

Planning and Transport Policy Sub-Committee

Decision Date – 14 February 2024

Key Decision – yes

Ruishton and Thornfalcon Neighbourhood Plan

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

Local Member(s) and Division: Division Councillors for Blackdown and Neroche:

Councillor Ross Henley and Councillor Sarah Wakefield

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

Author: Ann Rhodes (Principal Planning Policy Officer)

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Summary / Background

1. The [Ruishton and Thornfalcon Neighbourhood Development Plan](#) (“the Plan”) is a community led planning document which has been produced by Ruishton and Thornfalcon Parish 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 8 February 2024. The outcome of the referendum was [Referendum result to be added after results of the Referendum on 8 Feb are published]. 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 Ruishton and Thornfalcon Neighbourhood Area which is the whole Parish of Ruishton and Thornfalcon Parish.

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 Ruishton and Thornfalcon 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 Ruishton and Thornfalcon.

Reasons for recommendations

5. The decision of the committee responds to the statutory requirement to have the Neighbourhood Plan Made.
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” (see Compliance with the Basic Conditions and General Information with regard to 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 Council's 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 Taunton Deane Borough Council area where Community Infrastructure Levy is applied to developments. A Parish which has an adopted Neighbourhood Development Plan receives 25% of Community Infrastructure Levy (CIL) receipts relating to development proposals which receive planning permission within the parish area, as opposed to 15% (capped at £10 per council tax dwelling) for those which do not. Somerset Council is required to do this under [The Community Infrastructure Levy \(Amendment\) Regulations 2013](#).
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 and 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. The Neighbourhood Plan has been subject to statutory consultation and independently examined to determine if it is legally compliant. There is nothing to scrutinise with regard to the content of the Neighbourhood Plan.

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 Ruishton and Thornfalcon Neighbourhood Plan is a community led planning document which has been produced by Ruishton and Thornfalcon Parish Council who are Qualifying Bodies 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 Ruishton and Thornfalcon Neighbourhood Development Plan was designated by the former Somerset West and Taunton Council on 11 July 2016.
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 Ruishton and Thornfalcon Neighbourhood Plan has been developed by the Parish Council over a number of years with the community and was subject to parish led statutory consultation between 26 April – 7 June 2021.
29. The Neighbourhood Plan was submitted to Somerset Council in April 2023. In line with the legislation, it was subject to statutory consultation between 17 April – 1 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 Monday 16 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 Ruishton and Thornfalcon Neighbourhood Plan and that a modified Neighbourhood Plan should progress to referendum. The decision was made on the [20 November 2023 through an Officer Non Key Decision](#). Under the Somerset Council's Officer Scheme of Delegation, the Head of Planning/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 8 February 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](#). [Referendum result to be added after results of the Referendum on 8 Feb are published] of those voting voted "yes" in support of the Plan

33. The Ruishton and Thornfalcon Neighbourhood Plan contains 23 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 Ruishton and Thornfalcon Neighbourhood Plan Policies are:
 - a. Policy C1 – protection of established communities (openness around and between these three villages)
 - b. Policy C2 – protecting existing play, sports and recreation facilities.
 - c. Policy C3 – provision of new and improved community, play, sports and recreation provision.
 - d. Policy C4 – protection of community assets (pubs and post office).
 - e. Policy H1 – providing new housing suitable for local need.

- f. Policy H2 – providing for elderly residents (residential, nursing home or sheltered housing accommodation).
- g. Policy H3 – providing community facilities with new residential development.
- h. H4 – protecting the environment from adverse impacts of residential development.
- i. Policy T1 – planning for transport and traffic solutions.
- j. Policy T2 – provision of safe cycle and pedestrian travel.
- k. T3 – protecting existing rights of way.
- l. T4 – promoting new and improved rights of way and cycle routes.
- m. T5 – off-road car parking capacity.
- n. Policy E1 – protecting wildlife sites and habitats.
- o. Policy E2 – protecting banks, hedges and trees.
- p. Policy E3 – protecting heritage.
- q. Policy E4 – ensuring no net increase in flood risk.
- r. Policy E5 – flood defences.
- s. Ec1 – sustaining local employment provision.
- t. Ec2 – improving broadband provision.
- u. Ec3- supporting small businesses and local employment opportunities.
- v. Ec4 – farm diversification.
- w. Ec5 – establishing a community hub.

