

Somerset West and Taunton Council

Executive – 16 November 2022

Firepool Masterplan – Public Consultation

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

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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. The LPA intends to adopt the final version of the Masterplan as a material consideration in the determination of future planning applications. This report has been prepared by officers of the LPA and seeks approval of the Draft Firepool Masterplan for public consultation.
- 1.2 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such, the planning policy context for the site (primarily the development mix proposed by policy) is considered to be out of date.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.
- 1.3 As such, a Masterplan is being 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.
- 1.4 The Draft Firepool Masterplan (the Draft Masterplan, see Appendix A to this report) has been produced by the Firepool team and their consultants in the Council's role as developer. This follows consultation and engagement with key internal and external

technical stakeholders and review by the Quality Review Panel. Officers of the Local Planning Authority have been engaged along the way and are now recommending that the Draft Masterplan is approved for public consultation (see para 1.8 below). This approval for consultation should not be construed as final approval of the Masterplan. This report outlines a number of areas where further work is required for the LPA to be satisfied that the Masterplan is suitable for adoption, and feedback from the consultation exercise will need to be taken into account.

- 1.5 In summary, the Draft Masterplan proposes a mixed-use residential-led development comprising of:
- Approximately 430 dwellings with a mix of apartments, town houses and student flats.
 - An ambitious commercial / leisure quarter potentially capable of accommodating multi-purpose venue, hotel, cinema, bowling alley, limited commercial/retail floorspace, health hub and nursery.
 - Accommodation and integration of the already consented Innovation Centre and “Block 3” office and restaurant proposals.
 - A central boulevard linking from the station to the river with onward connections to the town centre incorporating sustainable urban drainage, tree planting and high quality public realm including an amphitheatre fronting the River Tone.
 - An improved and futureproofed walking and cycling connection along National Cycle Network route 3 on the north bank of the River Tone as well as other connections internal to the site.
 - Sustainability features including centralised cycle hub containing secure cycle storage, low traffic neighbourhood design and energy centre for potential heat network delivery.
 - Re-provision of the existing boat club.
 - Open space and play areas integrated into wider public realm and green infrastructure.
- 1.6 Whilst the development mix and some of the proposals are materially different to those in the existing adopted planning policy, Local Planning Authority officers are of the opinion that appropriate evidence is provided about changed circumstances to justify an alternative development solution for the site.
- 1.7 Of particular note, the Draft Masterplan is supported by a draft viability appraisal which demonstrates the significant challenges which the site faces in terms of enabling a viable and deliverable development. The draft appraisal is high level in nature, developed in line with the National Planning Practice Guidance specifically in relation to understanding viability and deliverability at the plan making stage and potential for securing policy compliant contributions from development of the site. This differs from a developer’s own commercial appraisal or business case development and from detailed assessment at the planning application stage. It is high level in nature and uses standardised inputs, including costs derived from published sources, in arriving at an assessment of whether there is likely to be sufficient residual value (i.e. land value) in a development to pay for the land assuming a benchmark land value. This reflects the market failure which has seen the site lay predominantly dormant and undelivered for the last 15 years as commercial developers have failed to deliver a commercially viable scheme which also responds well to the site’s context and local aspirations. This is why the Council is taking a proactive role in bringing the site forward itself. The viability appraisal demonstrates that the residential elements of the proposals included in the Draft Masterplan are

unlikely to be viable, resulting in negative residual values even without affordable housing, minimal developer contributions via S106, and a developer return. This does raise concerns over the deliverability of the residential development and its ability to satisfactorily address issues necessary to make development acceptable in planning terms. Whilst these are real and legitimate concerns and it is important that the Council are treated in exactly the same as any other developer for plan level viability purposes, in reality, the Council as landowner and developer has different options available to it which a commercial developer does not. These include preferential rates of borrowing, the land itself already being in public ownership, the securing of external public sector funding (i.e. grant), so there is no requirement from a developer perspective to ensure a benchmark land value is achievable, and lower levels of developer return may well be acceptable. Furthermore, the Council has wider interests in delivering increased economic, social and environmental value for the town centre. These benefits are not considered by such a standardised approach, but are key for the Council as evidenced in the Corporate Strategy and Garden Town Vision, and can therefore provide the LPA with greater confidence that a deliverable scheme will be possible on the site, than might be possible with a standard commercial developer. The non-residential elements are not included in the appraisal. For the purposes of high level plan level viability no value is attributed to these uses due to a lack of robust local evidence, so their inclusion could make it appear that they would only serve to reduce overall scheme viability further. However, this is not necessarily reflective of a real-world scenario where such uses do result in sales/rental values. The draft appraisal identifies ways in which detailed development proposals and delivery models for the site could improve the viability situation somewhat, suggesting a need for the Masterplan to have some flexibility. It highlights the importance of delivering a high quality scheme with high quality public realm and wider regeneration benefits in order to achieve the higher sales values that will be necessary for successful delivery. Critically, it demonstrates that fully policy compliant development is extremely unlikely to be viable. This means that policy compliant levels of affordable housing and other policy contributions and the full suite of corporate priorities for development on the site would appear at this stage to be very unlikely to be achievable. Furthermore, with no or minimal return on the residential elements of the scheme, delivery of the Multi-Purpose Venue is very likely to be reliant on securing significant additional public subsidy from elsewhere. More detail is included on these elements within the report below.

