

Decision Report - Executive Decision

Forward Plan Reference: FP/24/03/01

Decision Date – 23/05/24

Key Decision – yes

Confidential Information – no



Nexus Local Development Order

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

Local Member(s) and Division: Councillor Ross Henley (Blackdown and Neroche),
Councillor Sarah Wakefield (Blackdown and Neroche)

Lead Officer: Alison Blom-Cooper, Head of Planning/Chief Planning Officer

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Summary / Background

1. The Council (Taunton Deane Borough Council, Somerset West and Taunton Council and now Somerset Council), as Local Planning Authority (LPA) has proactively worked with public and private sector partners on a new strategic employment site at Junction 25 of the M5 Motorway, referred to as Nexus 25 over a number of years. The Council used a planning mechanism to fast track the process – a Local Development Order (LDO). This was adopted on the 14th March 2018 by Taunton Deane Borough Council after Somerset County Council (at the time) approved a scheme to improve J25 including access to Nexus 25. The LDO removes the need for a planning application to be made by the developer. It can be considered as an extension of ‘permitted development’ rights and is in place for a period of 15 years (from its adoption date of 14th March 2018).
2. The development outlined in the LDO proposes a green campus setting with a space for a variety of uses including research and development and high-quality offices, alongside light industrial units and warehouses providing a range of flexible premises suitable for many types of business (see appendix 3).
3. To date, no Applications for Compliance with the LDO have been received and no development has taken place on the site with the exception of the access junction which was completed under a separately granted planning permission associated with wider J25 improvements (SCC 4/38/17/0205).

4. The LDO includes a number of conditions (akin to conditions associated with a Town and Country Planning Application (TCPA)). The conditions imposed on this LDO were seen as necessary to ensure that the development is acceptable in planning terms.
5. Condition 1 of the LDO seeks to ensure that the Local Planning Authority (LPA) reviews progress on the 5th anniversary of its adoption to be able to fully reflect on the continued suitability of the LDO in the light of any changes to planning policy.
6. This report is being presented to members to complete the review and ensure compliance with Condition 1 of the Local Development Order (LDO). It is proposed that the wording of Condition 1 is also amended to address some minor typographical errors and insert an additional review period (second review) in order that the regeneration benefits of the LDO can be secured. Legal advice has confirmed that this would not represent a substantive change in the content or effect of the LDO, and so would not require the engagement of the full statutory review process under Schedule 4a, Para. 2(1) of the Town and Country Planning Act 1990.
7. This review is procedural in nature and does not involve an expansion of the definition of development, as permitted by the LDO, and so does not entail consent, permission or authorisation for any element of the project, which did not benefit from consent, permission or authorisation under the original LDO.
8. No elements of the Nexus 25 LDO Design Guide which addresses design and related issues in respect of this site are changing.

Recommendations

9. The Planning and Transport Policy Sub-Committee agrees to retain the LDO as it stands, in accordance with Condition 1 (a) of the LDO, subject to the additional text (highlighted in bold below).

a. The LDO and the terms within it will be active for a period of 15 years following the day of its adoption and will expire following this period.

*The LPA will review progress with the LDO on the 5th anniversary of its adoption to be able to fully reflect on the continuity **continued** suitability of the LDO in the light of **of** any changes to planning policy.*

~~The~~ **This first** review will be completed with 28 days of the 5th anniversary and at the end of the review the LPA will determine whether to:

- a) Retain the LDO as it stands ~~for the remaining 10 years of its life~~;
- b) Retain but revise some elements; or
- c) Revoke and cancel the LDO

Further to this first review, and on the assumption that the LPA has not determined to revoke and cancel the LDO as a result of the first review, the LPA shall, within 5 years of the first review, conduct a second review of the LDO following which the LPA shall determine whether to:

- a. **Retain the LDO as it stands (or as it has previously been revised following the first review) for the remainder of the 15 year duration for the LDO as set by this Condition 1**
- b. **Retain the LDO (whether as initially drawn or if revised following the first review then as revised) but revise some elements including the nature of the development which underpins it**
- c. **Revoke and cancel the LDO**

The second review of the LDO shall consider the on-going suitability of the development proposals in the LDO in planning terms.

