on sustainable transport and active travel for example. Flood mitigation measures, a key element of climate change adaptation, are specifically identified in two of the current infrastructure lists and for the former SDC area, a minimum of 20% of CIL receipts are ring fenced for the Bridgwater Tidal Barrier.

## **Health and Safety Implications**

33. As the recommendations primarily relate to existing agreed CIL spend, any such implications would be considered on a case-by-case basis when new spend allocations are made.

## **Health and Wellbeing Implications**

34. As the recommendations relate to existing agreed CIL spend, any such implications would be considered on a case-by-case basis when future spend is made.

## **Social Value**

35. CIL funding priorities include projects and priorities that specifically provide for increased social value.

## **Background Papers**

Community Infrastructure Levy (CIL) relief policies report to Planning and Transport Policy Sub-Committee 25/01/2024 [Agenda for Planning and Transport Policy Sub-Committee on Thursday, 25th January, 2024, 2.00 pm - Modern Council](https://www.somerset.gov.uk/agenda-for-planning-and-transport-policy-sub-committee-on-thursday-25th-january-2024-2.00-pm-modern-council) ([somerset.gov.uk](https://www.somerset.gov.uk))

## **Appendices**

Appendix A CIL Charging Rates

Appendix B Further Information, Up-Mudford Yeovil Sustainable Urban Extension.

**Report assurance checklist ahead of report publication  
(for Audit, Executive, Full Council and Scrutiny Committees)**

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	16/09/24
Finance & Procurement	Nicola Hix	24/09/24
Workforce (*)	Dawn Bettridge	11/09/24
Asset Management (*)	Oliver Woodhams	N/A
Executive Director	Mickey Green	25/09/24
Executive Lead Member	Councillor Mike Rigby	23/09/24
<b>Consulted:</b>		
Local Division Members	Councillor Henry Hobhouse, Councillor Kevin Messenger, Councillor Lock and Councillor Oakes, Councillor Kendall and Councillor Woan, Councillor Caroline Ellis, Councillor John Hunt, Councillor Habib Farbahi, Councillor Dawn Johnson, Councillor Norman Cavill, Councillor David Fothergill, Councillor Dixie Darch, Councillor Derek Perry, Councillor Simon Coles, Councillor Federica Smith-Roberts, Councillor Lee Baker, Councillor Tom Deakin, Councillor Hazel Prior-Sankey, Councillor Fran Smith, Councillor Andy Dingwall, Councillor Diogo Rodrigues, Councillor Hilary Bruce, Councillor Leigh Redman, Councillor Kathy Pearce, Councillor Brian Smedley, Councillor Lance Duddridge, Councillor Gill Slocombe, Councillor Brian Bolt, Councillor Mike Caswell, Councillor Suria Aujla, Councillor Mark Healey MBE	13/09/24
Opposition Spokesperson(s)	Councillor Mark Healey	23/09/24
Relevant Scrutiny Chair(s)	Councillor Martin Dimery	22/09/24
Executive Director Adults Services	Mel Lock	10/09/24
Executive Director Children, Families & Education Services	Claire Winter	25/09/24
Executive Director Community Services	Chris Hall	10/09/24

Note:

Directors may nominate additional officers to act on their behalf  
(\* – these areas only need to be consulted on proposals if the proposals have workforce or asset management implications

Reports will not be published if assurance checklist has not been adequately completed – report author to liaise with Democratic Services well ahead of publication deadline

## Appendix A CIL Charging Rates

Former district CIL charging authority	CIL Charging rate	Current Charging Rate with indexing from 1 Jan 2024 – 31 Dec 2024
<b>Taunton Deane BC</b>		
Residential Development in Taunton (excluding town centre area)	£70 per sq.m as at 1 <sup>st</sup> April 2014	£113.50 per sqm
Residential development outside the settlement limits of Taunton and Wellington	£125 per sq.m as at 1 <sup>st</sup> April 2014	£202.70 per sqm
Retail development outside Taunton and Wellington town centres	£140 per sq.m as at 1 <sup>st</sup> April	£227.00 per sqm
<b>South Somerset DC</b>		
All other residential development – outside of Chard Eastern Development Area and Yeovil Sustainable Urban Extensions	£40 per sqm as at 1 April 2017	£54.25 per sqm
Convenience-based supermarkets and superstores and Retail warehouse parks outside of defined town centres & primary shopping areas	£100 per sqm as at 1 April 2017	£135.60 per sqm
<b>Sedgemoor DC</b>		
Hotel Development	£10 per sqm as at 1 April 2015	£15.00 per sqm
Supermarkets & Retail Warehouses	£100 per sqm as at 1 April 2015	£150.00 per sqm
Residential – Bridgwater and Burnham & Highbridge	£40 per sqm as at 1 April 2015	£60.00 per sqm
Residential – All other areas	£80 per sqm as at 1 April 2015	£120.00 per sqm

