

# Somerset West and Taunton Council

## Full Council – 28<sup>th</sup> March 2023

### Firepool Masterplan – Adoption

This matter is the responsibility of Executive Councillor Mike Rigby (Economic Development, Planning and Transportation)

Report Author: Graeme Thompson, Principal Planning Policy Officer

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

- 1.1 The Firepool Masterplan is intended to guide the development of the Firepool site, a large brownfield site owned by the Council on the edge of Taunton town centre. The Council has two distinct roles in relation to the site: as developer / landowner / asset holder; and as Local Planning Authority (LPA). The successful delivery of sustainable development on Firepool is key for the Council in both roles. This report focusses on planning related matters in connection with the masterplan.
- 1.2 A report was considered by the Council's Executive in November 2022 (report [here](#)) seeking approval of a draft Masterplan for public consultation. This consultation took place over a six week period from 21<sup>st</sup> November 2022 to 2<sup>nd</sup> January 2023. The November report to Executive also set out a series of points to be responded to through further work on the Masterplan and supporting evidence. Following consultation, the Masterplan has been updated and improved in response to comments received, undertaking of identified additional work and further considerations. The final Masterplan can be found in **Appendix A** to this report. A Consultation Statement detailing comments received and how they have been taken into account can be found in **Appendix B** to this report.
- 1.3 Consultation on the Draft Masterplan also included consultation on a draft Habitat Regulations Assessment (HRA) and draft Strategic Environmental Assessment (SEA) Environmental Report. Comments received to both documents have been taken into account in the production of the final Masterplan and final versions of the HRA and SEA Environmental Report can be found in **Appendices C** and **D** to this report respectively. This report explicitly recommends adoption of the conclusions of the HRA report.
- 1.4 Local Planning Authority (LPA) officers have worked proactively with the Council's developer team to ensure that the Masterplan and supporting evidence address key points identified by officers and via consultation comments and are now satisfied that the Masterplan is sufficiently developed to recommend adoption as a material planning consideration in the preparation of pre-application advice, assessing planning applications and any other development management purposes.

- 1.5 In particular, it is the Key Design Principles, Landscape Design Principles, Building Principles and Parameter Plans together with the justifications provided within the Masterplan document which are explicitly proposed to be adopted as material considerations. The Masterplan includes a detailed development schedule of uses and indicative visualisations of a detailed scheme, however, these are provided for information only as examples of how the developer team has interpreted the masterplan principles. For clarity, these elements of the document will hold no planning weight.
- 1.6 LPA officers have identified the need for a further stage of work to take place after masterplan adoption, but in advance of the receipt of detailed planning applications. This further work does not prevent the masterplan being adopted at this stage, but does indicate the need still for a satisfactory resolution of these outstanding issues. These points, detailed later within this report may be resolved through ongoing work and engagement with the LPA and other stakeholders. They could either form a future addendum to the Masterplan, submission in advance of the formal planning application stage or a formal outline/full planning application for the site as a whole.

## **2 Recommendations**

That Full Council:

- 2.1 Adopt the Firepool Masterplan (see **Appendix A**) as a material planning consideration in the preparation of pre-application advice, assessing planning applications and any other development management purposes.
- 2.2 Adopt the conclusions of the Habitat Regulations Assessment Report (see **Appendix C**) which state that the Firepool Masterplan will not adversely affect the integrity of Hestercombe House SAC or the Somerset Level and Moors Ramsar site, either alone or in-combination with other plans and projects, subject to mitigation identified within.
- 2.3 Agree that the Assistant Director Strategic Place and Planning in consultation with the Economic Development, Planning and Transportation Portfolio Holder be authorised to approve and make minor amendments prior to the final publication of the Firepool Masterplan.

## **3 Risk Assessment**

- 3.1 Delivery of Firepool is a key aspect of the Council's Corporate Strategy. "Major capital programme and project delivery" are identified in the Council's risk register. Firepool is central to these elements, and delivery of this key major project is identified within the Corporate Strategy. Adoption of the Firepool Masterplan is an important and proactive step on the road to bringing forward sustainable development on this site. Adoption of the Masterplan by the LPA is intended to help reduce risk associated with subsequent planning applications, smoothing the path towards delivery. However, it should be noted that the accompanying viability appraisal does clearly identify that delivery of a viable scheme will be challenging.
- 3.2 Working towards carbon neutrality by 2030 is a key aspect of the Corporate Strategy. "Not achieving carbon net zero by 2030" is identified in the Council's risk register. The Masterplan includes certain measures which assist in delivery against the Council's climate targets. The accompanying viability appraisal highlights the difficulties in getting delivery of this site away. The viability evidence assumes delivery will be post 2025 and