Development which has **been** commenced under the provisions of the LDO ~~can~~ **shall be able to** be completed in the event that the LDO

- **is revoked as a result of the first or second review; or**
- **is revised as a result of the first or second review in a manner which renders the development as commenced incompatible with the LDO as revised; or**
- **expires.**

This is Any carrying out of development pursuant to this LDO shall be subject to the LPA's confirmation of compliance issued under the Pre Development process.

Reasons for recommendations

10. Two key elements are being presented to members:

- (a) Amendment of the wording of Condition 1; and
- (b) Sign off of the review to comply with Options a, b or c in Condition 1

The reason for the recommendation is to ensure that Somerset Council comply with their requirements as set out in Condition 1 of the Local Development Order.

11. Prior to the formation of Somerset Council, a mechanism was in place to allow this high-level review to be undertaken with reference to what has and has not changed in terms of policy context since the LDO was first adopted, and for it to be approved under delegated powers by the Assistant Director of Strategy and Place. However, the delegated authority included in the former Somerset West and Taunton Council constitution to undertake decisions relating to LDO's had not been included within the new Somerset Council constitution. Therefore, Officers have sought advice from Legal and Governance and established that the most appropriate route to make a decision is through the Planning and Transport Policy Sub-Committee of the Executive.

Other options considered

12. Condition 1 of the LDO provide three options following the completion of the review and these are as follows:
 - a) Retain the LDO as stands for the remaining 10 years of its life;
 - b) Retain but revise some elements; or
 - c) Revoke and cancel the LDO.
13. Officers have received internal legal advice in response to a number of specific questions posed by colleagues in relation to the Nexus LDO review. This legal advice throughout the last twelve months has informed the Council's proposed approach regarding the LDO. Further details of the approach taken to the high-level review are included in the main body of this report (Para. 32-74).
14. The Council has worked proactively with the agents and promoters of the site and revoking and cancelling the LDO (Option C) has not been considered as a default starting position. The purpose of the LDO is to create a new strategic employment site for Taunton. The LDO provides confidence to businesses that there is an opportunity to invest in this area of Somerset and in turn create job opportunities.
15. The use of LDOs continues to be supported by Central Government as an effective means of simplifying and streamlining the planning process for certain sites and types of development and are considered a useful tool which can attract investment and stimulate regeneration.

Links to Council Plan and Medium-Term Financial Plan

16. Retention of the Local Development Order (LDO), in accordance with Condition 1 of the adopted LDO supports sustainability and economic development priorities in the Council Plan (2023-2027), as well as providing the opportunity to secure active travel and sustainable development measures. Addressing both the climate and ecological emergencies are at the heart of the Councils decision making and these have been (and continue to be) integrated into our land and planning policies. The Council Plan specifically highlights the Council’s duty to manage new developments through the planning system and enable economic development and services for current and future residents.

17. If agents and promoters of the site submit Applications for Compliance in 2024/25 then this will have a financial implication, predominantly in relation to staff resources and the requirement for any technical specialists that cannot be sourced within the Council. However, the purpose of this exercise has been very narrow in scope and the recommendations put forward are that the Planning Policy Review has been carried out, as required by Condition 1 of the LDO, and that there have not been substantive changes to Planning Policy, since it was first approved. Therefore, the LDO should not be amended or revoked. Financial implications may arise from wider work associated with this LDO (i.e. any proposed future change to design or quantum of developments etc.) but this would be a separate exercise and not from the focussed Planning Policy Review itself.

Financial and Risk Implications

18. This planning policy review has been carried out by officers within the Planning Policy and Implementation team and there has therefore been a resource requirement but no additional financial costs have been accrued from other departments, legal inputs or specialist consultants etc. Therefore, there are no immediate financial implications of retaining this Local Development Order (LDO), in the immediate short term.

19. When approval/compliance applications are received in the future, these will be managed and actioned by the Development Management team. Specialists are available to manage this process.

