

South Somerset District Council

Minutes of a meeting of the **District Executive** held in the **Council Chamber, Council Offices, Brympton Way, Yeovil on Thursday 6 October 2022.**

(9.30 am - 12.12 pm)

Present:

Councillor Val Keitch (Chairman)

Jason Baker	Sarah Dyke
Mike Best	Peter Gubbins
Nicola Clark	Tony Lock
Adam Dance (from 10.22am)	Peter Seib
John Clark (present on-line (non-voting))	



Also Present:

Henry Hobhouse	Gina Seaton
Mike Lewis	Mike Stanton
Sue Osborne	

Officers:

Jane Portman	Chief Executive
Kirsty Larkins	Director (Service Delivery)
Jill Byron	Monitoring Officer
Karen Watling	Chief Finance Officer (S151 Officer)
John Hammond	Lead Specialist (Built Environment)
Jo Wilkins	Specialist (Strategic Planning)
Paul Huntington	Specialist (Compliance & Enforcement)
Angela Cox	Specialist (Democratic Services)
Michelle Mainwaring	Case Officer (Strategy & Support Services)
Becky Sanders	Case Officer (Strategy & Support Services)

Note: All decisions were approved without dissent unless shown otherwise.

60. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the previous meeting held on Thursday 1st September 2022 were approved as a correct record and were signed by the Chairman.

61. Apologies for Absence (Agenda Item 2)

It was noted that Councillor John Clark had joined the meeting remotely and Councillor Adam Dance would be attending later.

62. Declarations of Interest (Agenda Item 3)

There were no declarations of interest made by Members.

63. Public Question Time (Agenda Item 4)

There were no questions from members of the public present.

64. Chairman's Announcements (Agenda Item 5)

There were no announcements from the Chairman.

65. Planning to support the release of phosphate credits within the Somerset Levels and Moors Ramsar catchment to unlock stalled housing developments (Agenda Item 6)

The Portfolio Holder for Protecting Core Services introduced the report and advised that the Somerset County Council were holding a Nutrient Pollution Workshop on 01 November. He felt it may be prudent to defer the report but invited members comments.

The Lead Specialist for Built Environment advised that the report proposed one approach to delivering phosphate mitigation in South Somerset. Planning applications that had been agreed recently had provided their own ring-fenced solution to mitigating phosphate discharge at the sites through a number of individual methods. However, not every developer had the capacity to control the phosphate reduction solutions required on-site, particularly smaller developers and they were reliant on acquiring a solution from a third party. The En Trade solution was targeted at those developers. He said that approximately 360 planning applications were awaiting a phosphate solution and the majority were small developments. He noted that Members had agreed that SSDC would not acquire land itself to provide a solution, which Somerset West and Taunton Council had done in part by converting land into a wetland area. Therefore SSDC were enabling a solution through a third party, En Trade, who were bringing together landowners to provide a land-management solution working with Natural England. En Trade would market the solution to developers who could purchase a credit and SSDC would ensure the land-management solutions were working correctly and met Natural England's view of suitable mitigation. The project would require monitoring in the future and be resourced to ensure future delivery. There would also be a register of the credits sold to each developer with a legal agreement before development could start. The developers needed assurance that the phosphate credit they acquired would be accepted and legal advice taken had said it would be inappropriate for SSDC to set the credit price in a commercial market. There could be issues if the phosphate credit cost was high so that a developer could claim a lack of viability

at a site and could no longer afford to pay Section 106 contributions but this would not be accepted as detailed in recommendation b (ii). The proposed project was the first solution for developers which was not site-specific and would allow development to commence. It was ideal for developments of one to nine dwellings as they did not attract Section 106 contributions. Other parties were coming forward with solutions but they were resource intensive to set up. Wessex Water were proposing to improve their water treatment plants in affected areas to the highest possible level but this would not be completed before 2028. A 1kg phosphate credit was expected to cost around £55,000 because of the in perpetuity monitoring required for a land management solution. Agreeing the recommendations would allow the opportunity for the small to medium developer to gain planning permission.