- 1.8 Public consultation is proposed to run for a period of 6 weeks (likely 21 November 2022 through to 2 January 2023). Details of the consultation proposals are included within the report below. Following the consultation period, comments will be reviewed and amendments made as considered necessary taking account of views received and work on the issues identified as being outstanding within this report. A final Masterplan is currently expected to be presented to Full Council in March 2023 seeking adoption as a material consideration in the determination of planning applications.

2 Recommendations

- 2.1 That Executive Committee approve the Draft Firepool Masterplan and associated supporting evidence documents for public consultation.

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. Approval of the Draft Firepool Masterplan for public consultation is an important and proactive step on the road to bringing forward sustainable development on this site. Approval of the final Masterplan by the LPA would be intended to help reduce risk associated with subsequent planning applications, smoothing the path towards delivery. However, it should be noted that the accompanying draft 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 Draft Masterplan includes certain measures which assist in delivery against the Council’s climate targets. The accompanying draft 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 consult on the Draft Masterplan, or even 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 approving for consultation

- Raising expectations for development – the accompanying draft 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 draft 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 Other identified risks include:

Risks of adopting a Masterplan:

- Applications dealt with as departures without approved policy context
- Resolution of fundamental issues in public domain as part of elongated planning

Risks of not approving for consultation:

- Will not be able to adopt final Masterplan before end of SWT Council
- Reduces weight that can be placed on Masterplan
- Delays decision on southern boulevard application and spend of FHSF
- Further increased costs for developer

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. Previously the site of the former livestock market and various surface car parks, the site is central to the regeneration plans for the town centre from both a corporate and a planning policy perspective. The site is owned by the Council, and as such, the Council holds two distinct roles: as developer / landowner / asset holder; and as Local Planning Authority (LPA). This report has been prepared by officers of the LPA and seeks approval of the Draft Firepool Masterplan for public consultation.
- 4.2 A retail-led mixed-use development proposal (38/17/0150) gained a resolution to grant permission in March 2018. However, the developer St Modwen pulled out later that same year. A Section 106 Agreement was signed, and the retail-led scheme was granted outline planning permission in March 2019. However, following the advent of the new Somerset West and Taunton Council, the Council's Firepool team began working (as developer/landowner/asset holder) on a new Masterplan for the site, responding to criticisms of the St Modwen scheme, new corporate objectives and changed markets.
- 4.3 In 2019, the Council (as developer/landowner/asset holder) approved an overarching vision for the Masterplan. The Firepool team then undertook developer consultation on an early draft of the Masterplan in November 2019. For clarity, this consultation was pre-involvement of the LPA and in relation to proposals which had not been informed by engagement with key stakeholders or endorsed by the LPA.
- 4.4 The Firepool team's intention had been to pursue a Local Development Order for the site, which would have effectively simplified future planning for the site. However, following engagement of the LPA in March 2021 it was identified that this may not be possible in the short term as a result of this process engaging the on-going issue of phosphate loading on the Somerset Levels and Moors. Subsequently it was determined

that the most appropriate route would be for the LPA to work with the Firepool team to ensure that the Masterplan could be adopted as a material consideration in the determination of future planning applications. As such, in November 2021, the Firepool team and the LPA entered into a Planning Performance Agreement aimed at progressing and delivering development of the site, providing a mechanism to agree the Masterplan.

- 4.5 Since that point, the Firepool team and the LPA have met regularly and worked in a structured way to resolve key issues, engage key stakeholders, take emerging proposals via the Council's Quality Review Panel and move the Masterplan forward to this point. There are a number of areas where LPA officers feel more work is still required ahead of being able to recommend the Masterplan for adoption. However, it is considered that the Masterplan is sufficiently developed and resolution towards key issues sufficiently progressed to be able to recommend approval of the Draft Masterplan for public consultation.

Original planning policy context

- 4.6 The adopted [Taunton Town Centre Area Action Plan](#) (TCAAP, adopted 2008) is a statutory development plan document focused around a vision for the regeneration of Taunton town centre. This vision can be summarised as being focused on:

- delivering a town centre recognised as a regional centre of excellence for regeneration and design,
- putting the River Tone at the heart of town centre activity,
- delivering on employment opportunities,
- integration of disadvantaged communities,
- enhancing cultural and leisure facilities,
- enabling more sustainable, healthy and accessible travel,
- ensuring developments are exemplars in terms of sustainability and design quality, and
- protecting and enhancing the town's distinguished historic environment.

The TCAAP allocates Firepool for development as a key site in delivering this vision. The LPA therefore has a keen interest to see successful delivery of sustainable development on the Firepool site and to work towards enabling this.

- 4.7 In the TCAAP, Firepool is comprised of a number of sites surrounding Taunton station, the Bridgwater & Taunton Canal and the River Tone, with individual policies allocating each site and identifying the policy expectations for development. Policies Fp1 and Fp2 of the TCAAP deal with "Riverside" which comprises land either side of the River Tone, the site of the former livestock market and other buildings on the north side, and former surface car park on Priory Bridge Road on the south side. The site referred to as "Firepool" for the purposes of the Masterplan, is broadly the area allocated by Policies Fp1 and Fp2 and referred to as "Riverside" in the TCAAP (though there are some areas of the allocation which have already been built out and which are excluded).
- 4.8 The TCAAP states that "*the primary role of this allocation will be as a strategic office site, providing the main focus for future office development in Taunton*". Policy Fp1 sets out the development content for the site as 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 which will be required to accompany

the development.