Please enter risk description					
Planning Policy Review of Nexus J25 Local Development Order (LDO), in accordance with Condition 1.					
Likelihood	4	Impact	4	Risk Score	20

Please enter mitigation here

This is a high-profile strategic development site in the County. Somerset Council only have three Local Development Orders in place. It has therefore been important to ensure that the Planning Policy Review carried out in accordance with Condition 1 of the adopted LDO has been carried out in a clear and robust manner and this has taken time. Reasonable alternatives (i.e. amending or revoking the LDO) have been considered as part of this review. Legal advice has been sought from both parties over the last twelve months of the project to ensure that the recommendations put forward within this report are the most appropriate for the current status of the project/scheme.

Legal Implications

- 20. Internal legal advice has been sought over the last twelve months. LDO's were introduced by the Planning and Compulsory Purchase Act 2004 and grant planning permission for the specific type of development detailed in the LDO. These primary powers were amended by the commencement of Section 188 of the Planning Act 2008 in June 2009 and more detailed legislative provisions on LDO's are contained in Sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended) and article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended (DMPO).
- 21. The legal team has provided guidance and advice on the most appropriate mechanism to allow a decision to be made on this high-level review to ensure compliance with Condition 1 of the LDO.

HR Implications

- 22. Not applicable

Other Implications:

Equalities Implications

- 23. There are no direct equalities implications as the recommendations are to make some minor amendments to one condition associated with the adopted LDO and to agree to retain the LDO, following the focused Planning Policy Review. These issues are procedural in nature and are not proposing any changes to the approved scheme itself. An Equalities Impact Assessment has been completed

and is appended to this report but it has been concluded that there are not any direct implications which will adversely affect access, equality and diversity and/or human rights.

Community Safety Implications

24. No specific community safety implications have been identified in connection with this report.

Climate Change and Sustainability Implications

25. Somerset Council have declared both a Climate and Ecological Emergency. Through that, the Council has committed to working towards making the whole county, including our own estate and operations, 'Carbon Neutral' by 2030 and to take positive action to reverse the damage on our natural habitats by man-made activity. We have also pledged to ensure that Somerset is resilient to, and prepared for, the effects of Climate Change.
26. Climate Positive Planning was approved in February 2021 and updated in March 2022. It provides guidance and signposting to support adopted planning policies, underlines that the Climate Emergency is a material consideration. The LDO was adopted prior to the publication of Climate Positive Planning or declaration of a Climate Emergency. The LDO and its accompanying Design Guide do include some measures which take a positive approach towards mitigating and adapting to climate change.
27. The Net Zero Carbon Toolkit was published in March 2022. It complements Climate Positive Planning and the Districtwide Design Guide SPD by helping to communicate what is entailed in both delivering new net zero compliant buildings and retrofitting existing buildings in striving towards net zero and making knowledge on these issues more accessible. In combination with the Design Guide SPD, the toolkit identifies zero carbon standards for new development which the Council aspires towards (though does not explicitly require) compliance with.

Health and Safety Implications

28. No specific community safety implications have been identified in connection with this report.

Health and Wellbeing Implications

29. No specific community safety implications have been identified in connection with this report.

Social Value

30. The purpose of the LDO is to create a new strategic employment site for Taunton. The LDO provides confidence to businesses that there is an opportunity to invest in this area of Somerset and in turn create job opportunities.

Scrutiny comments / recommendations:

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

Background

32. The Local Development Order (LDO) effectively grants planning permission for a strategic employment site and can be considered as an extension of 'permitted development' rights. The purpose of the LDO is to create a new strategic employment site for Taunton. The LDO should give greater confidence to businesses to invest in the site and in turn create job opportunities.
33. The LDO was adopted on 14th March 2018 for a period of 15 years and is subject to a number of conditions, the first of which states:

The LDO and the terms within it will be active for a period of 15 years following the day of its adoption and will expire following this period. The LPA will review progress with the LDO on the 5th anniversary of its adoption to be able to fully reflect on the continuity suitability of the LDO on the 5th anniversary of its adoption to be able to fully reflect on the continuity suitability of the LDO in the light of any changes to planning policy. The review will be completed within 28 days of the 5th anniversary and at the end of the review the LPA will determine whether to:

- (a) Retain the LDO as it stands for the remaining 10 years of its life;*
- (b) Retain but revise some elements; or*
- (c) Revoke and cancel the LDO.*

Development which has commenced under the provisions of the LDO can be completed in the event that the LDO is revoked, or revised or expires. This is

subject to the LPA's confirmation of compliance issued under the Pre Development process.