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## Appendix B – Further Information Up-Mudford

**Further Information Up-Mudford Report**  
Planning and Transport Policy Sub Committee  
8 October 2024  
Key Decision – yes



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### Further Information Up-Mudford Report

Chair of Committee: Councillor Mike Rigby - Lead Member for Economy, Planning and Assets

Executive Members: N/A

Local Members and Divisions affected: Councillor Henry Hobhouse, Councillor Kevin Messenger, Councillor Tony Lock, Councillor Graham Oakes, Councillor Andy Kendall and Councillor David Woan

Executive Director: Mickey Green, Executive Director, Climate and Place

#### Executive Summary

The Up-Mudford Sustainable Urban Extension, application 14/02554/OUT, is a strategically important application for Yeovil, proposing 765 homes, employment land, a care home, neighbourhood centre and primary school expansion site. It is allocated via Policy YV2 of the South Somerset Local Plan, 2015. The application site is CIL exempt.

The application was resolved to approve in October 2019 but was later caught by the Natural England letter of September 2020 which required all non-approved applications to demonstrate phosphate neutrality. Three years later a solution has been found at a cost of £1.5m and the application has been refreshed and updated to go back to committee in October 2024. This has required a new viability assessment which concludes the site cannot deliver all the required planning obligations, reiterating the situation from 2019 which found the same.

The cashflow implications mean that the full extent of approved infrastructure such as the off-site walking and cycling routes/connections cannot be delivered as early as is desirable. The delivery of a key junction at Lyde Road/Mudford Road would also be aided if more money was available towards the start of the development, but it simply is not available without pushing back other obligations later in the spend profile. This report proposes allocate £500.000 of CIL monies collected in Area South to forward fund walking and cycling infrastructure, secondary access and associated infrastructure associated with this development. This funding is currently in the bank and is not allocated to any other schemes. It will be recovered via the Section106 agreement.

#### Recommendations

The Planning and Transport Policy Sub Committee agrees:

- a that should planning permission be granted the use of £500.000 Community Infrastructure Levy (CIL) funding collected in Area South over the period 2026-2036 to provide cashflow in terms of an allocation to bring forward

## Appendix B – Further Information Up-Mudford

- b elements of the Up-Mudford, Yeovil Sustainable Urban Extension scheme which would be fully recovered from the development via its s106 over time. Agreement for forward funding the walking and cycling infrastructure, secondary access and associated infrastructure at Up-Mudford, Yeovil Sustainable Urban Extension is delegated to the Chief Planning Officer and Service Director for Infrastructure and Transport, in consultation with the Head of Legal Services.

### Reasons for Proposals

It is a persistent issue raised in connection with large scale development that none of the infrastructure is delivered early, to provide work, play and community facilities and establish linkages to aid green travel habits. There are often very good reasons for this and often that reason is cashflow. The proposed approach allows some of this infrastructure to be forward funded to support place making.

Report Author: Simon Fox, Economy, Employment and Planning, Development Management

Contact Details: 01935 29567, [simon.fox@somerset.gov.uk](mailto:simon.fox@somerset.gov.uk)



### Main report and supporting information



### Background and purpose of report

1. The Up-Mudford Sustainable Urban Extension, application 14/02554/OUT, is a strategically important application for Yeovil, proposing 765 homes, employment land, a care home, neighbourhood centre and primary school expansion site. It is allocated via Policy YV2 of the SSDC Local Plan. The application site is CIL exempt.
2. The application was resolved to approve in October 2019 but was later caught by the Natural England letter of September 2020 which required all non-approved applications to demonstrate phosphate neutrality. Three years later a solution has been found at a cost of £1.5m and the application has been refreshed and updated to go back to committee in October 2024. This has required a new viability assessment which concludes the site cannot deliver all the required planning obligations, reiterating the situation from 2019 which found the same.
3. The approach has been to therefore retain affordable housing at 15% rather than the policy requirement of 35% which was the percentage resolved to approve in 2019. This has enabled all other obligations to meet requirements. Notwithstanding this fact, an issue remains regarding cashflow and this has impacted on the trigger points that have been able to be agreed as to when certain cash payments can be made, or certain works can be undertaken. In order to pay for certain infrastructure any developer needs to sell homes to create income to balance (or seek to) the outgoings, often the up-front costs of development are too much to be affordable, and certain triggers are pushed back (delayed) in order to smooth cashflow by allowing more homes to be sold until a certain piece of infrastructure or a specific payment is made.
4. In the case of the Up-Mudford scheme there are significant up-front costs to be able to start building homes, estimated at circa £17m.
5. This includes funding the following:
  - Hedgerow and tree protection
  - Site clearance and early landscaping
  - Further ground investigation and mitigation measures
  - Archaeological investigation
  - Roundabout access with Bus stops and ancillary works
  - Onsite roads, footpaths and cycleways
  - Surface water drainage and pond 1
  - Foul drainage including offsite improvements to existing network
  - Utilities provision to site including improvements to existing off site networks