Background Papers

28. Supporting documents for the Ruishton and Thornfalcon Neighbourhood Plan are on the Councils website - [Ruishton and Thornfalcon Neighbourhood Plan \(somerset.gov.uk\)](http://somerset.gov.uk)

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: Blackdown and Neroche	Cllr Ross Henley, and Cllr Sarah Wakefield	22/01/2024
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	 NHS Somerset	 NHS Somerset NHS Foundation Trust
Version	1	Date Completed	16 Jan 2024
Description of what is being impact assessed			
Ruishton and Thornfalcon 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: Census: <ul style="list-style-type: none"> • Census Profile 2011 Ruishton • Census Profile 2011 Thornfalcon 			

Profiles/Guidance:

- [Somerset Intelligence Partnership](#)
- <https://ruishton.org.uk/parish-council/neighbourhood-plans/documents/>
- [Character Assessment of the Villages of the Parish Nov 2019](#)
- <https://www.gov.uk/government/publications/national-design-guide>
- <https://www.somersetwestandtaunton.gov.uk/planning-policy/districtwide-design-guide-spd/>
- <https://www.designforhomes.org/project/building-for-life/>
- <https://www.breeam.com/discover/technical-standards/newconstruction/>
- <https://passivhaustrust.org.uk/>
- <https://www.somerset.gov.uk/roads-and-transport/roads-and-transport-local-cycling-and-walking-infrastructure-plans-lcwips/>

Surveys and meetings with residents and businesses:

- <https://www.ruishton.org.uk/parishcouncil/np/Documents/HouseholdSurveyReport2017.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/PrimarySchoolSurvey.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/SecondarySchoolSurvey.pdf>
- <http://www.ruishton.org.uk/parishcouncil/np/Documents/CommunityParticipationVillageDay2017.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/TACC%20and%20Walkers%20findings.pdf>
- <https://www.ruishton.org.uk/parishcouncil/np/Documents/Parking%20at%20school%20meeting%20%20minutes.pdf>
- [Housing Needs Survey report Feb 2018](#)
- [Meeting with Wilkie May and Tuckwood representative Nov 2017](#)
- [Meeting with Business 1 following Business Survey March 2018](#)
- [Meeting with Business 2 following Business Survey March 2018](#)
- [Parishioner Workshop Green spaces, Foot and Cycle Paths May 2018](#)
- [Park consultation with parishioners Oct 2018](#)
- [Ruishton and Thornfalcon NP Key Messages and Issues Report Oct 2018](#)

- [Village Day feedback 2016](#)
- [Village Day feedback 2017](#)
- [Village Day feedback 2019](#)
- [Village Hall needs and aspirations Oct 2018](#)

[Vision, Policies and Projects Nov 2017](#)

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 Parish through workshops, village days, parish council meetings, surveys, leaflets, articles in the parish magazine and notices on parish noticeboards 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, the Neighbourhood Plan is here - [Ruishton and Thornfalcon NDP referendum version](#).

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
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Age	<ul style="list-style-type: none"> • Policy H1 – new housing suitable for local need. This policy includes provision of market housing for families as well as older persons within walking distance of village facilities and services. • Policy H2 – providing for elderly residents. Supports provision of residential, nursing home or sheltered housing accommodation. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<ul style="list-style-type: none"> • Policy T2 – provision of safe cycle and pedestrian travel. Including: providing good connectivity to school, local services and facilities and for disabled access. • T4 - promoting new and improved rights of way and cycle routes. Including: enhancing accessibility to local amenities. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<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"/>
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. 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<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"/>

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. 	□	□	□
Other, e.g. carers, low income, rurality/isolation, etc.	<ul style="list-style-type: none"> Policy C2 – protects play, sports and recreation facilities. Policy C3 – provision of new and improved community, play, sports and recreation provision. <p>These policies promote a range of opportunities for activity, to improve health and wellbeing of residents and interaction between people.</p>	□	□	☒

- Policy C4 – protection of community assets (pubs and post office)
- Policy H3 – provision of community facilities with new residential development.

