

Public Agenda Pack



Minutes of a Meeting of the Planning and Transport Policy Sub-Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Wednesday, 14 February 2024 at 2.00 pm

Present:

Cllr Ros Wyke (Chair)

Cllr Dixie Darch

Cllr Richard Wilkins

Cllr Bill Revans

In attendance:

Cllr Simon Coles

Cllr Sarah Wakefield

Cllr Liz Leyshon

Other Members present remotely:

Cllr Steve Ashton

Cllr Peter Clayton

Cllr Bob Filmer

Cllr Helen Kay

Cllr Christine Lawrence

Cllr Leigh Redman

Cllr Barry Clarke

Cllr Michael Dunk

Cllr Philip Ham

Cllr Marcus Kravis

Cllr Sue Osborne

15 Apologies for Absence - Agenda Item 1

No apologies were received.

16 Minutes from the Previous Meeting - Agenda Item 2

RESOLVED that the minutes of the Planning and Transport Policy Sub-Committee held on 25 January 2024 be confirmed as a correct record.

17 Declarations of Interest - Agenda Item 3

Councillors present at the meeting declared the following personal interests in their

capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

SOMERSET COUNCILLOR	CITY, TOWN AND/OR PARISH COUNCIL
Mike Rigby	Bishop's Lydeard and Cothelstone Parish Council
Ros Wyke	Westbury-sub-Mendip Parish Council

18 Public Question Time - Agenda Item 4

Public Questions were received from:-

- John Winstone
- Ian Hasel
- Roy Bulgin

The questions and responses provided are attached to the minutes in Annex A.

19 Planning and Transport Sub-Committee Forward Plan - Agenda Item 5

The Head of Planning, Alison Blom-Cooper, introduced the Forward Plan.

The following point was raised:-

- The Nexis Local Development Order was to be added to the April meeting.

Resolved that the Planning and Transport Policy Sub-Committee noted the Forward Plan.

20 Mendip Local Plan Part II Limited Update - Consultation on Proposed site allocations - Agenda Item 6

The Principal Planning Policy Officer, Andre Sestini, introduced the report which provided a draft site allocations report for Regulation 18 consultation identifying sites to progress a limited update to the Mendip Local Plan Part II.

The Sub-Committee discussed the report and the following points were raised:-

- Councillors thanked the public speakers for their comments.
- Councillors requested clarification on which members had been included in the process.

The Principal Planning Policy Officer advised it was the members of the Planning East Committee.

- Councillors queried where the hubs had been located.

The Principal Planning Policy Officer advised that they had been held in libraries located in Street, Glastonbury, Shepton Mallet, Wells and Frome.

- Councillors highlighted that the consultation might provide alternative sites but that they would need to prove that they were deliverable. They queried how that would be assessed.

The Principal Planning Policy Officer advised that the summary gave a high-level sustainability appraisal and that they would adopt the same approach.

- Councillors highlighted the calculations on the housing allocations and that they had used particular sites for this. They queried whether the calculations were an optimistic or conservative estimate.

The Principal Planning Policy Officer advised that they were being cautious in their estimates.

- Councillors highlighted the complaint submitted to the planning inspector and the cost of the work carried out and the officer time spent on the works and queried whether the Council would receive any compensation.

The Principal Planning Policy Officer advised that there was no option for applying for costs.

- Councillors thanked the officers for all their hard work.

Resolved that The Planning and Transport Policy Sub-Committee agreed the following:

- a) the draft site allocations consultation document in appendix 1 which identified the housing sites as directed in the High Court Order made on 16 December 2022 and varied on 14 July 2023.
- b) that the draft site allocations consultation document, environmental reports and supporting documents listed in this report were published for a six-week public consultation as soon as practicable but no later than 28th February 2024.
- c) that any minor changes necessary to the documents following this meeting and prior to the start of consultation were delegated to the Head of Planning for approval in order to expedite the consultation.
- d) noted the timescales for the review and that responses to the consultation and any final amendments were due to be reported to this Sub-Committee on 20 June 2024 to meet the amended timetable as proposed to the High Court.