- 4.9 The TCAAP was supported by the [Town Centre Design Code SPD](#) (adopted 2008) with a key purpose of ensuring “*that emerging development proposals were based on clear guiding principles to positively contribute to the coherence and overall character of the town centre*”. Key design principles for the Firepool site are included within the Design Code SPD.
- 4.10 Beyond the adopted policies specific to Firepool, development on the site must respond to the full range of applicable planning policies across the TCAAP, Taunton Deane Core Strategy and Site Allocations and Development Management Plan.
- 4.11 In 2008, at the time of the TCAAP’s adoption, it was envisaged that there was significant demand for office development at Taunton. The TCAAP responded to the SW Regional Planning Guidance (RPG10) and emerging draft South West Regional Spatial Strategy in this respect. Due to its town centre location, close to the train station, in a highly accessible location, the Firepool site was identified as the policy focus for office development in Taunton. This was to be supported by retail and leisure uses to help reorient the town centre towards putting the river at its heart, and residential development and car parking to help lift site development and wider town centre viability and vitality.
- 4.12 The decision to approve the St Modwen retail-led proposals in 2019 was in part a recognition that circumstances had changed since the time of the TCAAP policy’s development. In particular, it was recognised that demand for office development had reduced significantly, and that there was at that time market interest for a retail-led development. It is considered that the retail-led permission has now lapsed, having not been implemented or relevant pre-commencement conditions discharged within the conditional time limits.

Changed circumstances

- 4.13 Since the office-led allocation in the TCAAP was adopted, and since the retail-led scheme was approved, circumstances have changed further including:

SWT planning policy context changes

- The Districtwide Design Guide SPD (December 2021) and Taunton Garden Town Public Realm Design Guide SPD (December 2021) have been adopted, with an aim of driving a step change in the design quality of developments and public realm.
- The Garden Town Charter and Checklist (December 2019), Climate Positive Planning (February 2021) and Net Zero Carbon Toolkit (February 2022) have been published as guidance and the draft Connecting our Garden Communities Plan (July 2022) has recently been subject to public consultation.
- The SWT Quality Review Panel has been established.

National policy context changes

- Government planning policy and guidance has moved on in a number of cases including in relation to the National Planning Policy Framework (latest update July 2021), National Design Guide (January 2021) National Model Design Code (July 2021).
- Wider Government policy and strategy has moved on including in relation to the

Net Zero Strategy and Heat & Buildings Strategy (November 2021), Building Regulations updates (December 2021), Gear Change and Local Transport Note 1/20 (July 2020).

- National legislation including the Environment Act (November 2021) has received Royal Assent, and the Climate Change Act 2008 has been updated to reflect the national 2050 Net Zero target.

SWT corporate policy context changes

- Somerset West and Taunton Council came into being (April 2019) and has set its corporate objectives as set out in the Corporate Strategy and Annual Plans.
- the Council has declared a Climate Emergency (February 2019) and Ecological Emergency (November 2020) – setting out how it commits to working towards carbon neutrality by 2030 in the adopted Somerset Climate Emergency Strategy (October 2020) and SWT Carbon Neutrality and Climate Resilience Action Plan (October 2020) and seeking to address the ecological deterioration within the district and to lessen our global impact on the natural world by 2030 in line with the adopted Ecological Emergency Vision and Action Plan (July 2022).
- Taunton was designated a Garden Town in 2017 and the Council has set out its Vision for Taunton Garden Town (July 2019).

Other material considerations

- markets for both town centre office and retail would appear to have changed quite significantly, with more people working from home and retail decline in the town centre a significant concern.
- the COVID pandemic hit in early 2020, followed by an accompanying recession and plans for economic recovery to “build back better”.
- a cost of living crisis and energy crisis have hit.
- Natural England advised in August 2020 that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should require an Appropriate Assessment under the Habitat Regulations and where an adverse impact is identified require appropriate mitigation.
- Somerset County Council have published the Taunton Local Cycling and Walking Infrastructure Plan (LCWIP, November 2021) and updated Estate Roads in Somerset Design Guide (December 2021).

4.14 As a result of the above, there are a number of reasons why the adopted planning policy context for the Firepool site, and in particular the development content set out within policy Fp1, can be considered out of date. Furthermore, it is reasonable to expect a modern, responsive development on the Firepool site, to take account of the changed circumstances.

4.15 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, whilst the list of changed circumstances above would be material, there is a risk that future planning 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 better responds to the updated circumstances. In this context, a new Masterplan is being developed with a

view to the LPA being able to adopt it as a material consideration providing that necessary policy context.

Progress in resolving key issues

4.16 In June 2021, the Firepool team shared a developer draft of the Masterplan with LPA officers which had been informed by the developer-led public consultation undertaken in November 2019. In response to this, a series of key issues were identified by the LPA on which significant progress would need to be made before the LPA could recommend approval to consult. The Planning Performance Agreement signed in November 2021 set out a process for resolving these key issues. The table below sets out a summary of the key issues that were identified and commentary on progress to date.

