

Minutes of a Meeting of the Strategic Planning Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Thursday, 19 October 2023 at 10.00 am

Present:

Cllr Tony Lock (Chair)
Cllr Andy Soughton (Vice-Chair)

Cllr Steve Ashton	Cllr Mike Caswell
Cllr John Hunt	Cllr Wes Read
Cllr Martin Wale	

In attendance:

Cllr Henry Hobhouse	Cllr Liz Leyshon
Cllr Sarah Wakefield	

Other Members present remotely:

Cllr Simon Coles (non-voting)	
Cllr Michael Dunk (non-voting)	
Cllr Andy Kendall (non-voting)	
Cllr Bob Filmer	Cllr Tessa Munt
Cllr Peter Clayton	Cllr Ros Wyke
Cllr Richard Wilkins	

18 Apologies for Absence - Agenda Item 1

It was noted that Councillors Simon Coles, Michael Dunk and Andy Kendall were in attendance virtually (on-line via Teams) (non-voting).

19 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Strategic Planning Committee held on 21 July 2023 be confirmed as a correct record.

20 Declarations of Interest - Agenda Item 3

Councillor Andy Soughton declared a personal interest for Agenda item 5: Application to upgrade footpath WN 27/4 and part of footpath WN 23/11 to bridleways from the A303, Queen Camel to Sparkford Hill, Sparkford as the landowners were known to him. He confirmed that he would retain an open mind during determination of the application.

21 Public Question Time - Agenda Item 4

There were no questions from members of the public.

22 Wildlife and Countryside Act 1981 Section 53 Schedule 14 - Application to upgrade footpath WN 27/4 and part of footpath WN 23/11 to bridleways from the A303, Queen Camel to Sparkford Hill, Sparkford - Agenda Item 5

The Rights of Way Officer introduced the report which was an application by the South Somerset Bridleway Association who claimed a bridleway was missing from points F to G on the map at Appendix 1 in the parishes of Sparkford and Queen Camel. Her presentation covered: the details of the application; description of the route; relevant legislation; a summary of the evidence; consultation responses and other submissions.

The Rights of Way Officer concluded that on the balance of probability, route G to F1 to F2 should be recorded as a bridleway and route F to F1 was correctly recorded as a footpath.

The Committee were then addressed by a local resident who said the application was not based on reason and that the footpath status had been examined many times before with no objection made during the Highway Agency examination of the nearby by-pass. They had not found it to be anything other than a footpath. She felt that common sense indicated a private common way serving the nearby kilns as there were many private routes taking stone from the quarry to the kiln. She concluded that there was no evidence of a public right of way, bridleway or public thoroughfare and the application should be rejected.

At this point, the Chair apologised for not allowing the circulation of a late submitted letter by the local resident as the Council's Constitution stated the circulation of documentation would only be permitted if submitted two working days prior to the meeting.

The Committee were then addressed by one of the Division Members. His comments included:

- The criteria which officers had worked to had been set by the Scrutiny Committee and it had failed to address the Halsburys Book of law and it had

- failed to look at the settlement and mortgage law which applied.
- Settled land was clear that the owner was not the tenant for life, and in both the 1920 and the 1929 sales document, this was settled land.
 - Land could not be dedicated as a footpath while there was a mortgage in place.
 - At point G on the map, there had been a lime kiln and the area that was shown as quarry was on the tithe map as belonging to the Reverend Bennett. This meant it was church land.
 - Conveyancing law was poor and often resulted in claims to the solicitor.
 - Cannot understand why we cannot see all the routes from the lime kiln.

The Rights of Way Officer responded to the local resident's comments regarding private access ways serving the nearby kilns and also the Division Member's comments regarding land held in strict settlement and historical land sales documents.

At the request of a Committee Member the Chair clarified the officer's recommendation.

Councillor Mike Caswell said the application had been presented to the Committee on 3 occasions and he had considered the information and therefore proposed that the officer's recommendations be confirmed and this was seconded by Councillor Martin Wale.