21 Ruishton and Thornfalcon Neighbourhood Plan - Agenda Item 7

The Principal Planning Policy Officer, Ann Rhodes, introduced the report which provided an update on the position following the referendum and that Somerset Council was required to formally make the Plan part of the development plan within eight weeks of the date on which the referendum has been held as a positive result was achieved.

The Sub-Committee discussed the report and the following points were raised:-

- Councillors queried whether the heritage assets had been shared with the Southwest Heritage Trust.
The Principal Planning Policy Officer advised that they had been shared.
- Councillors praised the officers for the work carried out in the community on the Plan.

Resolved that the Planning and Transport Policy Sub-Committee agreed:

- 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 was the Parish of Ruishton and Thornfalcon.

22 Wells Neighbourhood Plan - Agenda Item 8

The Senior Planning Policy Officer, Jo Milling, introduced the report which provided an update on the position following the referendum and that Somerset Council was required to formally make the Plan part of the development plan within eight weeks of the date on which the referendum has been held as a positive result was achieved.

The Sub-Committee discussed the report and the following point was raised:-

- The Chair expressed her disappointment that it had not been made clear that the city of Wells had not been included as the Local Plan stated early in the process about geographical areas.

Resolved that the Planning and Transport Policy Sub-Committee agreed:

- 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 was the Parish of Wells.

23 Adoption of the Somerset Biodiversity Net Gain Guidance Note - Agenda Item 9

The Principal Planning Policy Officer, Graeme Thompson, introduced the report which provided an update on the national mandatory requirement for developments granted planning permission to achieve Biodiversity Net Gain (BNG) for larger sites. The Council as Local Planning Authority must consider developer BNG proposals through the planning process. The Guidance Note sets out important information for how BNG would be implemented in Somerset and the processes involved.

The Sub-Committee discussed the report and the following points were raised:-

- Councillors thanked the officers for the member briefings which they had found very useful.
- Concern was raised on the risks on the resources of the Council and the viability.
- Councillors welcomed the guidance as a statutory requirement.
- Councillors highlighted that BNG was the beginning of a change and that it would become embedded in future processes and that it was already filtering down to Parish Councils.
- Concern was raised on sites that were biodiversity stamped.
The Principal Planning Policy Officer advised that degradation was part of the legislation. He further advised that if there was any habitat degradation, then it would be taken into account.
- Concern was raised on seeing the guidance put into practice in the local areas and the impact on habitats due to time lag in replacing them.
The Principal Planning Policy Officer advised that BNG was habitat and not boxes. The categories were area, hedge and water and that developers could not trade between the categories, they had to be replaced 'like for like'.
- Concern was raised on land banking.
- Councillors were full of admiration for the officers who had worked on the guidance with tight timelines and limited information.

Resolved that the Planning and Transport Policy Sub-Committee agreed the following:

- a) To adopt the Somerset BNG Guidance Note as a material planning consideration in the preparation of pre-application advice, assessing planning applications and any other development management purposes.
- b) To delegate approval of future updates to the Guidance Note as follows:
 - i. Minor amendments including textual and visual changes and enhancements to be delegated to the Executive Director for Climate and Place in consultation with the Lead Member for Environment and Climate Change and the Lead Member for Economic Development, Planning and Assets.
 - ii. Updates relating to changes in national Government legislation and guidance, or the need to reference or update reference to other local or national evidence or strategy documents, or other changes which would not necessitate further public consultation to be delegated to the Executive Director for Climate and Place in consultation with the Lead Member for Environment and Climate Change and the Lead Member for Economic Development, Planning and Assets.
 - iii. More significant or substantive updates beyond those listed above to be brought back to this sub-committee for approval.

- c) To adopt the local BNG validation requirements as an addendum to existing adopted local validation checklists for each of the Local Planning Authority's planning areas and functions (north, south, east, west and minerals and waste) until such time as these are updated and the requirements can be fully integrated.

24 Somerset Development Plan Biannual Update Report - February 2024 - Agenda Item 10

The Principal Planning Policy Officer, Laura Higgins, introduced the report which provided an update on the progress of the Local Plan.

The Sub-Committee discussed the report and the following point was raised:-

- Councillors highlighted what actions would be needed over the next few years.