## Appendix B – Further Information Up-Mudford

6. It is also worth noting the Phosphate mitigation needs to be paid for prior to any consent being granted. This will however change to a pre-commencement condition going forwards.
7. The total s106 package is valued at circa £21m for affordable housing, transport, health, sport, play, community and open space.
8. The cashflow implications means that the full extent of approved infrastructure such as the off-site walking and cycling routes/connections cannot be delivered as early as is desirable. The delivery of a key junction at Lyde Road/Mudford Road would also be aided if more money was available towards the start of the development, but it simply is not available without pushing back other obligations later in the spend profile. Education Authority colleagues and the Wyndham Park Community Association working with Mudford PC and Yeovil Without PC on delivery of the school and community hall respectively would prefer 'their' monies to be triggered earlier than is proposed.
9. Simply put the scheme can afford to pay, but if we want infrastructure early then the prospect of a CIL rolling allocation to smooth cashflow and allow certain elements of infrastructure to be paid for on the basis of the s106 would ensure the money was paid back at the requisite trigger point would certainly assist. Once the allocation has paid for say a cycling route and then the trigger pays back the money, the allocation could roll on and unlock the next piece of infrastructure or aid another cashflow issue. Clearly the larger the allocation facility the more that can be unlocked sooner but any sum of money is helpful.
10. Three particular elements to prioritise would be:
  - Phase 1 walking connections costed at £70,000. This would provide an uncontrolled crossing on Lyde Road to give the first occupants a walking route out of the site to facilities such as a shop, primary and secondary schools. The current trigger is proposed at 50 occupations but a CIL allocation would allow this to be delivered upon first occupation as is desirable, to then be paid back after 50 occupations (or likely one year later).
  - The final part of the Lyde Road cycle link – costed at £650,000
  - The current proposed triggers are:
    - £50,000 on commencement (for design work)
    - £300,000 by the occupation of 450 dwellings
    - £120,000 by the occupation of 550 dwellings
    - £180,000 by the occupation of 650 dwellingsA CIL allocation facility on this would allow the continuation of current works on Lyde Road and deliver this strategic link many years ahead of what the cashflow on the scheme can deliver.  
It is envisaged that Somerset Council would deliver this.  
So, the allocation would be to ourselves.  
The construction of the vehicular Lyde Road access – costed at £408,838  
The current proposed trigger is by the occupation of 500 dwellings.

## **Appendix B – Further Information Up-Mudford**

11. The CIL allocation would allow the walking and cycling elements to be brought forward in conjunction with the Lyde Road cycle link as one comprehensive Council project, delivering efficiencies. The cycle link would connect residents all along Lyde Road to employment areas, Pen Mill Station and ultimately the town centre. Depending on available funds this element would be delivered alongside the Lyde Road cycle link by Somerset Council.
12. Any further CIL allocation could help reduce or remove borrowing costs associated with the expansion of Primrose Lane Primary School. A contribution of £5,507,592.04 will be secured towards education to be paid in four equal instalments at the occupation of 200, 400, 600 and 700 dwellings. It is envisaged that Somerset Council would deliver this and so the allocation would be to ourselves.
13. Whilst Up-Mudford is CIL exempt, a neighbouring site, just allowed on appeal (known as Sock Hill or Mudford Hill or the LVA scheme) is not and a forecast indicates a Somerset Council CIL receipt of £1,135,500 with Mudford PC receiving £200,000. As such whilst the allocation was being utilised more money would be added to the CIL pot. The appeal scheme would also benefit from the delivery of infrastructure associated with Up Mudford as both schemes are likely to be built out at the same time.
14. This type of approach to utilising CIL as way to unlock and frontload major sites is replicable cross the town, district and unitary area.

### **Links to Council Plan and Medium-Term Financial Plan**

15. The proposal is to use the CIL monies to forward fund infrastructure which will be recovered via a S.106 agreement. The proposal will help deliver the following vision and priorities set out in the Council Plan 2023-27:
  - a. A greener, more sustainable Somerset – to support Somerset to become a carbon neutral place, responding to the climate and ecological emergency. The delivery of part and therefore completion of a significant off-site end-to-end cycle link along Lyde Road will help reduce air pollution and greenhouse gas emissions and give a wider range of options for local journeys.
  - b. A healthy and Caring Somerset – an investment in active travel brings health and wellbeing benefits to the user, but also other via reduced car use and associated pollution.

