

Planning and Transport Policy Sub-Committee

Decision Date – 14 February 2024

Key Decision – yes

Wells Neighbourhood Plan

Executive Member(s): Councillor Ros Wyke, Lead Member for Economic Development, Planning & Assets

Local Member(s) and Division: Division Councillors for Wells: Councillor Theo Butt Philip and Councillor Tessa Munt

Lead Officer: Alison Blom-Cooper (Head of Planning)

Author: Jo Milling (Senior Planning Policy Officer)

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Summary / Background

1. The [Wells Neighbourhood Plan](#) (“the Plan”) is a community led planning document which has been produced by Wells City Council (as Qualifying Body). The document and its evidence base was the subject of an Independent Examination from June 2023 following which Somerset Council (SC) as local planning authority (LPA) put the Plan to a local referendum which took place on Thursday 25 January 2024. The outcome of the referendum was 81% of those voting voted “yes” in support of the Plan.
2. The position following a referendum is that if more than 50% of those voting are in favour of the Plan, then SC is required to formally make the Plan part of the development plan within eight weeks of the date on which the referendum has been held (however, the Council is not obliged to do so if it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998). Once the Plan is formally made, it will form part of the statutory development plan, and so will be able to be used in the determination of planning applications in the Wells Neighbourhood Area which is the whole Parish of Wells.

3. The making of the Plan is the culmination of a formal neighbourhood planning process which is set out in [The Planning and Compulsory Purchase Act 2004 \(as amended\)](#); [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#), and the [Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2017](#) which amend the [Neighbourhood Planning \(General\) Regulations 2012](#).

Recommendations

4. The Executive Planning and Transport Policy Sub-Committee agrees:
 - a. That the Wells Neighbourhood Plan be ‘made’ (adopted) as part of the Development Plan and to be used in determining planning applications in the Neighbourhood Area which is the Parish of Wells.

Reasons for recommendations

5. The decision of the committee responds to the statutory requirement to have the Neighbourhood Plan Made following a ‘yes’ vote to a local referendum.
6. The Neighbourhood Plan has been through the requisite regulatory stages:
 - a. Pre-submission consultation (Regulation 14)
 - b. Submission of the draft Neighbourhood Plan to the LPA and statutory consultation (Regulation 16)
 - c. Independent examination of the draft Plan, at which stage an examiner undertakes an examination and determines whether the Plan satisfies the “basic conditions” (set out in the [Town and Country Planning Act 1990 \(as amended\)](#) and [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)) and makes a recommendation as to whether the Plan should proceed to referendum.
 - d. Acceptance of the Independent Examiners report.
 - e. Local referendum.
7. The Council is legally obliged to ‘Make’ the Plan within eight weeks of the date on which the referendum has been held if the majority of those voting in the local referendum have voted in favour of the Plan, unless it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. If the Council failed to do so, then it would be in breach of its statutory obligations and would be vulnerable to legal challenge.

Other options considered

8. There are no legal grounds to not have the Neighbourhood Plan Made. Neighbourhood Plans are subject to detailed statutory process. The Neighbourhood Plan is in conformity with the [Town and Country Planning Act 1990 \(as amended\)](#) and [The Planning and Compulsory Purchase Act 2004 \(as amended\)](#). It is compatible with retained European Union (EU) obligations including those in respect of Strategic Environmental Assessments and Environmental Impact Assessments. [The Conservation of Habitats and Species Regulations 2017](#) (transposed into domestic law Directive 92/43/EEC); [the Environmental Assessment of Plans and Programmes Regulations 2004](#) (transposed into domestic law Directive 2001/42/EC) and [European Convention on Human Rights](#) (ECHR).