therefore compliance with the forthcoming Future Homes Standard is assumed. Whilst the draft viability appraisal recognises that building to higher standards that result in lower running costs does result in higher values, it is a risk that the scheme will not be able to viably achieve higher environmental building standards than this. This does not completely rule out the ability to achieve zero carbon on the site, and detailed understanding of the impact that a heat network for instance may make to whether this can be achieved or not is not yet known. However, it highlights that doing so is one of a number of challenges in bringing forward sustainable development on the site which will need to be balanced. Whilst the failure of a single development site to achieve zero carbon will not in isolation put the ability to reach our area-wide climate targets at risk, as a Council owned site it is potentially more directly relevant to the Council's own corporate emissions and the ability to meet this particular element of the adopted targets. Moreover, the Council's CNCR Action Plan explicitly refers to Firepool as being an exemplar in zero carbon and climate resilient development not only as a means of addressing our own carbon footprint, but also reducing fuel bills and improving health outcomes for tenants, enabling the Council to lead by example and show the local development industry what is possible, show the public what they can demand from private developers, and to build the local skills base and supply chain that will be necessary to see zero carbon building standards delivered across the board. Whilst the decision to adopt the Masterplan will not in itself result in a significant risk on meeting the corporate targets, it is a signpost that the Council is carrying an increased risk here, which needs to be understood.

### 3.3 Risks of adopting the Masterplan

- Raising expectations for development – the accompanying viability appraisal, whilst being for specific purposes, raises some high level concerns about deliverability. It identifies ways in which detailed development proposals and delivery models for the site could improve the situation somewhat, and it is important to recognise that the Council has options available to it that a commercial developer does not. However, it is a signpost that delivery of viable development will be challenging, and if the proposals were to end up being watered down in the future, this could be difficult for the Council. Whilst an element of flexibility will be built into the Masterplan to account for the natural changes in circumstances, there is a risk that future planning applications may need to take a more significantly different course in some cases in order to deliver viable and sustainable development.
- Failure to deliver on key corporate objectives – the accompanying viability appraisal, whilst being for specific purposes and not completely ruling it out, demonstrates that fully policy compliant development is extremely unlikely to be viable on the site. This means that policy requirements such as affordable housing, education contributions, transport contributions, open space contributions etc. would appear at this stage to be very unlikely to be secured. Affordable Housing is a key corporate objective that is failed to be responded to, though there is viability evidence to justify the approach taken.

### 3.4 Risks of not adopting the Masterplan:

- Applications would need to be dealt with as departures to the development plan without an approved policy context.
- There would need to be resolution of fundamental issues in the public domain as part of elongated planning application processes. Whilst a series of site-wide issues are identified as requiring further work, there is considered to be sufficient

evidence and information provided to enable adoption of the Masterplan. The further work requirements can be dealt with as an additional stage of work in advance of the receipt of planning applications. Failure to consider this work ahead of detailed applications could continue to result in elongated planning application processes.

- Choosing to not formally adopt the Masterplan would reduce the weight that could be placed on the Masterplan at the planning application stage.
- A deferral of any decision to the new Somerset Council may introduce uncertainty and delay.

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

### Introduction and history

- 4.1 Firepool is a major regeneration area within Taunton town centre, for which there have been development aspirations for many years. Policy Fp1 of the adopted Taunton Town Centre Area Action Plan (TCAAP, adopted 2008) allocates the site for an office-led mixed-use development comprising offices, retail and leisure, residential, multi-storey car park, hotel and other uses. Policy Fp2 sets out the transport measures required to accompany the development. A number of circumstances have changed since the site was allocated in the TCAAP, and as such, the planning policy context for the site (primarily the development mix proposed by policy) is considered to be out of date. There is therefore a risk that future applications on Firepool may have to be dealt with as departures from the development plan, and as such (considering the primacy of the development plan), without an approved policy context it may be difficult to approve appropriate development which may better respond to the updated circumstances.
- 4.2 As such, a Masterplan has been prepared in order to:
- a) provide the Council as Local Planning Authority – with an up to date, evidenced and justified planning policy context for regard to be had to as a material consideration in the determination of relevant planning applications, and
  - b) provide the Council as developer / landowner / asset holder – with greater certainty about what might constitute appropriate development proposals for the site going forward.
- 4.3 For further information on the history of the site, the evolution of its planning and development context and changes in circumstances which have led to this point please refer to the [previous report to Executive in November 2022](#).
- 4.4 The November 2022 report to Executive secured approval to consult on the Draft Masterplan and set out a number of areas where additional work was considered necessary to enable officers to recommend adoption of the final Masterplan.