### **Other options considered**

16. The Highway Authority is reviewing whether any active travel funds may be available to aid those elements of the project.
17. The fallback is that the development delivers in line with the proposed section 106 heads of terms, if the development is approved at committee in October 2024. In making a decision on the application Members can be assured that

## Appendix B – Further Information Up-Mudford

every reasonable attempt has been made to seek to deliver infrastructure sooner but those efforts have not been supported by the use of CIL.

18. In time Mudford PC and Yeovil Without PC may have precept/CIL they wish to allocate funds to facilitate earlier delivery of aspects of the development that are important to them. Although allocations from multiple bodies may become confusing.

### Key considerations for the Council

#### Scrutiny comments / recommendations:

19. The proposed decision has not been considered by a Scrutiny Committee.

#### Consultation and feedback

20. The case officer is in regular dialogue with the applicant regarding the pending planning application, development viability and cash flow.

#### Financial and Risk Implications

21. The main risk is tying up a portion of the CIL collected in Area South with one project, however we will have delivered infrastructure for the benefit of existing residents in the area and future residents of the site sooner than would have otherwise been the case and reaped the benefits of doing so earlier. The re-payment of the allocation will be secured through the s.106 legal agreement. The main risk is if the site slows, or stalls and the re-payment trigger is delayed.

Current Risk Score:

<b>Likelihood</b>	<b>1</b>	<b>Impact</b>	<b>1</b>	<b>Risk Score</b>	<b>1</b>
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Projected risk score if recommended actions are agreed and delivered:

<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>2</b>	<b>Risk Score</b>	<b>4</b>
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#### Legal and Procurement Implications

22. The Community Infrastructure Levy (CIL) can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities (as set out in [section 216\(2\) of the Planning Act 2008](#), and [regulation 59](#), as amended by the [2012](#) and [2013 Regulations](#)). This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant plan (the Development Plan).
23. The Regulations set out that Local Authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed.

## **Appendix B – Further Information Up-Mudford**

24. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

### **HR / Workforce Implications**

25. There are no HR implications associated with this report as it does relate to staffing matters.

### **Equalities Implications**

26. The recommendation is to approve a funding mechanism and as such there are no direct Equalities implications of this report. All schemes requiring Highway Authority approval will meet necessary requirements.

### **Community Safety Implications**

27. There are no immediate Community Safety Implications.

### **Climate Change and Sustainability Implications**

28. Supporting the early delivery of active travel routes will specifically address climate change mitigation and adaptation and promote sustainability. Somerset Council have declared both a Climate and Ecological Emergency.

### **Health and Safety Implications**

29. There are no immediate Health and Wellbeing implications other than those gained by users through walking and cycling opportunities.

### **Health and Wellbeing Implications**

30. There are no immediate Health and Wellbeing implications other than those gained by users through increased walking and cycling opportunities.

### **Social Value**

31. Forward funding active travel has the potential to generate substantial social value by improving connectivity, fostering economic development, promoting environmental sustainability, engaging the community, ensuring safety, enhancing public spaces, and prioritising affordability and accessibility.
32. Improved Accessibility and Connectivity:
- Positive Impact: This improved accessibility can lead to increased mobility and convenience for residents and visitors.
  - Social Value: A well-connected transportation network encourages public transportation usage, reduces traffic congestion and enhances urban mobility.

## **Appendix B – Further Information Up-Mudford**

### 33. Economic Development:

- **Positive Impact:** The construction of active travel routes can stimulate economic development in the surrounding area.
- **Social Value:** Economic development can lead to job creation, increased local business activities, and improved living standards for the community.

### 34. Environmental Considerations:

- **Positive Impact:** Active travel can contribute to environmental sustainability by encouraging the use of public transportation over private vehicles. This can lead to a reduction in carbon emissions and improved air quality.
- **Social Value:** A healthier environment positively impacts public health and well-being, contributing to an overall improved quality of life for residents.

### 35. Community Engagement and Inclusion:

- **Positive Impact:** Involving the community in the planning and decision-making process for the Up Mudford planning application can enhance social cohesion and promote a sense of ownership among residents.
- **Social Value:** Inclusive planning ensures that the transportation infrastructure meets the diverse needs of the community, including considerations for pedestrians, cyclists, and individuals with mobility challenges.

### 36. Public Spaces and Urban Design:

- **Positive Impact:** Integrating active travel routes with thoughtful urban design can create attractive public spaces and contribute to the overall aesthetics of the area.
- **Social Value:** Well-designed public spaces enhance the overall living experience, providing residents with places for recreation, social interaction, and community engagement.