In response to questions from Members, the Rights of Way Officer advised that one document submitted showed evidence of mortgages on land but it only covered a small period of time and on specific areas of land.

At the conclusion of the debate, the Officer's recommendation, having being proposed and seconded was confirmed by 5 votes in favour, 0 against, and 2 abstentions.

Resolved:

That that the application which seeks to upgrade footpath WN 23/11 to a bridleway from the A303, Queen Camel to Sparkford Hill, Sparkford between F and F1 as shown on Appendix 1 be **REFUSED**.

It was further **AGREED** that:

- I. an Order be made, the effect of which would be to amend the Definitive Map and Statement to upgrade footpaths WN 27/4 and WN 23/15 from G to F2 as shown on Appendix 1 to bridleways

- II. if there were no objections to such an order, or if all objections were withdrawn, it be confirmed (subject to the order meeting the legal tests for confirmation).
- III. if objections were maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs

(Voting: 5 in favour, 0 against, 2 abstentions)

23 Progress Report: Phosphates and work undertaken to achieve nutrient neutral development in the Somerset Levels and Moors - Agenda Item 6

The Principal Planning Policy Officer advised that he would update Members on recent events on phosphates and nutrient neutrality, the anticipated legislative changes proposed in the Levelling Up and Regeneration bill. and the Council's £10m funding bid to the Nutrient Mitigation fund. He noted that his report also proposed amending the criteria for allocating River Tone P-Credits. He also advised that:

- Natural England had signed off the key changes to the Somerset Phosphate Budget Calculator and this would be uploaded to the Council's website together with an explanatory video.
- The River Axe would use the national phosphate calculator and there were regular meeting with the Environment Agency, Natural England and Wessex Water together with a Developers Forum scheduled for December 2023.
- Jurston Farm, Wellington had been a national test case. The planning appeal had been dismissed in 2022 and it had also been challenged at and dismissed by the High Court. The Court of Appeal would be next.

The Phosphate Planning Officer provided an update on the planning applications held in abeyance and seeking phosphate solutions on the River Brue, River Parrett, River Axe and River Tone (see presentation slides).

The Principal Planning Policy Officer noted the proposed changes to the Levelling Up & Regeneration bill which had been voted down in the House of Lords and the additional legislation expected in the upcoming Kings Speech. He also noted there was currently a duty on water companies to upgrade their Waste Water Treatment Works by 2030 for facilities serving over 2,000 people or households. He concluded by outlining the partnership funding bid to the Government's Nutrient Mitigation Fund of capital funding £9.63m and revenue funding £0.9m. He also noted a reply to the Council's lobbying letters to the Government and a letter which had been received from Care UK the previous day.

The Phosphate Planning Officer provided an update on the phosphate credit

scheme which had been operating for 12 months and was due for review. She said that the scheme still had 30 credits to be allocated and it was proposed to retain 10 credits for schemes of less than 10 dwellings and the remaining 20 would be for minor and major, but implementable schemes. The proposal would maximise the objective to facilitate development.

In response to questions from Members, the Principal Planning Policy Officer advised that:-

- the number of phosphate credits required for a development depended upon a range of factors, such as the Waste Water Treatment Works which the development fed into, rainfall, soil type and locality. Typically, the amount of homes a single credit unlocked was higher in a town than for a rural area.
- River Tone credits were exclusively for developments within the River Tone catchment area.
- One project linked to River Tone P-credits involved water efficiency measures which were being introduced into the former SWaT housing stock.
- Officers were passing on their knowledge of phosphate mitigation measures to third party providers.
- The cost of one P-credit was circa £55,000 but this equated to 1kg of phosphate removed per year. Many smaller developments would not require a whole P-credit (1kg/P/year) and they could acquire P-credits in tenths (e.g. 0.1).
- Private companies were offering to upgrade septic tanks to Package Treatment Plants (PTP's) and the Council's website would be updated shortly with information to residents on this issue.
- The national Phosphate calculator had an occupancy calculator rate of 2.4 people per dwelling.
- The Somerset Phosphate Budget Calculator was only for the river catchments which fed into the RAMSAR sites. The River Axe did not feed into this.
- Concerned residents could check the Council's website and contact or email officers for advice. Website: <https://www.somerset.gov.uk/planning-buildings-and-land/phosphates-on-the-somerset-levels-and-moors-ramsar-site/> or email phosphates@somerset.gov.uk