Links to Council Plan and Medium-Term Financial Plan

9. The Neighbourhood Plan policies have the following links to [Somerset Council Plan 2023-2027](#)
 - a. A Greener, More Sustainable Somerset:
 - i. Addressing ecological and environmental emergencies in planning policy.
 - b. A Healthy and Caring Somerset:
 - i. Improving the health and wellbeing of Somerset Residents.
 - ii. Access to active travel, leisure facilities, open spaces, good housing, meaningful employment and social opportunities.
 - c. A Fairer, Ambitious Somerset:
 - i. Reduce inequalities through quality housing, affordable housing, improving access to services and facilities.
 - d. A Flourishing and Resilient Somerset:
 - i. Supporting better digital and physical connectivity.
10. The Neighbourhood Plan does not have any links to the [Medium-Term Financial Plan](#).

Financial and Risk Implications

11. The Councils costs associated with regulatory stages of the Neighbourhood Plan process are covered by the Neighbourhood Planning Grant received from

Central Government. In the case of this Neighbourhood Plan a grant of £20,000 is received when the date for the referendum is set.

12. The Neighbourhood Plan is in the former Mendip area. CIL is not currently levied in the former Mendip area.

13. Key risk(s) to the Council:

Please enter risk description:					
Not having the Neighbourhood Plan Made the Council would be in breach of its statutory obligations and would be vulnerable to legal challenge.					
Likelihood	1	Impact	4	Risk Score	4
Please enter mitigation here:					
The Sub-Committee making the Neighbourhood Plan removes the risk of this specific legal challenge.					
This reduces risk to: Likelihood - 1, Impact - 1, Risk Score - 1					

Please enter risk description:					
Changes to the National Planning Policy Framework and the adoption of the Somerset Local Plan could override Neighbourhood Plan policies.					
Likelihood	3	Impact	3	Risk Score	9
Please enter mitigation here:					
The Parish Council should monitor their Neighbourhood Plan and can undertake a review of it in light of changes to legislation, evidence base, or local planning policy. Somerset Council has an obligation to support communities in the production of and when undertaking a review of a Neighbourhood Plan					
This reduces risk to: Likelihood - 3, Impact - 1, Risk Score - 3					

Legal Implications

- a. Somerset Council is legally obliged to Make the Plan within eight weeks of the date on which the referendum has been held if the majority of those voting in the local referendum have voted in favour of the Plan, unless it considers that the making of the Plan would breach or otherwise be incompatible with any EU obligation or any of the Convention rights

within the meaning of the Human Rights Act 1998. If the Council failed to do so, then it would be in breach of its statutory obligations and would be vulnerable to legal challenge.

- b. There are no legal grounds to not have the Neighbourhood Plan Made.

HR Implications

- c. There are no HR implications.

Other Implications:

Equalities Implications

14. An Equalities Impact Assessment (EIA) is appended to this report.

15. The impacts for most protected characteristics are neutral. In general terms all the policies are beneficial for all protected characteristics. There are specific positive impacts for:

- a. Older persons
- b. Children and Young People
- c. Families
- d. Disability
- e. Rurality and isolation

See attached EIA for details.

Community Safety Implications

16. In general terms there are positive implications for:

- a. Overall impact upon quality of life and wellbeing
- b. Impact on social isolation or exclusion

17. There are no impacts or links with any existing projects/services of other community safety partners.

Climate Change and Sustainability Implications

18. The making of the Neighbourhood Plan will have a positive impact on climate change and sustainability.
19. The Neighbourhood Plan is in general conformity with spatial strategy for development in the area: The adopted Core Strategy and adopted Site Allocations and Development Management Plan.

Health and Safety Implications

20. There are no Health & Safety Implications.

Health and Wellbeing Implications

21. The Neighbourhood Plan has positive impacts on:
 - a. health and wellbeing
 - b. preventing ill-health (physical and mental health)
 - c. reducing health and social inequalities.

Social Value

22. The Neighbourhood Plan supports the Council's social value priority areas (SVPA) of:
 - a. Improving health and wellbeing, maintaining independence and reducing inequalities of local residents and employees
 - b. Reducing air pollution, particularly in urban areas

Scrutiny comments / recommendations:

23. The proposed decision has not been considered by a Scrutiny Committee

Background

24. The Localism Act 2011 introduced Neighbourhood Development Plans to the planning system, giving communities direct power to develop a shared vision for their neighbourhood and shape a locally distinctive development plan document which reflect the growth needs and priorities of their communities.