Key issue identified	Commentary on progress to date
Masterplan to be informed by upfront and meaningful engagement with statutory consultees and other key stakeholders.	A series of topic-based workshops and other meetings and correspondence have taken place, which have highlighted constraints, opportunities, areas of concern, evidence to be gathered and views to be balanced as part of preparing the Masterplan. The Draft Masterplan is now informed by this meaningful engagement.
Justification required for the level of office and retail uses proposed on the site and reasons for any reduction from TCAAP policy.	An Office and Retail Market Update report has been prepared by Avison Young on behalf of the Firepool team. This sets out evidence that the market demand for office and retail development in Taunton and at Firepool is significantly reduced in comparison to adopted policy expectations and justifies why an alternative development mix is appropriate in this location. However, further work is required to support adoption and ensure the mix of uses is flexible should markets improve.
Route to be identified for delivery of the Trenchard Way access.	The access proposals approved as part of the retail-led permission were identified as not being able to be implemented without triggering the phosphates issue. They were also identified and as over-engineered for the likely development mix being pursued for Firepool and lacked compliance with new Government policy on cycle infrastructure design. A new, more appropriately sized and LTN1/20 compliant access scheme was approved in February 2022 (38/21/0464).
Justification required for the level of parking proposed on the site, how this links with wider town centre parking and access strategy and reasons for any reduction from TCAAP and other	A Parking Strategy has been prepared by Jubb on behalf of the Firepool team. This sets out evidence for the approach to car parking in the Draft Masterplan. The Strategy demonstrates the justification for on-site parking levels proposed based on the inherently sustainable location of the Firepool site and proposed strategy of maximising opportunities for active and

<p>parking policy.</p>	<p>sustainable transport modes, together with relying on some spare capacity in nearby public car parks for non-residential uses. It evidences that there is justification to depart from the level of parking required by policy Fp1 and that there is justification to aim for a parking ratio of 0.4 spaces per dwelling for the residential units, below the ratio of 1 space per dwelling required in the Site Allocations and Development Management Plan or SCC's Parking Strategy. However, it is considered that the final Masterplan requires additional work on specific parking issues and to establish and evidence the overarching transport strategy for the site, which needs to be informed by a Transport Statement and Framework Travel Plan.</p>
<p>Justification required that the proposals respond appropriately to the Taunton Local Cycling and Walking Infrastructure Plan (LCWIP) and active travel needs more generally in alignment with LTN1/20 and Gear Change.</p>	<p>A Cycle Assessment has been produced and submitted to support the Southern Boulevard planning application (38/22/0176) and this is currently being relied upon by the Firepool team to support the wider Masterplan. This is not considered sufficient to support the Masterplan's adoption. The proposals clearly respond to the internal needs of the site and have considered LTN1/20 and Gear Change in this regard. However, the assessment of external connectivity is lacking and the Masterplan does not respond to the connections and routes identified as part of the draft Connecting our Garden Communities Plan. Further work is needed to respond and justify the approach taken in the final Masterplan.</p>
<p>Justification required that the Masterplan appropriately responds to bus measures set out in policy, required for Bus Rapid Transit if necessary, and as part of the emerging Bus Service Improvement Plan (BSIP).</p>	<p>The Masterplan sets out how and why delivery of a priority bus route along the boulevard (as envisaged by policy) is not required and not compatible with a modern interpretation of the boulevard. A potential future bus route via the site is safeguarded along Canal Road, should this be necessary in the future as part of a wider, deliverable priority bus route. The County Council's emerging BSIP proposals relate to Station Road in this part of the town and are not directly related to the Masterplan.</p>
<p>Justification required in relation to heritage impacts.</p>	<p>An updated Heritage Assessment has been produced by Cotswold Archaeology on behalf of the Firepool team. This evidences that there are no overriding heritage constraints that would preclude development of the site, and the proposed development would not alter any elements that contribute to the architectural and historic interest of relevant heritage assets, nor the character and appearance of the St Mary and St James Conservation Area, and no harm to the overall significance of these assets will occur.</p>

<p>Justification required in relation to townscape, skyline and visual impacts.</p>	<p>An updated Townscape Visual Impact Assessment (TVIA) has been produced by Lepus Consulting on behalf of the Firepool team. This identifies the likely effects of the Masterplan proposals upon townscape character, visual amenity from publicly accessible locations, views of Taunton in its landscape setting, and visual effects with regards to heritage assets, as well as cumulatively alongside other proposed developments. Townscape effects are likely to range from moderate to minor beneficial in relation to character areas within the site, along the River Tone corridor and Morrisons and Priory Bridge Road area, whilst greater scale and height of the proposals would likely lead to minor adverse effects in other nearby character areas. Visual effects are likely to range from moderate beneficial to moderate adverse depending on viewpoint. Views towards the town centre and key church towers as you emerge from Taunton station are an important gateway providing some level of townscape legibility for visitors to the town. The proposals would obscure views of the church towers from here resulting in moderate adverse visual effects, however the scheme guides people down the proposed boulevard and creates enhanced replacement viewpoints towards these assets from high quality public realm which would have moderate beneficial effects. The proposals would be seen in the context of other urban development and not alter the skyline perceptibly or interfere with views of the church towers from longer distance viewpoints. Whilst the TVIA has assessed the specific proposals set out in the Draft Masterplan, detailed design aspects are considered as supporting information only at this stage. There are therefore likely to be aspects of detailed design where careful consideration of materials, roofscape, massing etc. will be required, or where changes to details could help to further mitigate or improve effects, but these are not dealt with explicitly at the Masterplan stage.</p>
<p>Justification required in relation to ecological impacts and the proposed green-blue infrastructure strategy for the site.</p>	<p>An updated Ecological Survey has been produced by Cotswold Wildlife Surveys, and an Environmental Statement produced to support the Levels & Drainage application and Southern Boulevard applications. Surveys undertaken have confirmed a low ecological baseline for the site, with most activity in relation to protected species limited to a small number of common species of bat and otter along the river corridor. Surveys undertaken to date have informed the development of the Masterplan design with a focus on the creation of habitats strengthening the river corridor. The Masterplan sets out an intention to accommodate</p>