34. This report summarises the high-level review of national and local planning policy with a view to assessing the continuing suitability of the LDO.
35. The LDO itself and its accompanying Statement of Reasons are silent on the process which is required to be followed. As per condition 1, the review is intended to “reflect on the continuing suitability of the LDO in the light if (sic) any changes to planning policy”.
36. It should be noted that Condition 1 of the LDO only requires the continuing suitability of the LDO to be reviewed in the light of changes to planning policy. However, for the purpose of completeness, material considerations have also been considered by Officers.
37. The 5th anniversary of its adoption was 14th March 2023 and the review should have been carried out within 28 days of this date. Officers undertook a high-level review of national and local planning policy, as well as other material considerations with a view to assessing the continued suitability of the LDO and a summary of this review is provided below.

National Planning Policy Context

38. The procedures for making a Local Development Order are set out in the following and have not changed since the LDO was adopted:
 - a. Section 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended;
 - b. and Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
39. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 were brought into force in 2020, after the adoption of the LDO. This amended the main Town and Country Planning (Use Classes) Order 1987 to effectively:
 - a. remove former use classes (A) retail, B1 (office) and D1 (non-residential institutions and assembly and leisure uses);
 - b. create a new use Class E covering all commercial, business and services uses;

- c. insert a new Use Class F covering learning, non-residential institutions and local community uses; and
- d. moving some specific uses to the 'sui generis' use class.

40. In effect, these changes allow for different changes of use to be undertaken between use classes without being considered 'development' for the purposes of the Town and Country Planning Act 1990, and therefore requiring a planning application.

41. The LDO was produced prior to these changes and refers extensively to the former use classes, a number of which have now been amalgamated into use classes E and F. This does not change the deliverability of development via the LDO as it also refers to any order revoking and/or re-enacting these orders with or without modification.

42. Legal advice has been sought on the implications of the amendments to the Use Class Order and the basic position is that the operation of these regulations is unaffected by the wording of the current LDO. This is specifically stated in NPPG (at Paragraph: 079 Reference ID: 13-079-20140306), which states that Local Development Orders do not remove or supersede ... permitted development rights which are already in place.

43. Para 3.2.1 of the LDO itself also states "*This LDO does not alter restrict or vary in any way, permitted development rights under the GPDO 2015 (as may be amended) or any successor legislation or order*".

44. The National Planning Policy Framework (NPPF) 2023 sets out in Paragraph 51 an encouragement for local planning authorities to use Local Development Orders where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area. This paragraph was first introduced in the 2018 revision of the NPPF published in July of that year (after adoption of the LDO). However, paragraph 199 of the original NPPF 2012 (which was in place at the time) set out a very similar policy position.

45. The National Planning Practice Guidance sets out further guidance on the use of LDOs in paragraph references 13-076 to 13-085. These paragraphs were introduced in 2014 and have not been changed since adoption of the Nexus LDO with the exception of paragraph reference 13-080. Paragraph 13-080 relates to restrictions on the use of LDOs and in particular relevance of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations)

and Town and County Planning (Environmental Impact Assessment) Regulations 2017. This paragraph was retrospectively updated in 2019 to reflect these 2017 regulatory changes. However, these regulations were already in place at the time of the Nexus LDO being adopted.

46. A number of changes have been made to the National Planning Practice Guidance since adoption of the LDO. The introduction of the National Design Guide and National Model Design Code are of particular relevance. These would have directly influenced the LDO Design Guide if being developed now. However, these and other changes relate to specific issues rather than the overall suitability of LDOs as a tool for promoting economic development.

47. The national legislative, regulatory, policy and guidance context relating directly to LDOs has therefore not materially changed since adoption of the LDO in 2018.

48. There have been numerous legislative, regulatory, policy and guidance changes more generally since adoption of the LDO, particularly relating to the themes of climate change, design, active travel and biodiversity net gain which are explained further in relation to changes in material considerations, below. However, the national context of supporting sustainable economic development opportunities and using Local Development Orders as a means to promote such opportunities and streamline their delivery remains.