### Consultation on the Draft Masterplan

- 4.5 Consultation on the Draft Masterplan took place over a six week period from 21<sup>st</sup> November 2022 through to 2<sup>nd</sup> January 2023. During this time, a total of 251 formal responses were received across the consultation hub, email and social media. In addition to this, officers undertook a number of engagement events at which views were gathered including:
- Online public presentation and Q&A session – 28<sup>th</sup> November 2022

- 2x in-person drop-in sessions at Deane House – 6<sup>th</sup> and 8<sup>th</sup> December 2022
- Online presentation and Q&A session focused for local businesses – 12<sup>th</sup> December 2022.

4.6 A Consultation Statement is included at Appendix B to this report setting out more fully responses received as well as details of how comments received have been responded to in the final Masterplan through a “you said, we did” section. However, key points are detailed below.

4.7 A total of 161 people responded using the [consultation hub](#) via the various consultation ‘tiles’ available, providing 212 comments and a further 37 ‘agreements’ to other people’s comments. Not all respondents responded to every question. Key quantitative results were as follows:

- 49% of 155 respondents ‘loved’ or ‘liked’ the draft proposals for development at Firepool.
- 54% of 154 respondents felt that the proposals ‘absolutely’ or ‘did’ make efficient use of this key town centre site.
- 55% of 152 respondents felt that the proposed mix of uses was appropriate and would improve and futureproof Taunton town centre for years to come.

4.8 A number of positive comments were received about the draft Masterplan proposals including (though not limited to) multiple comments in relation to:

- The green, open and public spaces;
- New community facilities including cinema/venue/leisure facilities close to town centre;
- The focus on walking and cycling provision, particularly along the river and the boulevard connecting to station;
- That the proposals made good use of the riverside / retaining access to the river/canal;
- That progress was being made on the site;
- The mix of uses/businesses;
- The provision of housing, which would lead to more people living in the town centre;
- The emphasis on walkability/public transport; and
- The zero carbon vision / sustainable design intentions.

A number of negative comments were received about the draft Masterplan proposals including (though not limited to) multiple comments in relation to:

- Building design;
- A lack of consideration for users of the river / canoe kayak club;
- Too much residential;
- Insufficient car parking, particularly when events and/or cricket are on, leads to further social issues and antisocial parking;
- Reproviding existing out of date facilities e.g. cinema, bowling;
- Out of character with the area;
- Buildings too high; and
- Too urban with expanses of hard concrete landscaping.

Various other comments and suggestions were made via the consultation hub as to how

the Masterplan might be improved.

- 4.9 A total of 19 emailed responses were received from a mixture of organisations and individuals. These included technical stakeholder responses such as those from the Environment Agency, Historic England, Natural England, National Highways, Somerset County Council (in its capacity as Local Highways Authority, Local Transport Authority and Local Lead Flood Authority), SWT Housing Enabling, Inland Waterways Association, Taunton Area Cycling Campaign and Wessex Water as well as non-technical stakeholders including Somerset County Cricket Club, Taunton Canoe Club and the Theatres Trust.
- 4.10 Social media posts by the Council promoting the consultation received 20 comments.
- 4.11 The draft HRA received only one comment from Natural England which agreed with the report's conclusions.
- 4.12 The draft SEA Environmental Report received three comments from the statutory consultees (Natural England, Environment Agency and Historic England). Comments from Natural England and the Environment Agency concurred with the conclusions of the draft SEA. Initial comments from Historic England raised concern that the proposals may lead to a significant impact on the historic environment. However, following further discussion and agreement on specific changes to be made to the Masterplan, Historic England were able to confirm that no objection would be raised to the conclusions of the draft SEA.
- 4.13 The Consultation Statement at **Appendix B** sets out a summary of comments received from all sources together with a response to key issues and how they have been taken into account in production of the final plan document.

#### Key changes made to the Masterplan

- 4.14 Following consultation, the Masterplan has been updated and improved in response to comments received, undertaking of additional work, and further considerations. Changes made include the following. Please note this is not an exhaustive list, for a fuller list of changes please see the "You said, we did" section of the Consultation Statement:
- Various changes throughout to reflect this is the final version to be adopted as a material planning consideration subject to identified further work, ensure consistency and up to date references.
  - Expansion of Key Design Principles in chapter 1 to cover a range of issues identified as being appropriate in response to comments received through consultation addressing:
    - high quality, coherent and legible signage;
    - natural surveillance and designing out anti-social behaviour and perceived safety concerns around Firepool Lock;
    - design principles for cycle storage;
    - walking, wheeling and cycling route design to align with Local Transport Note (LTN) 1/20 principles and Inclusive Mobility Guidance;
    - streets designed to 20mph and designing out anti-social parking;
    - mix of uses to enhance the town centre;
    - limited nature of retail on the site;
    - flexibility of uses within the overarching "leisure" use;
    - considering opportunities for community uses;

