



Notice of Meeting of

SCRUTINY COMMITTEE - CLIMATE AND PLACE

Wednesday, 20 September 2023 at 10.00 am

**Council Chamber, Council Offices, Brympton
Way, Yeovil BA20 2HT**

To: The members of the Scrutiny Committee - Climate and Place

Chair: Councillor Martin Dimery

Vice-chair: Councillor Adam Boyden

Councillor Steve Ashton

Councillor Bente Height

Councillor Henry Hobhouse

Councillor Dave Mansell

Councillor Harry Munt

Councillor Alex Wiltshire

Councillor Alan Bradford

Councillor Edric Hobbs

Councillor Marcus Kravis

Councillor Matthew Martin

Councillor Tom Power

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Thursday, 14 September 2023**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and a recording made.

Issued by (the Proper Officer) on Tuesday, 12 September 2023

AGENDA

Scrutiny Committee - Climate and Place - 10.00 am Wednesday, 20 September 2023

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

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

1 Apologies for Absence

To receive any apologies for absence.

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

To approve the minutes from the previous meeting.

3 Declarations of Interest

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

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

4 Public Question Time

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

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

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

5 Work Programme and Action Tracker - Report to Follow

To consider the Committee's Work Programme and Action Tracker.

6 Somerset Energy Plan - Task and Finish Group (Pages 15 - 22)

To consider a request to set up a task and finish group to oversee and feed into the development of the Somerset Wide Energy Plan.

7 Award of contracts for highways services (Pages 23 - 62)

To receive a report detailing contracts for highway services that will be considered by the Executive.

8 Budget Monitoring Update - Report to Follow

9 Approach to Local Plan and Statement of Community Involvement (Pages 63 - 230)

To receive details of the approach being taken with the Local Plan and the Statement of Community Involvement.

10 Water Quality in Somerset

To receive presentations.

Guidance notes for the meeting

Council Public Meetings

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

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

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

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

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

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

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

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Minutes of a Meeting of the Scrutiny Committee - Climate and Place held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Wednesday, 19 July 2023 at 10.00 am

Present:

Cllr Adam Boyden (Vice-Chair)

Cllr Steve Ashton

Cllr Alan Bradford

Cllr Bente Height

Cllr Edric Hobbs

Cllr Henry Hobhouse

Cllr Dave Mansell

Cllr Matthew Martin

Cllr Harry Munt

In attendance:

Cllr Leigh Redman

Cllr Dixie Darch

Other Members present remotely:

Cllr Michael Dunk

Cllr John Hunt

Cllr Helen Kay

Cllr Tessa Munt

Cllr Frances Nicholson

Cllr Gill Slocombe

Cllr David Woan

Cllr Ros Wyke

10 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Martin Dimery, Marcus Kravis (substituted by Cllr Mike Stanton), Alex Wiltshire and Tom Power (substituted by Cllr Norman Cavill).

11 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Scrutiny Committee - Climate and Place held on 17 May 2023 be confirmed as a correct record.

A question was raised as to why there was not an item for 'matters arising from the

last meeting' and it was agreed that this would be looked into.

12 Declarations of Interest - Agenda Item 3

No additional declarations of interest were received.

13 Public Question Time - Agenda Item 4

The following statement and questions were submitted and read out by Ms Eva Bryczkowski.

Welcome to Chaos Road

I live at the beginning of Sharpham Road, covered by section 38, which we understand is the responsibility of the Highways and Transport Department.

I've just been out of my front door, and happened to see a car going past.

I also saw small children playing on the pavement and main road.

This is a common occurrence

Children are riding their bicycles, scooters, some are on roller skates and skateboards.

Drivers who don't know the layout of the estate do not realise that when they turn round a blind corner they will be met by oncoming cars, in a very tight space. This is the narrowest road on the estate, with cars parked on either side of it, with vehicles going in both directions.

With children playing on the pavement and road, there is definite risk of harm.

Residents have been informed by Councillor Rigby that traffic calming measures are not considered a sufficient priority because there have been no reports of injury or fatality so far.

QUESTION ONE

Councillors, do we really have to wait for an injury or fatality to occur before the Highways and Transport Department treat the need for traffic calming measures as a priority?

QUESTION TWO

One of the residents on the estate has met with two Glastonbury councillors, who will see what they can do about traffic calming measures.

This will most probably take a long time.

Will councillors please treat this as urgent, before an injury or fatality occurs?

QUESTION THREE

Can a timescale be given as to when our concerns will be dealt with?

The Service Director for Infrastructure and Transport confirmed that it would involve a number of officers, and at the request of the Vice-Chair involve the local division members, and would take a little while. But a written response would be provided to Ms Bryczkowski.

The issue of phosphates considered at the last meeting was raised and Cllr Hobhouse made a proposal, seconded by Cllr Ashton and amended by Cllr Martin that:

September's meeting would focus on the sewage and the phosphates issue in the county and that any extant items be considered in an additional meeting in October.

The motion was put to the vote and carried.

14 Future Transport - Agenda Item 5

The Committee was advised that with the Council had to have a new Local Plan and Local Transport Plan in place by 2025.

A presentation was given highlighting the:

- Local Transport Plan process
- Local Plan process
- Guiding principles adopted by the Executive
- Placemaking & Movement principles
- New 'vision led' approach to local transport plans which focused on outcomes and local priorities
- Carbon reduction and the Local Transport Plan
- County's carbon emission data
- The proposed next steps

Members discussed the presentation and the following points were made:

- Because people would find carbon reduction challenging and would be concerned, there was a need to ensure things were properly explained. Outlining how it would apply to them, and highlighting that it was not a war on motorists.
- The need to look at alternative fuels for council vehicles particularly the

recycling fleet e.g. biofuels, gas turbines or electricity, the current front runner, where the biggest reduction in carbon was likely to be achieved.

- Sufficient public transport e.g. buses and trains , so people don't have to drive, reducing carbon and saving them money.
- The need for cycling infrastructure e.g. quiet streets and the need to engage with bus services on allowing passengers with bicycles on board.
- Cross party support on climate change action was needed.

Members acknowledged that a task and finish group should be set up with its scope to be drafted in due course.

Resolved

That a Local Transport Plan Task & Finish Group be set up.

15 Climate, Sustainability and Environment-Next Steps - Agenda Item 6

Members considered a report setting out the next steps of the Council's strategic approach to Climate, Environment and Sustainability, to ensure that the Council was committed to reducing carbon emissions, achieving Net Zero and supporting nature's recovery.

The Committee acknowledged that cross party support on climate change was needed. They agreed to the setting up of a task & finish group support the refresh of the Climate Strategy, and development of the key performance indicators. for the service.

Resolved

That a Climate Strategy Refresh Task & Finish Group be set up.

16 Somerset's Approach to Green Growth - Agenda Item 7

This item was deferred.

17 Staplegrove Housing Infrastructure Fund - Agenda Item 8

The Committee considered a report on the Staplegrove Housing Infrastructure Fund (HIF) that would be going to the Executive on 2 August 2023. It was explained that this allocated site, for 1500 houses within the Development Plan, was being developed in two separate phases. The HIF, which would be available until March

2024, would help deliver the Staplegrove Spine Road, primary school and associated infrastructure early in the development.

In response to questions it was explained that a pragmatic approach was being taken on what could be achieved. The Staplegrove West site had a developer on board and outline planning permission with a phosphate solution in the form of an off-site wetland scheme. Unfortunately, the Staplegrove East site, which contains the primary school, did not yet have a developer on board and was in the hands of a land promoter. A planning application had been submitted but it had stalled due to the phosphates issue and would need to come back to the Planning Committee.

Members recognized that one of the benefits of the HIF funding, that the Council would be responsible for granting to developers as a commercial loan, was that the repayments could be recycled and used to unlock further housing within the Somerset (West) area.

The Committee acknowledged the work that would be needed in order to bring the project into fruition and requested that the division members be engaged with. They also noted the recommendations to the Executive.

Resolved

To note the Staplegrove Housing Infrastructure Fund report going to the Executive.

18 Mendip Local Plan - variation to order of 16 December 2022 - Agenda Item 9

The Committee received details of a report that had been taken to the Executive as an urgent matter following a judicial review of the Mendip Local Plan. They noted that the Council was now being required to confirm its commitment to commence the Mendip Local Plan regarding the site allocations and that it would have to go out for a further six weeks period of consultation.

Resolved

To note the actions taken by the Executive following the judicial review.

19 Scrutiny Call-ins - Agenda Item 10

Members received a verbal update on a call-in request that had been received from a councillor about the Review of Parking Fees & Charges 2023 considered by the Executive on 27 June 2023.

In response to the concerns and queries raised, the Chair of the Climate and Place

Scrutiny Committee had requested detailed information from the relevant Council officers.

Upon receipt of this information he advised the councillor that whilst he understood their concerns over the parking charge increases in specific areas, the details contained within the answers provided were sufficient enough for him to conclude that the matter had been considered at great length and did not warrant being called back to Scrutiny.

(The meeting ended at 12.29 pm)

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CHAIR

Somerset Council
Scrutiny Committee
– Climate and Place, September 20th 2023



Task and Finish Group – Somerset Energy Plan

Lead Officer: Jacob Hall

Author: Jacob Hall

Contact Details: Jacob.hall@somerset.gov.uk

Executive Lead Member: Cllr Dixie Darch

Division / Local Member: n/a

1. Summary

- 1.1. The report is requesting the set-up of a Task and Finish group to input and review the three work packages of the Somerset Wide Energy Plan.
- 1.2. This project is one of the key deliverables from the Somerset Climate Emergency Strategy as part of the Council’s “Cleaner, Greener Somerset” priority.

2. Issues for consideration / Recommendations

- 2.1. Scrutiny committee is asked to approve the creation of a task and finish group to input and review the three work packages of the Somerset Wide Energy Plan. The group will meet monthly for 1 hour from October 2023 to February 2024 with the first meeting being hybrid and then moving to online for the remaining meetings.

3. Background

- 3.1. A Local Area Energy Plan is one of the key deliverables in the Somerset Climate Emergency Strategy, specifically to “develop and deliver an Energy Plan for Somerset - Roadmap to decarbonising the energy system in Somerset. whole systems approach (buildings, heat, transport and power generation).”

A Local Area Energy Plan is an evidence-based approach that sets out the most effective route for the local area to reach both its local and national net zero target. The Plan considers the complex interactions of power, gas, heat and transport and the different ways our energy might be supplied, managed and consumed in the future.

The Somerset Wide Energy Plan differs from the more traditional Local Area Energy Plan by mapping at a higher level and specifically focusing renewable technologies. We are also using this work to scope potential on our own assets and how the findings can be included within the upcoming new Somerset Local Plan.

Funding for this piece of work was committed by members of the Climate Strategic Management Group (SMG) in 2021. However, this funding was not enough to progress the project based on the initial soft market testing conducted. Additional funding has been provided by three of the four previous district planning authorities planning policy teams based on the project beginning to inform the development of the new Somerset Local Plan.

Our plan specification is as follows as determined by representatives from across the five authorities from the climate and planning policy teams.

- Develop a high-level assessment of renewable opportunities to support the development of the new Somerset wide Local Plan to identify areas suitable for renewable energy
- Understand the opportunities for renewables on council owned assets both free standing and council buildings
- A report detailing the current state of renewable energy generation and an unconstrained area-wide map of renewable energy opportunities irrelevant of land ownership.
- A GIS map showcasing a high-level assessment of unavoidable constraints and reasonably high level (e.g LCA, access to the grid), subjective constraints to help understand the potential likelihood of reaching the objectives outlined in the Somerset Climate Emergency Strategy.
- Identify investment projects and opportunities ensuring evidence is in place to allow the new Somerset Council to take these forward directly or in partnership and have the evidence available bid for potential future funding
- A roadmap towards the objectives outlined in the Somerset Climate Emergency Strategy including a target of net zero by 2030 and how to work alongside community energy organisations, the private sector and various other stakeholders on to invest and grow renewable energy generation in Somerset.

3.2. The project is split into three work packages.

1. **Work package 1:** Baseline existing local renewable resources focused on understanding the pipeline and demand for renewables in Somerset. Develop a high-level overview of unavoidable and subjective constraints for renewable installations and an assessment of energy infrastructure and council assets for the development of renewable technologies.
2. **Work package 2:** Scenarios and Roadmap. Develop a road map of net zero scenarios for 2030, 2040 and 2050 and how this aligns to national and local scenarios and policies. Analysis of potential generating capacity and yield for technologies across locations.
3. **Work package 3:** Investment Plan Development. Produce an economic benefit assessment of how to deliver the road map along with recommendations on policy routes and viable projects in Somerset. Critically ensure that stakeholder engagement takes place at all stages of the plan's development

4. Consultations undertaken

- 4.1. The project has established a core steering group that meets biweekly and an internal Somerset Council Officer steering group that meets monthly.
- 4.2. Two external stakeholder webinars will also take place. The first was in July 2023 and the second is scheduled for 2nd November 2023.