### 37. Affordability and Accessibility for all:

- **Positive Impact:** Walking, wheeling and cycling are accessible to all members of the community, regardless of income or physical abilities.
- **Social Value:** A commitment to affordability and accessibility promotes social equity and inclusivity, preventing transportation improvements from disproportionately benefiting certain demographic groups.

## **Background Papers**

38. None.

## **Appendices**

- None.

## Appendix B – Further Information Up-Mudford

### Report assurance checklist ahead of report publication (for Audit, Executive, Full Council and Scrutiny Committees)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	
Finance & Procurement	Nicola Hix	
Workforce (*)	Dawn Bettridge	
Asset Management (*)	Oliver Woodhams	
Executive Director	Relevant Executive Director	
Executive Lead Member	Relevant Lead Member	
<b>Consulted:</b>	Councillor Name	
Local Division Members	List local members	
Opposition Spokesperson(s)	Relevant Opposition Spokesperson	
Relevant Scrutiny Chair(s)	Relevant Chair	

Note:

Directors may nominate additional officers to act on their behalf  
(\*) – these areas only need to be consulted on proposals if the proposals have workforce or asset management implications

Reports will not be published if assurance checklist has not been adequately completed – report author to liaise with Democratic Services well ahead of publication deadlines

Report assurance checklist will be completed ahead of report being taken.

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## **Local Plan Biannual Update Report**

Planning and Transport Policy Sub-Committee

8 October 2024

Key Decision – no



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## **Somerset Development Plan Biannual Update Report – October 2024**

Chair of Committee: Councillor Mike Rigby – Lead Member for Economic Development, Planning and Assets

Executive Member: Councillor Mike Rigby - Lead Member for Economic Development, Planning and Assets

Local Members and Divisions affected: All

Executive Director: Paul Hickson – Service Director for Economy, Employment and Planning

### **Executive Summary**

This report provides a project update on the progress made in developing the Somerset Local Plan.

### **Recommendations**

That the Sub-Committee of the Executive notes the report.

### **Reasons for Proposals**

This report does not contain proposals as it does not require a decision. It is a report to note.

Report Author: Laura Higgins, Principal Planning Policy Officer, Economy, Employment and Planning - Strategic Policy and Implementation

Contact Details: [laura.higgins@somerset.gov.uk](mailto:laura.higgins@somerset.gov.uk)

## Main report and supporting information

### Background and purpose of report



### Introduction

1. Table 1 sets out the key milestones for the Local Plan as published in the Local Development Scheme<sup>1</sup>.

Table 1: Local Plan Milestones (Local Development Scheme Oct 2023)

Milestones	Dates
Commence project planning and evidence gathering	Apr 2023
Early engagement with internal and external stakeholders and further evidence gathering	Apr 2024 - Feb 2025
Regulation 18 consultation on Draft Plan	Apr 2025 - Jun 2025
Regulation 19 publication	Oct 2026
Submission for Independent Examination	Mar 2027
Inspector's Report	Feb 2028
Adoption	March 2028

2. This report outlines the progress made since the previous report to the Planning and Transport Policy Executive Sub-Committee on 14 February 2024.

### Evidence base gathering

3. Somerset Council need to produce an evidence base on a variety of topics to inform the preparation of the Local Plan. These will be produced in partnership with other service areas and shared with the Creating Communities Officer Group for other service areas to feed into. They may also be procured jointly with other neighbouring planning authorities if it produces efficiency savings and/or makes practical sense. The first round of evidence base gathering that we are progressing is that which needs to be progressed in advance of having spatial strategy options or sites identified and will inform that process. The evidence currently being progressed is set out below:

#### *Economic Development Needs Assessment (EDNA)*

Resource: Hardisty Jones Associates (HJA) and Somerset Council Planning Policy and Economic Development officers.

4. The EDNA will inform the Local Plan through forecasting employment floorspace needs over the Local Plan period which will in turn enable the Council to understand the need to retain existing employment sites and/or identify new sites.

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<sup>1</sup> [Local Development Scheme \(https://www.somerset.gov.uk/planning-buildings-and-land/local-development-scheme/\)](https://www.somerset.gov.uk/planning-buildings-and-land/local-development-scheme/)

HJA have invited key stakeholders for consultations to gain local market and specialist perspectives on demand and growth opportunities in Somerset.

5. Running parallel, the Council's Economic Strategy team is in the process of producing a Somerset Economic Strategy, supported by consultants WSP which will inform the growth scenario for Somerset. Joint consultations by the consultants were arranged where appropriate to ensure that both the Local Plan and Economic Strategy share the same information and to make more efficient use of stakeholders' time.
6. Emerging outcomes from the draft Economic Strategy will inform the growth scenarios within the EDNA. To ensure this alignment and to produce a more robust EDNA, its timetable may experience a delay of 1-2 months. The advantages gained are considered to be worth this delay and will not affect the overall Local Plan timetable.
7. The EDNA will also consider proposed changes in the draft National Planning Policy Framework (NPPF) currently out to consultation and any impact this may have on growth scenarios. The draft EDNA is expected in Autumn 2024 for review by council officers before being finalised.