- contemporary and appropriately evidenced building design balanced with character and context and opportunities of the site;
- Biodiversity Net Gain (BNG) focus on river corridor;
- Incorporation of water efficiency measures;
- Updating of context appraisal in chapter 3 to better reflect baseline situation in relation to transport, river ecology, flood risk, heritage and align with updated evidence documents.
- Updating of pedestrian routes, cycling routes, plot uses and heights plans within the Masterplan Principles in chapter 4.
- Inclusion of inset diagrams showing concept visions for external walking and cycling connections developed as part of the Connecting our Garden Communities project which will form the aspiration subject to detailed design, associated modelling and development viability.
- Inclusion of an indicative development schedule of uses.
- Updating of Landscape Principles in chapter 5 to provide overarching visions for play space and for the Lock View area as well as highlighting important considerations relating to space around the signature building (depending on delivery of the energy centre and associated water source heat pump).
- Updating of Building Principles in chapter 6 to include “boundary considerations” for each block identifying relevant considerations around amenity, frontages and surveillance, as well as provide other clarifications.
- Updating of Sustainability Principles in chapter 8 to include other key cycle routes within the sustainability principles plan and further information regarding sustainable cycle and vehicle parking strategy.
- Updating of Parameter Plans in chapter 9 in relation to movement and heights.
- Updating of chapters 10 and 11 to reflect final version of the Masterplan proposals and supporting evidence, reference future work and phasing considerations.

4.15 In addition to changes being made to the Masterplan, the following changes have been made to the suite of supporting evidence documents:

- SEA Environmental Report –updated to include reference to statutory consultee responses and how the Masterplan has taken these into account.
- Equalities Impact Assessment – updated to make improved reference to wider range of uses proposed through the Masterplan and address specific points raised through consultation around importance of surveillance and safety of active travel routes.
- Office and Retail Market Update Report – updated to include further information on demand for Food & Beverage retail in this location.
- Economic Impact Report – quantifies the employment and wider economic benefits that development of Firepool could have for Taunton, and further commits to preparation of a Local Labour Agreement and Employment Skills Plan for the site as a whole to capture these benefits and social value locally.
- Draft Transport Statement and Framework Travel Plan – these documents have been provided in draft form and include an updated parking strategy and cycle assessment. These have been accepted in draft format for the purposes of adoption of the Masterplan subject to further work being completed on these documents post-adoption before detailed planning applications are able to be considered. This is dealt further with in paragraphs 4.27-4.30, below.
- Flood Technical Note – provides further information setting out the intended approach to flood mitigation for the remainder of the site beyond that covered by

planning permission 38/21/0440 (i.e. for Block 1 in particular).

- Developer Statement – provides developer support for the Masterplan and a developer view on a number of issues including the venue, transport strategy, office uses and associated flexibility within the Masterplan, heritage impacts, next steps and delivery options as well as developer responses to selected consultation comments.

### Status of the Masterplan

- 4.16 The Masterplan is recommended for adoption as a material planning consideration in the preparation of pre-application advice, assessing planning applications and any other development management purposes. As a material planning consideration it will hold weight in the decision making process. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case. In the case of Firepool where the current planning policies specific to the site have elements (explicitly the development mix) which are now considered out of date, the Masterplan is expected to hold an increased weight.
- 4.17 This status as a material planning consideration is reflective of the fact that the Masterplan deviates – significantly in some areas – from adopted planning policy, and as such cannot be adopted as Supplementary Planning Document (SPD).
- 4.18 The Masterplan contains a context appraisal, which considers what is important to respond to and relevant about the site itself and its surroundings; design principles which build on the context appraisal and which should guide detailed proposals; and an indicative developed masterplan proposal and supporting visualisations.
- 4.19 In particular, it is the Key Design Principles, Landscape Design Principles, Building Principles and Parameter Plans together with the justifications provided within the Masterplan document which are explicitly proposed to be adopted as material considerations. These elements set out the vision and design principles and parameters which future planning applications will need to respond to. Development proposals will need to detail how they are responding to and as much as possible complying with these principles and parameters as a key part of any future planning applications.
- 4.20 The Masterplan also includes a detailed development schedule of uses and indicative visualisations of a detailed scheme, however, these are provided for information only as examples of how the developer team has interpreted the masterplan principles. For clarity, these elements of the document will hold no planning decision making weight.
- 4.21 Through the adoption of the design principles and explicitly stating that the more detailed proposals included are indicative only and hold no planning weight, this provides an important level of flexibility for the Masterplan. This will allow future development proposals which vary (within reason) from the current indicative proposals to deal with further changes in circumstance yet still respond to and broadly comply with the Masterplan as adopted. This flexibility is of increased importance on this site considering the changes in circumstance which have led to the current point in time and contributed to the stalling of development to date.
- 4.22 However, whilst there is in-built flexibility, future development proposals which depart



*significantly* from the Masterplan will likely need to be supported by a review of the Masterplan and significantly more evidence. Review of the Masterplan may also be triggered by changes in circumstances or the elapsing of five years from adoption (March 2028). At the five year point this would trigger consideration of whether review is warranted in whole or in part, or whether it continues to remain relevant in its current form.