5. Appendices

- 5.1. Appendix A: Scrutiny Task and Finish – Somerset Energy Plan

Note For sight of individual background papers please contact the report author

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SCRUTINY COMMITTEE - TASK AND FINISH GROUP SCOPING DOCUMENT

Task and Finish Group Title:	
Membership of Working Group:	The group to be comprised of approximately ten nominated members from the Climate and Place Scrutiny Committee, additional wider members may join the group at the Scrutiny Chairs discretion
Service Area:	Climate and Place / Cross-cutting
Key Officer Contacts: [Lead and support]	Mickey Green Kirsty Larkins Jon Doyle Jacob Hall
Scoping form completed by:	Jacob Hall
T&F Group requested by:	Jacob Hall
Criteria for inclusion in work programme:	(If yes please provide details)
External or National Priorities:	Internal: One of the key objectives within the Somerset Wide Climate Emergency Strategy under the energy theme
Priorities identified in SC Business Plan or other Key Policies/Plans:	One of the council's four objectives is to create a "Greener more sustainable Somerset" The energy plans ultimate objective is to expediate and proliferate renewable energy generation across the county.
Planned Key Decisions or Forward Plans:	n/a
Evidence from Public Consultation or trend from Councillor Case Work:	n/a
Summary of anticipated benefits and outcomes:	Ensure that the energy plan developed is robust, comprehensive, deliverable and sufficiently collaborative.

	<p>Ensure the outputs from the plan are applicable, understandable and useful for all stakeholders across the county including the council itself, community energy groups, renewable energy developers and Somerset businesses</p>
<p>Indicators of success:</p>	<p>To develop a Somerset Wide Energy Plan that meets the objectives below</p> <ol style="list-style-type: none"> 1. Develop a high-level assessment of renewable opportunities and constraints to support the development of the new Somerset-wide Local Plan to identify areas suitable for renewable energy in the council and on council-owned assets 2. Identify investment projects and opportunities, ensuring evidence is in place to allow the new Somerset Council to take these forward directly or in partnership and having the evidence available to bid for potential future funding 3. A roadmap towards the objectives outlined in the Somerset Climate Emergency Strategy, including a target of net zero by 2030 and a stakeholder-led plan to invest and grow renewable energy generation in Somerset.
<p>Scope:</p>	
<p>In Scope:</p>	<p>Formation of a joint task and finish group to input and review into the following three work packages</p> <ul style="list-style-type: none"> - A baseline assessment and mapping of potential locations for renewable technology - A road map of net zero scenarios aligning to nation and local policies and scenarios. - An economic benefit assessment of the road map and

	<p>recommendations on policy routes and viable projects.</p> <p>To understand and help lobby government and the distribution network operators to improve the electricity network across Somerset</p> <p>To ensure the energy plan is owned by the council and taken forward upon completion</p>
Excluded from Scope:	<p>Defining the scope of the Energy Plan</p> <p>Prescribing the actions, outputs and outcomes of the Energy Plan</p> <p>Prescribing the Stakeholders involved in the development of the Energy Plan</p> <p>Committing to any actions that will incur costs to any party without prior agreement of the Council</p>
Council and Partner Involvement:	
Who would need to be involved from the Council?	A separate internal stakeholder officer panel has already been formed based on mapping of relevant directorates key for the development of the plan
Which of our partners, stakeholders and Members of the community should we discuss this with?	<p>An external stakeholder exercise is being undertaken. A workshop was held in July 2023 with a second planned for November 2023. In addition, a number of one-to-one interviews have taken place with key external stakeholders</p> <p>External stakeholders include</p> <ul style="list-style-type: none"> - Town and Parish Councils - Community Energy Groups - Renewable energy developers - Local businesses - NHS - Environmental NGOs
Review of Resources:	
Evidence:	Somerset Climate Emergency Strategy

Witnesses:	Regen Distribution Network Operators ~(DNOs)
Site visits:	No site visits are planned to take place
Democratic Services & Other Service Resource:	Steve Taylor
Consultation:	n/a
Expert Advice:	Regen have been appointed by the Council to develop the energy plan and can support with expert advice
Risks:	
What are the risks to the review?	Ensuring buy in from across directorates in Somerset Council Resourcing for implementing proposed projects identified in the energy plan
Timescales:	
Anticipated Review Start Date:	October 2023
Anticipated Reporting Date:	Spring 2024
Frequency of Meetings:	Monthly, lasting from October 2023 to February 2024



Somerset Council
Scrutiny Committee
– 20th September 2023

Award of contracts for highways services

Lead Officer: Mike O'Dowd-Jones

Author: Mike O'Dowd-Jones

Contact Details: +44 7977412097

Executive Lead Member: Cllr Mike Rigby Executive Lead Member for Transport and Digital

Division / Local Member: All

1. Summary

1.1. The Executive Committee will shortly be considering the award of a new suite of highways related contracts and this Scrutiny paper and associated presentation outline the overall approach in advance of completing the procurement process:

- An NEC4 Surfacing Term Service Contract for a period of 4 years with the option to extend for a fixed 4-year period. The anticipated contract spend for the full duration is £50m.
- An NEC4 Surface Treatments Term Service Contract for a period of 4 years with the option to extend for a fixed 4-year period. The anticipated contract spend for the full duration is £50m.
- An NEC4 New Assets Framework Contract for a period of 4 years. The anticipated contract spend for the duration is £20m to £40m.
- An NEC4 Term Service Contract for Highway Maintenance for a period of 8 years with the option to extend for a fixed 4-year period. The anticipated contract spend for the full duration is £225m.
- An NEC4 Term Service Contract for Highway Lighting, Illuminated & Electrical Assets for a period of 8 years with the option to extend for a fixed 4-year period. The anticipated contract spend for the full duration is £15m to £30m or £60m to £75m depending on the Highway Lighting Assets previously owned by the four District Councils.

1.2. This Report links directly to pages 8, 10 and 14 of the Somerset Council Plan 2023 – 2027.

2. Issues for consideration / Recommendations

- 2.1.** The procurement process looks to offer best value to the Council, in terms of quality and price.
- 2.2.** The purpose of this Scrutiny meeting is an information session in advance of completing the procurement process.

3. Background

- 3.1.** Somerset Council's current Highways Term Maintenance Contract (TMC) runs for 7 years to the end of March 2024 with the opportunity of three separate one-year extensions enabled by good performance in achieving contract key performance indicators. The contractor (Milestone) has not met the performance requirements which would enable extension of the contract. Therefore, under the terms of the contract the existing Highways TMC is due to finish on 31st March 2024 and a new contract or set of contracts will need to be in place on 1st April 2024 to ensure that the Council can continue to deliver essential Statutory highway maintenance services (in its capacity as Highway Authority), and construct new small and medium sized new asset schemes (such as the small improvement schemes, and safety schemes programmes).
- 3.2.** A great deal of preparatory work has been undertaken through the stages of the commissioning cycle to date including:
 - Financial analysis of spend through the contract (June 2021).
 - Value for money review to establish a benchmarked value for money position compared to other authorities for current highway service/ contract delivery and improvement priorities. (issued June 2021)
 - Lessons-learned review in respect of procurement and delivery of the current highways contract. This covered overall approach and outcomes, commercial and contract, service delivery, fleet maintenance and new asset delivery (April 2021).
 - Highway service delivery options review utilising a standardised Future Highways Research Group options toolkit. (issued Sept 2020).
 - Internal scoping workshop to consider the preferred shape and scope of a replacement term maintenance contract. (July 2021).
 - Highway services market analysis undertaken by DMSqd independent highways services consultancy. (issued August 2021).
- 3.3.** In October 2021 the Project Board approved a new procurement strategy, based on the above, for replacing the current arrangements by dividing the Term Maintenance Contract activity into 4 separate contracts, (Surfacing, Surface Treatments, New Assets and Term Maintenance), and agreed the

proposed scope of the contracts to be taken forward to the Market Engagement stage.

A network that is adapted and resilient to climate change with a reduced carbon output, both in usage and maintenance, to contribute to the commitment for Somerset to be carbon neutral by 2030

A safe, serviceable and sustainable network that is fit for purpose for all users under all conditions and supports the development of the local economy

A service based on the intelligent client model that develops and sustains collaborative partnerships that deliver the objectives of all partners

A flexible and agile service that attracts and retains the best people and embraces best practice and new technologies to enable innovation

Sustain a financially resilient service that adopts robust asset management principles and delivers best value with the resources available

Optimise service efficiency and maximise income from commercialisation and external funding

A service that maximises social value and provides valuable local opportunities for individuals and businesses

An informed community that has high public satisfaction and is engaged and enabled to do more for themselves

3.4. In light of the strategic objectives, the Council has resolved to:

- Take more control over the design and delivery of the highways maintenance programmes, taking a stronger client asset management approach and determining the most appropriate standards and locations for treatment.
- Develop a more direct relationship with the supply chain, reducing outsourced management of sub-contractors and enabling direct discussion about potential innovation.
- Provide a more bespoke arrangement for delivery of new asset schemes (such as small and medium sized improvement schemes) to give greater cost predictability.
- Where possible incorporate specification of a wider range of Unitary Council public realm maintenance services rather than solely highway related services (e.g., by widening the highway lighting contract to incorporate all illuminated and electrical assets) and allow flexibility for

a wider range of relevant Unitary Council public realm maintenance services to be delivered through these contracts over time.

- Include explicit requirements for at least a 50% reduction in carbon emissions over the lifetime of the contracts through an agreed climate change plan.

- 3.5.** A Non-Key Decision was taken in November 2021 authorising commencement of a procurement process and market engagement activity to replace the current Highways Term Maintenance contract by April 2024, and to appoint Mills & Reeve as legal advisors to support the creation of contract Terms and Conditions under the Framework ‘Wider Public Sector Legal Services RM3788’.
- 3.6.** In December 2021 a Non-Key Decision was taken to commence a procurement process and market engagement activity to replace the current Highway Lighting Term Maintenance contract by April 2024. In January 2022 the Project Board agreed to include this under the same governance and procurement process as the 4 Term Maintenance replacement contracts
- 3.7.** The market engagement process took place in early 2022 to test and refine the procurement strategy prior to preparing detailed contract documents.
- 3.8.** Following the preparation and review of contract documents including the scope of works, contract terms and evaluation process; invitations to tender were issued as follows:
- Highway Maintenance Contract:
 - Initial ITT issued 12th December 2022; tenders received 20th April 2023. This uses a competitive with negotiation procedure that allows negotiation on specific issues if beneficial prior to submission of final tenders, but also allows award based on the initial tender at the Council’s discretion. Following review of initial tenders, it is recommended that the Council proceed with the negotiation procedure.
 - Final ITT issued 24th July 2023; tenders received 18th August 2023.
 - Highway Surface Treatments Contract: ITT issued 23rd June 2023; tenders received 18th August 2023.
 - Highway Surfacing Contract: ITT issued 23rd June 2023; tenders received 1st September 2023.

- Highway Lighting illuminated and Electrical Assets: ITT issued 23rd June 2023; tenders received 15th September 2023.
- Highway New Assets Contract: ITT issued 14th July 2023; tenders received 22nd September 2023.

4. Consultations undertaken

- 4.1.** In January 2022 a Prior Information Notice (PIN) Market Engagement – Highways Maintenance Future Requirements was published. In February 2022 a virtual Market Engagement event was held. During March and April 2022, a total of 21 one-to-one sessions were held with the industry.

In June 2022 Hampshire County Council (HCC) were invited to carry out a peer review of the draft contract documentation.

Advance information was provided to HCC and three representatives visited County Hall, Taunton for three days between 28th and 30th June. They met with Somerset staff who updated them on the process to date and went through the draft tender contract documentation in more detail.

At the end of the three days, a “hot debrief” was held and HCC reported their observations to the Somerset group. This helpful information then fed into the programming, production and content of the contract documents from then on.

- 4.2.** In October 2022 a Prior Information Notice (PIN) Highway Lighting – Market Engagement – Somerset Illuminated Assets – Term Maintenance Contract was published. In November 2022, a total of 7 one-to-one sessions were held with the industry.

5. Implications

- 5.1.** These contracts will be the key contracts for most of the Council’s external spend on highway maintenance and the construction of smaller new highway asset schemes and will be an option for wider unitary Council spend, for instance in areas of public realm.
- 5.2.** There is a likelihood that the new contracts from 2024 will result in increased rates for capital and revenue highways activity since the previous procurement process (2017) included a price hurdle which sought to keep revenue rates in particular at a level that did not exceed that of the previous contract awarded in 2010.

- 5.3.** Whilst every effort has been taken through the procurement process to incentivise and achieve the best possible rates the market can offer; it would be unrealistic to assume that the rates awarded in 2010 can still be matched in 2024.
- 5.4.** A lessons learned review has also concluded that seeking to achieve artificially low rates at the outset of a new contract can lead to a challenging commercial relationship and significant cost claims once in-contract. A contract that is commercially sustainable for the contractor is more likely to lead to a collaborative and innovative relationship that can add real value to delivery of highway services.
- 5.5.** The MTFP process in the lead-up to award of the new contract will need to take account of financial modelling for the new contract which will emerge from the tender process. The MTFP process will need to consider options to accommodate an increase in rates in the context of the available capital and revenue budgets at the time including options such as reducing funding for activity elsewhere, reducing the annual programme of work delivered through the contracts, and reducing service levels on revenue funded routine maintenance activity.
- 5.6.** The new contracting model will involve in-sourcing of some functions which are currently undertaken by the contractor, and there are TUPE processes to undertake as part of the demobilisation and mobilisation process. The highways service organisational structure and business processes will also need to adapt to reflect the changes in the model of service delivery.