#### Local Housing Needs Assessment (LHNA)

Resource: Opinions Research Services (ORS) and Somerset Council Planning Policy, Housing Enabling and Public Health officers. Jointly procured with Exmoor National Park Authority.

8. Assessing housing need is the first step in the process of deciding how many homes need to be planned for. Housing need is an unconstrained assessment of the number of homes needed in an area. ORS are progressing the LHNA, however, the recent proposed changes to the NPPF and the standard methodology will impact this data, which will necessitate re-working before the report can be drafted for review by council officers. This will have some effect on the timetable of the LHNA but will not adversely affect the Local Plan timetable. The final LHNA is likely to be finalised only after the proposed changes to the NPPF have been confirmed.

#### Strategic Flood Risk Assessment Level 1 (SFRA)

Resource: JBA Consulting and Somerset Council Planning Policy officers. Jointly procured with Exmoor National Park Authority.

9. The SFRA collates information on all known sources of flooding that may affect existing or future development within Somerset. Such sources include tidal, river, surface water (local drainage), sewers and groundwater. The SFRA will identify and map areas that have a 'low', 'medium' and 'high' probability of flooding, in accordance with national policy.
10. The report is in progress and the following organisations/groups are being involved in the preparation: Environment Agency, Somerset Drainage Board

Consortium, Wessex Water, South West Water, Bristol Water, South West Coastal Monitoring Group, Wessex Regional Flood and Coastal Committee, Somerset Council - Lead Local Flood Authority, Somerset Council - Highways and Public Rights of Way, National Highways, Reservoir Owners/Undertakers in Somerset, Catchment Partnerships - Somerset, North Devon, Bristol Avon, East Devon, Canal & Rivers Trust, Adjacent Unitary/District Councils.

11. The final SFRA Level 1 is expected in November 2024. An update is likely to be required once the National Flood Risk Assessment 2 (NaFRA2) datasets become available in 2025.

*Gypsies, Travellers, and Travelling Show People Accommodation Assessment (GTAA)*

Resource: Opinions Research Services (ORS) and Somerset Council Planning Policy and Gypsy & Traveller Liaison officers.

12. The GTAA assesses the future accommodation needs in Somerset for Gypsies and Travellers. This will be used to inform the preparation of Local Plan policy and site allocations for Gypsies and Traveller accommodation. ORS have progressed data gathering and desktop analysis. The assessment includes in person interviews with members of the Gypsy, Traveller and Travelling Showpersons community visiting all authorised and unauthorised sites as well as those currently living in "bricks and mortar".
13. The following organisations/groups have been contacted to be involved: Somerset Council representatives Housing Officers, Enforcement Officers, Homelessness Officers, Equalities Officer, adjacent Unitary/District Councils. The final GTAA is expected in October 2024.

*Landscape Character Assessment*

Resource: Land Use Consultants (LUC) and Somerset Council Planning Policy and landscape officers.

14. This project is in its early stages with the final report expected in March 2025.

*Role and Function of Settlements Study*

Resource: Somerset Council Planning Policy officers.

15. The Role and Function of Settlements study will ensure that we have a good understanding of the nature of the settlements within Somerset to inform the production of the Somerset Local Plan. It is a factual piece of work that will collate information on the services and facilities currently available in settlements, the population, employment opportunities and access to the transport network concluding on the relative sustainability of the various settlements in the form of a settlement hierarchy. A draft is expected later in 2024.

### Town Centre Health Checks

Resource: Somerset Council Planning Policy officers.

16. Town Centre Health Checks are a tool for appraising and monitoring the changes in the overall vitality and viability of town centres informing plan-making and decision-taking at the local level. They are based upon a number of key performance indicators to help assess and monitor the overall health and performance of centres. The council's economy/town centres team will input into the document and a survey will take place to understand the view on the health of our town centres. It is in progress with a view to completion later in 2024.

### Sustainability Appraisal Scoping Report

Resource: Somerset Council Planning Policy officers

17. The Sustainability Scoping Report is the first stage in the Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) process and considers the context and scope of an SA for the Somerset Local Plan and establishes an assessment process to ensure that the options considered for the policies and site allocations are assessed against suitable sustainability objectives. This is being progress with a view to completing a draft for consultation with the three statutory consultees (Natural England, the Environment Agency and Historic England) in autumn 2024. This is in line with the requirements of The Environmental Assessment of Plans and Programmes Regulations 2004.