Local Planning Policy Context

49. The adopted development plan covering the location of the Nexus 25 site consists of:

- a. Taunton Deane Core Strategy 2008-2028 (adopted 2012);
- b. Site Allocations and Development Management Plan (adopted 2016);
- c. Taunton Town Centre Area Action Plan (adopted 2008);
- d. Saved policies from the old Taunton Deane Local Plan (adopted 2004);
- e. Somerset Waste Core Strategy 2028 (adopted 2013); and
- f. Somerset Minerals Plan 2030 (adopted 2015).

50. It should be noted that the Neighbourhood Plan for Ruishton, Thornfalcon and Henlade was made by Somerset Council on 14th February 2024. The Nexus J25 site is on the boundary of this Neighbourhood Plan area and the Plan is seeking to “maximise opportunities and benefits within the parishes arising from the Nexus development”.

51. Work had begun on a new Local Plan for the former Somerset West and Taunton district. An Issues and Options Document was published for public consultation in 2020, setting out key issues for the area and suggesting broad policy options and approaches to address these. However, the Issues and Options Document is not part of the development plan and holds very limited weight in decision making, although it does sets out a direction of travel for local policy. The document included an objective to “create a prosperous, resilient and entrepreneurial economy ensuring competitiveness across the wider sub-region and attracting the most talented workers to the District”. It also set out policy options for making better use of employment sites, recognising that the 2018 Employment, Retail and Leisure Study showed that too much land was allocated for employment compared to demand. In doing so, it stated that the Council would review employment sites in terms of their quality and sustainability and, informed by the forthcoming Economic Development (Prosperity) Strategy, whether or not they should be retained for alternative employment uses.

52. With the announcement in 2021 that the councils in Somerset would become a unitary authority, the decision was taken to cease production of this plan.

53. The adopted development plan policy has not changed since the adoption of the LDO in 2018. Somerset Council will be progressing a new Somerset Local Plan. Work has begun to scope the content and timescales for a new Local Plan including progressing and aligning key evidence base documents. However, no form of local plan has yet been published. The work that had progressed on the Somerset West and Taunton Local Plan will remain relevant and important in shaping the new Somerset Local Plan.

Local Supplementary Planning Documents

54. The Somerset West and Taunton Districtwide Design Guide Supplementary Planning Document (SPD) was adopted in December 2021. The Design Guide seeks a step change in the quality of new development in support of existing adopted planning policies. It provides additional guidance on how existing adopted planning policy should be responded to in relation to securing high quality design. It sets out what is expected of developments through these existing policies, but also sets out examples beyond policy requirements for developments to consider aspiring towards. The Design Guide sets out expectations relating to the design process, key considerations of context, distinctiveness and sustainable placemaking in relation to a series of topics.

It also sets out an expectation for development proposals to utilise the Council's Quality Review Panel.

55. The Taunton Garden Town Public Realm Design Guide (PRDG) SPD was adopted in December 2021. It illustrates the Council's aspirations for maintaining and improving the public realm design quality across Taunton Garden Town. It aims to raise the standard of the public realm and streetworks consistently across the Garden Town and shows how principles of good practice in street design and layout can be incorporated into good placemaking. The PRDG identifies 'core', 'town', 'general' and 'green' standards for different areas of public realm across Taunton. Whilst the Nexus 25 site is identified on the plan identifying the areas these different standards apply to, none are shown to apply to the site itself due to the fact it already benefits from the LDO.

56. The LDO is supported by a Design Guide of its own which was produced and approved prior to publication of either SPD. Whilst the LDO Design Guide does not comply completely with every element of the SPDs, it was produced to a broadly compliant approach and does reflect many of the considerations of both SPDs effectively and sufficiently for its purpose. Should it be considered that the LDO requires a more full review/revision, then it would be appropriate to align the Design Guide more explicitly with the SPDs.