6. Appendices

- 6.1.** Appendix A - Decision Report – Non-Key Decision, Decision Date 21/12/21
Appendix B - Decision Report – Non-Key Decision, Decision Date 12/11/21
Appendix C – Scrutiny Committee Presentation

Note For sight of individual background papers please contact the report author

NOT USUALLY PUBLISHED ON THE COUNCIL'S WEBSITE (SEE GUIDANCE NOTES)

Decision Report - Non-Key Decision

Decision Date - 21/12/21



**NON-KEY DECISION TAKEN BY THE DIRECTOR FOR ECONOMIC AND COMMUNITY
INFRASTRUCTURE COMMISSIONING**

Author Contact Details: Peter Lowry, Highways Asset Commissioning Officer,
07971 658531

Details of the decision:

That the Director of Economic and Community Infrastructure Commissioning:

- Authorises commencement of a procurement process and market engagement activity to replace the current Highway Lighting Term Maintenance contract by April 2024.

Reasons for the decision:

Somerset County Council's existing highway lighting term maintenance contract is due to end on 31st March 2024. The contract started in 2012 and allowed for up to 48 months of extension, all of which will have been taken. The Council is now seeking to procure a new contract.

Therefore, under the terms of the contract the existing Lighting TMC is due to finish on the 31st of March 2024 and a new contract or set of contracts will need to be in place on the 1st of April 2024 to ensure that the Council can continue to deliver essential lighting maintenance services.

Background to the decision:

Background

Scottish and Southern Electric (SSE) now Enevo was awarded current the Lighting Term Maintenance contract which commenced in April 2012 following a competitive procurement process. The Authority has responsibility to carry out installation, maintenance and replacement of lighting and associated infrastructure on the Highways network.

The current contract commenced 01 Apr 2012 for a period of 8 years (96 months) with options to extend for a further 4 years (48 months) – with the extension options taken the expiry of the current is 31 Mar 2024. The total value of the contract is £14.4m with an estimated annual spend by the Authority of £1.8m.

A replacement contract will be required to enable delivery of the same/similar works and services to commence from 01 Apr 2024.

The Authority estimates and annual spend in the range of £1.5 million - £2 million. The total estimated value of the contract may be up to £40-£50 million depending upon district highway lighting assets.

The Authority has applied for DFT funding to update its aging asset estate but to date has been unsuccessful. Should the Authority be successful in securing further funding then it will need a mechanism to quickly and cost effectively purchase a potentially large value of works. It is envisaged that if there is any additional funding the work will be delivered through this contract.

Somerset County Council manages 57,277 illuminated units; this includes streetlights on columns and illuminated bollards. Currently 32,685 of our illuminated assets have been converted to LEDs. This is 57% of the total number of streetlights managed by SCC. Each LED lamp provides a better quality of white-light illumination for road users along with a 57% energy saving compared to the equivalent SON lamp that would have been previously used. They also provide a maintenance saving as LEDs lamps can be burnt to failure, with an expected life of potentially up to 20 years, rather than having to be replaced every 3-4 years compared with SON lamps.

The majority of these 32,685 LEDs have been installed in the past 5 years, with 18,000 having been installed through an enhanced capital investment programme.

A further 3,441 streetlights have been converted to Phillip's CosmoPolis lamps, with a dimming regime applied. These are also white-light lamps but are conventional SON lamps rather than LEDs. They provide an energy saving of approx. 50% compared with a conventional SON lamp, are cheaper to install per unit than a LED, but they have higher lifetime maintenance costs than a LED (as they are still SON lamps). They are a suitable option for older columns that lack the structural strength to bear a LED lamp and that have less than a decade of life left before requiring replacement.

For the remaining 24,592 streetlights that have not had LEDs installed yet the intention is that they will be converted either when additional capital becomes available or at the point where the unit requires a full replacement. The existing SCC policy is that where new streetlights are adopted as part of a new development or scheme, they are required to be LED lamps rather than SON.

The majority of the remaining SON lamps are now on older, life expired columns that will all be replaced within the next 12 years based on current forecasts. The profile of these remaining streetlights are typically lower lumen output, lower wattage, on older columns and located on estate roads or minor roads.

The lower wattage diminishes the scope of the feasible energy saving through adopting an LED. Being installed on older columns also means a whole column replacement would be necessary to install an LED, due to weight bearing and structural issues on older columns, and space within the column cavity for new components. Most lamps replaced so far have been on newer columns, with high wattage, high lumen lamps and therefore the greatest potential for energy savings.

Through the programme to convert 18,000 street lighting to LEDs it was predicted that £490K would be saved and this has been realised. However, energy prices have also increased across the past 4 years. Therefore, annual revenue spend on energy for street lighting has remained relatively constant over the past 4 years at £2.4 million per year. Without the investment in LEDs this revenue spend would have been approximately 30% higher, in the region of £3 million per year.

Financial, legal and business risk implications.

The total value of the current contract is £14.4 million between 01 April 2012 and 31 March 2020. The current annual spend through the contract is £1.52m; this is both capital and revenue, with revenue spend standing at £970K, and capital £550K.

It is anticipated that the total spend through the next contract over a proposed 10-year contract period could be up to £40-£50 million. This figure is comprised of up to £30 million for existing SCC assets and potentially a further £20 million if the current District lighting assets are also maintained through this contract.

A further £2.4 million of revenue funding Per year is used to cover the authority's energy consumption costs. That budget is not spent through the street lighting maintenance contract.

At current contract prices the Council would need a further £20 million investment to replace all its remaining aging stock of columns and convert them to new columns with LEDs.

The proposed procurement process will be largely delivered using the staff resources available within the highways commissioning function, highways operations and the commercial and procurement. Financial provision for external legal advice will need to be funded from highways operations, existing contracts form a sound basis to evolve a new set of contract documentation. As it is anticipated that standard Council terms and conditions will be used to supplement the standard contract, it is not anticipated that there will be a significant cost to the procurement process. The actual cost will be confirmed at an early stage in the project.

The opportunity will be advertised at the Level through the publication of an FTS Contact Notice and a notice in Contracts Finder.

As part of local government reform (LGR) Somerset County Council and the four District Councils will combine to form a unitary council in 2023. The effect on the scope of the

contract resulting from the creation of the Unitary Council is at present unknown. A project is being initiated to manage the procurement process. The project will set out and manage the activities needed to be addressed before we go to market. One of these activities is to assess the likely number of street lighting assets and their condition, currently with the Districts that could be managed through this contract. The assessment will need to identify the number of assets to be maintained as well as those that could be converted to LED's as part of SCC and the Districts climate change emergency commitment to be carbon neutral by 2030. This work is due to commence once the decision to start the procurement process has been taken.

As well as the reduced energy consumption of the lamp, LEDs have the benefit of a much longer operational life before they need to be replaced. An LED stock also has the advantage that it can be flexibly and remotely operated through a central management system (CMS) to control when and where lamps are on, off or dimmed, which would enable further energy savings to be achieved. Cosmopolis gear trays also have the capability to incorporate a CMS.

Legal

Somerset County Council is the Highways Authority for Somerset. The key legislation that covers the delivery of highways services and the responsibilities of a Highways Authority are the Highways Act (1984), and the New Roads and Street Works Act (1991).

Section 41 of the Highways Act (1980) states that "the authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty to maintain the highway". This duty extends to maintaining installed and adopted street lighting on the highway network to a safe standard.

On procurement matters, Somerset County Council is required to follow procurement law and regulations, the Public Contracts Regulations 2015 (PCR 2015) in line with the estimated value of the contracts.

Where a contract is above the Threshold for Works contracts, set at £5,336,937 from 1st January 2022, it is required to be advertised in the national Find a Tender Service (FTS) and Contracts Finder.

The procurement process for an above threshold contract is required to follow one of the processes set out in PCR 2015 regulations 26-32.

Commercial

The NEC TSC contract will be used. The terms of the recent Structures Framework will be utilised to form the basis of the conditions of contract.

'Due regard' considerations.

Consideration has been given to people with protected characteristics. Whilst this work is at a very early stage with a decision to commence the procurement stage, an initial review has identified potentially positive outcomes as follows:

- Continued delivery of well-maintained highway lighting assets which if not maintained would present risks (such as an increase in anti-social behaviour)

- Continued delivery of a well-maintained highway lighting assets which is essential in maintaining a continuity in service and reduction in carbon emissions in line with SCC climate emergency policy.

Links to the County Vision, Business Plan.

The new highways lighting contract will have strong links to the following business plan outcomes:

- A county infrastructure that drives recovery, supports economic prosperity, productivity and sustainable public services.
- Safe, vibrant and well-balanced communities, able to enjoy and benefit from the natural environment whilst addressing climate change.

Alternative options considered and rejected.

- Somerset County Council has a legal obligation to maintain its stock of street lighting units in a safe condition. Therefore, it is obliged to maintain a continuity of service. Options were considered to extend the current contract by either one or two years. The current contract does allow for these extensions. The concern is that this would not allow the Council the scope to undertake additional programmes of work above routine maintenance, which has been an issue that has arisen in the past 4 years. Current spend through the existing contract does not allow the scope to undertake any further substantial additional street lighting replacement programmes. Research and market testing has also indicated the potential to gain from going to the market now

Background papers:

None.

Compliance section:

Members consulted; members informed :	No
Officer consultations completed:	Yes
Senior (including statutory) officer sign off completed	Yes
Public / other consultations undertaken	Not considered necessary
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Strategic Manager?	Yes
Are there any legal considerations to be made?	Yes
Has Legal Services been consulted (specific requirement for changes in service delivery, procurement, contracts or property matters?	Yes
Are there any TUPE implications arising?	Unknown
Has HR/OD been consulted?	Yes
Is the decision likely to lead to a procurement exercise or contract award / change ? Yes	
Has the Commercial and Procurement Team been consulted? Yes	
Strategic Commissioning Group consulted for commissioning ?	Yes
Are there any risks arising? (liaise with Pam Pursley regarding these Routine project risks noted below	
Have mitigating actions already been taken?	None necessary
Have all Due Regard (equalities) implications been considered? (liaise with Tom Rutland regarding these)	Yes
If ticked 'No' or 'not considered necessary' for any of the above, please provide your justification below:	
<p>Public consultation: Public consultation with respect to the contractual form of service delivery is not considered necessary or appropriate.</p> <p>Risks: Risk in commencing the procurement process has been carefully considered and the key risk identified is the impact on other highways activity in directing staff capacity at this project. The project board to director level considers that as there is no choice but to undertake this activity, the risks should be monitored and managed appropriately. A specific risk in relation to the commercial management of the existing contract has been identified and will be monitored whilst there is reduced capacity in that area (for approximately 3 months).</p>	

Member consultation completed:	Name(s)	Date
Relevant local County Councillors consulted where decision directly affects their Division	Not Applicable.	

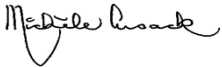
Appendix A

Relevant Cabinet Member(s) consulted (if applicable)	Cllr John Woodman – Cabinet Member for Highways and Transport	15/12/2021
Opposition Spokesperson informed (if applicable)	Cllr Mike Rigby – Opposition Spokesperson.	15/12/2021
Chairman of relevant Scrutiny informed (if applicable)	Cllr Anna Groskop for Scrutiny Place	15/12/2021

Decision Maker

I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.

Signed by relevant SLT Director:



Name: Michele Cusack.

Post: Director Economic and Community Infrastructure Commissioning

Date: 21.12.21

Note – a copy of this signed decision should be sent to Scott Wooldridge, Monitoring Officer, Democratic Services

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Version	1	Date	16/12/21
Description of what is being impact assessed			
Decision to commence procurement of a new highways contract or contracts.			
Evidence			
<p>What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the Office of National Statistics, Somerset Intelligence Partnership, Somerset's Joint Strategic Needs Analysis (JSNA), Staff and/ or area profiles, should be detailed here</p>			
<p>Professional judgement on typical impacts of highways service activity.</p>			
Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?			
None. Initial decision to commence procurement activity so consultation with protected groups not appropriate at this stage.			

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> New contract will enable continued delivery of a well-maintained highway lighting which if not maintained would present risks (an increase in anti-social behaviour and an increase in carbon emissions). 	□	□	☒
Disability	<ul style="list-style-type: none"> New contract will enable continued delivery of a well-maintained highway lighting which if not maintained would present risks (an increase in anti-social behaviour and an increase in carbon emissions) 	□	□	☒
	<ul style="list-style-type: none"> Reduced accessibility for disabled people who use wheelchairs and sticks or have a visual impairment 	☒	□	□
Gender reassignment	<ul style="list-style-type: none"> None identified. 	□	☒	□

Marriage and civil partnership	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Pregnancy and maternity	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Race and ethnicity	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Religion or belief	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Sex	Conduct of works and potential for unwanted conduct towards women.	☒	☐	☐
Sexual orientation	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	New contract will enable continued delivery of a well-maintained highway lighting which if not maintained would present risks (an increase in anti-social behaviour and an increase in carbon emissions).	☐	☐	☒

Negative outcomes action plan

Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.

Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Disability – check and balance policy and procedure in place – procurement process or NRSWA	16/12/2021	Peter Lowry	Updated as and when required	<input checked="" type="checkbox"/>
Sex – check and balance policy in forefront of thought process during contract management and procurement	16/12/2021	Peter Lowry	Updated as and when required	<input checked="" type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

N/A

Completed by:

Peter Lowry

Appendix A

Date	13/12/21
Signed off by:	Mike O'Dowd-Jones
Date	13/12/21
Equality Lead/Manager sign off date:	Tom Rutland
To be reviewed by: (officer name)	Peter Lowry
Review date:	16/12/2021

**Decision Report - Non-Key Decision****Decision Date - 21/12/21****NON-KEY DECISION TAKEN BY THE DIRECTOR FOR ECONOMIC AND COMMUNITY INFRASTRUCTURE COMMISSIONING****Author Contact Details:** Peter Lowry, Highways Asset Commissioning Officer, 07971 658531**Details of the decision:**

That the Director of Economic and Community Infrastructure Commissioning:

- Authorises commencement of a procurement process and market engagement activity to replace the current Highway Lighting Term Maintenance contract by April 2024.

Reasons for the decision:

Somerset County Council's existing highway lighting term maintenance contract is due to end on 31st March 2024. The contract started in 2012 and allowed for up to 48 months of extension, all of which will have been taken. The Council is now seeking to procure a new contract.

Therefore, under the terms of the contract the existing Lighting TMC is due to finish on the 31st of March 2024 and a new contract or set of contracts will need to be in place on the 1st of April 2024 to ensure that the Council can continue to deliver essential lighting maintenance services.

Background to the decision:

Background

Scottish and Southern Electric (SSE) now Enevo was awarded current the Lighting Term Maintenance contract which commenced in April 2012 following a competitive procurement process. The Authority has responsibility to carry out installation, maintenance and replacement of lighting and associated infrastructure on the Highways network.

The current contract commenced 01 Apr 2012 for a period of 8 years (96 months) with options to extend for a further 4 years (48 months) – with the extension options taken the expiry of the current is 31 Mar 2024. The total value of the contract is £14.4m with an estimated annual spend by the Authority of £1.8m.

A replacement contract will be required to enable delivery of the same/similar works and services to commence from 01 Apr 2024.

The Authority estimates and annual spend in the range of £1.5 million - £2 million. The total estimated value of the contract may be up to £40-£50 million depending upon district highway lighting assets.

The Authority has applied for DFT funding to update its aging asset estate but to date has been unsuccessful. Should the Authority be successful in securing further funding then it will need a mechanism to quickly and cost effectively purchase a potentially large value of works. It is envisaged that if there is any additional funding the work will be delivered through this contract.

Somerset County Council manages 57,277 illuminated units; this includes streetlights on columns and illuminated bollards. Currently 32,685 of our illuminated assets have been converted to LEDs. This is 57% of the total number of streetlights managed by SCC. Each LED lamp provides a better quality of white-light illumination for road users along with a 57% energy saving compared to the equivalent SON lamp that would have been previously used. They also provide a maintenance saving as LEDs lamps can be burnt to failure, with an expected life of potentially up to 20 years, rather than having to be replaced every 3-4 years compared with SON lamps.

The majority of these 32,685 LEDs have been installed in the past 5 years, with 18,000 having been installed through an enhanced capital investment programme.

A further 3,441 streetlights have been converted to Phillip's CosmoPolis lamps, with a dimming regime applied. These are also white-light lamps but are conventional SON lamps rather than LEDs. They provide an energy saving of approx. 50% compared with a conventional SON lamp, are cheaper to install per unit than a LED, but they have higher lifetime maintenance costs than a LED (as they are still SON lamps). They are a suitable option for older columns that lack the structural strength to bear a LED lamp and that have less than a decade of life left before requiring replacement.

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Financial, legal and business risk implications.

The total value of the current contract is £14.4 million between 01 April 2012 and 31 March 2020. The current annual spend through the contract is £1.52m; this is both capital and revenue, with revenue spend standing at £970K, and capital £550K.

It is anticipated that the total spend through the next contract over a proposed 10-year contract period could be up to £40-£50 million. This figure is comprised of up to £30 million for existing SCC assets and potentially a further £20 million if the current District lighting assets are also maintained through this contract.

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Section 41 of the Highways Act (1980) states that "the authority who are for the time being the highway authority for a highway maintainable at the public expense are under a duty to maintain the highway". This duty extends to maintaining installed and adopted street lighting on the highway network to a safe standard.

On procurement matters, Somerset County Council is required to follow procurement law and regulations, the Public Contracts Regulations 2015 (PCR 2015) in line with the estimated value of the contracts.

Where a contract is above the Threshold for Works contracts, set at £5,336,937 from 1st January 2022, it is required to be advertised in the national Find a Tender Service (FTS) and Contracts Finder.

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Commercial

The NEC TSC contract will be used. The terms of the recent Structures Framework will be utilised to form the basis of the conditions of contract.

'Due regard' considerations.

Consideration has been given to people with protected characteristics. Whilst this work is at a very early stage with a decision to commence the procurement stage, an initial review has identified potentially positive outcomes as follows:

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Links to the County Vision, Business Plan.

The new highways lighting contract will have strong links to the following business plan outcomes:

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Alternative options considered and rejected.

- Somerset County Council has a legal obligation to maintain its stock of street lighting units in a safe condition. Therefore, it is obliged to maintain a continuity of service. Options were considered to extend the current contract by either one or two years. The current contract does allow for these extensions. The concern is that this would not allow the Council the scope to undertake additional programmes of work above routine maintenance, which has been an issue that has arisen in the past 4 years. Current spend through the existing contract does not allow the scope to undertake any further substantial additional street lighting replacement programmes. Research and market testing has also indicated the potential to gain from going to the market now

Background papers:

None.

Compliance section:

Members consulted; members informed :	No
Officer consultations completed:	Yes
Senior (including statutory) officer sign off completed	Yes
Public / other consultations undertaken	Not considered necessary
Do you have sufficient budget or additional funding available and approval to commit this budget or funding and has this been confirmed with the appropriate Finance Service or Strategic Manager?	Yes
Are there any legal considerations to be made?	Yes
Has Legal Services been consulted (specific requirement for changes in service delivery, procurement, contracts or property matters)?	Yes
Are there any TUPE implications arising?	Unknown
Has HR/OD been consulted?	Yes
Is the decision likely to lead to a procurement exercise or contract award / change ? Yes	
Has the Commercial and Procurement Team been consulted? Yes	
Strategic Commissioning Group consulted for commissioning ?	Yes
Are there any risks arising? (liaise with Pam Pursley regarding these Routine project risks noted below	
Have mitigating actions already been taken?	None necessary
Have all Due Regard (equalities) implications been considered? (liaise with Tom Rutland regarding these)	Yes
If ticked 'No' or 'not considered necessary' for any of the above, please provide your justification below:	
<p>Public consultation: Public consultation with respect to the contractual form of service delivery is not considered necessary or appropriate.</p> <p>Risks: Risk in commencing the procurement process has been carefully considered and the key risk identified is the impact on other highways activity in directing staff capacity at this project. The project board to director level considers that as there is no choice but to undertake this activity, the risks should be monitored and managed appropriately. A specific risk in relation to the commercial management of the existing contract has been identified and will be monitored whilst there is reduced capacity in that area (for approximately 3 months).</p>	

Member consultation completed:	Name(s)	Date
Relevant local County Councillors consulted where decision directly affects their Division	Not Applicable.	

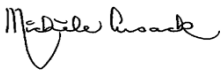
Appendix B

Relevant Cabinet Member(s) consulted (if applicable)	Cllr John Woodman – Cabinet Member for Highways and Transport	15/12/2021
Opposition Spokesperson informed (if applicable)	Cllr Mike Rigby – Opposition Spokesperson.	15/12/2021
Chairman of relevant Scrutiny informed (if applicable)	Cllr Anna Groskop for Scrutiny Place	15/12/2021

Decision Maker

I am aware of the details of this decision, have considered the reasons, options, representations and consultation responses (where applicable) and give my approval / agreement to its implementation.

Signed by relevant SLT Director:



Name: Michele Cusack.

Post: Director Economic and Community Infrastructure Commissioning

Date: 21.12.21

Note – a copy of this signed decision should be sent to Scott Wooldridge, Monitoring Officer, Democratic Services

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer

Version

1

Date

16/12/21

Description of what is being impact assessed

Decision to commence procurement of a new highways contract or contracts.

Evidence

What data/information have you used to assess how this policy/service might impact on protected groups? Sources such as the [Office of National Statistics](#), [Somerset Intelligence Partnership](#), [Somerset's Joint Strategic Needs Analysis \(JSNA\)](#), Staff and/ or [area profiles](#), should be detailed here

Professional judgement on typical impacts of highways service activity.

Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?

None. Initial decision to commence procurement activity so consultation with protected groups not appropriate at this stage.

259048

Analysis of impact on protected groups

The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. Consider how this policy/service will achieve these aims. In the table below, using the evidence outlined above and your own understanding, detail what considerations and potential impacts against each of the three aims of the Public Sector Equality Duty. Based on this information, make an assessment of the likely outcome, before you have implemented any mitigation.

Protected group	Summary of impact	Negative outcome	Neutral outcome	Positive outcome
Age	<ul style="list-style-type: none"> New contract will enable continued delivery of a well-maintained highway lighting which if not maintained would present risks (an increase in anti-social behaviour and an increase in carbon emissions). 	☐	☐	☒
Disability	<ul style="list-style-type: none"> New contract will enable continued delivery of a well-maintained highway lighting which if not maintained would present risks (an increase in anti-social behaviour and an increase in carbon emissions) 	☐	☐	☒
	<ul style="list-style-type: none"> Reduced accessibility for disabled people who use wheelchairs and sticks or have a visual impairment 	☒	☐	☐
Gender reassignment	<ul style="list-style-type: none"> None identified. 	☐	☒	☐

Marriage and civil partnership	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Pregnancy and maternity	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Race and ethnicity	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Religion or belief	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Sex	Conduct of works and potential for unwanted conduct towards women.	☒	☐	☐
Sexual orientation	<ul style="list-style-type: none"> None identified 	☐	☒	☐
Other, e.g. carers, veterans, homeless, low income, rurality/isolation, etc.	New contract will enable continued delivery of a well-maintained highway lighting which if not maintained would present risks (an increase in anti-social behaviour and an increase in carbon emissions).	☐	☐	☒

Negative outcomes action plan Where you have ascertained that there will potentially be negative outcomes, you are required to mitigate the impact of these. Please detail below the actions that you intend to take.				
Action taken/to be taken	Date	Person responsible	How will it be monitored?	Action complete
Disability – check and balance policy and procedure in place – procurement process or NRSWA	16/12/2021	Peter Lowry	Updated as and when required	<input checked="" type="checkbox"/>
Sex – check and balance policy in forefront of thought process during contract management and procurement	16/12/2021	Peter Lowry	Updated as and when required	<input checked="" type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
	Select date			<input type="checkbox"/>
If negative impacts remain, please provide an explanation below.				
N/A				
Completed by:		Peter Lowry		

Appendix B

Date	13/12/21
Signed off by:	Mike O'Dowd-Jones
Date	13/12/21
Equality Lead/Manager sign off date:	Tom Rutland
To be reviewed by: (officer name)	Peter Lowry
Review date:	16/12/2021

Scrutiny Committee

Award of contracts for highways
services

Date 20th September 2023



Introduction

The Term Maintenance contract (TMC) and Highway Lighting contract both end on 31st March 2024.