### Habitat Regulations Assessment

- 4.23 This report seeks adoption of the conclusions of the Habitat Regulations Assessment Report (see **Appendix C**) which state that the Firepool Masterplan will not adversely affect the integrity of Hestercombe House SAC or the Somerset Level and Moors Ramsar site, either alone or in-combination with other plans and projects, subject to mitigation identified within. However, it should be noted that individual development proposals within the site will likely need to be subject to project level HRA screening and potentially Appropriate Assessment as detail develops.
- 4.24 In line with the Conservation of Habitats and Species Regulations 2017 the Council as competent authority must have regard to representations made by Natural England where they have been made within reasonable time. The recommendation to adopt the conclusions of the HRA has had regard to the consultation response by Natural England, which agreed with the Draft HRA conclusions.

### Strategic Environmental Assessment

- 4.25 The final Strategic Environmental Assessment (SEA) Environmental Report is included as one of the supported evidence documents at **Appendix D**. The report states that residual effects can be ruled out across the majority of objectives assessed following consideration of mitigation measures. It concludes that the Masterplan would result in a range of positive effects across most objectives, but that there would be residual adverse effects in relation to climate change and water. Several recommendations have been made to potentially enhance the sustainability of the proposals within the Masterplan or to provide further clarity regarding certain issues.
- 4.26 Comments received from Natural England, the Environment Agency and Historic England have been collated by the developer's consultants Lepus in a comments tracker reviews comments made on the draft SEA Environmental Report and confirms that no amendments were required in response. The recommendation to adopt the Masterplan has taken the comments into account. In line with the Environmental Assessment of Plans and Programmes Regulations 2004 the Council as responsible authority must produce an adoption statement which will follow as a further supporting document in **Appendix F**.

### Next steps

- 4.27 Whilst the Masterplan is being recommended for adoption, it should be recognised that a number of site-wide issues remain outstanding. Ideally these would have been dealt with further within the Masterplan and accompanying evidence. However, the timescales available post-consultation have meant that this has not been possible. These issues are considered to be addressed at a high level within the Masterplan design principles to the extent necessary to be able to satisfactorily adopt the Masterplan. However, their high level nature means that further work is required on a site-wide basis before detailed

planning applications for individual parcels can be considered. This is summarised by the flow chart below:



4.28 Importantly, were detailed planning applications to come forward for individual parcels within the site on a piecemeal basis, then LPA officers consider that it would be difficult to understand how these issues could be satisfactorily addressed and resolved in line with the Masterplan principles.

4.29 As such, further post adoption work is required on the following issues:

- Continued iteration of the site-wide transport statement and framework travel plan to take a fully "Vision and Validate" compliant approach (in line with the adopted Connecting our Garden Communities Plan) which identifies truly ambitious mode shift targets split out by different uses and modes, together with quantified impacts of potential measures and an understanding of how these potential measures relate to the different uses proposed across the site. This will enable detailed applications for specific plots to then be considered appropriately in the context of the wider approach and requirements for the site as a whole.
- Agreeing an approach for delivering Biodiversity Net Gain (BNG) across the site as a whole. Whilst adopted planning policy does not formally or explicitly require developments to deliver BNG, Climate Positive Planning sets out that the LPA will "seek to secure a 10% net gain in biodiversity from development proposals using a combination of [policy CP8], the NPPF, the declaration of an Ecological Emergency and clear intent from the Environment Act including the incoming upgraded Natural Environment and Rural Communities Act duty for local authorities to conserve and enhance biodiversity". The Masterplan embraces the intention to explore delivery of 10% BNG on-site within the Key Design Principles, but further work is required to understand and agree how this can and will be delivered on-site in the context of individual parcels coming forward for development.
- Identification of building character areas and key groupings.
- Further clarification of how the proposed heat network might be delivered across the site as a whole. Whilst adopted planning policy does not formally or explicitly require developments to connect to a heat network, Climate Positive Planning reiterates the Council's aim for Firepool to be an exemplar for zero carbon and climate resilient development and references heat network potential in this regard. Furthermore, the vast majority of the site is expected to be delivered post implementation of the Government's anticipated Future Homes Standard and Future Buildings Standard which will likely necessitate a no-gas approach. The Masterplan embraces this within the Key Design Principles and developed masterplan proposals, but further work is required to understand how this might be possible and delivery might work with phasing of development.
- Signing up to a Local Labour Agreement incorporating employment and skills plan for the site as a whole. The Council has recently adopted a corporate policy on Local Labour Agreements which references relevant adopted planning policies.