Resolved that the Planning and Transport Policy Sub-Committee noted the report.

(The meeting ended at 3.25 pm)

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CHAIR

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Annexe A – Public Questions	
Name of person submitting	Question
<p>Cllr Ian Hasell</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 7</p>	<p>Chair of Norton St Philip Parish Council Attended online. Raised the following points:-</p> <ul style="list-style-type: none"> • Thanked the Sub-Committee for the opportunity to speak. • Errors had been made by the planning inspector when Mendip went through hearing for LPP1. • Highlighted site dwelling allocations. • Proposals that went against Mendip LPP1. • Gave an update from the Judicial Review process and that the inspector misinterpreted the result from LPP1. • Five years lost and delays caused. • The Parish Council has submitted a formal complaint to the planning inspector. • Report brings forward what should have been done five years ago. • He understands the magnitude and scope of project ahead. • Officers have carried out a vast amount of work to be in line with the Order. • He commends the officers for the work and strongly supports the report.
<p>John Winstone</p>	<p>Wells Neighbourhood Plan</p> <p>Why Wellensians and All who love Wells should vote against the Referendum</p> <p>The history of the base document, Wells Design Guide, is a sorry one. Many attempts were made over the last seven years to achieve a properly considered Design Guide through to a viable Neighbourhood Development Plan. The advices were disregarded. As it stands, part of a suite of six planning documents, the Design Guide purports to provide criteria for what should pass as acceptable in the development of Wells and presumptuously asks other independent bodies to adopt its recommendations, as the standard position. The omissions are such that it should not have passed Examination. The Design Guide is of metropolitan, not local authorship and the document itself fails to map any revisions where it may have revised. The Guide was believed to have</p>

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been deemed acceptable to the former Mendip DC before the process of adoption. The Design Guide text does not even mention the Wells designated Conservation Area or show its boundaries on any map. For that one must refer to the Neighbourhood Development Plan.

There are substantial omissions not picked up by the Independent Examiner appointed by Somerset County Council to judge the Neighbourhood Development Plan. The Plan omits any reference to the extent of the former deer park, its open fields today or the historic Park Wood in St Cuthbert Out parish. That parish's request, denied by the Examiner to be enjoined as referendum-participant in the setting area of Wells City parish and further outward development, showed a lack of appreciation of heritage issues.

The Wells Conservation Area Assessment of 2011 failed to address setting areas to the Conservation Area, although of all cities Wells should have designated setting areas, and the District Council were criticised for this omission in briefing their consultant. The tenant of farmland on the south side of the city objected to a boundary review and the district council acquiesced.

Four Advisory minutes critical of the first neighbourhood plan were made in 2017. Although 50% of planning authorities nationally now hold what are called Local lists of historic buildings (or Heritage Assets), Mendip DC had no such policy despite great public pressure to do so, starting in 2007. No less than 38 separate monthly Advisory minutes were issued between 2011 and 2017, when the policy was formally abandoned by the District. Volunteers nevertheless proceeded with two separate surveys. The City Council's preferred

list is the shorter and compares less favourably with a longer list prepared by a better resourced team of local experts. With policy abandonment neither list has been out to consultation. The Examiner made changes to the methodology of the local list process, but was uncritical of the list that is referred to in the Design Guide, but not included. Without the coupling of conservation area and local listings, the Design Guide is flawed. At the very least it should be caveated that it cannot be the stand-alone document as it purposes to be. National guidance (the NPPF) requires both aspects to be considered. Historic England were advised; what comments did they make?