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They are to be replaced by five new contracts:

- **Highway Maintenance**
- **Highway Surfacing**
- **Highway Surface Treatments (for example, surface dressing)**
- **Highway New Assets (for example new capital works)**
- **Highway Lighting, Illuminated & Electrical Assets**

Broad Ambition for our future Partnerships & Contracts

- Covering the basics well: Quality, value for money, social value, decarbonisation & environmental improvement, informed and satisfied Customers and Communities

- Intelligent clienting and sound asset management

- Investment in our county of Somerset, and attracting external funding

- Commercial arrangements that drive genuine innovation and good relationships

- Working more directly with the supply chain

- Collaboration and shared ownership across a suite of contracts and delivery partners

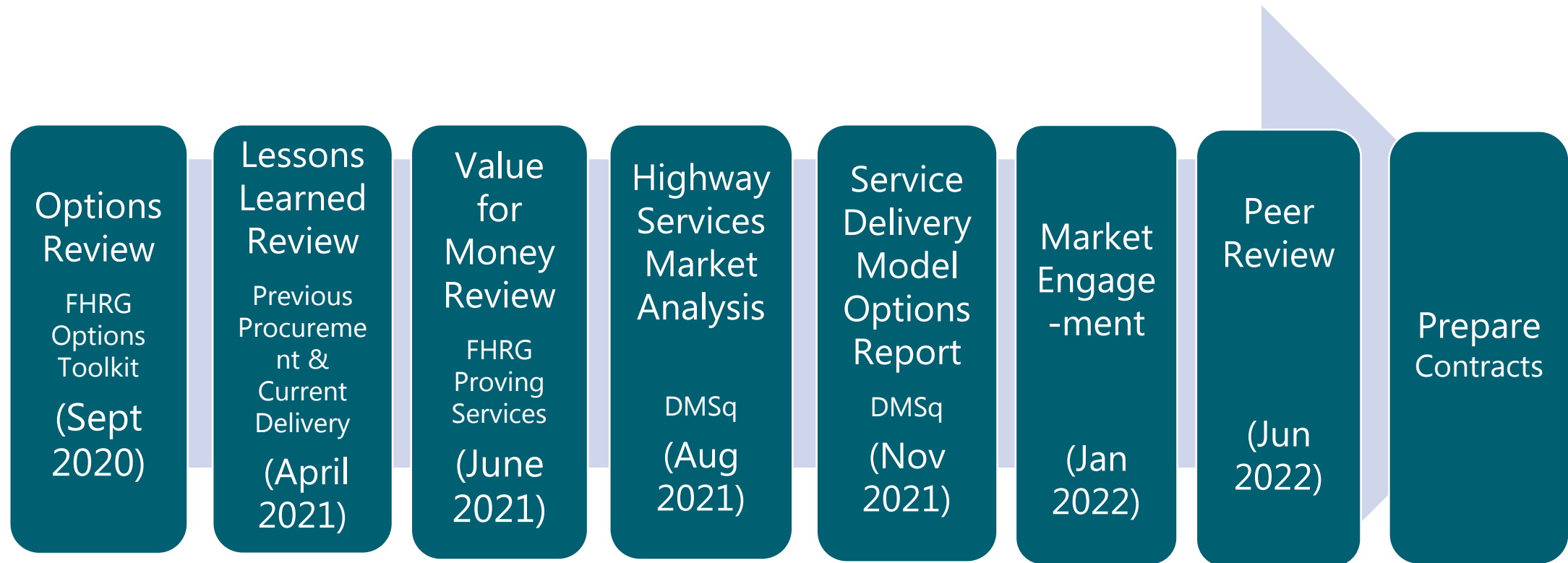
- Supporting Local Community Networks (LCNs)

Commissioning Intentions

- A network that is adapted and resilient to climate change with a reduced carbon output, both in usage and maintenance, to contribute to the commitment for Somerset to be carbon neutral by 2030
- A safe, serviceable and sustainable network that is fit for purpose for all users under all conditions and supports the development of the local economy
- A service based on the intelligent client model that develops and sustains collaborative partnerships that deliver the objectives of all partners
- A flexible and agile service that attracts and retains the best people and embraces best practice and new technologies to enable innovation
- Sustain a financially resilient service that adopts robust asset management principles and delivers best value with the resources available
- Optimise service efficiency and maximise income from commercialisation and external funding
- A service that maximises social value and provides valuable local opportunities for individuals and businesses
- An informed community that has high public satisfaction and is engaged and enabled to do more for themselves

Commissioning Process

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Procurement Strategy Objectives

- More control over the design and delivery. Stronger client asset management approach determining the most appropriate standards and locations for treatment.
- More direct relationship with the supply chain, reducing outsourced management of sub-contractors and enabling direct discussion about potential innovation.
- More bespoke arrangement for delivery of new asset schemes - greater cost predictability.
- Incorporate specification of a wider range of Unitary Council public realm maintenance services.
- Explicit requirements for at least a 50% reduction in carbon emissions over the lifetime of the contracts through an agreed climate change plan.
(Includes electric vehicles, 2.5 tonnes, alternative fuelled fleet for larger

Service Dimensions

The highway network is the largest asset managed by Somerset Council by scale and value. Large, rural character of county with diverse terrain and few large towns.

- 6710km of Carriageway
- 2,607km of Footways
- 630km of Cycleways
- 6,187km of Public Rights of Way
- 1380 bridges with a span over 1.5m
- 154,700 road drains and gullies
- Between 18,000 – 20,000 potholes per year
- 44 – 50 Winter actions per year
- Total Asset Gross Replacement Cost (GRC) of approximately £7.5 billion
- Depreciated Replacement Cost (DRC) of £6.8 billion.



Procurement Strategy

Stronger client asset management and design function including TUPE staff.

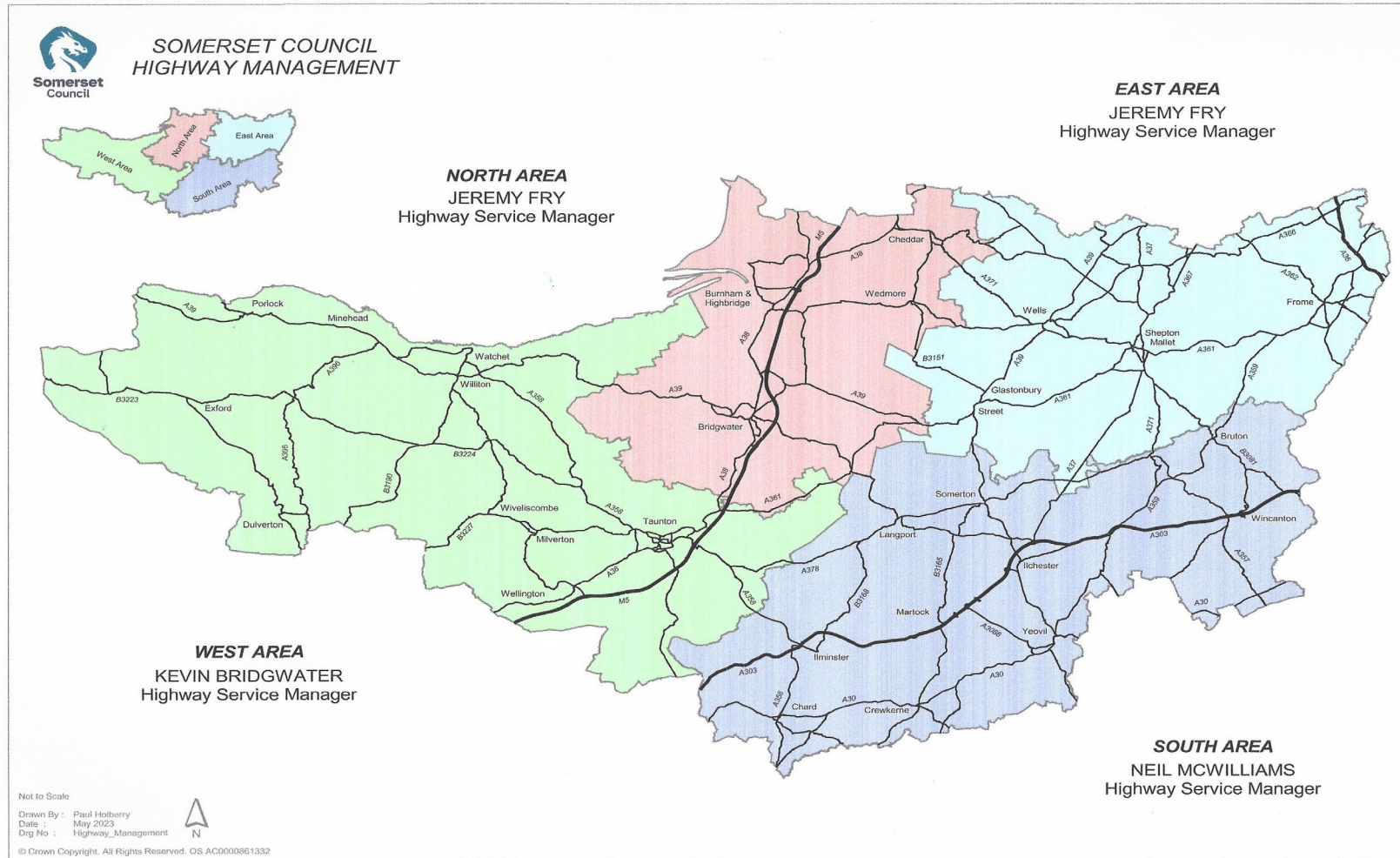
Replace current highways term maintenance contract with:

- Smaller term service maintenance contract. 8-year term + option for 4-year extension.
- Surfacing term service contract. 4-year term + option for 4-year extension.
- Surface treatments term service contract. 4-year term + option for 4-year extension.
- New Assets framework contract. 4-year term.

Replace current highway lighting contract with wider contract for highway lighting and illuminated and electrical assets. 8-year term + options for 4-year extension.

Collaboration board to ensure collaboration and coordination across contracts.

Somerset Maintenance Depot Overview



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Decision Report - Executive



Decision Date – 4 October 2023

Key Decision – Yes

Local Development Scheme and the establishment of a Planning and Transport Policy Sub-Committee of the Executive

Executive Member(s): Ros Wyke - Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: n/a

Lead Officer: Paul Hickson – Service Director Economy, Employment and Planning

Author: Alison Blom-Cooper - Assistant Director Strategic Place and Planning

Contact Details: alison.blomcooper@somerset.gov.uk

Summary

1. A Local Development Scheme (LDS) is required under section 15 of the Planning and Compulsory Purchase Act 2004 as amended. This must specify (among other matters) the development plan documents which, when prepared, will comprise part of the development plan for the area including the Local Plan, Minerals Plan, Waste Plan, and Neighbourhood Plans. These documents comprise the plans for land use across Somerset. The LDS may also reference the Local Transport Plan.
2. A Planning and Transport Policy Sub-Committee would oversee and monitor the review of the development plans and local transport plan and take delegated decisions on behalf of the Executive to ensure a more streamlined timetable for producing these documents. It will also facilitate the Council to ‘make’ Neighbourhood Plans within the statutory time period of 8 weeks from the date of the referendum.

Recommendations

3. The Executive Committee resolves to:
 - i) Approve the Local Development Scheme (Appendix 1) as the Council’s work programme for delivering the Development Plan; and

- ii) In consultation with the Lead Member for Economic Development, Planning and Assets delegated authority is given to the Service Director for Economy, Employment and Planning to agree any necessary final amendments prior to its publication; and
- iii) Agree to establish a Planning and Transport Policy Sub-Committee of the Executive with Terms of Reference as set out in Appendix 2

Reasons for recommendations

- 4. To meet the statutory requirement to maintain an up-to-date Local Development Scheme.
- 5. To ensure that formal decisions at key stages of development plan production and other planning policy and transport guidance can be made as soon as possible to maintain their production timetable as set out in the Local Development Scheme.

Other options considered

- 6. There is no alternative option to meet the statutory requirement.

Background

Local Development Scheme

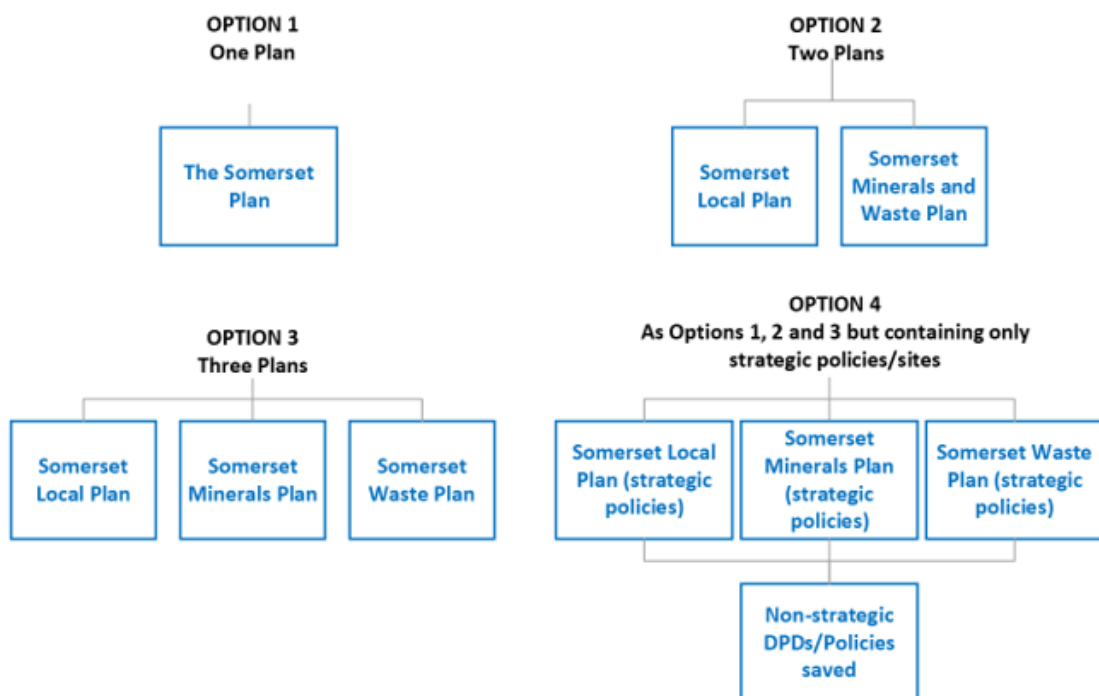
- 7. The scope and timeline for the preparation of development plan documents is set out in the Local Development Scheme (Appendix 1). The Council has a statutory responsibility to produce the Local Plan, Minerals Plan and Waste Plan. The LDS forms the agreed work programme for the Local Planning Authority (the Council area excluding Exmoor National Park). The LDS must also include details and timescales of the Mendip Site Allocations Review as agreed at Executive on 10 July 2023.
- 8. Development plan documents set out the vision and framework for the future development of the area. Until such time as a new Local Plan for Somerset is adopted, existing Local Plans remain in place for the former district areas. The existing Minerals Plan and Waste Core Strategy remain in place until they are replaced, or they are retained if a review confirms the policies are up to date and effective.