The developer team has positively engaged with the idea of signing up to a Local Labour Agreement and the Masterplan and accompanying Economic Impact Report embrace this. However, it is important to ensure that such an agreement covers the site as a whole to help inform work and opportunities in the site's development from as early a stage as possible. Furthermore, this would avoid any potential issues whereby individual planning applications fail to officially meet the policy threshold, and therefore helps to maximise social value opportunities for the site.

- 4.30 The satisfactory resolution of these outstanding issues may be achieved through ongoing work and engagement with the LPA and other stakeholders. They could either form a future addendum to the Masterplan, submission in advance of the formal planning application stage or a formal outline/full planning application for the site as a whole. The LPA will continue to work proactively with the developer team via the existing Planning Performance Agreement to resolve these site-wide issues and help move the site forward towards delivery.

## **5 Links to Corporate Strategy**

- 5.1 The adoption of the Masterplan is a key step on the route to delivering on multiple strands of the Corporate Strategy. Facilitating the development delivery of the residential and commercial parts of Firepool are explicit objectives of the Corporate Strategy. Adoption of the Masterplan by the LPA is intended to help reduce risk associated with subsequent planning applications, smoothing the path towards delivery. However, it should be noted that the accompanying viability appraisal does raise concerns about the deliverability of the specific proposals as currently identified within the Masterplan.
- 5.2 The Masterplan responds to a number of Corporate Strategy objectives under “Our Environment and Economy”: working towards carbon neutrality by 2030, shaping and protecting our built and natural environment (including delivery against the Garden Town Vision), providing enhanced public spaces and opportunities to safely walk and cycle, supporting town centres to meet challenges, and supporting enhancement of arts and culture provision. More commentary is included in relation to the carbon neutrality objective in the climate implications section below.
- 5.3 The Masterplan has been prepared following full public consultation and a transparent process within which the roles of LPA and developer have been clearly defined. It responds to the following Corporate Strategy objective under “A Transparent and customer focused Council”: delivering effective communications, consultation and engagement which listens to and engages with our residents and stakeholders and is central to the delivery of our services, strategies and plans.
- 5.4 The Masterplan responds to a number of Corporate Strategy objectives under “An Enterprising Council”: ensuring our land and property assets support the achievement of the council's objectives (including service delivery, regeneration projects and community initiatives). However, as noted in paragraph 5.6 below, the proposals are extremely likely to fail to respond to the key council objective around provision of affordable and social homes.
- 5.5 The Masterplan sets the scene for a fuller response to a Corporate Strategy objective under “Homes and Communities”: supporting delivery of strong sustainable transport infrastructure links. However, as noted above, further work continues to be required to

satisfy the LPA that on how an appropriately ambitious transport strategy will be delivered against by future applications.

- 5.6 A further, key objective under “Homes and Communities” is increasing the number of affordable and social homes, including those built by the Council. The Masterplan proposals are supported by a high level viability appraisal which shows that the delivery of affordable housing is extremely unlikely to be possible on Firepool for viability reasons. In this respect, the indicative developer proposals are not compliant with either adopted planning policy or the corporate strategy. Irrespective of the adoption of the masterplan, any movement away from a policy compliant position on affordable housing or infrastructure prioritisation will still need to be fully explained, justified and supported by evidence at planning application stage. What the high level viability appraisal supporting the Masterplan does is explain that it is extremely unlikely that policy compliant levels will be able to be achieved alongside the range of other planning policy and corporate policy objectives for the site.

## **6 Finance / Resource Implications**

- 6.1 This report is written by officers of the Local Planning Authority (LPA) and recommends a decision be made by the Council in its role as the LPA.
- 6.2 There are no financial implications to the Local Planning Authority associated with adoption of the Masterplan.
- 6.3 The delivery of the Masterplan proposals will have a financial implication for the Council in its role as landowner / developer / asset holder. The adoption of the Masterplan does not in itself commit the Council to having to deliver the scheme exactly as is proposed within the Masterplan, though public expectations may be raised as such.
- 6.4 From the point of view as LPA, the Council needs to be satisfied that the Masterplan will result in deliverable and sustainable development in planning terms. It is the responsibility of the Council as landowner / developer / asset holder to consider the internal financial implications of this, and this is beyond the scope of this report or the Council’s role as LPA and would be the subject of separate, future decisions.

### **Unitary Council Financial Implications and S24 Direction Implications**

- 6.5 Through adoption by SWT Council, the Masterplan will after 1st April 2023, become an adopted document of the new Somerset Council. However, this carries with it no direct financial implications.
- 6.6 It is future decisions over the delivery of development on Firepool which will have financial implications beyond vesting day for the new unitary council.
- 6.7 From the point of view as LPA, the Council needs to be satisfied that the Masterplan will result in deliverable and sustainable development in planning terms. It is the responsibility of the Council as landowner / developer / asset holder to consider the internal financial implications of this, and this is beyond the scope of this report or the Council’s role as LPA.