57. Local supplementary policy and policy guidance has moved on quite significantly in that time, particularly with regards to issues of design quality, active travel and response to the Climate Emergency. It is quite likely that these changes in local policy would have resulted in changes to the LDO, the LDO Design Guide, Transport Appraisal and Framework Travel Plan. However, these changes would likely have been primarily in relation to detail and design principles as to how the LDO development itself or the land uses proposed. These may have led to additional/amended conditions, or alternatively, inclusion of changes within the supporting LDO Design Guide and Transport Appraisal/Framework Travel Plan, which are explicitly referred to within conditions anyway. However, changes to local policy would not fundamentally change the intention or scope of the LDO.

Material Considerations

58. Condition 1 of the LDO only requires the continuing suitability of the LDO to be reviewed in the light of changes to planning policy. However, as part of this high-level review officers have also considered what other material considerations

have changed since its adoption and whether these would materially affect its continuing suitability. A number of issues associated with other material considerations arose from this high-level review and advice was sought from and provided by legal services. These related to:

- a. Changes to the Use Classes Order
- b. Office to residential permitted development
- c. Office market demand
- d. Nutrient neutrality
- e. Declaration of a Climate and Ecological Emergency and associated policy/guidance
- f. Movement to a vision-led, placemaking approach to transport issues
- g. A358 Development Consent Order (DCO) proposals
- h. Design Guidance has significantly evolved.
- i. Biodiversity Net Gain

59. Since the adoption of the LDO, the market for new office development in Taunton has shrunk considerably. The Economic Development Needs Assessment (EDNA) states there is little to no demand for office space in the immediacy but recognises longer-term strategic demand for office space at Taunton does exist to 2040. Further work is required to consider quality of existing employment sites and new site opportunities in and around Taunton and their ability to meet future demands.

60. The site is intrinsically linked to the J25 improvement scheme which included futureproofed connection for the A358 proposals. However, the A358 DCO application is currently delayed pending national policy review.

61. Specific use classes referred to in the LDO have changed at a national level, and in turn the consequences of permitted development (PD) rights for change of use (Use Classes Order) have also changed. Notably, Class MA (Commercial, business and service to Residential Uses) within the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 removes the requirement for Class E to be vacant for three months prior to an application, and removing the size limit of 1,500 square metres subject to the requirements that schemes address the following:

- a. Nationally Described Space Standards: New dwellings must adhere to these established standards.
- b. Noise Impact Assessment: Consideration of noise effects from commercial premises on future occupants remains mandatory.

- c. Natural Light Provision: Adequate natural light in all habitable rooms is a non-negotiable criterion.

62. The Council declared a Climate and Ecological Emergency and adopted a number of strategies, plans and guidance since adoption of the LDO. Nationally the Climate Change Act has been revised to Net Zero by 2050 and 6th Carbon Budget for 2037 set at 78% emissions reduction. The issue of climate change now holds increased relevance and weight in decision making. If producing the LDO and accompanying Design Guide now, this would likely influence different decisions, design principles and conditions.

63. In February 2023, the Council adopted the Connecting our Garden Communities (CoGCs) Plan which advocates a “vision and validate” / “decide and provide” approach to Transport Assessment, based on ambitious mode shift targets and a vision for placemaking and a transport system focussed on people and sustainable modes. Both CoGC’s and the Taunton LCWIP propose active travel routes linking to Nexus 25 building upon the ‘aspirational’ link across the M5 mentioned in the LDO and Design Guide.

64. The requirement for phosphate generating development to demonstrate “nutrient neutrality” has arisen since the LDO allows for certain uses including the hotel/hostel and residential institutions which may give rise to additional phosphates. Legal advice suggests any substantive revisions to the LDO (which require undertaking the full LDO adoption process again) would need to ensure compliance with the Habitats Regulations Assessment, and as such the LDO would need to demonstrate nutrient neutrality unless these were removed from the schedule of permitted uses. Should the decision be taken to retain the LDO as is, inline with the recommendations within this report then any Applications for Compliance relating to these uses would be required to demonstrate nutrient neutrality.

65. Mandatory Biodiversity Net Gain applies to planning applications planning permission from February 2023. Net gain is not identified within the LDO conditions or as an aspiration in the Design Guide.