9. Under the structural change order the Council has a requirement to adopt a development plan by 1 April 2028 covering the whole of the Local Planning Authority's area. There may be sanctions for Somerset Council if this deadline is not met which would most likely take one of two forms: potentially a reduced New Homes Bonus provided to Councils who do not have an up to date Development Plan in place; or intervention by the Secretary of State to take over Plan-making

10. Alongside officer's expertise, DAC Planning and Arup were commissioned to provide critical friend advice on the approach to producing a Development Plan for the Council. With the consultant's extensive experience in supporting Local Authorities in plan-making specifically their work for the Planning Advisory Service they advised on scoping and structuring the Development Plan, risks, associated evidence base and resourcing required, costing evidence base and providing a realistic timetable for the Local Development Scheme. During October 2022, officers and DAC/Arup held a workshop for key Members to discuss findings. Outcomes and observations from the workshop informed the consultants recommendations and the local development scheme now proposed.

The Structure of the Development Plan

11. Officers and the critical friend report considered options for the Development Plan structure in Somerset. Four main options were considered:



12. Officers and the critical friend recommendation is Option 3 where the Local Plan is produced independently of the Minerals and the Waste Plans as different strands of the wider land use plan for Somerset. The production of the plans will share a common evidence base and will integrate with the Local Transport Plan to ensure all land use matters are considered strategically and collectively. This recommendation is based upon the following factors:
- Plans combining the different elements would take an extended amount of time. Having separate plans ensures that across the new authority area there is an up-to-date policy position (reducing the risks of speculative housing development and 'planning by appeal') at the earliest achievable time and that a long term strategy to address the phosphates issues can be put in place. Given this pressing need, there is a risk that a single issue in one plan could derail or significantly delay the adoption of the development plan as a whole. Separate plans means that each can be updated independently of each other.
 - Representatives of the wider industry have expressed a clear preference for taking forward separate Minerals and Waste Plans to ensure that sufficient priority being given to each issue.
 - Such an approach better reflects the direction of Government reform which indicates that Minerals and Waste Plans should be kept separate from Local Plans.
 - Being a unitary authority ensures that the Local Plan, Minerals and Waste and Transport planning teams will work closely and collaboratively to ensure key strategic matters are fully considered across the documents.
13. Plans that cover strategic and non-strategic matters ensure that a full suite of up-to-date policies is in place at the earliest achievable date and avoids key development management policies being adopted at a much later date. The proposed planning reforms may introduce some standardised development management policies at a national level. However, at the current time the Council must operate under the current planning system and it will be some time until any national development management policies are published for consultation and then adopted.
14. The structure of the Development Plan will be kept under review in future years.

The Somerset Local Plan timetable

15. The deadline of 1 April 2028 for the Development Plan to be in place (as set out in the structural change order creating the new authority) is incredibly

challenging. Officers worked with the critical friend to establish how this timetable could be met. In December 2022, an ambitious indicative timetable was drafted that anticipated that an up-to-date Local Plan could be in place by April 2028. This timetable assumed that adequate budget and resources were in place and that a streamlined approach to plan production was followed.

- 16. Officers recommend that the Council adopts a streamlined plan making process where engagement with technical stakeholders and community groups occurs at an early stage to consider issues and potential policy approaches. This would then be followed by one single round of formal consultation (Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This consultation would be on the draft Local Plan rather than a less formulated ‘options’ style document.
- 17. This approach is the only realistic way to shorten the standard Local Plan process whilst still complying with the regulatory stages. The Local Plan timetable therefore proposes taking this approach to deliver the Local Plan as early as possible given other mitigating factors as set out below:

Table 1: The proposed Local Plan timetable

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

- 18. The Government has proposed reforms to plan-making emerging through the implementation of the Levelling Up and Regeneration Bill, including the proposed introduction of a 30-month timescale for plan production. The proposals for the implementation of these provisions are currently out to consultation. This closes on 18 October 2023 with proposals for the relevant regulations timetabled for Autumn 2024. At present the Council is expected to operate under the current plan making system.

Mendip Site Allocations Review

19. The LPA is required to undertake a partial update of the Mendip Local Plan Part II (sites and policies). This involves reconsideration of the provision of 505 homes as a result of five sites which were deleted from the Plan as a result of a Judicial Review and their submission for examination. The key milestones are set by a High Court Order made on 14 July 2023 and must be included in the LDS. The scope of this work is limited to identifying sites for the 505 dwellings which are deliverable within the Mendip area and in the Plan Period to 2029. Given the need to bring forward a Somerset-wide development plan, a wider exercise for the East area (e.g. more housing or review of strategic policies) is neither warranted or justified. The Council will notify stakeholders of the scope of the update following agreement of the LDS.
20. The milestones in the Court Order require consultation on the preferred options by 31 December 2023, Publication under Regulation 19 of proposals by 31 March 2024 and submission to the Planning Inspectorate by 1 July 2024.

Climate change policies

21. Addressing both the climate and ecological emergencies is at the heart of the Council's decision making. The Council Plan 2023-27 states "*As we develop our new Local Plan, we will consider introducing new policies and work with developers to create sustainable new places and communities to the best environmental standards possible.*" The Local Plan is central to meeting the Council's climate targets as it cuts across all sectors in particular energy, transport and the built environment. This is reflected in the Climate Emergency Strategy with one outcome being "*All new developments (new homes and non-residential) will be highly energy efficient, at least zero carbon and climate resilient from as early a date as possible*". It is only the Local Plan that can ensure this outcome is delivered.
22. The Council is keen to adopt policies to ensure new developments are built to the best environmental standards as soon as practicable. One suggestion has been for the Council to produce a Climate Change Development Plan Document (CCDPD) in advance or alongside the production of the Local Plan.
23. However, the production of a CCDPD, even if produced alongside the Local Plan, would have serious implications for the delivery of the Local Plan. As explained under Financial and Risk Implications, the Local Plan is already significantly under resourced so by diverting resources away from the Local Plan to a CCDPD

is likely to mean the Local Plan timetable extending by at least a further 3-5 years and thereby increasing the risk of intervention by the Government and leaving Somerset without an up-to-date Local Plan for a longer period of time.

24. Cornwall Council had a relatively up-to-date plan (their Local Plan review in 2021 concluded the existing plan was up to date) upon which to build and as such had capacity in their resources to undertake a separate Climate Emergency DPD. Somerset Council does not have an up-to-date Local Plan so has a statutory duty to produce a Local Plan. The Council may face intervention by the Government if the Local Plan is not adopted by 1 April 2028. In 2019, intervention by the Secretary of State took place at two Local Planning Authorities (Wirral Council and Thanet District Council) for failing to progress with their Local Plan under powers in Section 27(2)(b) of the Planning and Compulsory Purchase Act 2004. For this reason, it is the view of officers that the Local Plan must take priority over a CCDPD. The Council does not have a statutory duty to produce a CCDPD.
25. It is important to recognise that a CCDPD would not necessarily mean policies being adopted any sooner than if they were delivered as part of the Local Plan. This is because the CCDPD would need to follow exactly the same production stages as set out in legislation with limited opportunity for streamlining the timetable.
26. For the reasons set out, Officers do not recommend progressing a Climate Change DPD. Climate change policies should be included within the Local Plan.
27. Rolling out the *Climate Positive Planning: Interim Guidance Statement on Planning for the Climate and Ecological Emergency* to the whole of Somerset (it only applies to the former Somerset West and Taunton area) was considered as an option. The Climate Positive Planning statement is not planning policy but is a technical explanatory document identifying how the requirements of adopted planning policies may be viewed in assessing development proposals. It cannot require more than is set out in adopted policies but seeks to ensure that the best outcomes are achieved from adopted policies.
28. The rollout of the statement would involve a detailed assessment of the relevance and justification of planning policies within the other adopted Local Plans (Sedgemoor Local Plan, Mendip Local Plans Part I and Part II and South Somerset Local Plan), further consideration of any changes in national policy, and commentary on specific issues emanating from the consideration of the Climate

Emergency as a material consideration. Production would also involve one round of consultation.

29. If one officer was working on it full time, the rollout is estimated to take 1 year to produce and adopt. This officer would need to be taken off the Local Plan. Resources would also be required from Governance teams. For these reasons, Officers do not recommend rolling out Climate Positive Planning as the impact on the Local Plan would be significant given it is already under resourced.

Factors that could impact the Local Plan timetable

30. Plan making, particularly over such a large and varied geographical area, is inherently a complex and time consuming process, and there is potential for unforeseen events to delay progress. Issues that may increase the risk of not meeting the timetable to produce the Development Plan include:

- The Mendip Local Plan Part II Site Allocations Review must be progressed immediately and following a very challenging timetable otherwise the Council may be found in contempt of court.
- Budget constraints leading to resource pressures and issues of retention and recruitment of staff given the national shortage of planning professionals and other built environment specialists.
- The requirement for any Main Modifications of the Plan required by the Inspector following examination of the Plan and consultation and/or where the Inspector requires further work, evidence base and consultation.
- Ensuring governance and consultation processes are effective.
- The final detail of the reforms to plan-making emerging through the implementation of the Levelling Up and Regeneration Bill, including the proposed introduction of a 30-month timescale for plan production.
- Potential for changes in government and government priorities over the course of plan production.
- The timing of a Phosphates Mitigation Strategy to ensure integration with Local Plan production.

The Minerals Plan and Waste Local Plan timetables

31. Officers will undertake a review of both the Minerals Plan and Waste Core Strategy in the form of an assessment to understand which policies may be out

of date for the purposes of decision making or where circumstances may have changed and whether or not the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. The Minerals Plan review has commenced and is anticipated to be completed in 2023 following which a formal decision will be required on whether, and to what extent, an update of the policies is required. The Waste Plan review will commence after the Minerals Plan review has been completed.

Local Transport Plan

32. Whilst recognising the Local Transport Plan (LTP) is not part of the Development Plan, the high-level timetable of the LTP production will be included within the Local Development Scheme for information as there is a close interrelationship between the documents.

Planning and Transport Policy Sub-Committee

33. Given the wide breadth of service delivery within the Council, the planning service will be a less significant part of the unitary council business compared to a district council. The Executive Committee of the Council will have significant numbers of items to deal with and subsequently planning policy, including meeting the requirements for the timescale imposed by the High Court on the Mendip review of site allocations, Neighbourhood Plans and infrastructure matters may struggle to be accommodated on the Forward Plan in a timely manner.
34. This could potentially lead to delays in decision making in the development plan process and infrastructure funding. The production of the development plan documents must follow the stages and processes set out in legislation. This report has set out the already incredibly challenging Local Plan timetable so any delay in decision making may cause significant problems to the timetable. Furthermore, the Council must meet the statutory timetable for making Neighbourhood Plans. The Council has only 8 weeks starting the day after a 'Yes' vote at the referendum to decide whether or not to 'make' the Plan.
35. Given the close interrelationship and shared evidence base of the Development Plan and Local Transport Plan, the Sub-Committee is proposed to also make formal decisions on the Local Transport Plan and other transport policy guidance.
36. Items that are anticipated to be brought to the Sub-Committee during the next 6 months include:

- Mendip Local Plan Part II Site Allocations Review - Approval of Reg 18 consultation on Preferred Site Options
- Community and engagement strategy for the Somerset wide Local Plan
- Outcome of the review of the Minerals Plan
- Local Transport Plan – draft for consultation
- The making of Neighbourhood Plans including: Ilminster; Ruishton and Thornfalcon; Kingston St Mary; and Wells
- Agree infrastructure priorities and approve Community Infrastructure Levy and s106 spending priorities

37. Appendix 2 sets out the Terms of Reference for the Planning and Transport Policy Sub-Committee.

Links to Council Plan and Medium-Term Financial Plan

38. The recommendation of approving the work programme will align with the Council Plan 2023-27 vision and priorities, in particular the priority for *A Greener, More Sustainable Somerset*. Furthermore, this report and recommendations are consistent with the emerging Council Business Plan, in particular adopting and delivering a new Local Plan and reflecting the Council's Climate Emergency Strategy. The Local Plan is one of a suite of strategic documents the Council will need to produce that support and complement each other. Using the vision and priorities set out in the Council Plan provides a starting point for developing agreed goals and ambitions in partnership with the community, businesses and the environment at the centre.

Financial and Risk Implications

39. The work identified within the Local Development Scheme will be delivered within agreed budgets. If there are resource constraints moving forward, the Local Plan timetable may need to be extended, in which case the Planning and Transport Policy Executive Sub-Committee will be asked to approve a revised Local Development Scheme at a later date. A Local Development Scheme can be updated at any time.

40. Without approval of the Local Development Scheme work programme, officers have identified the following risks:

- i) It would suggest that the Council is not actively progressing the Development Plan to the timetable required in the Structural Change Order which may create a reputational risk and potential risk of sanctions from the Government.

- ii) It is a statutory requirement for the Council to have an up-to-date Local Development Scheme and it is critical to demonstrate to the High Court that the Council is progressing the partial review of the Mendip LPP2 in accordance with the High Court Order. If the Council fails to approve the Local Development Scheme, the Council may be found in contempt of court.
- iii) A lack of a work programme creates uncertainty for local communities, businesses and investors in relation to the spatial strategy for new development and infrastructure provision in Somerset.

41. The recommendations in this report will mitigate a high risk.

Likelihood	1	Impact	3	Risk Score	3
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Legal Implications

42. The Council’s Constitution describes how the Council will discharge its responsibilities, including responsibilities for the preparation and adoption of the Local Plan, which must be considered and endorsed by Full Council, prior to adoption.