	10% Biodiversity Net Gain across the development.
Justification required setting out a deliverable approach to phosphate mitigation.	A Nutrient Neutrality Assessment and Mitigation Strategy has been produced by WCI on behalf of the Firepool team. This sets out the phosphate load arising from the uses proposed by the Masterplan, the range of solutions considered, a reasoned preferred solution focused on use of phosphate credits secured from upgrade of 10 sewage works within the Council's control, serving current or ex-Council Houses within the Tone catchment and confirms that calculations need to be kept under review. At this stage, it is considered that the Strategy demonstrates the ability to achieve nutrient neutrality for the scheme, subject to detail, and that the Council as developer would appear to have a good prospect of securing delivery.
Confirmation required that the Masterplan will not lead to likely significant environmental effects, or significant effects upon protected European Sites.	The LPA undertook an SEA/HRA Screening Assessment in relation to the Masterplan, which confirmed that likely significant effects could not be completely ruled out. As a result, a draft SEA Environmental Report and a draft HRA Appropriate Assessment have been produced by Lepus Consulting on behalf of the Firepool Team. The Draft SEA Environmental Report assesses the Masterplan proposals against a series of objectives covering air, biodiversity, climate change, historic environment, landscape, population and material assets and water, identifying pre-mitigation adverse effects across all objectives. However, following consideration of mitigation measures, as well as the outputs of the HRA, TVIA, nutrient neutrality strategy and other evidence base documents residual effects on most objectives are ruled out. 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. The Draft HRA Appropriate Assessment assesses the Masterplan proposals and likely significant effects upon the Hestercombe House SAC and Somerset Levels and Moors Ramsar sites before taking account of mitigations. It identifies a number of mitigations which development should seek to implement and concludes that as a result, the Masterplan will not adversely affect the integrity of either site, either alone or in-combination with other plans and projects, subject to the mitigation identified. The Draft Environmental Report and Draft Appropriate

	Assessments are required to and will be subject to consultation alongside the Draft Masterplan.
Confirmation required of the approach to addressing flood risk within the site and alignment with strategic flood works.	The majority of the Firepool site is located within Flood Zone 2 or 3. Sustainable development of the site is premised on alleviating this flood risk and ensuring that doing so does not result in raising flood risk elsewhere. The Taunton Strategic Flood Alleviation Improvement Scheme identifies a number of projects required to alleviate flood risk within the town centre, with projects TTC5 (left bank of the Tone) and TTC10 (Firepool Lock to Obridge) being of key relevance here. The Levels & Drainage application (38/21/0440) approved in May 2022 proposes to raise the site levels in the main bowl of the site out of the flood plain. It demonstrates that the TTC5 flood works will ensure that raising levels within the site will not result in increasing flood risk to other properties. However, the permission is conditioned and subject to S106 obligation such that temporary flood barriers may be required should the TTC5 project not be completed by December 2024. The TTC10 project is relevant to the Firepool Masterplan only in so far as the lock lies immediately adjacent to the site, a key active travel connection for the site runs along the length of the proposed route of the flood works – it does not provide any flood alleviation benefits to the Firepool site. The Flood Risk Assessment supporting the Levels & Drainage permission does not cover the Block 1 area of the Masterplan, south of the river. As such, further information will be required on the approach to alleviating flood risk in this area without raising flood risk elsewhere in order to approve/adopt any final Masterplan.
Boundaries of the Masterplan need to be agreed.	Following discussion, and consideration of relationship with surrounding land parcels (including the Pump House, Firepool lock and weir) the boundaries of the Masterplan have been agreed for consultation purposes. All of the land within the boundary is within the control of the Council. There is an argument for the final Masterplan to potentially incorporate adjacent land on Priory Bridge Road, depending upon the further work required in relation to active travel connections and transport evidence which can be reviewed before the final version is presented for adoption.
Confirmation required of the overall sustainability and energy strategy for the site.	The Draft Masterplan summarises the broad approach to sustainability for the site. It 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. The site's design is

	<p>built around a high quality internal walking and cycling network, connecting to the station in the north, town centre in the south, and existing national cycle network in the east and west. However, further work is needed to understand whether appropriate external active travel connections are needed to deliver on the overarching transport strategy to achieve significant modal shift to active modes. Accompanying draft viability evidence currently suggests that it will be a struggle for the site to viably achieve higher environmental building standards beyond the forthcoming 2025 Future Homes Standard compliance.</p>
<p>Broad viability and deliverability needs to be understood (inc. potential contribution to Affordable housing, education, highways/active travel etc.)</p>	<p>An independent draft viability appraisal has been produced by HDH Planning. The draft appraisal is high level in nature, developed in line with the National Planning Practice Guidance specifically in relation to understanding viability and deliverability at the plan making stage and potential for securing policy compliant contributions from development of the site. This differs from a developer's own commercial appraisal or business case development and from detailed assessment at the planning application stage. It is high level in nature and uses standardised inputs, including costs derived from published sources, in arriving at an assessment of whether there is likely to be sufficient residual value (i.e. land value) in a development to pay for the land assuming a benchmark land value. This reflects the market failure which has seen the site lay predominantly dormant and undelivered for the last 15 years as commercial developers have failed to deliver a commercially viable scheme which also responds well to the site's context and local aspirations. This is the reason why the Council has chosen to step in and play a proactive role in bringing the site forward itself. The draft viability appraisal demonstrates that the residential elements of the proposals included in the Draft Masterplan are unlikely to be viable, resulting in negative residual values even without affordable housing, minimal developer contributions via S106, and a developer return. This does raise concerns over the deliverability of the residential development and its ability to satisfactorily address issues necessary to make development acceptable in planning terms. Whilst these are real and legitimate concerns and it is important that the Council are treated in exactly the same as any other developer for plan level viability purposes, in reality, the Council as landowner and developer has different options available to it which a commercial developer does not. These include</p>