In response to questions from Members, the Lead Specialist for Built Environment, the Director for Service Delivery and the Monitoring Officer advised:

- SSDC and Somerset West and Taunton Councils were the two areas of Somerset which were most affected by the phosphate issue. The SWaT solution would release up to one years credits and so it was an interim solution. When all 5 councils became one there would be more land management assets to consider for a longer term phosphate solution.
- Following the Motion to Council in March, letters had been sent to DEFRA and DLUHC from SSDC and other Somerset Councils and their stance had changed from land management solutions to the upgrades to the existing water treatment plants but not before 2030.
- Off-site solutions included wetland creation, orchard / woodland planting and fallow land, however, fallow land was a short term solution.
- 4 to 5 hectares of wetland in SWaT area was enabling over 700 houses to be built in Taunton.
- The creation of wetlands would have a biodiversity benefit as well as the phosphate solution. The most effective solution was a wetland area immediately downstream of a sewage treatment works but they may require stripping out and re-planting every 15 years.
- Most of the wetland areas in South Somerset would be off-site solutions as they would follow the line of the rivers Yeo, Isle and Parrett.
- SSDC could not limit the credits to developers of 1 – 9 dwellings as they did not control the market.
- En Trade were set up to deliver a number of market sales of credits with new landowners but SSDC could only sign up for the first round of sales to review the effectiveness against the corporate plan position.
- It would be wrong for SSDC to dictate to a developer where they obtained their phosphate credits. This would be anti-competitive.
- En Trade had proposed that they would not sell more than 15% of the credits to any one applicant.
- The recommendation could be amended to refer to land management promoters who complied with the requirements.
- Developers who had already started a site would probably be outside the scope for phosphate testing.

- The En Trade solution was one mechanism among many which could provide a solution to phosphate mitigation.
- The use of fallow land as a phosphate credit was a short-term solution at the beginning of the phosphate issue in 2020.
- The Gladman development which had recently been given planning permission at Brimsmore proved that Section 106 contributions were viable with an on-site sustainable drainage system.
- Riparian buffer strips and cover crops were mentioned in the Royal Haskoning report as phosphate mitigation measures for agriculture.

The representative of Natural England said they had worked with EnTrade and the market had been set up on the Lyndsay mechanism which favoured smaller developers. Larger developers were able to source their own mitigation options.

During discussion, the following points were made:-

- Concern that land left fallow in the scheme could deteriorate.
- Concern that endorsing a particular supplier would fetter the council's discretion on planning applications and leave them open for judicial review.
- There was a need to provide infrastructure with some developments and SSDC could lose Section 106 funding if developers successfully argued that a site was no longer viable because of the cost of phosphate credits.
- SSDC should look at the solution being offered by SWaT as they appeared to control who purchased the credits, so prioritising small construction sites.
- Constructed wetlands of 4 or 5 acres next to rivers near Sites of Special Scientific Interest (SSSI) would remove almost all of the phosphates going into the SSSIs.
- Planting a winter cover crop in arable fields or, injecting manure into the ground would help to prevent phosphate run-off.
- Regular water sampling should take place so it was known where the phosphates were coming from and the quantity.

The Vice Chairman of the Scrutiny Committee said that the comments raised at their meeting were similar to the Executive discussion. She asked that workshop briefings be held for Members so they could understand the various solutions offered when determining planning applications.

At the conclusion of the debate, the Chairman thanked Members for their debate of the issues and she proposed that the report be noted and a further report be presented to the next meeting of the Executive in November with further clarification on the points raised by Councillors both at Scrutiny Committee and District Executive. This was seconded by Councillor Peter Seib and agreed by 8 votes in favour, 0 against and 1 abstention. Councillor Adam Dance abstained from voting as he had not been present for the whole of the debate.

RESOLVED: That District Executive agreed:-

- a. to note the report
- b. that the report be re-presented to the November meeting of District Executive with further clarification on the points raised by Councillors both at Scrutiny Committee and District Executive.

Reason: To note the work undertaken by officers and to await further clarification on the points raised during the meeting.

(Voting: 8 in favour, 0 against, 1 abstention)

66. The 'Making' of the North Cadbury and Yarlington Neighbourhood Plan (Agenda Item 7)

The Specialist for Strategic Planning said that a successful referendum on the Neighbourhood Plan was held on 08 September and the conclusion was a resounding yes vote in favour. She congratulated the group of residents for producing an excellent Neighbourhood Plan and for the hard work they put into the project. She asked that Members support the recommendation to 'make' the North Cadbury and Yarlington Neighbourhood Plan.

One of the Ward Members, Councillor Henry Hobhouse, thanked the Specialist for Strategic Planning and her team for their support to the community to help the plan to its adoption.

In response to questions from Scrutiny Committee, the Specialist for Strategic Planning advised:

- The Community Infrastructure Levy (CIL) contributions to the parish would increase from 15% to 25% on any planning applications approved after the referendum date of 08 September.
- The next six monthly CIL contributions would be sent to Parish Councils by 28 October 2022.

At the conclusion of the debate, Members unanimously agreed to the making of the North Cadbury and Yarlington Neighbourhood Plan.

RESOLVED: That District Executive agreed to the making of the North Cadbury and Yarlington Neighbourhood Plan.