HR Implications

43. There are no immediate HR implications.

Other Implications:

Equalities Implications

44. The recommendation is to approve a work programme of a statutory document and as such there are no direct Equalities implications of this report. The individual Development Plan documents referred to in the work programme will undergo their own Equalities Impact Assessment as part of their development in due course.

Community Safety Implications

45. There are no immediate Community Safety implications.

Climate Change and Sustainability Implications

46. The approval of the Local Development Scheme provides for the delivery of the Development Plan which in turn will play a leading role in delivering on the Council's Climate Emergency Strategy.

Health and Safety Implications

47. There are no immediate Community Safety implications.

Health and Wellbeing Implications

48. There are no immediate Health and Wellbeing implications.

Social Value

49. There are no immediate Social Value implications.

Scrutiny comments / recommendations:

50. Tbc

Background Papers

51. None.

Appendices

- **Appendix 1:** Local Development Scheme 2023
- **Appendix 2:** Terms of Reference of the Planning and Transport Policy Sub-Committee

Report Sign-Off (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	31/8/23
Communications	Chris Palmer	Sent 25/8/23
Finance & Procurement	Nicola Hix	7/9/23
Workforce	Alyn Jones	31/8/23
Asset Management	Oliver Woodhams	25/8/23

Executive Director / Senior Manager	Mickey Green	25/8/23
Strategy & Performance	Alyn Jones	31/8/23
Executive Lead Member for Economic Development, Planning and Assets	Cllr Ros Wyke	
Executive Member for Transport and Digital	Cllr Mike Rigby	
Consulted:		
Local Division Members	n/a	
Opposition Spokesperson	Cllr Mark Healey MBE Opposition Lead member for Prosperity, Assets and Development Cllr Diogo Rodrigues Opposition Lead member for Transport and Digital	12/9/23
Scrutiny Chair	Cllr Martin Dimery Chair of Scrutiny Committee – Climate and Place	12/9/23

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Somerset
Council

Local Development Scheme

2023

October 2023

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1. Introduction

The Local Development Scheme (LDS) sets out the documents that make up the Development Plan for Somerset and the council's work programme for updating them.

The Development Plan sets out a vision for the local area in terms of housing, the economy, community facilities, infrastructure, minerals and waste, and for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. The Council uses the policies within the Development Plan to assess proposals for new development.

2. Background

From 1 April 2023, Somerset Council is the Local Planning Authority (LPA) for the whole of the Somerset administrative area excluding the Exmoor National Park area.

As well as determining planning applications, Somerset Council is responsible for producing planning policy documents that guide new development. This includes statutory (required by law) documents and non-statutory documents.

The main legislation that sets out the requirement and processes for the preparation of the Development Plan and other documents can be found in Part 2 of the Planning and Compulsory Purchase Act 2004 as amended¹ (the "Act") and The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended². The Department for Levelling Up Housing and Communities has launched a 12 week consultation on reforms to the local plans and minerals and waste plans system around the implementation of proposed changes set out in the Levelling up and Regeneration Bill. The consultation closes on 18 October 2023. Should the proposed changes be implemented there will be a need to revise the Local Development Scheme.

This LDS replaces those of the former Local Planning Authorities:

- Mendip District Council LDS (2020)
- Sedgemoor District Council LDS (2020)
- Somerset West and Taunton Council LDS (2019)
- South Somerset District Council LDS (2017)
- Somerset County Council LDS (2017)

3. The Development Plan

The Development Plan is made up of:

- Development Plan documents (often called Local Plans, Minerals Plans and Waste Plans) that have been adopted; and

¹ <https://www.legislation.gov.uk/ukpga/2004/5/contents>

² <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

- Neighbourhood Development Plans (Neighbourhood Plans) which have been made in relation to that area including Neighbourhood Plans approved by referendum but not yet made by the LPA.

3.1 Adopted Development Plans

As set out in Local Government (Structural Changes) (General) (Amendment) Regulations 2018, if a Local Authority is going through Local Government Reorganisation, as has happened in Somerset, existing Development Plans will remain in place for the areas set out in the plans.

This means that the existing Development Plans of the former council's will remain in place for their relevant geographical areas of Somerset Council until they are replaced by one or more Development Plan documents.



Table 1 lists the adopted Development Plan documents for Somerset Council. The documents can be viewed at <https://www.somerset.gov.uk/planning-buildings-and-land/adopted-local-plans/>

Table 1: Development Plan documents (Local Plans) within Somerset Council LPA

Document	Date of adoption
Former Mendip District Council (known as Area East)	
Mendip Local Plan Part I: 2006-2029	2014
Mendip Local Plan Part II: Sites and Policies with post-JR revisions	2021
Mendip Policies Map	2021
Former Sedgemoor District Council (known as Area North)	
Sedgemoor Local Plan 2011-2032	2019
Sedgemoor Policies Map	2019
Former Somerset West and Taunton Council: Taunton Deane area (part of Area West)	
Taunton Deane Core Strategy 2011-2028	2012
Taunton Town Centre Area Action Plan	2008
Taunton Deane Site Allocations and Development Management Plan 2028	2016
Saved policies from the Taunton Deane Local Plan to 2011	2004
Taunton Deane Policies Map	2016
Former Somerset West and Taunton Council: West Somerset area excluding Exmoor National Park (part of Area West)	
West Somerset Local Plan 2032	2016
Saved Policies from the West Somerset District Local Plan 2006	2006
West Somerset Policies Map	2016
Former South Somerset District Council (known as Area South)	
South Somerset Local Plan 2006-2028	2015
Saved policies from the South Somerset Local Plan 1991 – 2011	2006
South Somerset Policies Map	2015
Former Somerset County Council (excluding Exmoor National Park)	
Somerset Minerals Plan to 2030	2015
Somerset Minerals Policies Map	2015
Somerset Waste Core Strategy to 2028	2013

3.2 Neighbourhood Plans

Neighbourhood Plans set out the vision for an area and the planning policies for the use and development of land within a parish or Neighbourhood Area. A Neighbourhood Plan has the same legal status as a Local Plan once it has been approved at a referendum and so becomes part of the Development Plan.

Table 2 lists made Neighbourhood Plans. There are none at referendum stage at the time of publication. These can be viewed at <https://www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/> along with Neighbourhood Plans in production. The website contains the most up to date information.

Table 2: Made Neighbourhood Plans within Somerset Council LPA

Neighbourhood Plan	Status
Former Mendip District Council	
Frome	Made Dec 2016
Rode	Made Aug 2017
Former Sedgemoor District Council	
Ashcott	Made Oct 2016
Axbridge	Made Jan 2022
Burnham and Highbridge	Made Oct 2018
Cheddar	Made Oct 2018
Nether Stowey	Made Jun 2021
Wedmore	Made May 2019
Wembdon	Made Jul 2019
Former Somerset West and Taunton Council	
Bishops Lydeard and Cothelstone	Made Jul 2016
Creech St Michael	Made Dec 2019
Stogumber	Made Nov 2017
Trull and Staplehay	Made Jul 2017
West Monkton and Cheddon Fitzpaine	Revised Oct 2022
Former South Somerset District Council	
Castle Cary and Ansford	Made Nov 2019
East Coker	Made Dec 2018
Martock	Made Jun 2021
North Cadbury and Yarlington	Made Oct 2022
Queen Camel	Made Jun 2021
South Petherton	Made Sep 2018
Wincanton	Made Mar 2018

4. Development Plan documents work programme

The future plan work programme will comprise of the following documents:

- Mendip District Local Plan Part II: Site Allocations Review
- Somerset Local Plan
- Somerset Minerals Plan review – assessment of effectiveness of policies
- Somerset Waste Plan review – assessment of effectiveness of policies

Mendip District Local Plan Part II: Site Allocations Review

Mendip Local Plan Part 1 (“LPP1”), which includes a spatial strategy and development allocations, was adopted in December 2014 and covers the period 2006 to 2029.

Mendip Local Plan Part 2 (“LPP2”), which identified additional housing and employment sites, was adopted in December 2021. Following a Judicial Review into LPP2, five site allocations were deleted from the plan on 16 December 2022. The remainder of adopted LPP2 is not affected.

Para 6 of the Court Order³ sets out specific ‘directions’ given by the judge to address the legal flaws upheld against the conduct and report of the examining Inspector. It requires reconsideration of the housing sites struck out of the Mendip Local Plan Part II. The scope of this work is limited to identifying sites for 505 dwellings needed in the former Mendip district area which are deliverable within the Mendip adopted Plan Period to 2029. Any other consideration of Policies CP1 and CP2 will be carried out as part of the wider Somerset Local Plan production.

The Court Order was updated on 14 July 2023 setting specific dates:

- Publication under regulation 19 by 31 March 2024
- Submission for examination by 1 July 2024

Mendip District Local Plan Part II: Site Allocations Review	
Scope	In accordance with Part 6 of the High Court Order of 14 July 2023 Local Plan Part 2 will be partially updated to allocate specific sites sufficient to accommodate 505 additional dwellings needed in the former Mendip District as a whole by 2029. The new allocations will be in accordance with Local Plan Part 1 policies CP1 and CP2.
Coverage	Somerset East area (the former Mendip district area)
Progress to date	Call for Sites (24 July – 4 September 2023)
Conformity	National Planning Policy Framework (and updates) and the Mendip Local Plan Part I policies CP1 and CP2
Delivery Risks	<ul style="list-style-type: none"> • General election • Recruitment and retention of staff and having the necessary resources to undertake the work
Milestones	Dates
Commencement	July 2023
Call for Sites	July-Sept 2023
Regulation 18 consultation on Preferred Sites	By 31 December 2023
Regulation 19 publication	By 31 March 2024
Submission of Plan for Independent Examination	By 1 July 2024
Inspector’s Report	Apr 2025
Adoption	Jun 2025

³ <https://www.somerset.gov.uk/planning-buildings-and-land/adopted-local-plans/?district=Mendip>

Somerset Local Plan

Somerset Local Plan	
Scope	Strategic planning policies, site allocations and development management policies
Coverage	Somerset-wide (excluding Exmoor National Park area)
Progress to date	Evidence gathering
Conformity	National Planning Policy Framework (and updates)
Delivery risks	<ul style="list-style-type: none"> • The legal requirement to progress the Mendip Local Plan Part II Site Allocations Review will impact on the officer resources available and draw on the budget for bringing forward the Somerset Local Plan • Reforms to plan-making emerging through the implementation of the Levelling Up and Regeneration Bill has the potential to impact the scope of the Local Plan, policy approaches and to the evidence base which may impact upon timescales • Inability to find an acceptable approach to plan production alongside the development of the Phosphates Mitigation Strategy • Increasing requests for support to advise and assist the preparation of Neighbourhood Plans • Recruitment and retention of staff to progress the local plan and necessary resources to commission the evidence base • Other competing priorities from major projects such as Gravity, Hinkley and other regeneration projects which require planning resource • General election
Milestones	Dates
Commence project planning and evidence gathering	Apr 2023
Early engagement with internal and external stakeholders and further evidence gathering	Apr 2024 - Feb 2025
Regulation 18 consultation on Draft Plan	Apr 2025 - Jun 2025
Regulation 19 publication	Oct 2026
Submission for Independent Examination	Mar 2027
Inspector's Report	Feb 2028
Adoption	March 2028

Minerals and Waste Plans

The Somerset Minerals Plan 2030 and Waste Core Strategy 2028 are now over 5 years old since adoption so they need to be reviewed.

Somerset Council will undertake an initial assessment of both the adopted Minerals Plan and Waste Core Strategy to understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan. This in turn will then help Somerset Council decide whether, and to what extent, an update of the policies is required.

Somerset Minerals Plan	
Scope	Assessment of the Somerset Minerals Plan 2030 in terms of whether the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan
Coverage	Somerset-wide (excluding Exmoor National Park area)
Progress to date	Commenced assessment (July 2023)
Conformity	National Planning Policy Framework (and updates)
Milestones	Dates
Commencement	Jul 2023
Complete initial assessment of Minerals Plan policies	Dec 2023
Somerset Council to decide whether the adopted Minerals Plan remains effective or whether to formally review the Plans. Subsequent timetable depends on this decision.	Early 2024

Somerset Waste Plan	
Scope	Assessment of the Somerset Waste Core Strategy 2028 in terms of whether the policies in the plan continue to be effective in addressing the specific local issues that are identified the plan
Coverage	Somerset-wide (excluding Exmoor National Park area)
Progress to date	None
Conformity	National Planning Policy Framework (and updates) and the National Planning Policy for Waste
Milestones	Dates
Commencement	Nov 2023
Complete initial assessment of Waste Core Strategy policies	Feb 2024
Somerset Council to decide whether the adopted Waste Core Strategy remains effective or whether to formally review the Plans. Subsequent timetable depends on outcome of this decision.	April 2024

5. Local Transport Plan

Somerset Local Transport Plan (LTP)

The Local Transport Plan is a statutory document required by the Department for Transport for maintaining and improving all aspects of local transport.

It is not part of the Development Plan for Somerset but it will be strongly aligned with the Local Plan, Minerals and Waste Plans.