### **Consultation and engagement**

18. Planning Policy will bring a Consultation and Engagement Strategy to a future meeting of the Sub-Committee once changes to the NPPF are finalised. In the meantime, early engagement activities will progress through targeted engagement with town, parish and city councils, and other stakeholders exploring issues to help inform the Role and Function of Settlements study, local priorities, key infrastructure priorities, open space and playing pitch facilities data collection.
19. The Call for Sites is anticipated later in 2024 which will ask landowners and developers to submit sites they consider suitable for development.
20. A Somerset Council all-Member launch will take place later in 2024.
21. The Planning, Transport, Economic, and Climate Policy Working Group (PTEC) is an internal team of policy officers who convene monthly to discuss policy and strategy issues. Their goal is to ensure that all service areas are informed about ongoing workstreams and remain aligned.
22. The Creating Communities Officer Working Group (CCOWG) is a cross-service group of officers to ensure a joined up approach to:
  - Strategic planning, transport, economic, environmental, housing, education and public health policy making;

- Strategic community, environmental, economic infrastructure and investment priorities including Community Infrastructure Levy and Section 106 spend priorities;
- Ensuring strategic sites deliver on cross-service objectives by enhancing outcomes around placemaking, land uses, affordable housing, climate change, infrastructure, active travel and stewardship;
- Information sharing, data collection and evidence base gathering.

The terms of reference have been agreed, including the meeting cadence, at the first meeting on 5 September.

### **Duty to Co-operate**

Resource: Somerset Council Planning Policy officers

23. Local Planning Authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries including meeting housing needs, delivering strategic infrastructure, and building economic and climate resilience. The duty to cooperate is proposed to be retained and strengthened by the draft National Planning Policy Framework.
24. Somerset Council will meet its duty in this regard through a variety of means. The first such meeting was held with Exmoor National Park Authority to discuss their Local Plan review and emerging cross boundary issues for the Somerset Plan.

### **Digital improvements**

Resource: Urban Intelligence Ltd, The Ministry of Housing, Communities and Local Government (MHCLG) and Somerset Council Planning Policy officers

25. Earlier this year, the Planning Policy team was awarded funding through the Government's Proptech Fund to collaborate with Urban Intelligence on developing a Biodiversity Net Gain (BNG) site assessment module for their Placemaker tool. We have developed this module and undertook a BNG Call for Sites in May/June and are now testing the quality of the outputs and will refine the tool where required. We regularly report back to the funding team who monitor our progress.
26. Urban Intelligence has assisted in aligning GIS datasets from the five previous Somerset authorities which were in a variety of formats and of differing quality. Placemaker will be used to streamline the site assessment process for the main Local Plan Call for Sites, anticipated later in 2024.
27. MHCLG are supporting the council in undertaking a Digital Planning Maturity Assessment. This is a self-assessment tool, led by Planning Policy officers to show how digitally mature the planning department currently is and the scale of change needed to shift to modern planning practices. Planning Policy officers are also supporting MHCLG in testing new national guidance for site assessments and to help align the style and design of policy mapping both of which will help streamline the plan making process.

## **Next Steps**

28. The following workstreams will be progressed over the next 6 months:

- Continue project management and support of the commissioned evidence base production.
- Commission the next round of evidence base production and, subject to staff resources, some projects potentially being partially completed in-house to build skills and reduce financial costs:
  - Playing Pitch, Built Sports Facilities and Open Space Assessments
  - Retail and Leisure Needs Assessment
  - Employment Land Review
  - Habitat Regulations Assessment screening report
  - Transport constraints heat mapping
- Produce a site assessment methodology and undertake a Call for Sites
- Developing a programme of targeted engagement activities including with town, parish and city councils
- All-Member launch
- Progress work on the spatial portrait, vision, issues and objectives
- Progress duty to co-operate discussions

## **Links to Council Plan and Medium-Term Financial Plan**

29. The Local Plan aligns with the Council Plan 2023-27 vision and priorities, in particular the priority for *A Greener, More Sustainable Somerset*. Furthermore, the production of the Local Plan is consistent with the emerging Council Business Plan and reflects the Council's Climate Emergency Strategy. The Local Plan is one of a suite of strategic documents the Council will need to produce that support and complement each other. Using the vision and priorities set out in the Council Plan provides a starting point for developing agreed goals and ambitions in partnership with the community, businesses and the environment at the centre.

## **Other options considered**

30. Not applicable as this report does not require a decision.

## **Key considerations for the Council**

### **Scrutiny comments / recommendations:**

31. Not applicable as this report does not require a decision.

## **Consultation and feedback**

32. This report does not require a decision and therefore there is no consultation to be undertaken on it. The Town and Country Planning (Local Planning) (England)

Regulations 2012 sets out the requirement for consultation on the production of the Local Plan which will be undertaken at the required stages.