## **7 Legal Implications**

- 7.1 This report seeks adoption of the Firepool Masterplan.
- 7.2 Section 70(2) of the Town and Country Planning Act 1990, as amended, requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.3 The intention that the final Masterplan be adopted as a material consideration in the determination of relevant future planning applications on the Firepool site reflects the appropriate status that this document can have. The report identifies that the Masterplan explicitly deviates away from adopted planning policy in a number of places. As such it would not be appropriate for the Masterplan to be adopted as a Supplementary Planning Document (SPD), which should build upon and provide more detailed advice or guidance on policies in an adopted local plan.
- 7.4 Consultation has accorded with the Council's Statement of Community Involvement (adopted November 2019). A Consultation Statement has collated representations received and explains how the issues raised have been addressed in the Masterplan proposed for adoption.
- 7.5 The adoption of the Firepool Masterplan as a material consideration for future planning applications will constitute a 'plan' within the meaning of Article 6(3) of the Habitats Directive as implemented by [Regulation 63\(1\)](#) of The Conservation of Habitats and Species Regulations 2017.
- 7.6 As there is a reasonable prospect of a solution or suite of solutions to phosphate deposition being available within the development timescales envisaged in the Masterplan, it would be lawful for the LPA to adopt the same as material consideration. However, any future planning applications flowing from the Masterplan will need to include the provision of an avoidance/mitigation package to address the additional nutrient load imposed on the Somerset Levels and Moors Ramsar by the Firepool development and to allow the LPA to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the Ramsar.
- 7.7 The Masterplan is supported by an SEA Environmental Report and HRA Appropriate Assessment. These documents were previously identified as being necessary by the LPA in order to comply with the Council's duties 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.
- 7.8 In the interests of transparency and probity, the report is clear that the recommendation of adoption is in the Council's role as LPA, distinct from its role as developer/landowner/asset holder.

## **8 Climate, Ecology and Sustainability Implications**

- 8.1 The decision on whether to adopt the Masterplan does not in itself have any direct climate, ecology or sustainability implications. However, it sets out a series of design principles for future planning applications to respond to which are intended to guide and inform how future detailed development proposals respond to key issues including those of climate, ecology and sustainability.
- 8.2 The Masterplan identifies the Climate and Ecological Emergency as a key part of the context for its development. A number of the proposed key design principles are centred around sustainability and responding to the Climate and Ecological Emergency. The Masterplan identifies high level sustainability principles for the site and incorporates space for an energy centre to serve a potential site-wide (or possibly wider town centre) heat network – the subject of ongoing work into broad feasibility. Furthermore, the site’s design around a high quality walking and cycling network within the site, connecting to the station in the north, town centre in the south, and existing national cycle network in the east and west is of key importance to the Masterplan design. The Masterplan identifies a strong transport strategy aligned to a sustainable movement hierarchy. However, as identified, further work is required on the accompanying draft Transport Statement and Framework Travel Plan in order to identify truly ambitious mode shift targets and the specific measures necessary to deliver on these. A number of changes have been made to the Masterplan post-consultation seeking to improve the climate, ecology and sustainability credentials of the development, including improved key design principles, a strategy to focus delivery of Biodiversity Net Gain along the river corridor, and inclusion of vision-led concepts for external walking, wheeling and cycling linkages from the site (subject to detailed design, modelling and viability).
- 8.3 The viability appraisal accompanying the Masterplan highlights the difficulties in getting delivery of this site away. The viability evidence assumes delivery will be post 2025 and therefore that compliance with the forthcoming Future Homes Standard will be required. The viability appraisal recognises that building to higher standards result in lower running costs and higher values. However, there is a risk that the scheme will not be able to achieve higher environmental building standards and be viable. This does not completely rule out the ability to achieve zero carbon on the site, and detailed understanding of the impact that a heat network for instance may make to whether this can be achieved or not is not yet known. However, it highlights that doing so is one of a number of challenges in bringing forward sustainable development on the site which will need to be balanced. The CNCR Action Plan states in relation to the Council’s own developments that “Ensuring that what we build is of the highest standards can not only benefit our own carbon footprint, but also reduce fuel bills and improve health outcomes for our tenants. It also enables us to lead by example and show the local development industry what is possible, show the public what they can demand from private developers, and to build the local skills base and supply chain that will be necessary to see zero carbon building standards delivered across the board”. It also makes explicit reference in action 324 to Firepool being designed as an exemplar for zero carbon and climate resilient development. Whilst the Council cannot insist on higher building standards through adopted planning policy, Climate Positive Planning and the Districtwide Design Guide SPD strongly encourage developers to go above and beyond policy and Building Regulations and set out aspirational zero carbon standards. There are justified viability reasons why the Council may not be able to achieve this in relation to building standards, and other aspects of the Masterplan do respond to the “zero carbon and climate resilient”

mantra. However, this would fail to set a positive precedent for other developers to follow, or to help build the local skills base or supply chain.