Milestones	Dates
Commencement	Summer 2023
Key stakeholder workshops and engagement Evidence gathering Visioning and objectives	Autumn 2023
Publication of Draft Local Transport Plan and consultation	Spring 2024
Adoption	Winter 2024/Spring 2025

Appendix 2

Planning and Transport Policy Sub-Committee of the Executive – Terms of Reference

Membership and meeting arrangements

1. The Planning and Transport Policy sub-committee will oversee and monitor the review of Development Plan Documents, the Local Transport Plan and other planning policy and transport guidance and take delegated decisions on behalf of the Executive.
2. The sub-committee will be made up of 4 members drawn from the Executive and the quorum will be 3 members to include the Lead Member for Economic Development, Planning and Assets and Lead Member for Transport and Digital. Any substitute members must be from the Executive.
3. The Chair will be the Council's Lead Member for Economic Development, Planning and Assets. The Vice Chair will be elected by the Sub-Committee.
4. The sub-committee will determine its meeting arrangements and frequency of meetings and be governed by the Executive Procedure Rules.
5. The sub-committee will report annually to the Executive.

Functions

1. To oversee and monitor on behalf of the Council the review of the Development Plan as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 specifically:
 - (i) To approve the Regulation 18 (preparation) and Regulation 19 (publication) stages of a Local Plan for consultation.
 - (ii) To recommend the adoption of a Local Plan to Full Council with respect to Regulation 26.
2. To make a Neighbourhood Development Plan within 8 weeks of the referendum in accordance with Section 38(4) of planning and Compulsory Purchase Act 2004 and Section 18(A) of the Neighbourhood Planning (General) Regulations 2012 (as amended).
3. To approve the Local Development Scheme (Section 15 of the Planning and Compulsory Purchase Act 2004).
4. With respect to the Statement of Community Involvement (Section 18 of the Planning and Compulsory Purchase Act) and Supplementary Planning Documents (Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012):
 - (i) To approve drafts for consultation.

- (ii) To adopt the final version.
- 5. To consider and comment on documents that relate to the Development Plan and Local Transport Plan that could include (but are not restricted to):
 - (i) Policy options and draft policies having regard to available evidence.
 - (ii) Housing Delivery Action Plans.
- 6. To oversee matters on behalf of the Council arising from the Planning Act 2008 and subsequent legislation in connection with the Community Infrastructure Levy (CIL), including the approval of draft stages of the CIL Charging Schedule for consultation and to recommend the approval of the CIL Charging Schedule to Full Council.
- 7. To agree infrastructure priorities and approve Community Infrastructure Levy and s106 spending priorities to support the development of the area and infrastructure funding bids.
- 8. With respect to the Local Transport Plan (Section 9 of the Local Transport Act 2008):
 - (i) To approve the draft for consultation.
 - (ii) To adopt the final version.

Decision Report - Executive



Decision Date – 4 October 2023

Key Decision – Yes

Statement of Community Involvement

Executive Member(s): Ros Wyke - Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: n/a

Lead Officer: Paul Hickson – Service Director Economy, Employment and Planning

Author: Alison Blom-Cooper - Assistant Director Strategic Place and Planning

Contact Details: alison.blomcooper@somerset.gov.uk

Summary

1. As a requirement of the Planning and Compulsory Purchase Act 2004, Somerset Council must prepare a Statement of Community Involvement (SCI). The SCI sets out how and when the Council will engage with local communities and other interested parties when carrying out its statutory planning functions. This includes consultation on both planning applications and the preparation of planning policy documents, such as the Local Plan. The preparation of a new single SCI for the whole unitary geography is important to ensure a consistent approach to engagement is taken across all our communities. The SCI will replace the existing separate SCIs of the former Districts and County Councils. It is important to highlight that the SCI is an overarching document for the planning service, it will be supplemented by more detailed strategies where required. For the Somerset Local Plan a detailed communications and engagement strategy is also being prepared which will be subject to Member approval at a later date.
2. Consultation on the draft SCI was undertaken during Spring 2023 prior to vesting day for a six-week period. Following this the content of the SCI has been reviewed and amended as appropriate to take into account comments received. A final version of the document has therefore now been prepared (Appendix 1) ready for a decision on formal adoption by Somerset Council.

Recommendations

3. The Executive Committee resolves to:
 - i) Formally adopt the Statement of Community Involvement (Appendix 1)

Reasons for recommendations

4. To meet the statutory requirement to prepare a SCI.
5. To ensure a consistent approach to how the Council engages with our local communities and other interested parties when considering planning applications and preparing planning policy documents.

Other options considered

6. There is no alternative option to meet the statutory requirement for the Council to prepare a SCI.

Background

Statement of Community Involvement - Preparation and Consultation

7. Preparation of the SCI commenced prior to vesting day as part of the Local Government Reorganisation sub-workstreams. This ensured representatives from each former authority were involved in the preparation of the draft SCI, with oversight from workstream leads.
8. The draft SCI was reported to Somerset County Council Executive on the 18/01/2023 where the decision was made to consult on the draft document. Public consultation was undertaken for a six-week period between the 1 February and 16 March 2023. Briefing events were held to raise awareness of the consultation with specific stakeholders and to answer any questions. This included presenting the consultation material at agent's forum events and parish Council clerk briefing and training events. Consultation on the SCI was also integrated with the wider communications plan for the planning service to ensure consistent information regarding the consultation. In addition to consultation with external stakeholders, consultation on the draft SCI was also undertaken internally with relevant team and committees. This included briefing and seeking feedback on the draft SCI from relevant planning and regulatory committees of

the former four districts and county. Full details of consultation undertaken is provided in the accompanying consultation statement (Appendix 2).

9. A total of 164 representations were received on the draft SCI. Comments were received from a range of different stakeholders, including members of the public, Parish/Town/City Councils, planning agents/developers, resident and civic groups and statutory consultees. All comments have been considered and a number of changes and additions have been made to the final draft of the SCI to further improve the document. A summary of key changes made are set out in the table below. The Consultation Statement (Appendix 1) includes full details of all comments received and our response to them.

SCI document section	Key Changes
Paragraph 1.7 (introduction)	Additional wording to refer to key importance of engaging with parish/town/city councils and other local groups in all aspects of the planning system. This was following feedback that wording in this regard should be strengthened in the document.
Paragraph 1.14 (equalities and diversity)	Amended text to be clear that information can be made available in different formats, such as large print, easy read, audio and braille. This text now better reflects the Council's wider equalities and accessibility policy.
Paragraph 2.7 (duty to cooperate bodies)	Text amended following feedback to be clear the duty relates to neighbouring planning authorities.
Paragraph 2.13 (Planning Policy)	Wording amended following comments received to be clear that any future review of the Local Development Scheme will include explanation regarding any changes in plan preparation timescales.
Paragraphs 2.24 to 2.26 (Planning Policy)	Amendments to be clear that the consultation portal will be established in due course prior to commencing new planning policy documents, and to be clear specific consultation bodies don't need to sign up to the portal to be consulted.
Paragraph 2.53 (Conservation Areas)	Changes to text regarding consulting to be clear that conservation area appraisals and boundary reviews

	will include appropriate local community consultation.
Paragraph 3.8 to 3.12 (Pre-Application Stage)	Section comprehensively amended following feedback to strengthen the expectation for pre-application engagement with local communities, including Parish, Town and City Councils. Section states this should be early enough to genuinely inform proposals. Pre-app fees details included. Examples of consultation methods also now included, and reference made to Quality Review Panel.
Paragraph 3.17 (Who is consulted)	Following feedback from South Somerset regulatory committee reference now made to consultation directions, including for aerodrome safeguarding.
Paragraph 3.19 (Who is consulted)	Following feedback from AONB units wording has been amended when non-statutory consultees are consulted to be clear consultation will be undertaken in line with existing agreements regarding development size/location/constraints.
Paragraph 3.21 (Who is consulted)	Additional paragraph added to be clear amended plans or proposals may trigger the need for re-consultation.
Paragraph 3.27 (How do we consult)	Further wording following feedback from parish Councils to be clear that where consultation periods do not align with parish meetings then case officers will be pragmatic in terms of agreeing extensions of time.
Paragraph 3.29 (How to comment on planning applications)	Wording amended to be consistent with the equalities section and be clear that comments can be made online, via email or post, with details included on site notices and notification letters.
Paragraph 3.32 (What do we do with comments received)	Additional wording added to be clear that all comments received will be reviewed and considered as part of the process of determining an application.
Paragraph 3.34 (What do we do with comments received)	'Landscape' added as an example of a material planning consideration following feedback from AONBs.

Paragraph 3.39 to 3.40 (Decisions)	Section comprehensively amended to refer to the Council's constitution and make reference to the procedures set out here in terms of planning committee arrangements, public speaking and the referral processes.
Paragraph 3.47 (Enforcement)	New enforcement section added following consultation feedback. This links to the Council's published enforcement policy and how people can report a breach.
Appendices	Appendices reviewed based on comments received to improve clarity and name additional specific and general consultation bodies where required.

Links to Council Plan and Medium-Term Financial Plan

10. Adoption of the SCI is an important step in helping to achieve the Council Plan 2023-27 vision and priorities in relation to its planning functions. Working with partners and existing and future residents is identified as part of the Council Plan priority for *A Greener, More Sustainable Somerset*. The SCI is also aligned to the priority for *A Fairer, Ambitious Somerset*, with the need to ensure people, whatever their background, can engage in the planning system and have their views heard.

Financial and Risk Implications

11. There are no direct financial implications to adoption and implementation of SCI. In relation to Development Management (determination of applications) the consultation processes set out are already part of the day-to-day activities that the planning teams undertake in relation to the determination of planning applications. The purpose of the SCI in this regard is therefore principally about ensuring consistency between the Council's four planning areas.
12. Regarding preparation of planning policy documents the financial implications of this (including consultation and engagement) are set out as part of the report to approve the Local Development Scheme, which will be before Executive Committee as a separate agenda item. Some consultation exercises can be resource intensive. Wording in the SCI has therefore been kept flexible with

regard to the use of different methods of engagement that could be used (e.g. workshops, forums, drop in events). This will ensure that the extent of different consultation methods used can be tailored to the specific circumstances and the officer resources that are available within the planning function.

- 13. Failure to adopt a new SCI has some risk implications. For example, failure to adopt a new SCI could cause some reputational harm, and potentially delay the preparation of key planning policy documents (e.g. the Local Plan). These risks are being managed by seeking to adopt the SCI at an early stage, prior to any Local Plan public consultation stages. The recommendation in this report will therefore mitigate this risk.

Likelihood	1	Impact	3	Risk Score	3
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Legal Implications

- 14. The legal requirement for the Council to produce a SCI is set out in Regulation 18(1) of the Planning and Compulsory Purchase Act 2004. The SCI includes how the Council will meet its legal duty to consult on the preparation of planning policy documents and relevant planning proposals. These specific consultation requirements are set out in several pieces of legislation which are referenced in the SCI:

- Town and Country Planning Act (1990) (as amended)
- Planning and Compulsory Purchase Act (2004) (as amended)
- Town and Country Planning (Development Management Procedure) (England) Order (2010) (as amended)
- Localism Act (2011) (as amended)
- Neighbourhood Planning (General) Regulations (2012) (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Levelling Up and Regeneration Bill (emerging)

HR Implications

- 15. There are no immediate HR implications.

Other Implications:

Equalities Implications

16. The draft SCI has been prepared in line with equalities legislation and an Equalities Impact Assessment is appended to this report (Appendix 3). The draft SCI includes a number of measures for how the Council will work to ensure that protected groups are not disadvantaged in terms of their ability to respond to planning consultations or have their views heard. This includes ensuring the preparation of planning policy documents follow accessibility guidelines, making material available in a range of different formats, and ensuring that consultation comments can be made using a number of different methods. Following feedback from public consultation these measures have been made clearer and more consistent throughout the final document.

Community Safety Implications

17. There are no immediate Community Safety implications.

Climate Change and Sustainability Implications

18. No direct implications have been identified in relation to the recommendations in this report. However, the SCI will support the consultation activities of the Council as part of the planning system, which through economic, social and environmental objectives has the overarching aim of contributing to the achievement of sustainable development. The SCI document helps guide preparation of the Development Plan, which in turn will play a leading role in delivering on the Council's Climate Emergency Strategy.

Health and Safety Implications

19. There are no immediate Community Safety implications.

Health and Wellbeing Implications

20. There are no immediate Health and Wellbeing implications.

Social Value

21. There are no immediate Social Value implications. The decision does not include any commissioning or procurement of services.

Scrutiny comments / recommendations:

22. Tbc

Background Papers

23. None.

Appendices

- **Appendix 1:** Statement of Community Involvement – Final Draft for Adoption
- **Appendix 2:** Consultation Statement
- **Appendix 3:** Equalities Impact Assessment

Report Sign-Off (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	31/08/2023
Communications	Chris Palmer	
Finance & Procurement	Nicola Hix	
Workforce	Chris Squire	
Asset Management	Oliver Woodhams	25/08/2023
Executive Director / Senior Manager	Mickey Green	
Strategy & Performance	Alyn Jones	
Executive Lead Member	Cllr Ros Wyke	
Consulted:		
Local Division Members	n/a	
Opposition Spokesperson	Cllr Mark Healey MBE Opposition Lead member for Prosperity, Assets and Development	
Scrutiny Chair	Cllr Martin Dimery Chair of Scrutiny Committee – Climate and Place	