### **Financial and Risk Implications**

33. This report does not require a decision. There are no financial or risk implications of the recommendation to note this report.

Current Risk Score:

<b>Likelihood</b>	n/a	<b>Impact</b>	n/a	<b>Risk Score</b>	n/a
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Projected risk score if recommended actions are agreed and delivered:

<b>Likelihood</b>	n/a	<b>Impact</b>	n/a	<b>Risk Score</b>	n/a
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### **Legal and Procurement Implications**

34. This report does not require a decision. There are no legal and procurement implications of the recommendation to note this report.

### **HR / Workforce Implications**

35. Staff capacity to date given other work priorities is impacting progress on the Local Plan. Options are being explored, within the current budget, to build capacity which is likely to centre around striking the appropriate balance of internal and external resources working on evidence base projects and supporting key stages of the process.

### **Equalities Implications**

36. Whilst this particular decision does not have any specific equality due regard considerations, we are aware that due regard consideration must be included within the plans being discussed in this document.

### **Community Safety Implications**

37. This report does not require a decision. There are no community safety implications of the recommendation to note this report.

### **Climate Change and Sustainability Implications**

38. This report does not require a decision. There are no climate change or sustainability implications of the recommendation to note this report.

### **Health and Safety Implications**

39. This report does not require a decision. There are no health and safety implications of the recommendation to note this report.

### **Health and Wellbeing Implications**



40. This report does not require a decision. There are no health and wellbeing implications of the recommendation to note this report.

### Social Value

41. This report does not require a decision. There are no social value implications of the recommendation to note this report.

### Background Papers

42. None.

### Appendices

- None

### Report assurance checklist ahead of report publication (for Audit, Executive, Full Council and Scrutiny Committees)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	09/09/24
Finance & Procurement	Nicola Hix	26/09/24
Workforce (*)	Dawn Bettridge	11/09/24
Asset Management (*)	Oliver Woodhams	20/09/24
Executive Director	Mickey Green	23/09/24
Executive Lead Member	Councillor Mike Rigby	23/09/24
<b>Consulted:</b>	Councillor Name	n/a
Local Division Members	List local members	n/a (report relates to the whole of Somerset)
Opposition Spokesperson(s)	Councillor Mark Healey	05/09/24
Relevant Scrutiny Chair(s)	Councillor Martin Dimery	05/09/24

Note:

Directors may nominate additional officers to act on their behalf  
(\*) – these areas only need to be consulted on proposals if the proposals have workforce or asset management implications

Reports will not be published if assurance checklist has not been adequately completed – report author to liaise with Democratic Services well ahead of publication deadlines.

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Report/Decision Title	Expected or provisional	Decision Date (if not known, then estimated)	Report Author / Lead Officer	Decision Maker
<b>Thu 23 May 2024 - 2pm (Special Meeting)</b>	<b>Report deadline = 14 May</b>			
Bus Service Improvement Plan			Sunita Mills	
Kingston St Mary Neighbourhood Plan to be Made	Provisional as Examination likely to commence Jan 2024	Apr-24	Ann Rhodes	Sub-Committee
Nexus LDO			James Holbrook	
<b>Thu 27 Jun 2024 - 2:15pm</b>	<b>Report deadline = 11 Jun</b>			
Mendip Local Plan Part II Site Allocations Review - Reg 19 publication version	Provisional - Scheduled for publication in July	Jun-24	Andre Sestini	Sub-Committee to consult on and Full Council to adopt
<b>Tuesday 13 Aug 2024</b>				
Puriton Neighbourhood Plan to be Made	Provisional - Examination began end of Feb 24, referendum Spring 2024	Jun-24	Nick Tait	Sub-Committee
Taunton Waterways Strategy and Guidance			Jenny Clifford	Sub-Committee
Outcome of the review of the Minerals Plan	Provisional (LDS says Early 2024)	Apr-24	Helen Vittery	Sub-Committee to consult on and Executive to adopt
<b>Tues 8th Oct 2024</b>				
CIL spending priorities report		Jun-24	Jo Wilkins	Sub-Committee
Local Plan 6 monthly update report	Expected		Laura Higgins	Sub-Committee
<b>Thu 12 Dec 2024</b>				
Oake Neighbourhood Plan	Provisional as Submission has been made, therefore Examination likely by Feb-May 24	Dec-24		Sub-Committee
Local Transport Plan – draft for consultation	Provisional (LDS says Spring 2024)	Apr-24	Sunita Mills	Sub-Committee

<b>Tue 11 Feb 2025</b>				
<b>Tue 8 Apr 2025</b>				