66. There are a number of material considerations which have moved on considerably since the LDO was adopted in 2018. These may well mean that in some cases, the LDO or supporting technical studies might have taken a different direction. However, they do not fundamentally challenge the purpose or intention of the LDO and do not call into question the suitability of the site’s development for the uses set out within it. It is

not considered that material considerations alone question the ongoing suitability of the LDO to merit full review and revision under Option B or C of Condition 1.

Conclusion

67. Condition 1 of the LDO states that the LPA will review progress with the LDO on the 5th anniversary of its adoption to be able to fully reflect on the continuing suitability of the LDO in the light of any changes to planning policy. The above review identifies that national planning policy has not changed drastically since the adoption of the LDO. It identifies that local planning policy has moved on, but only in relation to supplementary planning documents and guidance rather than development plan policy (which remains the same). As such, changes in policy have been limited in scope and can be seen as potentially affecting how the local planning authority would view development on this site coming forward, rather than questioning the purpose and intent of the LDO.

68. In addition to changes in policy, the above review considers a number of material considerations in relation to changes in circumstances. These changes are more significant, and would, together with the changes in local supplementary planning documents and guidance likely lead to alternative proposals being explored within the LDO were it to be fully revised. However, they do not go to the heart of the purpose and intent of the LDO, and additional information requiring approval via conditions on the LDO mean that there is an opportunity to consider how development proposals can respond to some of these issues. The change in office market demand is a more fundamental one which does go to the heart of the LDO's purpose and permitted uses. However, this issue is not something that can be considered via review of this LDO alone and is more appropriately considered as part of development of the new Local Plan.

69. As such, at this point it is considered that the LDO remains suitable and appropriate for retention. However, with national planning reforms and other circumstances continuing to change (including progress with the Local Plan and associated evidence base) it is appropriate to amend Condition 1 to allow for a further review in 5 years' time.

70. Officers met with representatives from JLL and HBL in December 2023, alongside respective legal teams to discuss the extant LDO. The key action that emerged from this meeting was the drafting of the wording around a revised

Condition 1. The minor amendment of the wording to Condition 1 enables the Council to sign off the review with Option A and comply.

71. The Councils planning policy has not formally changed since the adoption of LDO and the Somerset West and Taunton Council terms of reference allowed (under Clause 4.1) that *“the Assistant Director Strategic Place and Planning is authorised to undertake all other decisions in relation to the above matters and functions that are not reserved to Full Council or Planning Committee. This includes matters relating to Local Development Orders”*.
72. Somerset Council terms of reference (i.e. constitution) do not expressly make reference to LDO's and Officers do not therefore have delegated authority to make a decision on this issue and therefore this final decision is being presented to Members.
73. The purpose of the LDO is to simplify planning control to encourage growth in investment and employment at J25 Taunton. This LDO does not alter, restrict or vary in any way, permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as may be amended) or any successor legislation or other.
74. The high-level review has concluded that retaining the LDO as it stands will have minimal budget implications for Somerset Council in the short term and will ensure that the Council are seen as supporting economic growth and honouring the original purpose of the LDO to provide long term certainty for delivery.

Appendices

- **Adoption of the Nexus 25 Local Development Order**
- **LDO Secretary of State submission covering letter dated 22 March 2018**
- **The Adopted Nexus 25 Taunton Local Development Order, including the Council's statement of reasons**

Assurance checklist (if appropriate)

	Officer Name	Date Completed
Legal & Governance Implications	Martin Evans	13/05/2024
Communications	Peter Elliott	10/05/2024
Finance & Procurement	Nicola Hix	
Workforce	Alyn Jones	N/A
Asset Management	Oliver Woodhams	07/05/2024
Executive Director / Senior Manager	Alison Blom-Cooper	13/05/2024
Strategy & Performance	Alyn Jones	N/A
Executive Lead Member	Cllr Ros Wyke	
Consulted:	Councillor Name	
Local Division Members	Cllr Ross Henley (Blackdown and Neroche), Cllr Sarah Wakefield (Blackdown and Neroche)	07/05/2024
Opposition Spokesperson	Cllr Mark Healey	07/05/2024
Scrutiny Chair	Cllr Martin Dimery	08/05/2024