Reason: To note the result of the referendum in relation to the North Cadbury and Yarlington Neighbourhood Plan and to confirm that the Plan be 'made' (or adopted).

67. Public Space Protection Orders: Yeovil (Agenda Item 8)

The Portfolio Holder for Area North, Licensing and Environmental Health advised that the existing Public Space Protection Orders were due to expire very shortly and it was important that they were extended for a further 3 years. He proposed that they be agreed by Members and this was seconded by Cllr Mike Best.

In response to questions from Members, the Specialist for Environmental Health and the Director for Service Delivery advised:

- The Equality Impact Assessment had not been updated since 2020.
- There were outreach workers to help people with street drinking issues or begging and they were able to refer people to schemes to support them away from those lifestyle choices.
- There were drug and alcohol centres in both Yeovil and Taunton and SDAS staff were on hand in the A&E department in Yeovil District Hospital on Friday and Saturday nights to help vulnerable patients.
- The PSPO extension areas previously agreed were based upon evidence presented of street drinking and begging at the time of the extension report.
- There were no statistics currently available to confirm the effectiveness of the previous PSPO extensions.

During discussion, the following points were made:

- The Equality Impact Assessment should be updated in light of the Covid pandemic and the current cost of living crisis as there could be different interventions.
- Vulnerable adults may not read any PSPO warning letters sent to them.
- Councillors were aware of the excellent assistance provided by the housing team in assisting homeless and other vulnerable people.
- Welcome the proposals if they helped towards the public feeling safe in the town centre and the police should help to enforce the orders.
- SSDC could have employed and trained enforcement officers to help with compliance of the PSPOs in the town centre.
- People with drug and alcohol issues should be helped and supported to ensure they had better opportunities available to them and not be sidelined.
- Cuts in funding to the Somerset Drug and Alcohol Service had not helped.

The Vice Chairman of the Scrutiny Committee thanked the Specialist for Environmental Health for answering the questions raised during their meeting and asked if it was possible to collect statistics to prove the PSPO extension areas had been successful or if the problem had moved to another area outside the PSPO area.

At the conclusion of the debate, Members unanimously confirmed the time extensions to the Public Space Protection Orders (PSPOs) in Yeovil as recommended in the report.

RESOLVED: That District Executive agreed to time extensions for the two existing Public Space Protection Orders (PSPOs) in Yeovil as set out in Annex 1 and Annex 2. This will extend the duration of the PSPO's for another three years.

Reason: To agree the approval of the time extension of two Public Space Protection Orders (PSPOs); one to restrict street drinking in Yeovil and the other to prohibit begging in the central area of Yeovil. Both PSPOs have a duration of three years and as such were due to expire on 11th October 2022.

68. District Executive Forward Plan (Agenda Item 9)

The following additions and amendments to the Forward Plan were noted:

- Millers Garage, Crewkerne – Scrutiny Committee call in – November 2022
- Planning to support the release of phosphate credits within the Somerset Levels and Moors Ramsar catchment to unlock stalled housing developments – November 2022

In response to a question on the reports listed as dates to be confirmed on the Forward Plan, the Director for Service Delivery said she would check with officers and agree dates for their presentation.

The Vice Chairman of the Scrutiny Committee expressed the Committees concern at the lack of regular Section 106 and CIL monitoring reports at the Area Committees. She also asked that the Opium Power Ltd presentation be scheduled for Full Council and it was agreed to add this to the Forward Plan.

The Director for Service advised that the Section 106 and CIL reporting was transferring to a new system and she hoped to present a report to the December Executive meeting.

RESOLVED: That the District Executive:-

1. approved the updated Executive Forward Plan for publication as attached at Appendix A, with the following amendments;
 - Millers Garage, Crewkerne – Scrutiny Committee call

in – 03 Nov 2022

- Planning to support the release of phosphate credits within the Somerset Levels and Moors Ramsar catchment to unlock stalled housing developments – 03 Nov 2022
- Opium Power Ltd Presentation to Council – 17 Nov 22

2. noted the Local Community Networks (LCN) Consultation which Members were encouraged to individually respond to.

Reason: The Forward Plan is a statutory document.

69. Date of Next Meeting (Agenda Item 10)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 03 November 2022 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

70. Exclusion of Press and Public (Agenda Item 11)

The Chairman asked Members to agree that the press and public be excluded from the following item and this was agreed without dissent.

RESOLVED: That the following items be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

71. Briefing on Local Government Reorganisation (Confidential) (Agenda Item 12)

The Chief Executive provided members with a brief verbal update on the progress of Local Government Reorganisation in Somerset and answered their questions on points of clarification.

The report was NOTED

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Chairman

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Date