	<p>preferential rates of borrowing, the land itself already being in public ownership, the securing of external public sector funding (i.e. grant) so there is no requirement from a developer perspective to ensure a benchmark land value is achievable, and lower levels of developer return may well be acceptable. Furthermore, the Council has wider interests in delivering increased economic, social and environmental value for the town centre. These benefits are not considered by such a standardised approach, but are key for the Council as evidenced in the Corporate Strategy and Garden Town Vision, and can therefore provide the LPA with greater confidence that a deliverable scheme will be possible on the site, than might be possible with a standard commercial developer.. The non-residential elements are not included in the appraisal. For the purposes of high level plan level viability no value is attributed to these uses due to a lack of robust local evidence, so their inclusion could make it appear that they would only serve to reduce overall scheme viability further. However, this is not necessarily reflective of a real-world scenario where such uses do result in sales/rental values. The draft appraisal identifies ways in which detailed development proposals and delivery models for the site could improve the situation somewhat, suggesting a need for the Masterplan to have some flexibility. It highlights the importance of delivering a high quality scheme with high quality public realm and wider regeneration benefits in order to achieve the higher sales values that will be necessary for successful delivery. Critically, it demonstrates that fully policy compliant development is extremely unlikely to be viable. This means that policy compliant levels of affordable housing and other policy contributions and the full suite of corporate priorities for development on the site would appear at this stage very unlikely to be achievable. Furthermore, with no or minimal return on the residential elements of the scheme, delivery of the Multi-Purpose Venue is very likely to be reliant on securing significant additional public subsidy from elsewhere.</p>
<p>Confirmation required of the approach to accommodating health needs.</p>	<p>TCAAP policy requires primary healthcare facilities to be provided on the site. The NHS has so far not been able to confirm a specific requirement for the site in terms of on-site provision, instead suggesting that off-site financial contribution may be required. However it is not clear at this stage how or where nearby GP surgeries would be expanded. As such the Masterplan identifies space for a “health hub” in the centre of the</p>

	site, indicatively capable of accommodating a primary healthcare facility. As mentioned above, potential for off-site financial contributions currently appear unlikely to be viable.
Discussion required to understand the approach to delivering improved social value.	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 LPA and Economic Development teams have begun conversations with the Firepool team in relation to use of a Local Labour Agreement and development of an associated Employment and Skills Plan.
Inclusion required of the potential options and approach to phasing, delivery and stewardship.	The Draft Masterplan includes some brief commentary on delivery options available to the Council, broad phasing expectations and potential stewardship options. However, it is not possible to determine the exact route that any of these interdependent issues will take at this stage.

Consultation proposals.

- 4.17 The Masterplan is not intended to be a formal statutory development plan document (DPD) or supplementary planning document (SPD). Therefore there is no statutory requirement for public consultation. However consultation is recommended in the interests of good practice and compliance with the Council's [Statement of Community Involvement](#). Furthermore, the NPPF, PPG and National Design Guide are clear on the need for plan making, and Masterplans / Design Guides to be influenced and informed by consultation with local communities. Masterplans which have not been subject to public consultation can reasonably be considered to hold less weight in the decision making process. There is, however, a statutory requirement for public consultation on the Draft SEA Environmental Report and Draft HRA Appropriate Assessment, which this consultation will comply with.
- 4.18 A draft Consultation Statement accompanies this report at Appendix B, setting out the details of the consultation process. It is proposed that consultation runs for a period of 6 weeks (likely 21 November 2022 through to 2 January 2023).
- 4.19 A Non-Technical Summary document (Appendix E) has been produced in order to provide a more easily digestible and accessible document to aid consultation and engagement.
- 4.20 The consultation will be hosted primarily online using the Commonplace platform. The Council has previously successfully used the Commonplace platform on the draft Connecting our Garden Communities plan. This has seen very good levels of engagement through this platform, so officers are keen to use this platform again. The consultation hub will enable stakeholders and the general public to find out more about the Masterplan and respond to the consultation in different ways depending on the level of detail they want to get into:

- For people with only a few minutes available, there will be an executive summary, link to the non-technical summary document, animation video and quick survey.
- For those wanting to get into a bit more detail, there will be a series of 'tiles' hosting more information about the background, key design principles, design concept evolution, developed masterplan, sustainability principles, and more detailed design proposals as well as links to the main Draft Masterplan document and supporting evidence.
- Details of planned consultation events and where documents and display boards can be viewed will also be available.

4.21 The primary consultation hub will be supplemented with the following:

- An online public presentation and Q&A session hosted jointly between the LPA and developer teams.
- An in person drop-in session hosted at Deane House jointly between the LPA and developer teams.
- An online presentation and Q&A session hosted jointly between the LPA and developer teams aimed specifically at local businesses.
- Masterplan documents made available at Deane House, Taunton Central Library and Priorswood Library
- Permanent display boards in a unit at Coal Orchard and in prominent public locations hosting information on the Draft Masterplan and how to respond to the consultation.