## **9 Safeguarding and/or Community Safety Implications**

- 9.1 The decision on whether to adopt the Masterplan does not in itself have any direct safeguarding or community safety implications.
- 9.2 The Masterplan includes a series of design principles including explicitly principles intended to help avoid safety issues such as in relation to natural surveillance of active travel routes and measures to avoid anti-social parking which can lead to poor highway visibility and raised community tensions. The Masterplan proposes a network of high quality public realm interventions within the site designed with community safety in mind and in particular making walking and cycling a more attractive and safe option for more vulnerable groups.

## **10 Equality and Diversity Implications**

- 10.1 The adoption of the Masterplan does not in itself have any direct equality and diversity implications.
- 10.2 The delivery of development in line with the Masterplan could have equalities and diversity implications. An Equalities Impact Assessment has been undertaken by the developer team (see **Appendix E**) and has been informed by consultation and further informed the development of the Masterplan to demonstrate consideration of the Council's duties in regard to the Public Sector Equality Duty.

## **11 Social Value Implications**

- 11.1 The Firepool Masterplan is fundamentally about delivering social value – bringing forward development which can help build town centre resilience which the market alone would unlikely be able to facilitate. The Economic Impact Report provided in support of the Masterplan quantifies the employment and wider economic benefits that development of Firepool could have for Taunton, and further commits to preparation of a Local Labour Agreement and Employment Skills Plan for the site as a whole to capture these benefits and social value locally.

## **12 Partnership Implications**

- 12.1 There are no known partnership implications.

## **13 Health and Wellbeing Implications**

- 13.1 The decision on whether to adopt the Masterplan does not in itself have any direct health and wellbeing implications.
- 13.2 The Masterplan proposes a network of walking and cycling routes and a low traffic neighbourhood within the site which contribute towards addressing inactivity levels and air quality concerns. Further work is identified as being necessary in relation to the Transport Statement and Framework Travel Plan to help secure and deliver on these opportunities. It further proposes a health hub central to the site with potential to accommodate primary healthcare facilities. The commercial and leisure facilities provide

opportunities for employment and socialisation.

## **14 Asset Management Implications**

14.1 The Firepool site is a Council asset. The Masterplan is intended to heavily influence the use of this asset and how development on it might come forward. The Masterplan includes some information with regards to phasing, delivery and stewardship options, however none are explicitly committed to.

## **15 Data Protection Implications**

15.1 A Data Protection Impact Assessment was undertaken in relation to the consultation exercise and officers with an overview of data protection consulted as part of this. The Consultation Statement sets out a summary of comments received via various methods whilst retaining the anonymity of individual respondents.

## **16 Consultation Implications**

16.1 See above sections 4.5 to 4.13.

### **Democratic Path:**

- **Corporate Scrutiny Committee – Yes, pre-consultation – 02/11/22**
- **Executive – Yes, pre-consultation – 16/11/22**
- **Full Council – 28/03/23**

**Reporting Frequency: Once only**

### **List of Appendices (background papers to the report)**

Appendix A	Firepool Masterplan
Appendix B	Consultation Statement
Appendix C	HRA Appropriate Assessment
Appendix D	SEA Environmental Report
Appendix E	Equalities Impact Assessment
Appendix F	Supporting evidence documents including: <ul style="list-style-type: none"><li>• Viability Appraisal</li><li>• Nutrient Neutrality Assessment and Mitigation Strategy</li><li>• Heritage Assessment</li><li>• Townscape Visual Impact Assessment</li><li>• Draft Transport Statement</li><li>• Draft Framework Travel Plan</li><li>• Ecology Survey</li><li>• Office and Retail Market Update</li><li>• Economic Impact Report</li><li>• Flood Technical Note</li><li>• Developer Statement</li><li>• SEA Adoption Statement – to follow</li></ul>

### **Contact Officers**



Name	Graeme Thompson
Direct Dial	07768034787
Email	<a href="mailto:G.Thompson@somersetwestandtaunton.gov.uk">G.Thompson@somersetwestandtaunton.gov.uk</a>

Name	Alison Blom-Cooper
Direct Dial	01823 217517
Email	<a href="mailto:A.Blom-Cooper@somersetwestandtaunton.gov.uk">A.Blom-Cooper@somersetwestandtaunton.gov.uk</a>