At the conclusion of the debate, the recommendations of the report were proposed by Councillor Andy Soughton and seconded by Councillor John Hunt and were agreed by 5 in favour, 0 against and 2 abstentions.

Resolved:

That the Strategic Planning Committee **NOTED:**

- a. The content of the report and the activity across the 3 affected river catchments which continued to unlock the delivery of housing and affected development which had been on hold due to the need to ensure nutrient neutrality.
- b. The anticipated legislative changes flowing from the Levelling Up and Regeneration Bill, (as summarised in paragraphs 33 to 38 of the report).
- c. The outcome of the Council's funding bid to the Government's Nutrient Mitigation Fund.

That the Strategic Planning Committee **AGREED:**

- d. An expansion to the criteria for River Tone P-credit allocation to allow for the allocation of remaining River Tone P-credits to prioritise all full planning applications, applications for the approval of reserved matters or discharge of conditions and Section 73 applications that relate to C3 housing development or traveller accommodation and are otherwise 'ready to proceed' in planning terms.
- e. That 10 River Tone P-credits are 'ringfenced' and can only be allocated to minor applications for housing development i.e. proposals for less than 10 dwellings.
- f. The River Tone P-credit scheme maintains the requirement that P-credits are allocated to planning applications for 'implementable development' (i.e. development that can be commenced within 3 months of planning permission being granted (unless otherwise agreed with the Local Planning Authority)).

(Voting: 5 in favour, 0 against, 2 abstentions)

24 Quarterly report on planning service performance - Agenda Item 7

The Assistant Director Strategic Place & Planning introduced the quarterly report from the planning committees to monitor decision making and workload levels. The report included information for Quarter 1 from April to June 2023. She provided a presentation and some of the key points included information about:

- Planning service performance information including:
 - Number of planning applications received by Area.
 - Reference to backlog of applications – some of which was due to phosphate issues but also difficulties in recruiting staff or staff retention.

- A recent survey by the RTPI said that 82% of Councils were experiencing issues in recruitment due to competitive salaries in the private sector.
- Minerals and waste applications – the two-year rolling figures for the percentage of decisions determined within the national target or agreed time.
- The levels of pre-application enquiries by Area.
- Appeal decisions and trends by Area.
- Enforcement cases figures – reminded that enforcement was a discretionary function and the authority had an adopted policy.
- 5 Year Housing Land Supply – corrected an inaccuracy in the report and clarified that the South area does not have a 5 Year Housing Land Supply.

During a short discussion the Assistant Director Strategic Place & Planning, and other officers responded to some points of detail raised, including:

- There were inconsistencies with the way data had been recorded across the legacy authorities prior to vesting day, so some trends were not available at the current time but they would be moving forward.
- There were currently five Local Plans from the legacy authorities and it would be some time before there was a single Somerset Plan. A housing delivery, Somerset wide plan would come together more quickly.
- A planning review was underway and proposed changes would be considered by the Constitution and Governance Committee in the new year. The Chairs and Vice Chairs for each of the planning committees were involved in the review, and other members could provide input and feedback by completing the questionnaires circulated at each planning committee meeting.

There being no further debate, members were content to note the quarterly report on the Planning Service Performance.

Resolved:

The Strategic Planning Committee **NOTED** the content of the Quarterly report on planning service performance.

(The meeting ended at 12.10 pm)

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CHAIR