Next steps

4.22 Depending on the comments received during the consultation it may be considered necessary and appropriate to make changes to the Masterplan ahead of recommending adoption of the final version. The Consultation Statement accompanying the final version of the Masterplan for adoption will detail comments received and how they have influenced the final version.

4.23 In addition to comments received during consultation, the LPA has already identified a number of areas where additional work is necessary to enable officers to recommend adoption of the final Masterplan:

- Consideration needs to be given to how the Masterplan can respond to the draft viability evidence and improve the likely deliverability of the proposals, ensuring that they will result in sustainable development.
- An updated cycle assessment is required, effectively responding to the draft Connecting our Garden Communities plan and the key destinations identified as part of that work in relation to Firepool.
- A Transport Statement and Framework Travel Plan are required to demonstrate the suitability of the transport strategy for the site and identify the measures likely necessary to deliver against it.
- Expansion of the Parking Strategy, linking it with the above Transport Statement and Framework Travel Plan and proposed modal splits, and providing further detail and consideration of how pedestrian access from external car parks being relied upon can be improved, how the Masterplan responds to the EV Charging Strategy, how the Event Management Plan will work to limit the demand for parking for special events, how waiting takeaway delivery drivers/cyclists will be accommodated, how pricing structures will retain attractiveness of more sustainable modes, and demonstrate how the proposed ratio of 0.4 spaces per

dwelling has been arrived at and can be successfully delivered.

- Work is required to identify building character areas and key building groupings within the Masterplan proposals.
- Work is required to respond to numerous points in relation to the detail of Block 1, including in terms of suitability and design of the rear parking court and building heights and overall design along Priory Bridge Road and the impacts these may have on the streetscape and immediate environment on this key approach to the site and town centre.
- Further information will be required on the approach to alleviating flood risk in the Block 1 area south of the river without raising flood risk elsewhere.
- Inclusion of further information with regards to potential heat network delivery following completion of the current feasibility work.
- Expansion of the Office and Retail Market Update report to provide further detail on demand for food and beverage retail, respond more fully to the conclusions of the published SWT Economic Development Needs Assessment (2021), potentially including greater flexibility for more office uses to come forward on the site should the market change, and demonstrate the jobs and wider economic benefits that the Masterplan proposals will bring to the town centre.

- 4.24 Members should note that, post-consultation, the final amended Masterplan, taking account of consultation responses and work on identified outstanding issues, will be presented to Full Council in due course, with an officer recommendation of adoption as a material consideration in the determination of relevant planning applications. This status is reflective of the fact that the Masterplan will deviate – significantly in some areas – from adopted planning policy, and as such cannot be adopted as SPD.
- 4.25 Rather than the whole Masterplan document being recommended for adoption in this way, at this stage it is likely that the recommendation will be to adopt explicit parts of the Masterplan document e.g. Executive Summary, key design principles, parameter plans etc., with the remainder of the document including the more detailed design aspects being supporting evidence demonstrating how these elements *could* be implemented. This approach would help to avoid the Masterplan being overly prescriptive and would appear to be the most pragmatic and flexible option whilst providing sufficient certainty to assist in progressing the development of the site.
- 4.26 Once the final Masterplan has been adopted as a material consideration it will hold greatest weight in the decision-making process on relevant planning applications as a material consideration. 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.
- 4.27 In the meantime, once the Draft Masterplan is published for public consultation it will hold some limited weight. However, this weight is limited by the fact that it has not yet been informed by the public consultation responses, and the fact that there are a number of areas where the LPA has already identified further work is required (as set out in paragraph 4.22, above).
- 4.28 The Council is currently in receipt of a planning application for the “Southern Boulevard” (38/22/0176). Key comments from the planning policy response to this application explained the relationship with the wider Masterplan, and the need for progress to be

made towards approval of the consultation draft before a decision could be made on this application. Sufficient progress is now considered to have been made for a decision to be made, and a report recommending that planning permission be granted is due to be considered by Planning Committee on 10 November 2022 in this respect.

5 Links to Corporate Strategy

- 5.1 The approval of the Draft Masterplan for public consultation 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. Approval of the final Masterplan by the LPA would be intended to help reduce risk associated with subsequent planning applications, smoothing the path towards delivery. However, it should be noted that the accompanying draft viability appraisal does raise concerns about the deliverability of the proposals as currently identified within the Draft Masterplan.
- 5.2 The Draft 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 Consultation on the Draft Masterplan will respond 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 Draft 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 Draft Masterplan begins to respond to a Corporate Strategy objective under “Homes and Communities”: supporting delivery of strong sustainable transport infrastructure links. However, as noted above, further work is required to satisfy the LPA that appropriate active travel connections are provided for and how the overarching transport strategy will be delivered.
- 5.6 A further, a key objective under “Homes and Communities” is increasing the number of affordable and social homes, including those built by the Council. The Draft Masterplan proposals are supported by a high level draft viability appraisal which shows that the delivery of affordable housing is extremely unlikely to be possible on Firepool. In this respect, the proposals are not compliant with either adopted planning policy or the corporate strategy. However, evidence is provided to justify why this is not possible and the developer team suggest that on balance, the proposals are appropriate considering delivery against wider corporate objectives. Whilst this report is not recommending adoption of the final Masterplan at this stage, clearly there is a conflict here with the

corporate strategy which Members must be alive to in approving the Draft Masterplan for public consultation.

6 Finance / Resource Implications

- 6.1 This report seeks approval to consult on the draft Masterplan only. It does not seek adoption of the final version, which will be subject to a future report at the appropriate time. Furthermore, the 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 consulting on the draft Masterplan. The budget for undertaking the consultation is already accounted for within the existing Firepool team budget.
- 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.