25. The Wells Neighbourhood Plan is a community led planning document which has been produced by Wells City Council who are a Qualifying Body under [The Town and Country Planning Act 1990 \(as amended\)](#).
26. Under [Section 61G of The Town and Country Planning Act 1990 \(as amended\)](#) the Neighbourhood Area for the Wells Neighbourhood Development Plan was designated by the former Mendip Council on 8 September 2014.
27. A Neighbourhood Development Plan is a means by which planning policies can be set for a local area which then (once the Plan is made) form part of the statutory development plan. A Neighbourhood Plan should therefore contain policies for the development and use of land, and generally will not include wider non-planning aspirations for the area. A Neighbourhood Plan must also meet the “basic conditions” as set out in the [Town and Country Planning Act 1990 Schedule 4B paragraph 8](#), and so as a result must be in general conformity with the policies already contained in the development plan for the area, and must also contribute to the achievement of sustainable development. A Neighbourhood Plan must also not be in conflict with EU obligations.
28. The Wells Neighbourhood Plan has been developed by the City Council over a number of years with the community and was subject to City led statutory consultation between 5 September and 21 October 2022.
29. The Neighbourhood Plan was submitted to Somerset Council in March 2023. In line with the legislation, it was subject to statutory consultation between 28 April – 9 June 2023.
30. In accordance with [Schedule 4B Section 7 of the TCPA 1990 \(amended\)](#) the Neighbourhood Plan and its evidence base was subject to Independent Examination. The [Examiners report](#) was received on 2nd October 2023. The report concluded that a modified Neighbourhood Plan, in accordance with the Examiner’s recommendations, could proceed to referendum. The area for the referendum is the designated Neighbourhood Area.
31. In accordance with [Regulation 18 of The Neighbourhood Planning \(General\) Regulations 2012](#) Somerset Council accepted the Independent Examiners report for Wells Neighbourhood Plan and that a modified Neighbourhood Plan should progress to referendum. The decision was made on the [3 Nov 2023 through an Officer Non Key Decision](#). Under the Somerset Council’s Officer

Scheme of Delegation, the Chief Planning Officer is authorised to discharge responsibilities as they relate to Somerset Council functions under Town and Country Planning and Localism legislation and policy guidance as set out in the Council's constitution Section I2, paragraph 114.

32. A local referendum on the Plan was held on Thursday 25 January 2024 in accordance with [The Town and Country Planning Act 1990 \(as amended\)](#); [Neighbourhood Planning \(Referendum\) Regulations 2012](#) (as amended by the [Neighbourhood Planning \(Referendum\) \(Amendment\) Regulations 2013](#) and 2014) and the [Neighbourhood Planning \(Prescribed Dates\) Regulations 2012](#). 81% of those voting voted "yes" in support of the Plan

33. The Wells Neighbourhood Plan contains 14 policies which following the making of the revised Plan - will form part of the statutory development plan and so may be used when determining planning applications in the Neighbourhood Area.

34. The Wells Neighbourhood Plan Policies are:

- Policy HBE1; Heritage and Built Environment
- Policy HBE2; Local Heritage Assets
- Policy H1; Responding to Local Housing Need
- Policy H2; High Quality Housing Design
- Policy H3; Housing Fit For The Future
- Policy MA1; Constraints and Opportunities On The Local Highway, Cycleway and Footpath Network
- Policy RCB1; New Development Within Primary Frontages
- Policy RCB2; Commercial Development and Responding To Climate Change
- Policy RCB3; Supporting The Local Economy Through Provision of Small Employment Premises and Workspace Hubs
- Policy TOU1; Tourism
- Policy ENV1; Protecting the Character of the Landscape, Views and setting
- Policy ENV2; Nature Recovery Networks (Including Protected Areas of Biodiversity, Geodiversity and Habitat)
- Policy ENV 3; Local Green Spaces
- Policy ENV3a; Open Spaces and Recreation

Background Papers

35. Supporting documents for the Wells Neighbourhood Plan are on the Councils website - www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/