The principal shortcoming of the Design Guide and the Neighbourhood Development Plan is that the 'portrait' of Wells does not describe the genesis of the city and how those qualities remain significant markers for today. A starting premise might be that Wells appears to be an idealised medieval city set in its own heavenly landscape. Without such an understanding, value

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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page</p>	<p>judgements posed will have no secure foundations. In the Design Guide the proposed cones of view intended to offer protection to setting are not accurately drawn in terms of the meritorious landscapes.</p> <p>Wells City Council sits in a curious and uncomfortable position. Since 1997 the planning committee has followed a policy of accepting all recommendations from district level, and simply follows their advice without offering opinion. This has had serious consequences for inappropriate development in the city. Only very occasionally has it been possible to show that an application is so unacceptable that the applicant chooses to voluntarily withdraw an approved scheme.</p> <p>Another of the five documents lying behind the Neighbourhood Development Plan, the Housing Needs Assessment, is also flawed. Wells and Glastonbury are in fact towns constrained by their landscapes and this has not been challenged. The proposal to address housing needs in Mendip area <i>sustainably</i> was put to the 2014 Local Plan Examination in public: that a new town should be built as near as possible to the mainline station in the south of the district to provide further housing need and sustainable journeys to work outside the district. This was not supported by the district council and was thrown out by the Local Plan Inspector without serious consideration.</p> <p>John Winstone 25 January 2024 Retired conservation architect</p>
<p>Response</p>	<p><i>Neighbourhood Plan Regs mean that the Council is legally obliged to “make the plan within 8 weeks of the date on which the referendum was held if the majority of those voting have voted in favour of the plan unless it considered 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 fails to do so, then it would be in breach of its statutory obligations.</i></p> <p><i>In relation to the specific comments made;</i></p> <ul style="list-style-type: none"> <i>Wells Design guide was prepared for the City Council by AECOM and published in 2022. It appears as Appendix 1 to the Neighbourhood Plan. The Design Guide is referenced by Policy HBE1. It includes a discussion of the historic development of the City and current heritage designations, including Listed Buildings and the Conservation Area. The Conservation Area is mapped on page 15. It goes on to consider landscape designations, open spaces, views and settings.</i>

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- *The Neighbourhood Plan only covers the Plan Area, which is Wells civil parish. This is the agreed designated plan area, designated in 2014.*
- *The Wells Conservation Area Assessment pre-dates the Neighbourhood Plan, dating from 2011 and is a material consideration in decision making on planning applications. It is not within the Neighbourhood Plan's remit to amend the Conservation Area Assessment, but the Neighbourhood Plan appropriately references the document.*
- *The Design Guide suggests 54 buildings which might be included on a local list of heritage interest. The Neighbourhood Plan sets out an intention to create a Local List, as set out in as Community Project 2. The City Council is currently considering all the community projects and work to take them forward will commence soon.*
- *Historic England comments at both Reg 14 and Reg 16 consultation. At Regulation 14 consultation in Sept 2022, they commented that “ Overall we applaud the Plan's content for the protection and enhancement of its distinctive historic environment, in the form of policies or community aspirations such as the proposed settlement setting study and local list. It is pleasing to register the impressive suite of local studies which have been produced and drawn upon to ensure that proposals are robustly evidenced and grounded in an informed understanding of the area's special architectural and historic qualities.”*
- *The Design Guide and the Neighbourhood Plan provide information on the historic development of the City and it's character today.*
- *An amendment to one of the view cones was made as a result of the Examiners recommendations. This has been incorporated into the final Plan.*
- *The Housing Needs Assessment focuses on unmet housing need in the City, particularly focussing on affordable housing and housing for older people. It would not be appropriate for it to consider the distribution of development across a wider*

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	<p><i>area. The Neighbourhood Plan must be in general conformity with the Local Plan, which considers development across a wider area (the former Mendip District).</i></p> <ul style="list-style-type: none"> <i>• The Neighbourhood Plan Examiner is very well qualified to carry out the Examination as was sourced via the national NPIERS system, run independently by RICS.</i>
<p>Roy Bulgin</p> <p>Page 11</p>	<p>Ruishton and Thornfalcon Parish Council.</p> <p>Attended in the room.</p> <p>Raised the following points:-</p> <ul style="list-style-type: none"> • Thanked the Sub-Committee for the opportunity to speak. • Been on Parish Council for a long time and this task has been a challenge for all of those involved. • He has got planning experience from sitting on Neighbourhood and Planning Steering Group and Committees of the Parish Council. • On behalf of the Parish Council, he thanked Somerset Council for expediting the referendum last Thursday. • This is the end of a very long journey. • Thanked officers for all their help throughout. • He looks forward to advising the PC that the Plan has been made after today's meeting.

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