Unitary Council Financial Implications and S24 Direction Implications

- 6.5 The delivery of development on Firepool will have financial implications beyond vesting day for the new unitary council. A decision to approve consultation on the draft Masterplan will not.

7 Legal Implications

- 7.1 This report seeks approval to consult on the draft Firepool Masterplan only. It does not seek adoption of the final version, which will be subject to a future report to Full Council at the appropriate time.
- 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 Whilst the Masterplan would not be adopted as SPD (for the reasons given above) public consultation on the draft Masterplan should be for at least 4 weeks and accord with the Council's Statement of Community Involvement (adopted November 2019). Representations received will be collated into a report explaining how the issues raised have been addressed prior to a decision by Full Council on formal adoption.
- 7.5 The report correctly advises that the consultation draft Masterplan will hold only limited weight as a material consideration in the determination of relevant planning applications. Indeed, the report clarifies the areas where more work is needed.
- 7.6 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.
- 7.7 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.
- 7.8 The draft Masterplan is supported by a draft SEA Environmental Report and draft HRA Appropriate Assessment as screened necessary by the LPA previously 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.
- 7.9 Under the Council's Constitution, the Executive Committee holds both roles for the purposes of approving draft policy for public consultation. As such, and in the interests of transparency and probity, the report is clear that the recommendation of approval to consult is in the Council's role as LPA, distinct from its role as developer/landowner/asset holder. adoption of the final Masterplan is required, as per the Constitution to be a decision taken by Full Council. It will be important at this next stage to clarify that any recommendation of adoption as a material planning condition is again, in the Council's role as LPA.

8 Climate, Ecology and Sustainability Implications

- 8.1 The decision on whether to approve the draft Masterplan for public consultation does not in itself have any direct climate, ecology or sustainability implications.
- 8.2 The Draft Masterplan document 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 Draft Masterplan identifies a high level sustainability 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.

8.3 However, the draft viability appraisal accompanying the Draft Masterplan 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. 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. But the Council should recognise that this would fail to set a positive precedent for other developers to follow, or to help build the local skills base or supply chain.

8.4 Furthermore, whilst the Draft Masterplan proposes high quality internal active travel infrastructure, it currently fails to address key external barriers to active travel as identified within the Draft Connecting our Garden Communities Plan in relation to Firepool. Further work is therefore identified as necessary before the LPA is able to recommend adoption of the final Masterplan.

9 Safeguarding and/or Community Safety Implications

9.1 The decision on whether to approve the draft Masterplan for public consultation does not in itself have any direct safeguarding or community safety implications.

9.2 The draft 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 decision on whether to approve the draft Masterplan for public consultation does not in itself have any direct equality and diversity implications. Consultation will be designed

to address potential barriers to engagement which may otherwise affect certain protected groups more than others including through production of a short non-technical summary document, holding both online and in-person consultation events, hosting documents at Deane House and Taunton libraries, hosting display materials in publicly accessible and visible locations and enabling responses via multiple methods.

- 10.2 The delivery of development in line with the Draft Masterplan could have equalities and diversity implications. A draft Equalities Impact Assessment has been undertaken by the developer team (see Appendix D) and has informed the development of the Draft 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.
- 11.2 The LPA and Economic Development teams have begun conversations with the Firepool team in relation to use of a Local Labour Agreement and development of an associated Employment and Skills Plan. However this is not directly related to the recommendation to approve the Draft Masterplan for public consultation.

12 Partnership Implications

- 12.1 There are no known partnership implications.

13 Health and Wellbeing Implications

- 13.1 The decision on whether to approve the draft Masterplan for public consultation does not in itself have any direct health and wellbeing implications.
- 13.2 The Draft 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. 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 final Masterplan will therefore be intended to heavily influence the use of this asset and how development on it might come forward. The Draft Masterplan includes some information with regards to delivery and stewardship options, however none are explicitly committed to.

15 Data Protection Implications

- 15.1 A Data Protection Impact Assessment has been undertaken in relation to the consultation exercise. Officers with an overview of data protection have been consulted as part of this. The assessment highlights a number of measures to be taken forward as part of the consultation to ensure compliance with GDPR and reduce risks. An associated Privacy Notice will be published as part of consultation hub.

16 Consultation Implications

16.1 See above sections 4.17 to 4.20.

Democratic Path:

- Corporate Scrutiny Committee – Yes – 02/11/22
- Executive – Yes – 16/11/22
- Full Council – Following consultation, for adoption of the Final Masterplan

Reporting Frequency: Once only

List of Appendices (background papers to the report)

TO VIEW THE APPENDICES, PLEASE CLICK ON THE LINK: [Document Firepool Design Guidance and Masterplan Appendices - Modern Council \(somersetwestandtaunton.gov.uk\)](http://www.somersetwestandtaunton.gov.uk)

Appendix A	Draft Firepool Masterplan
Appendix B	Draft Consultation Statement
Appendix C	Supporting evidence documents including: <ul style="list-style-type: none">• Draft Viability Appraisal• Nutrient Neutrality Assessment and Mitigation Strategy• Heritage Assessment• Townscape Visual Impact Assessment• Cycle Assessment• Parking Strategy• Ecology Survey• Office and Retail Market Update• Draft SEA Environmental Report• Draft HRA Appropriate Assessment
Appendix D	Equalities Impact Assessment
Appendix E	Non-Technical Summary Document

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