These policies protect and provide local facilities which are valuable for social interaction, health and wellbeing, and area a feature of the rural community life.

- Policy H4 – protecting the environment through housing design. This includes: protecting amenity of neighbours; safe and convenient access for pedestrians and cyclists; Building for a Healthy Life; walkable communities.

These policies promote opportunities for activity, to improve health and wellbeing of residents as well as energy efficient and high-quality design reducing fuel poverty and creating adaptable lifetime homes.

- Policy T1 – planning for transport and traffic solutions. Enhancing footpaths and cycleways.
- Policy T2 – provision of safe cycle and pedestrian travel. Including: providing good connectivity to school, local services and facilities as well as providing for disabled access.
- T3 – protecting existing rights of way.
- T4 - promoting new and improved rights of way and cycle routes.



This policy promotes opportunities for activity, to improve health and wellbeing of residents and visitors.

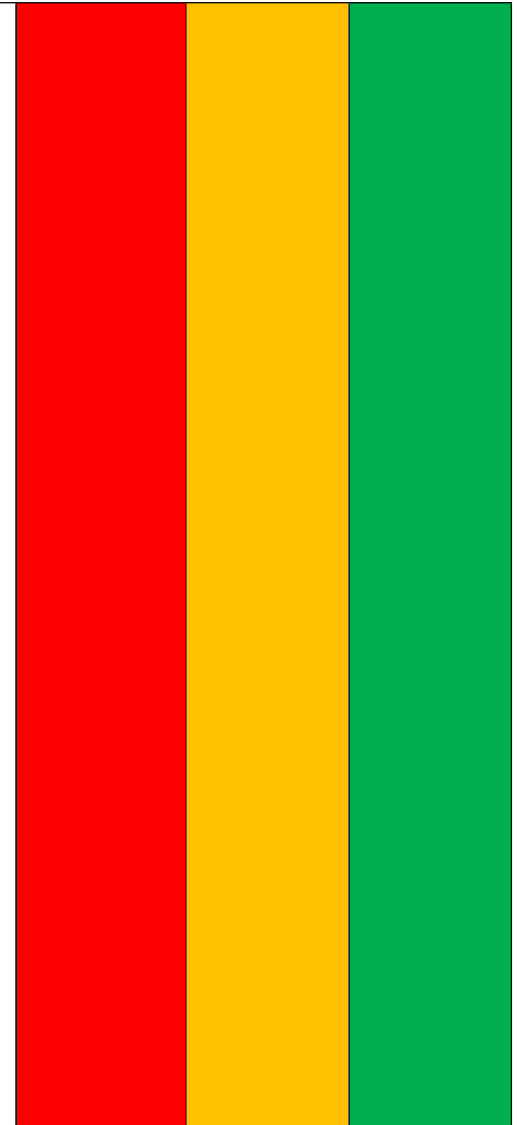
- Ec1 – sustaining local employment provision. Protecting overall sustainability of the community with local employment provision.
- Ec3- supporting small businesses and local employment opportunities. Including: offices and workshop space for small scale start-up businesses, linking it to encouraging workers to cycle and walk.

These policies protect and support provision of local, and easily accessible, employment in the community. It also supports agricultural and land-based activities in the area.

- Ec2 – improving broadband provision.

This policy supports local rural businesses, new incubator and flexible business space and meeting facilities in the parish, connectivity for those working from home and accessing online services.

- Ec5 – establishing a community hub. Provision of training rooms and meeting spaces for local business.
- This policy supports local rural businesses in the parish.



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:	Ann Rhodes (Principal Planning Policy Officer)
Date	16 Jan 2024
Signed off by:	
Date	
Equality Lead sign off name:	
Equality Lead sign off date:	
To be reviewed by: (officer name)	
Review date:	