Appendices

- EIA

Assurance checklist (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	25/01/2024
Communications	Peter Elliott	N/A
Finance & Procurement	Nicola Hix	02/02/2024
Workforce	Alyn Jones	N/A
Asset Management	Oliver Woodhams	N/A
Executive Director / Senior Manager	Micky Green / Paul Hickson	26/01/2024
Strategy & Performance	Alyn Jones	N/A
Executive Lead Member: Economic Development, Planning and Assets.	Cllr Ros Wyke	25/01/2024
Consulted:	Councillor Name	
Local Division Members: Wells	Cllr Theo Butt Philip, and Cllr Tessa Munt	31/01/2024
Opposition Spokesperson	Cllr Mark Healey	22/01/2024
Scrutiny Chair: Climate and Place	Cllr Martin Dimery	22/01/2024

Somerset Equality Impact Assessment

Before completing this EIA please ensure you have read the EIA guidance notes – available from your Equality Officer or www.somerset.gov.uk/impactassessment

Organisation prepared for (mark as appropriate)	 Somerset Council	 Somerset	 Somerset NHS Foundation Trust
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Version	1	Date Completed	16 Jan 2024
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Description of what is being impact assessed

Wells Neighbourhood Plan

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

The Community have used a number of sources to inform their Neighbourhood Plan including:

- [Somerset Intelligence Partnership](#)
- City of Wells Housing Needs assessment www.wells.gov.uk/neighbourhood-plan

- Wells Design Guide www.wells.gov.uk/neighbourhood-plan
- [ps://www.gov.uk/government/publications/national-design-guide](https://www.gov.uk/government/publications/national-design-guide)
- Mendip Local Plan www.somerset.gov.uk/planning-buildings-and-land/adopted-local-plans/
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Surveys and meetings with residents and businesses are set out in the Consultation Statement www.somerset.gov.uk/planning-buildings-and-land/neighbourhood-planning/neighbourhood-plans-in-production/

Meetings included public meetings at the leisure centre, golf club, civic society and Town Hall. Meetings were held with faith groups, schools, community groups and associations. Developers active in the area, landowners and statutory consultees were also contacted. A questionnaire was sent to all Wells households. There were displays in the Portway Café and Library.

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

The Community have consulted people within the City through displays, public meetings, City council meetings, surveys, leaflets, articles in the local magazine as well as at formal statutory consultation stages. These have informed the policies in the Neighbourhood Plan which are accompanied by supporting text identifying issues. See above for links to summaries for these events and surveys.

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"> Policy H1 – new housing suitable for local need. This policy includes provision of market housing for families and older persons 	☐	☐	☒
Disability	<ul style="list-style-type: none"> Policy MA1 – provision of safe cycle and pedestrian travel. Including: providing good connectivity to school, local services and facilities and for disabled access. 	☐	☐	☒
Gender reassignment	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	☐	☐	☐

Marriage and civil partnership	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	□	□	□
Pregnancy and maternity	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	□	□	□
Race and ethnicity	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	□	□	□
Religion or belief	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	□	□	□
Sex	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	□	□	□
Sexual orientation	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	□	□	□

Armed Forces (including serving personnel, families and veterans)	<ul style="list-style-type: none"> All policies in the Neighbourhood Plan are in general terms beneficial to this protected characteristic. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other, e.g. carers, low income, rurality/isolation, etc.	<p>All policies promote aim to improve health and wellbeing of residents and interaction between people.</p> <p>ENV3 and ENV3a in particular seek to protect open spaces and recreation facilities to the benefit of health and wellbeing. These policies protect and provide local facilities which are valuable for social interaction, health and wellbeing, and are a feature of community life.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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
N/A	Select date	N/A	N/A	<input type="checkbox"/>

If negative impacts remain, please provide an explanation below.

N/A

Completed by: Jo Milling (Senior Planning Policy Officer)

Date 17 Jan 2024

Signed off by: Alison Blom-Cooper (Head of Planning)

Date 30 January 2024

Equality Lead sign off name:

Equality Lead sign off date:

To be reviewed by:
(officer name)

Review date: