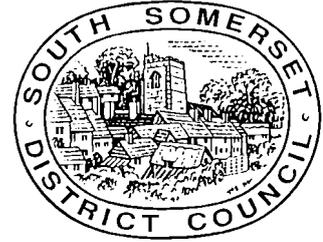


# South Somerset District Council

*Notice of Meeting*



## District Executive

*Making a difference where it counts*

**Thursday 6th September 2018**

**9.30 am**

**Council Chamber  
Council Offices  
Brympton Way  
Yeovil  
Somerset BA20 2HT**



Disabled access and a hearing loop are available at this meeting venue.

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Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please contact the Democratic Services Specialist on 01935 462148 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Wednesday 29 August 2018.

**Alex Parmley**, *Chief Executive Officer*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app



# District Executive Membership

Jason Baker  
Peter Gubbins  
Henry Hobhouse  
Val Keitch  
Graham Middleton  
Jo Roundell Greene  
Sylvia Seal  
Peter Seib  
Angie Singleton  
Nick Weeks

## Information for the Public

The District Executive co-ordinates the policy objectives of the Council and gives the Area Committees strategic direction. It carries out all of the local authority's functions which are not the responsibility of any other part of the Council. It delegates some of its responsibilities to Area Committees, officers and individual portfolio holders within limits set by the Council's Constitution. When major decisions are to be discussed or made, these are published in the Executive Forward Plan in so far as they can be anticipated.

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

Meetings of the District Executive are held monthly at 9.30 a.m. on the first Thursday of the month in the Council Offices, Brympton Way.

The Executive Forward Plan and copies of executive reports and decisions are published on the Council's web site - [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk).

The Council's Constitution is also on the web site and available for inspection in Council offices. The Council's corporate priorities which guide the work and decisions of the Executive are set out below.

Questions, statements or comments from members of the public are welcome at the beginning of each meeting of the Council. If a member of the public wishes to speak they should advise the committee administrator and complete one of the public participation slips setting out their name and the matter they wish to speak about. Each individual speaker shall be restricted to a total of three minutes. Answers to questions may be provided at the meeting itself or a written reply will be sent subsequently, as appropriate. Matters raised during the public question session will not be debated by the Committee at that meeting.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

# District Executive

**Thursday 6 September 2018**

## Agenda

### 1. Minutes of Previous Meeting

To approve as a correct record the minutes of the District Executive meeting held on 02 August 2018.

### 2. Apologies for Absence

### 3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

### 4. Public Question Time

### 5. Chairman's Announcements

#### Items for Discussion

6. **Proposed Designation of Herne Hill, Ilminster as a Local Nature Reserve** (Pages 5 - 9)
7. **Revisions to the Statement of Community Involvement in respect of Neighbourhood Plans** (Pages 10 - 52)
8. **The 'Making' of the South Petherton Neighbourhood Plan** (Pages 53 - 56)
9. **The East Coker Neighbourhood Plan Referendum** (Pages 57 - 90)
10. **Update on Superfast Broadband for Rural Businesses** (Pages 91 - 94)
11. **Financial Strategy and Draft Medium Term Financial Plan 2019/20** (Pages 95 - 117)
12. **District Executive Forward Plan** (Pages 118 - 123)
13. **Date of Next Meeting** (Page 124)

**14. Exclusion of Press and Public** (Page 125)

**15. SSDC Operational Office Accommodation - Update on review of options for Brympton Way and Petters House (Confidential)** (Pages 126 - 132)

# Agenda Item 6

## **Proposed Designation of Herne Hill, Ilminster as a Local Nature Reserve**

*Executive Portfolio Holder:* Cllr Sylvia Seal, Leisure and Culture  
*Strategic Director:* Clare Pestell, Commercial Services & Income Generation  
*Lead Officer:* Katy Menday, Leisure & Recreation Manager  
*Contact Details:* [katy.menday@southsomerset.gov.uk](mailto:katy.menday@southsomerset.gov.uk) or 01935 462522

### **Purpose of the Report**

1. To seek agreement that Ilminster Town Council is given delegated authority to declare and consult on the proposed designation of Local Nature Reserve status (LNR) for Herne Hill under the National Parks and Access to the Countryside Act 1949. Under this act local authorities have the power to acquire, declare and manage nature reserves, in consultation with Natural England.
2. Natural England requires the endorsement of the relevant Council committee before a formal declaration can be made. Therefore, the proposal is for the District Executive Committee to delegate the power to apply for the designation of the LNR to Ilminster Town Council.

### **Forward Plan**

3. This report appeared on the District Executive Forward Plan with an anticipated Committee date of September 2018.

### **Public Interest**

4. Ilminster Town Council would like to attain Local Nature Reserve status for Herne Hill. The site is owned and managed for the town by Ilminster Town Council and is easily accessible on foot from the town centre.
5. The importance of Herne Hill to the town of Ilminster and the surrounding areas cannot be understated; it provides a valuable habitat for flora and fauna; is used by local schools for education and exercise; is used by residents and visitors for rest, relaxation, exercise and informal recreation.
6. Designation as a Local Nature Reserve would help to conserve and enhance the wildlife, archaeological, landscape and amenity value of Herne Hill and increase the profile of the area for residents and visitors.
7. Designation of Herne Hill as a Local Nature Reserve should increase the interest and awareness of local residents and encourage greater "ownership" of the Hill which in turn will assist with the recruitment of a volunteers to undertake specific maintenance work and special projects on Herne Hill.

### **Recommendations**

8. That the District Executive:
  - a. Endorses the proposal that Herne Hill becomes a Local Nature Reserve
  - b. Delegate to Ilminster Town Council under s19 of the National Parks and Access to Countryside Act 1949 the power to declare Herne Hill as land held and managed by the Town Council as a Local Nature Reserve

### **Background**

9. A Nature Reserve is defined in Section 15 of the National Parks and Access to the Countryside Act 1949, as:
- ‘land managed for the purpose of providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the flora and fauna of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area; or of preserving flora, fauna, or geological or physiographical features of special interest in the area; or for both these purposes.’
10. It is clear in the legislation that sites selected for designation as LNRs must be of special interest. It is also clear that the words ‘in the area’ when applied to LNRs mean the area over which the local authority has responsibility. The 1949 Act states that the local authority should feel that the site in question would be appropriately managed as a nature reserve and that it has special interest or value in their area. LNRs have important parts to play in Local Biodiversity Action Plans and, in most cases have potential for community involvement. English Nature suggests that they can be used as indicators for sustainability and that a target of one hectare of LNR per 1,000 population is realistic. Particularly where LNRs are used to serve community needs, some meaningful input must be made by the community. This should include discussion of what the community wants as well as how it can make a direct contribution to management. Careful monitoring will be needed to see whether societal or ecological/geological objectives are being met and whether adjustments to projects or management plans need making.
11. South Somerset District Council has previously agreed to Chard Reservoir, Moldrams Ground (Pen Selwood) and Eastfield (High Ham) having LNR status.
12. The designation of Herne Hill as a LNR will assist South Somerset District Council in meeting several of its aims in the Council Plan including:
- Improving culture, leisure and tourism opportunities
  - Maintaining and promoting access to greenspaces for health and well being
  - Maintaining a clean and attractive environment through high standards of environmental quality
13. Local authorities are now legally responsible for managing biodiversity in a positive way under the Countryside and Rights of Way Act 2000 and Natural Environment and Rural Communities Act 2006. Designation of Herne Hill as an LNR would therefore be of assistance in managing biodiversity for South Somerset District Council and the residents and visitors to the district.

### **Information about Herne Hill, Ilminster**

14. The Herne Hill site covers an area of 8.25 hectares and consists of a broad range of native plant species, along with a number of introduced species. The site is predominantly woodland with some rough grassland / scrub areas.
15. The species composition of the woodland varies throughout, with the most prevalent tree and shrub species being: ash, pedunculate oak, hazel, hawthorn, elder and holly. The field layer within the woodland includes: bramble, bracken, red campion, dog’s mercury, bluebell, primrose and lords-and-ladies. The ground layer within the woodland is dominated by common ivy, lesser celandine along with substantial moss, liverwort, lichen and fungi communities.
16. The area at the hill’s summit is known as the Fir-Pound and is a plantation which consists of scots pine, sweet chestnut and beech.
17. Over one hundred species of flowering plants have been recorded including two Somerset notable

species. Surveys have identified forty six species of insect including two nationally rare species. The grassland area, Cleeve Close, includes a distinctive plant community with a mix of knapweed, primrose, nettles, cocksfoot, false oat and Yorkshire fog grasses. The entomological survey (1993-95) showed Cleeve's Close to be one of the richest on the Herne Hill site, including 2 nationally rare beetles.

18. The site provides a habitat for many animal species, including a large population of badgers, a substantial range of invertebrates, wild birds and bats.

### **Site History**

19. Herne Hill has a long history having appeared in the Domesday book of 1086, however the site is not classed as an ancient woodland as it has not been continuously wooded since c.1600. However many of the trees within the woodland are veteran.
20. In 1982 a five year tree planting program was carried out, in which 5,000 young trees were planted. In the years following this, to present, a further 2,000 new trees have been planted. The initial planting program introduced new non-native species, including a large number of American Red Oak.
21. The site is now managed as an amenity woodland for members of the public to enjoy, while maintaining the areas valuable wildlife resource, which is reflected in the management objectives.

### **Reasons for Designation**

22. The following are the principle reasons for seeking designation of Herne Hill as a Local Nature Reserve:
  1. The site is locally important for wildlife.
  2. The 'Fir-Pound' area, includes bluebells and veteran trees, an important habitat for conservation.
  3. The natural greenspace is a valuable, accessible, community resource for the town.
  4. The site has historical value for the town, having appeared in the Domesday Book of 1086
  5. Ilminster Town Council are committed to protecting and encouraging wildlife species & habitats through active conservation management.
  6. Ilminster Town Council are committed to improving educational opportunities for local schools, organised groups as well as opportunities for to the wider community.

### **Management Objectives for Herne Hill**

23. The following, which respect the covenants in the conveyance of the land to the Council, are the management objectives for Herne Hill
  1. To ensure the sites natural vegetation continues to develop, in respect of ancient woodland character
  2. To conserve the site and enhance the local native landscape
  3. To conserve the site and enhance the local ecology, including managing habitats for species of conservation importance
  4. To assist the stabilisation of the site slopes, establishing and maintaining tree cover at vulnerable points
  5. To control pests and invasive species (insects, animals and/ or plants), preventing excessive damage
  6. Maintain reasonable safety margins for site users and neighbouring landowners
  7. To enhance access to the site visitors and educate site users on the history and ecology of Herne Hill

8. For the land to be used, accessible and for enjoyment by all

### **Financial Implications**

24. There are no cost implications for South Somerset District Council.
25. Ilminster Town Council have an existing budget for Herne Hill and existing staffing levels will continue to be used to manage the site.
26. Designation as LNR may give the Ilminster Town Council access to funding streams that would not otherwise be available to assist with projects and other works on Herne Hill.

### **Equality and Diversity Implications**

27. Herne Hill is managed for all members of the public.

### **Privacy Impact Assessment**

28. No personal data will be processed as part of the LNR designation process.

### **Background Papers**

<https://www.gov.uk/guidance/create-and-manage-local-nature-reserves#how-to-declare-a-local-nature-reserve>

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Map of Herne Hill, Ilminster



# Agenda Item 7

## **Revisions to the Statement of Community Involvement in respect of Neighbourhood Plans**

*Executive Portfolio Holder:* Angie Singleton, Strategic Planning (Place Making)  
*Director:* Netta Meadows; Strategy and Commissioning  
*Service Manager:* Jan Gamon; Lead Specialist - Strategic Planning  
*Lead Officer:* David Clews, Spatial Planner  
*Contact Details:* david.clews@southsomerset.gov.uk or 01935 462054

### **Purpose of the Report**

1. To approve the proposed revisions to the December 2015 Statement of Community Involvement (SCI) in order to comply with the Neighbourhood Planning Act 2017.

### **Forward Plan**

- 2 This report appeared on the District Executive Forward Plan with an anticipated Committee date of September 2018.

### **Public Interest**

- 3 A Neighbourhood Plan represents the views of Parish Councils and other stakeholders on the preferred approach to future development in a settlement. It is the subject of Independent Examination by a qualified person; it then proceeds to a Referendum by the local electorate, which if more than 50% are in favour of a Plan, it is made' (or adopted). Once the making of the Plan is confirmed by the District Council, it becomes part of the Statutory Development Plan with equal status to the Local Plan and will be used in the determination of planning applications.

### **Recommendation**

4. That the District Executive agrees to the proposed revisions to the Council's Statement of Community Involvement.

### **Background**

5. Neighbourhood planning aims to help local communities play a direct role in planning the areas in which they live and work. The plan can show how the community wants land to be used and developed in its area.
6. The District Council has a number of statutory roles in the preparation of a neighbourhood plan, but officers have also provided more informal assistance and guidance in the process. From 31<sup>st</sup> July 2018, the Neighbourhood Planning Act 2017 requires a local planning authority to set out in its Statement of Community Involvement the authority's policies for giving advice or assistance in the process of making a neighbourhood plan.
7. The following revised text is proposed to be inserted in the current Statement of Community Involvement approved in December 2015 [https://www.southsomerset.gov.uk/media/806406/statement\\_of\\_community\\_involvement\\_final\\_adapted\\_dec\\_2015\\_.pdf](https://www.southsomerset.gov.uk/media/806406/statement_of_community_involvement_final_adapted_dec_2015_.pdf); this reflects what officers have been doing in any event.

#### **“Informal Assistance**

2.36 In addition to its Statutory role in the preparation of neighbourhood plans, subject to officer availability, the District Council will also provide the following assistance on a more informal basis; please note that this will often consist of providing links to existing evidence base documents, data sources or published guidance:

- Assistance with the initial scoping of the plan, including an initial meeting with the Steering Group. This will include:
  - Providing advice on planning policy issues and the Local Plan.
  - Providing advice on legal requirements and evidence gathering; and links to information held by the District Council.
  - Suggesting useful links to other sources of information.
  - Providing a map of the neighbourhood plan area.
- Liaising with the Steering Group on what modifications may be necessary following the issue of the Examiner's Report; and making changes to the plan where we are able and subject to the complexity of formatting and the time involved.
- The District Council will maintain an up to date neighbourhood planning page on its website, with links to all documentation associated with the preparation of neighbourhood plans and indicating the stages at which plans have reached. See [South Somerset District Council - Neighbourhood Plans](#)

2.37 For clarification, no financial assistance or printing of, for example, hard copies of the plan or exhibition material can be given; and any community survey work, technical assessments, or consultation material must be carried out at the Qualifying Body's own expense.

2.38 The government funded organisation 'Locality' will continue to deliver the Neighbourhood Planning Support Programme over the next four years, from 2018-2022. The programme builds on the 2015-18 programme and any support previously received will be taken in to account. The programme will provide anyone working on a neighbourhood plan with support from the Locality team, AECOM and other partners/specialists through:

- a basic grant of up to £9,000;
- additional grants for eligible groups with an extra £8,000.

See the website here: [Home - Locality Neighbourhood Planning](#) for more information. A link to the revised Statement of Community Involvement will also be placed in the Neighbourhood Planning web pages.

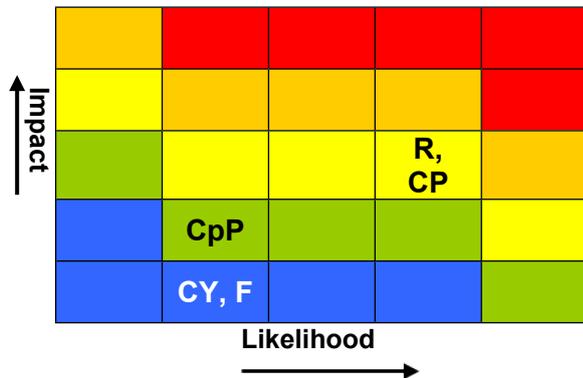
2.39 It must be recognised, and any Community embarking on plan production should be aware, that neighbourhood plans are essentially 'owned by' them, and responsibility for their production rests with the Community preparing the plan."

## **Financial Implications**

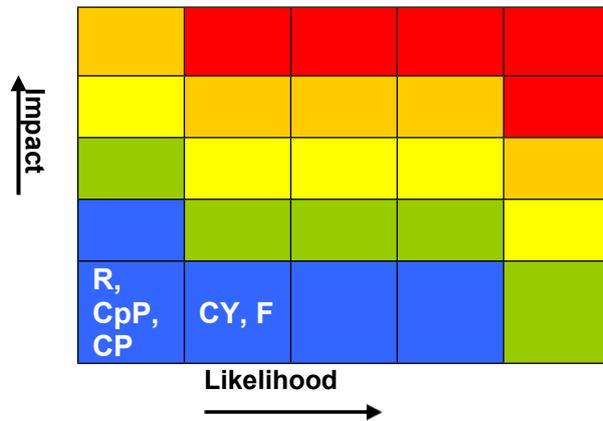
8. Under the Community Infrastructure Levy Regulations, 15% of Community Infrastructure Levy receipts are generally passed directly to those parish and town councils (in England) where development has taken place. In England, communities that draw up a neighbourhood plan and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area.
9. The Council is able to claim a grant of up to £20,000 from the Department for Housing Communities and Local Government towards the costs of progressing the Neighbourhood Plan once the date of a neighbourhood plan Referendum has been set.
10. There is no SSDC funding involved in the recommendation specifically referred to in this report.

## Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



### Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

## Council Plan Implications

- 11 The District Council's values include supporting people and communities, enabling them to help themselves. The Council Plan states that it will focus on supporting communities to develop local, parish and neighbourhood plans.

## Carbon Emissions and Climate Change Implications

- 12 The SCI does not directly address carbon emissions or climate change and no such issues arise.

## Equality and Diversity Implications

- 13 No significant changes to a Service, Policy or Strategy are proposed directly and it is therefore not necessary that an Equality Assessment is undertaken.

## Privacy Impact Assessment

- 14 No personal data handling is involved.

## Background Papers

SSDC Statement of Community Involvement.

# South Somerset District Council

## Statement of Community Involvement



September 2018



## Foreword

I am pleased to present our new Statement of Community Involvement (SCI).

Planning is an important consideration in many aspects of our lives, from the protection of our historic landscape and features, to the location of the homes we live in and the places we work.

South Somerset District Council has a history of successful engagement with its local communities and is committed to building on its reputation for successful community involvement. This document sets out how the Council plans to engage with and involve the community in plan-making and the preparation of policies, as well as helping to decide on planning applications.

I hope that you will take the opportunity to help to shape your communities by getting involved in the planning process.

Cllr Angie Singleton  
Portfolio Holder Strategic Planning (Place Making)

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***If you need this document in large print, Braille, audio or another language, please contact the Spatial Policy Team at The Council Offices, Brympton Way, Yeovil, BA20 2HT.***

***If you have hearing difficulties and have access to a Textphone call: (01935) 462440***

## 1. Introduction

- 1.1 As required by the Planning and Compulsory Purchase Act 2004 (as amended) South Somerset District Council has produced this Statement of Community Involvement (SCI)<sup>1</sup>. The SCI sets out how and when the community and other stakeholders will be consulted on the preparation of the Council's statutory planning documents. It also explains how the community will be consulted on planning applications. The previous SCI was adopted in 2007 and requires updating due to changes in planning legislation and regulations.
- 1.2 The Localism Act (2011) updated the Planning and Compulsory Purchase Act (2004) and introduces a number of changes to the planning system, including the introduction of Neighbourhood Plans. Alongside this there have also been changes to The Town and Country Planning (Local Planning) (England) Regulations 2012 which mean that the Council's SCI no longer needs to be examined.
- 1.3 The Government has also introduced the National Planning Policy Framework (NPPF) which was adopted in March 2012<sup>2</sup>. This has since been supported by the publication of the National Planning Practice Guidance (NPPG) in March 2014<sup>3</sup>. The NPPF sets out national planning policy and must be taken into account when preparing local planning policy, and in determining planning applications. The NPPF, along with the NPPG, aim to simplify the basis from which to make planning decisions and have replaced the majority of previous Planning Policy Statements and Planning Policy Guidance Notes.
- 1.4 In respect of community involvement the NPPF states that in preparing Local Plans:  
*“Early and meaningful engagement and collaboration with neighbours, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area...”* (Paragraph 155).
- 1.5 The Localism Act (2011) has introduced many changes to the planning system, including the revocation of regional strategies and the introduction of Neighbourhood Plans. Therefore the Council must ensure that the adopted local development documents<sup>4</sup> conform to legislation and latest government policy. This may involve a full review of an existing document or a partial review such as of a specific policy or topic. It will also involve the production of new documents such as a Community Infrastructure Levy (CIL) charging schedule.

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<sup>1</sup> Requirement for a Statement of Community Involvement is set out in Section 18 of the Planning and Compulsory Purchase Act (2004) (as amended):

<http://www.legislation.gov.uk/ukpga/2004/5/section/18>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>3</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/>

<sup>4</sup> Local development documents include Local Plans, Development Plan Documents and Supplementary Planning Documents

- 1.6 South Somerset District Council is committed to high quality engagement with its residents, businesses, local councils and other organisations operating within the district. The benefits of engaging with a wide range of people and organisations in the planning process within South Somerset include:
- Greater public ownership of planning decisions;
  - Informing the Council of public priorities;
  - Providing opportunities for the Council and others to work collaboratively; and
  - Compliance with statutory regulations.
- 1.7 The Council has a good track record of communicating and working with the community to shape the future of South Somerset. The Council uses its own South Somerset Corporate Equalities Steering Group to ensure all documents are released in an easy to understand format.
- 1.8 In addition, the Council's structure includes four Area Development Teams who are integrated with the local community allowing their views to be more easily incorporated into the Council's work; and for Council's information to be shared more readily. Most officers in the Area Development Teams are trained community facilitators. This SCI continues these efforts and looks to build upon the Council's best practice.
- 1.9 One of the key objectives of the SCI is to encourage continuous community involvement in the planning process and to provide opportunities for involvement and participation for those who wish to be involved in planning matters. It is hoped that through the methods and processes outlined in this document you will have a clear understanding of how you can be involved and be encouraged to take an active part in planning matters. The Council is keen to build on its reputation for actively engaging with the community and by setting out its approach in relation to planning. In this document it makes it clear to all the level of engagement that can be expected.
- 1.10 By engaging in the planning process you will be able to help shape your environment, make a positive contribution for the future and help to ensure that the Council is aware of local issues. By getting involved in the process at an early stage problems and aspirations can be highlighted and addressed.
- 1.11 This document sets out how the Council plans to engage with and involve the community in plan-making and the preparation of policies, as well as helping to decide on planning applications.

### **Contact Details**

- 1.12 The Council's planning teams can be contacted in writing, via email, by telephone, or through the Council's website:

	<b>Write or visit</b>	Council Offices Brympton Way Yeovil BA20 2HT
	<b>Email</b>	Spatial Policy Team: <a href="mailto:planningpolicy@southsomerset.gov.uk">planningpolicy@southsomerset.gov.uk</a>  Development Management Team: <a href="mailto:planning@southsomerset.gov.uk">planning@southsomerset.gov.uk</a>
	<b>Telephone</b>	01935 462462
	<b>Online via the website</b>	<a href="http://www.southsomerset.gov.uk">www.southsomerset.gov.uk</a>

## 2. Plan Making

- 2.1 The Council is responsible for the production of planning documents for South Somerset. These can include:
- A Local Plan and Proposals Map;
  - Development Plan Documents (DPD);
  - Supplementary Planning Documents (SPD); and
  - Community Infrastructure Levy (CIL).
- 2.2 The timetable for preparing these documents is detailed in the South Somerset Local Development Scheme (LDS). The LDS sets out a programme and resourcing plan for the various documents to be prepared and finalised. It also identifies inter-dependencies, risks and contingencies associated with their delivery.
- 2.3 Under the revised Planning Policy Framework, from 31st July 2018, authorities are expected to set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan-making, specifically the survey stage and local development scheme. To this end, the LDS can be viewed on the South Somerset District Council website: [South Somerset District Council - Local Development Scheme](#) and the evidence base at [South Somerset District Council - Evidence Base](#). Progress of the LDS is reviewed as part of the Authority's Monitoring Reports (AMRs), which is also available on the Council's website; and changes may be made as a result. Please see: [https://www.southsomerset.gov.uk/media/898612/annual\\_monitoring\\_report\\_2017\\_issue.pdf](https://www.southsomerset.gov.uk/media/898612/annual_monitoring_report_2017_issue.pdf)

### Local Plan

- 2.4 Following the introduction of the Town and Country Planning (Local Planning) Regulations 2012, Councils are generally expected to include all their planning policies within the Local Plan, however the law does still allow for the production of other planning policy documents such as DPDs or SPDs. The South Somerset Local Plan (2006 – 2028) was adopted in March 2015. The process of producing any planning policy document should fully involve everyone who has an interest in the document.

### Development Plan Documents

- 2.5 Any development plan documents will be produced following the same process as a Local Plan and will often focus on a particular area such as a town centre or topic such as site allocations.

### Supplementary Planning Documents

- 2.6 Supplementary planning documents (SPD) add further detail to policies in the local plan / DPD and can be used to provide further guidance for development on specific sites or on particular issues such as design. SPDs are not considered by an independent inspector.

## Sustainability Appraisal

- 2.7 An on-going part of producing a local plan or DPD is Sustainability Appraisal (SA). This is a mechanism for checking the social, environmental and economic effects of a document and must be carried out for every local plan / DPD. The SA will be subject to public consultation as it develops, and the Council will seek the views of the three statutory authorities associated with the SA scoping stage, namely: the Environment Agency, Heritage England, and Natural England. At other stages in the process the SA is consulted upon widely along with the relevant local plan or DPD.

## Duty to Co-operate

- 2.8 There is now a 'duty to co-operate' in the plan making process. The NPPF says that public bodies (known as 'Prescribed Bodies' - see Appendix 1) have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities (e.g. housing provision). Local planning authorities are expected to demonstrate through evidence that they have effectively co-operated in planning for these issues.

## What are the Stages for Preparing a Local Plan or Development Plan Document?

- 2.9 The consultation requirements for a local plan or DPD are set out within the Town and Country Planning (Local Planning) (England) Regulations 2012<sup>5</sup>. These regulations are summarised below. To understand the full legal requirements please refer to the published regulations. An illustration of the process is shown in Figure 1.

**Regulation 18 (Preparation of a local plan)** requires consultation with:

- Various "specific consultation bodies" (essentially statutory national and local organisations that are affected by the subject matter of the local plan (see Appendix 1).
- Any of the "general consultation bodies" (essentially anybody interested in the social, economic or environmental development of the district) considered appropriate (see Appendix 1); and
- Residents of or other bodies who carry out business in the District.
- The Council must make all relevant documents available, including a 'statement of the representations procedure'. Documents must be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council's website.
- The Council must take into account any representations received.

**Regulation 20 (representations relating to a local plan)** involves a six week consultation process.

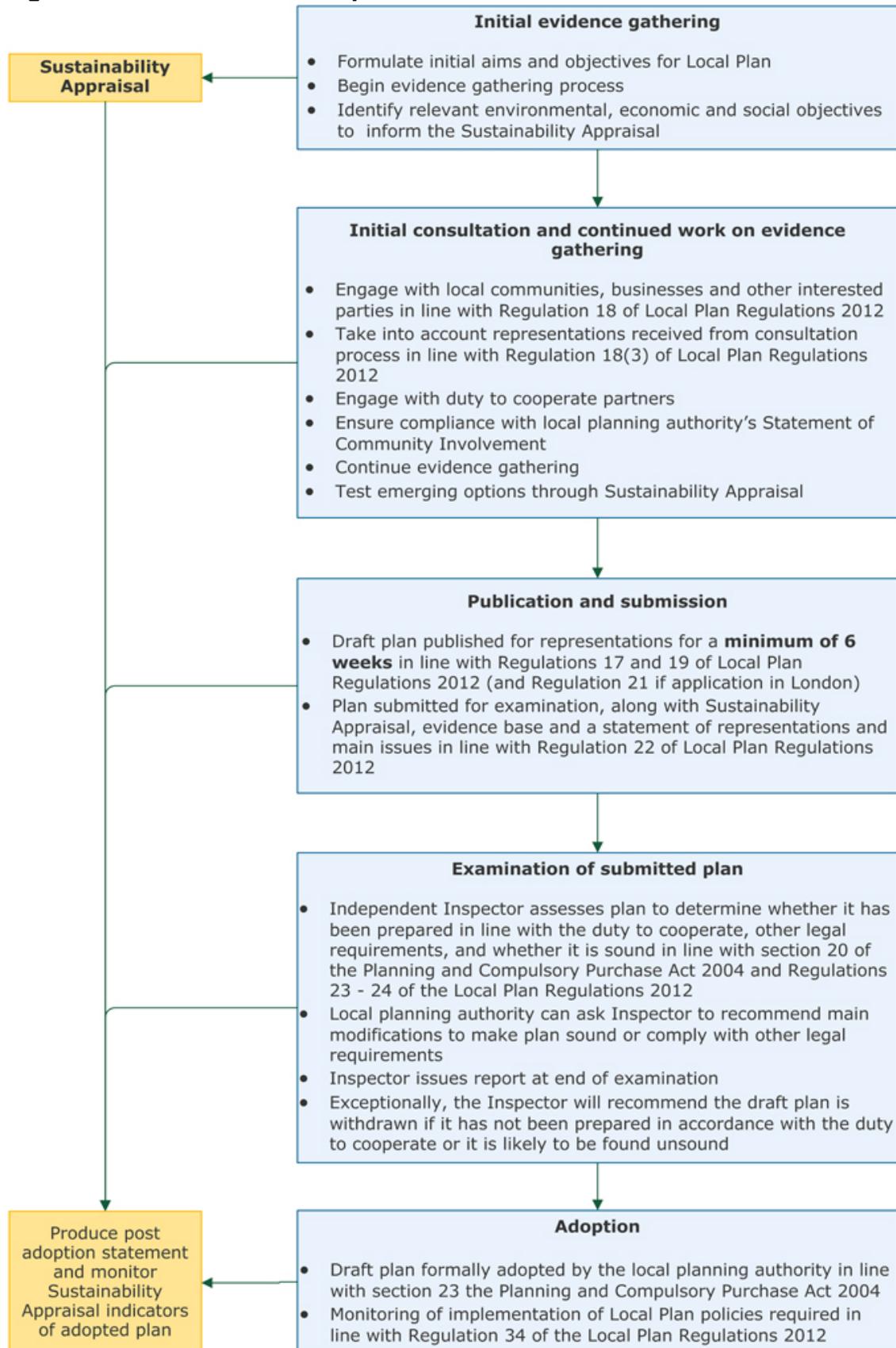
<sup>5</sup> <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

**Regulation 22 (Submission of documents and information to the Secretary of State)** requires the Council to submit to the Secretary of State all associated documents including the sustainability appraisal report, submission policies map and a comprehensive statement on the consultation that has taken place, including copies of the representations received. The Council must then make these documents and the local plan available for public inspection, give specific notification to the people who made representations and to anyone else who has requested to be notified at this stage.

**Regulation 23 (consideration of representations by appointed person)** requires that any representations on the submitted local plan received in the six-week period must be considered by the Inspector who carries out the examination.

**Regulation 35 (Availability of documents: general)** requires that during consultation periods documents should be made available for inspection at the Council's principal office and any other places within the area the Local Planning Authority (LPA) consider appropriate during normal office hours,. Documents should also be published on the Council's website.

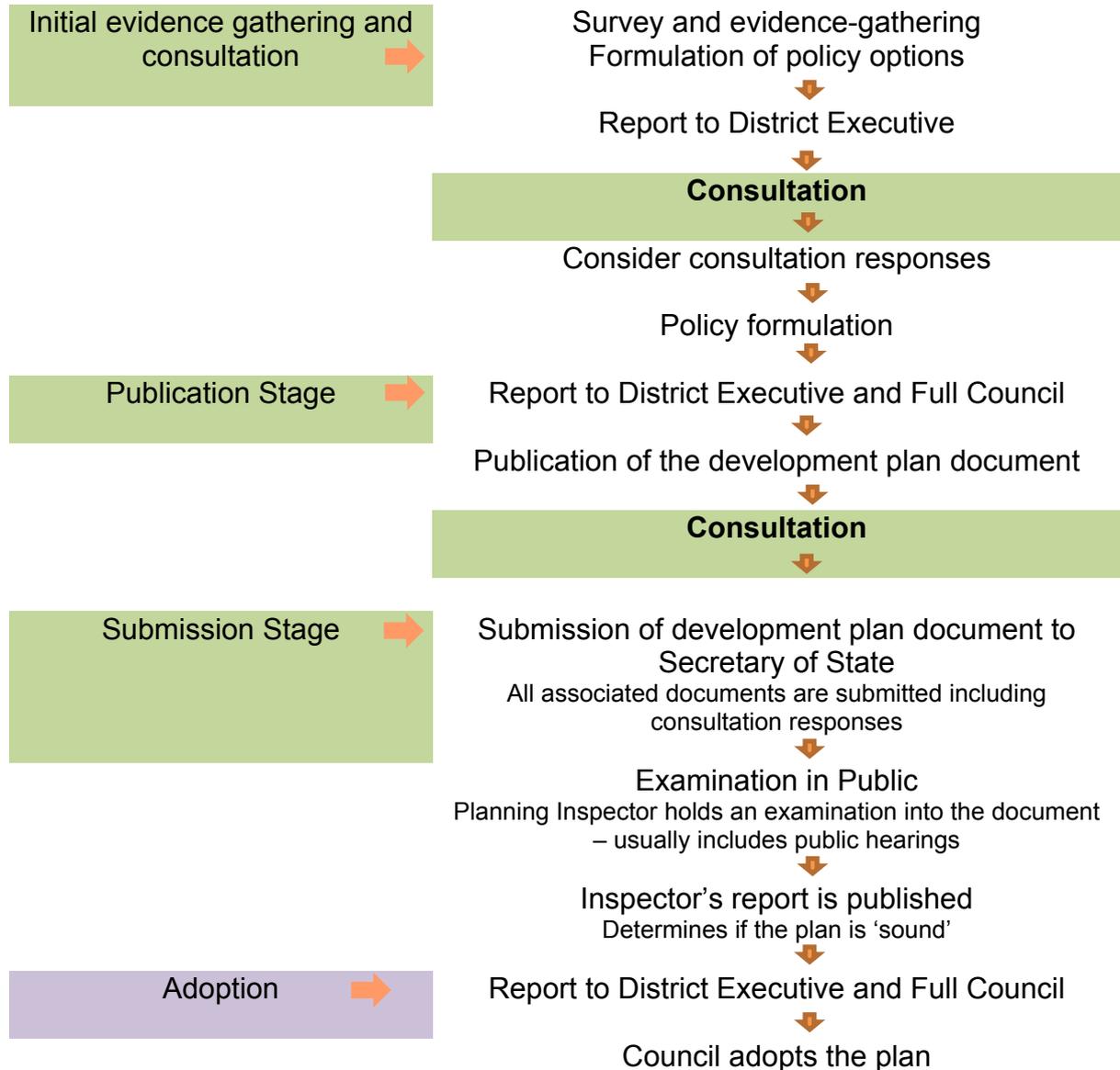
Figure 1: Local Plan / Development Plan Document Process



Source: National Planning Policy Guidance, CLG, 2014, Paragraph 005, Reference ID 12-005-20140306

2.10 Figure 2 further simplifies the process set out in Figure 1 and indicates the stages when the document will be considered by District Councillors at Committee.

**Figure 2: Local Plan / Development Plan Document Process Simplified**



### How will I be consulted?

2.11 Table 1 shows who will be consulted and the types of engagement methods to be used at each stage in the production of a local plan / DPD. The most suitable and effective consultation methods for the stage in the production of each document will be used. The most suitable methods to be used will be defined at the time in light of the prevailing circumstances. Appendix 2 provides an explanation of the methods of engagement that might be used when a document is being produced.

Table 1: Local Plan / Development Plan Documents Production and Involvement

Production stage	Who will be involved?	Methods of involvement
<p><b>1. Initial evidence gathering</b> The information needed for the local plan / DPD is prepared and potential issues identified.</p>	<p>The Council will engage with a wide range of individuals or bodies as required including:</p> <ul style="list-style-type: none"> <li>• South Somerset District Council officers</li> <li>• District Councillors</li> <li>• Relevant town and parish Councils, consultants, developers, local employers and other local groups as relevant</li> <li>• Duty to co-operate 'prescribed bodies' as appropriate</li> </ul>	<p>Engagement will involve some or all of the following:</p> <ul style="list-style-type: none"> <li>• Workshops</li> <li>• Letters</li> <li>• Email</li> <li>• Telephone</li> <li>• Meetings</li> </ul>
<p><b>2. Initial consultation and continued work on evidence gathering (Regulation 18)</b> The information gathered at the first stage is taken into account in the drafting of detailed policies and allocations. Depending on the level of complexity, the draft local plan / DPD stage may involve more than one period of consultation.</p>	<ul style="list-style-type: none"> <li>• Various 'specific consultation bodies' essentially statutory national and local organisations that are affected by the subject matter of the document (see Appendix 1)</li> <li>• Any of the 'general consultation bodies' (essentially anybody interested in the social, economic or environmental development of the district) considered appropriate (see Appendix 1).</li> <li>• Duty to co-operate 'prescribed bodies' as appropriate</li> <li>• Any other person, organisation or interest group who wishes to engage</li> </ul>	<p>The main way the Council will seek to engage will be via the online consultation software (iNovem). Documents will also be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council's website (Regulation 35).</p> <p>Methods of involvement at this stage could include:</p> <ul style="list-style-type: none"> <li>• Public notice</li> <li>• Letter</li> <li>• Email</li> <li>• Local media</li> <li>• Leaflet</li> <li>• Public exhibitions or meetings</li> <li>• Workshops</li> </ul> <p>The Council must take into account any representations received and identify and publish the main issues that emerge.</p>

<p><b>3. Publication (Regulations 17 and 19)</b> The local plan / DPD is finalised and published for a 6 week period of consultation. Comments at this stage will only be sought on soundness and legal compliance of the plan.</p>	<ul style="list-style-type: none"> <li>• All those who were invited to comment at stage 2 (initial consultation and continued work on evidence gathering) and stage 3 (publication).</li> <li>• All those who commented at stage 2 (initial consultation and continued work on evidence gathering) and stage 3 (publication).</li> <li>• Any other person, organisation or interest group who wishes to engage</li> </ul>	<p>The main way the Council will seek to engage will be via the online consultation software (iNovem). Documents will also be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council's website (Regulation 35).</p> <p>Methods of involvement at this stage could include:</p> <ul style="list-style-type: none"> <li>• Public notice</li> <li>• Letter</li> <li>• Email</li> <li>• Local media</li> <li>• Leaflet</li> <li>• Public exhibitions or meetings</li> <li>• Workshops</li> </ul> <p>The Council must take into account any representations received and identify and publish the main issues that emerge.</p>
<p><b>4. Submission (Regulation 22)</b> The draft local plan / DPD, and all supporting documents and the comments received from public consultation are submitted to the Secretary of State, who appoints an independent planning inspector. Documents are made available to view for a 6 week period.</p>	<ul style="list-style-type: none"> <li>• All those who were invited to comment at stage 2 (initial consultation and continued work on evidence gathering) and stage 3 (publication).</li> <li>• All those who commented at stage 2 (initial consultation and continued work on evidence gathering) and stage 3 (publication).</li> </ul>	<p>The main way the Council will seek to engage will be via the online consultation software (iNovem). Documents will also be made available for inspection at the Council's principal office and elsewhere as appropriate (e.g. local area offices and public libraries) and on the Council's website (Regulation 35).</p> <ul style="list-style-type: none"> <li>• Public Notice</li> <li>• Email / letter</li> </ul>
<p><b>5. Public examination (Regulation 23)</b></p>	<p>Those who made representations at stage 4 (submission).</p>	<p>The person who is appointed to carry out the independent examination considers main issues raised at the Submission stage.</p>
<p><b>6. Adoption</b> The local plan / DPD is adopted following the consideration of the recommendations in the inspector's report.</p>	<p>All respondents Any person who has asked to be notified of the adoption of the document</p>	

**Supplementary Planning Documents** go through the following stages:

- **Pre-production** survey and initial evidence gathering.
- **Public participation** seeking comments on a draft of the Supplementary Planning Document.
- **Adoption** the Council considers all comments received and adopts the SPD, whether amended or not.

### **Evidence base documents**

- 2.12 As part of the plan making process the Council will be producing (or commissioning external consultants to produce) evidence base documents that support the local plan. Where appropriate the Council will consult relevant 'specific' or 'general' consultation bodies on the contents of that evidence including working proactively with other authorities on strategic cross boundary issues in line with the duty to co-operate.
- 2.13 The Authority's Monitoring Report (AMR) is an evidence base document that helps the Council assess if local plan policies are being delivered or not. They will look at the Council's performance against the monitoring targets set out in the Local Plan. This will include analysis of recent performance in achieving housing targets. The AMR will also assess if the Council is able to demonstrate a five-year supply of housing land, which is an important aspect in decision making. The AMR will be published at least annually, formally signed off by the Council's District Executive Committee, and then published on the website.

### **The Council's commitment to equality**

- 2.14 The Equality Act 2010 places general and specific duties and responsibilities on the Council. The Public Sector Equality Duty, (s149 of the Equality Act 2010), requires the Council to consider all individuals when carrying out our day- to- day work, in shaping our policies, in delivering services, and in relation to our staff.
- 2.15 When carrying out our activities, we are required to have due regard to the need to:
- Eliminate discrimination
  - Advance equality of opportunity
  - Foster good relations between different people
- 2.16 The Specific Duties help the Council to achieve the Equality Duty. These include preparing and publishing equality information and the setting of Equality Objectives<sup>6</sup>.
- 2.17 The Council employs its own Equalities Officer who assists in the formulation of documents. This is particularly relevant to planning which has a role to play in promoting equality of opportunity and cohesion by considering the needs of the community. The Council recognises that equality of opportunity in practice includes ensuring that vulnerable or disadvantaged groups have their voices heard and needs considered. This statement supports that objective through providing guidance on how to get people involved.
- 2.18 Carrying out an Equality Analysis (EqA) on our Planning policies is a way of assessing the effect on different groups protected from discrimination by the Equality Act, (the protected characteristics are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race,

<sup>6</sup> [http://www.southsomerset.gov.uk/media/644381/equality\\_objectives\\_v6.pdf](http://www.southsomerset.gov.uk/media/644381/equality_objectives_v6.pdf)

religion or belief, sex and sexual orientation). The EqA considers if there are any unintended consequences and if the policies will be fully effective for all groups.

### **Different equality groups**

- 2.19 It is recognised that some sectors of the community may be more difficult to engage in participation in the planning process. These different equality groups may include those with sensory loss, Black and Minority Ethnic (BME) communities, young people, the elderly, those from deprived neighbourhoods, and Gypsies, Travellers and Travelling Showpeople. Here the expertise of the South Somerset Corporate Equalities Steering Group will be invaluable as they have direct day-to-day links working with and helping representatives of these parts of the community and will be able to advise on and assist with engagement. Where appropriate the Council will also use its links to these groups through the Equalities Officer, Area Development Teams and Community Health and Leisure Team to enable engagement in the planning process.
- 2.20 Different equality groups will require tailored methods of engagement and this will be assessed on a document-by-document basis

### **What will happen when I get involved in the local plan / DPD or SPD process?**

- 2.21 All relevant comments received will be:
- Acknowledged
  - Recorded on a database
  - Clarified where necessary either by letter, email or telephone
- 2.22 At each consultation stage in the production of a local plan / DPD or SPD, an outline of the consultation undertaken and the main issues arising from that consultation will be reported to District Councillors together with officer recommendations. Details of committee meetings and reports are posted on the Council's website and hard copies are available at Council offices.
- 2.23 The Council allows individuals and group representatives to attend its committee meetings either as observers or to address the members of the committee. Those who wish to make a presentation to a committee are usually given a maximum of 3 minutes. If you do wish to speak at a committee meeting you must first complete a request slip and give it to the Committee Clerk (request slips are available at the meeting and are completed on the day of the meeting).
- 2.24 Where appropriate, comments received suggesting amendments to or raising relevant new issues regarding a local plan / DPD or SPD will be taken into account and the document amended as necessary.

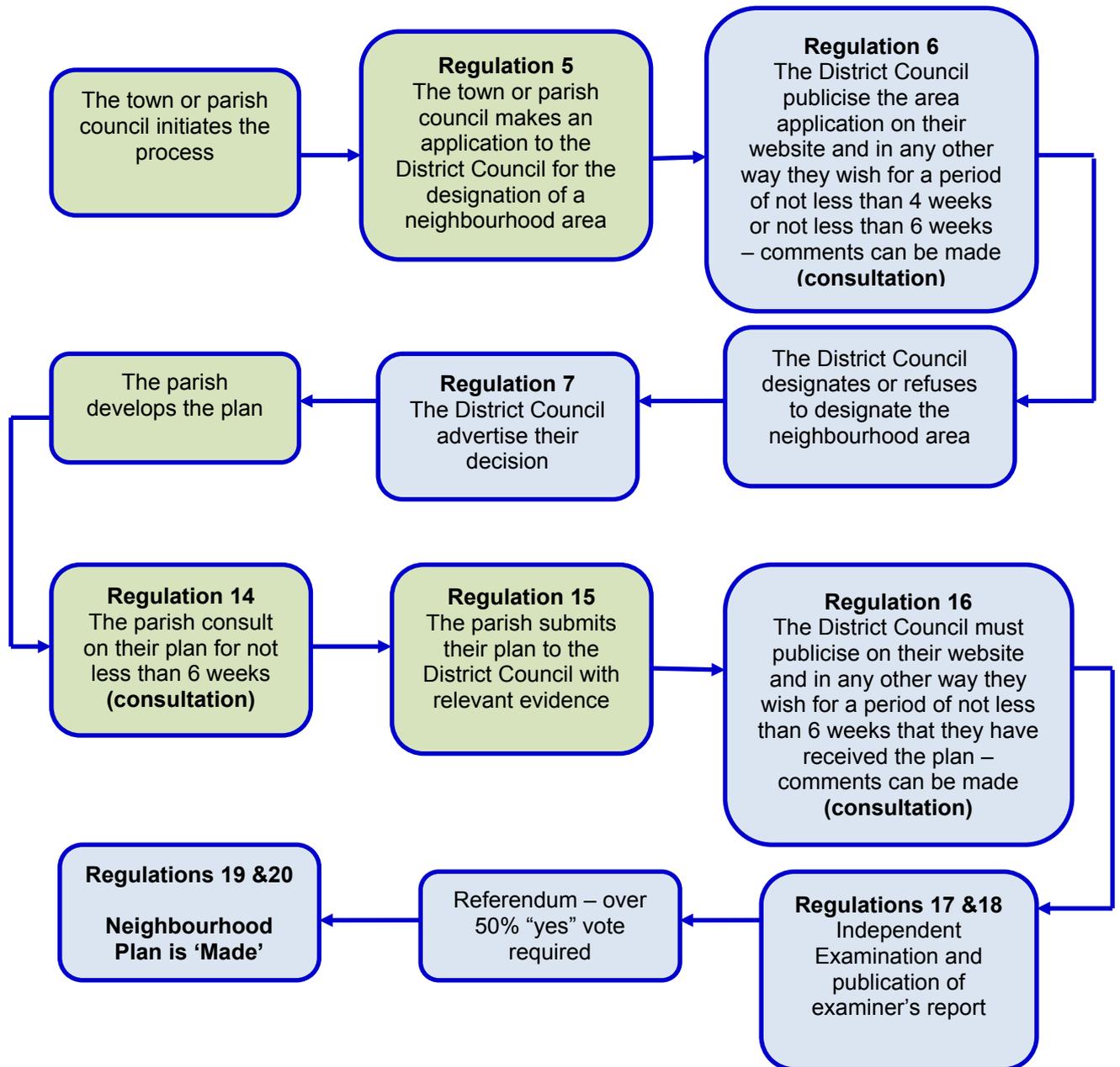
## Neighbourhood Plans

- 2.25 Neighbourhood Plans were introduced by the Localism Act 2011 and the process for producing them is set out in The Neighbourhood Planning (General) Regulations 2012 as amended (the regulations)<sup>7</sup>.
- 2.26 A neighbourhood plan is a community-led and prepared document for guiding the future development, regeneration and conservation of a parish (or group of parishes). It may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of sites for specific kinds of development. It can deal with a wide range of social, economic and environmental issues (such as housing, employment, heritage and transport) or it may focus on one or two key local issues only. In order to progress to referendum a neighbourhood plan must be examined to ensure that it meets a number of basic conditions i.e. that it has regard to national planning policies, it is in general conformity with the strategic policies of the local plan for the area, it contributes to the achievement of sustainable development and is compatible with European Union law and human rights obligations. Once 'made' a neighbourhood plan becomes part of the development plan so it has statutory weight and its policies along with those in the local plan will be used to determine planning applications.
- 2.27 The key stages for producing a neighbourhood plan are set out in Figure 3, it also identifies when consultation takes place during the process. The statutory requirements of the Council are highlighted in **blue** and parish/town council responsibilities are in **green**.

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<sup>7</sup> <http://www.legislation.gov.uk/uksi/2012/637/contents/made> and [http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksiem\\_20150020\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/20/pdfs/uksiem_20150020_en.pdf)

Figure 3: Key Stages in Preparing a Neighbourhood Plan



2.28 The following paragraphs set out how the Council will comply with its statutory duties with regards to consultation on neighbourhood plans.

### Regulation 6: Publicising an area application

2.29 At the neighbourhood area application stage where the application is made by a parish or town council and the neighbourhood area relates to the whole area of the parish the District Council will publish the relevant documents for consultation for a period of not less than 4weeks, in all other cases the

consultation period will be for not less than 6 weeks<sup>8</sup>. The following methods will be used:

- Publication on SSDC's website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk);
- Request that the town/parish council display the notice with details of how to comment on the parish notice board/parish website/magazine and at local venues they consider will raise awareness of the proposal locally;
- SSDC to send email / letter to adjoining parishes and ward members;
- SSDC to send email / letter to relevant parish and ward member/s;
- Advertise in the local press; and
- Where it is judged to be necessary notify, where known, affected landowners or interest groups.

### **Regulation 7: Publicising the designation of a neighbourhood area**

- 2.30 Once designated the District Council will inform all those it notified at the Regulation 6 stage of their decision to designate the neighbourhood area (or their reasons for not designating the area). The relevant documents will also be posted on the website.

### **Regulation 16: Plan proposals**

- 2.31 Once the town /parish council has submitted its plan to the District Council in accordance with the Regulation 15, the District Council will publicise the plan for consultation for a period of not less than 6 weeks (Regulation 16). The following methods will be used:
- Publication on SSDC's website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk);
  - Request that the town/parish council display the notice with details of how to comment on the parish notice board/parish website / magazine and at local venues they consider will raise awareness of the proposal locally;
  - SSDC to send email / letter to adjoining parishes and ward members;
  - SSDC to send email / letter to relevant parish and ward member/s;
  - Advertise in the local press; and
  - Any 'consultation body'<sup>9</sup> that is referred to in the consultation statement submitted by the town and parish council in accordance with Regulation 15 will be notified via email / letter that the plan proposal has been received.
- 2.32 We will undertake a Strategic Environmental Assessment/SA screening prior to the Qualifying Body carrying out Pre-submission consultation (Regulation 14)

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<sup>8</sup> The Neighbourhood Planning (General ) (Amendment) Regulations 2015 2 (2) (amendment to Regulation 6)

<sup>9</sup> Consultation Bodies are listed in Schedule 1 of The Neighbourhood Planning (General) Regulations 2012

**Regulation 18: Publication of the examiner’s report and plan proposal decision, Regulation 19: Decision on a plan proposal and Regulation 20: Publicising a neighbourhood development plan**

- 2.33 The District Council are also required to publicise the Examiner’s report and their decision on the plan. It will publicise this on the District Council’s website and send emails or letters to those who have expressed a wish to be kept informed of the progress of the plan, to relevant parish and ward members; and to adjoining parishes and ward members;
- 2.34 Once the decision to proceed to a referendum has been taken, the Council will organise a local referendum at its own expense. If more than 50% of those voting agree that the plan should be taken into account in determining planning applications, the plan will be ‘made’ and become part of the statutory development plan and this will also be publicised on the Council’s website and notifications sent again. It should be noted that there is a strictly prescribed process for the referendum and that the District Council is prevented from assisting with any promotional material.
- 2.35 The District Council will also comply with all other statutory requirements and deadlines as set out in the relevant Regulations.

**Informal Assistance**

- 2.36 In addition to its Statutory role in the preparation of neighbourhood plans, subject to officer availability, the District Council will also provide the following assistance on a more informal basis; please note that this will often consist of providing links to existing evidence base documents, data sources or published guidance:
- Assistance with the initial scoping of the plan, including an initial meeting with the Steering Group. This will include:
    - Providing advice on planning policy issues and the Local Plan.
    - Providing advice on legal requirements and evidence gathering; and links to information held by the District Council.
    - Suggesting useful links to other sources of information.
    - Providing a map of the neighbourhood plan area.
  - Liaising with the Steering Group on what modifications may be necessary following the issue of the Examiner’s Report; and making changes to the plan where we are able and subject to the complexity of formatting and the time involved.
  - The District Council will maintain an up to date neighbourhood planning page on its website, with links to all documentation associated with the preparation of neighbourhood plans and indicating the stages at which plans have reached. See [South Somerset District Council - Neighbourhood Plans](#)
- 2.37 For clarification, no financial assistance or printing of, for example, hard copies of the plan or exhibition material can be given; and any community survey work, technical assessments, or consultation material must be carried out at the Qualifying Body’s own expense.

2.38 The government funded organisation 'Locality' will continue to deliver the Neighbourhood Planning Support Programme over the next four years, from 2018-2022. The programme builds on the 2015-18 programme and any support previously received will be taken in to account. The programme will provide anyone working on a neighbourhood plan with support from the Locality team, AECOM and other partners/specialists through:

- a basic grant of up to £9,000;
- additional grants for eligible groups with an extra £8,000.

See the website here: [Home - Locality Neighbourhood Planning](#) for more information. A link to the revised Statement of Community Involvement will also be placed in the Neighbourhood Planning web pages.

2.39 It must be recognised, and any Community embarking on plan production should be aware, that neighbourhood plans are essentially 'owned by' them, and responsibility for their production rests with the Community preparing the plan.

### 3. Planning Applications

- 3.1 One of the key roles of the Council's Development Management Service is to determine a wide range of planning applications. These range from small household extensions, and listed building applications, through to large housing developments. The County Council deal with applications relating to minerals, waste, the County Council's own development and major highway schemes. They are also the Lead Local Flood Authority (LLFA). As the LLFA they are required to develop a strategy to tackle local flood risks, involving flooding from surface water, 'ordinary watercourses', for example ditches, dykes, and streams, groundwater, canals, lakes and small reservoirs.
- 3.2 As part of its planning function, the Council is required to notify owners and occupiers of neighbouring properties along with the relevant statutory consultees on the planning applications it receives.
- 3.3 The NPPF expects Councils to have a positive approach to decision-taking in order to deliver sustainable development. They are expected to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. It is clear that efficiency and effectiveness can be improved by good quality pre-application discussion and Councils are expected to encourage other parties to engage with them before submitting a planning application. Where they think this would be beneficial they should also encourage any applicants who are not already required to by law to engage with the local community before submitting their applications.<sup>10</sup> The SCI therefore outlines the level of community involvement and pre-application discussion that the Council will expect to be undertaken before an application is submitted. The level of pre-application consultation and particularly early public engagement will be determined by the type and scale of the application.

#### Pre-Application Discussions

- 3.4 Applicants and/or agents will be encouraged to contact the Council at the pre-application stage to discuss what the Council will expect in terms of pre application consultation and early public involvement. The level of early community involvement will be dependent upon the nature and scale of the application, as set out below.

#### Major Applications

- 3.5 Applicants making an application for major development (e.g. large housing projects, large renewable energy applications, industrial development) are encouraged to engage with the local community and relevant interest groups prior to submission of applications. Where appropriate, the submission of a statement of community involvement will be sought as supporting information. Pre-application documents will be required to be at a level of detail sufficient

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<sup>10</sup> National Planning Policy Framework (CLG, 2012), paragraphs 186 -195

to enable assessment of the main issues raised by the proposed development.

- 3.6 In appropriate circumstances, the Council will enter into Planning Performance Agreements, to agree timetables for determination of applications, as advised in the National Planning Policy Framework (paragraph 195).

### **All other applications**

- 3.7 Householders and other applicants and/or agents are encouraged to consider matters such as loss of privacy and light, noise, odour or pollution and to discuss/show their plans to neighbours before submitting a planning application. If the application is within or adjoins a Conservation Area, or relates to a listed building or its setting, then advice should be sought from the relevant Development Management Team and/or one of the Conservation Planners.

### **Benefits of Pre-application discussions**

- 3.8 Pre-application discussions and early public participation have a number of benefits including being a useful means of resolving issues that may result in public objections at a later stage and helping to ensure an inclusive and transparent process. Further benefits are to improve the overall quality of the application that is submitted, to assist the Council to make timely decisions and ensure that applicants do not experience unnecessary delays and costs. This can be achieved for example by the Council giving early advice to applicants on the type of supporting information that should accompany an application, advice on design and landscape issues and providing contact details for other relevant consultees, for example County Highways.
- 3.9 Pre-application discussions are undertaken in confidence. Normally this would involve the submission of sketch drawings and other relevant detail. Evidence of and results of pre-application community consultation should be submitted as part of a formal planning application. However, it must be stressed that the Council cannot refuse to accept a valid application because an applicant has either not undertaken pre application consultation or has undertaken pre-application consultation using a different method to that outlined in the SCI.

### **Validation Checklist**

- 3.10 In order to improve the Council's service in terms of pre application advice and information, the Council's Development Management Service has prepared a validation checklist. This can be seen on the Council's website <http://www.southsomerset.gov.uk/media/176496/validation%20document%202007.pdf>. The checklist provides guidance to applicants/ agents on the scope of material that should be supplied with a planning application, and benefits the applicant in terms of providing greater certainty as to the nature and extent of information required in order to validate the application. It also benefits the local authority by helping to achieve good standards of performance.

## Approaches to Early Community Involvement

- 3.11 Small-scale applications (e.g. householder applications, minor changes of use, small-scale operational development) would not normally be subject to extensive community-wide pre-application community consultation.
- 3.12 Applicants submitting more complex applications would be advised to consider various consultation methods as follows:

**Table 2: Pre-application Consultation with the Community**

Type of Application	Suggested methods of pre-application consultation
Applications where there are considerable issues of scale and controversy, or where the application is contrary to or out of line with the Development Plan <sup>11</sup> (a “departure” application).	Public meeting(s); public exhibition(s); early engagement with Parish Council(s); media engagement (as appropriate); discussions with case officer to assist with internal and external consultees; general discussion with case officer.
Applications that are broadly in accordance with the Development Plan BUT raising controversial issues or detail.	Discussions arranged with case officer, involving external consultees as necessary.
Development where an Environmental Impact Assessment is required.	Seek screening/scoping opinion; engagement with case officer to liaise with consultees; general discussion with case officer.
Applications of a scale or development area for which the LPA requires wider community involvement e.g. applications that fall within sites that are “sensitive” to development pressures and allocated sites that may not have generated significant objection through the local plan process for example applications of “local significance” that the LPA considers requires wider community involvement.	Public meeting(s); public exhibition(s); media engagement (as appropriate); early engagement with Parish Council(s); discussions with case officer to assist with and advise on appropriate internal and external consultees; general discussion with case officer.

### Dealing with Applications - what happens following receipt of an application?

- 3.13 Upon receipt and validation of an application, the application is allocated to a case officer.
- All relevant neighbours, parish/town Council, and other relevant statutory and non-statutory consultees are notified of the application.
  - Advertisements, where required, are placed in the local press and on site.

<sup>11</sup> The Development Plan is the adopted Local Plan and any Neighbourhood Plans that are ‘Made’

### Statutory and other Consultees

- 3.14 All statutory and other consultees will receive notification of relevant planning applications;
- Statutory consultees include Highways England, the Environment Agency and Natural England;
  - Parish/town Councils are consulted on all applications within their area;
  - Other consultees would include bodies such as the LLFA<sup>12</sup>
  - There is a statutory period of 21 days within which comments should be received by the Council. Comments received after this period but before the application is determined will be considered.

### Weekly List

- 3.15 The Council produces a weekly list of registered and determined planning applications; you can sign up to receive a copy through the Council's web site: <http://www.southsomerset.gov.uk/my-account/my-planning/>

### Neighbour Notification

- 3.16 Although not required by legislation, South Somerset District Council will normally notify via letter all owners and/or occupiers of adjoining properties about the submission of a planning application.
- The notification letter provides the application number, name of case officer, details of where to view the application, and how/where to forward any comments.
  - Any person or consultee who wishes to view any particular application is able to do so via the Council's website; [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) or by visiting the relevant parish/town Council or the District Council Offices at Brympton Way, Yeovil.
  - Relevant comments may be forwarded to the Council via fax, email, website and letter.
  - Anyone wishing to make representations to the Council has a period of 21 days from the date of the notification letter to submit their comments.
  - Dependent upon the nature, scale and wider possible impact of a proposed development, wider neighbour notification may be appropriate.

### Site Notices

- 3.17 For certain applications, it is a statutory requirement to display a site notice and advertise in the local newspaper(s). These applications include those that are:
- accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 2011;
  - departures from the Development Plan;

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<sup>12</sup> All bodies with responsibilities relating to flood risk are members of the Somerset Rivers Authority which was launched in January 2015. See the SRA website at <http://www.somersetiversauthority.org.uk/>

- applications for Listed Building and Conservation Area Consent and development that will affect the character or setting of a listed building or the character or appearance of a Conservation Area;
- ‘major’<sup>13</sup> applications; and
- notification/application involving ‘permitted’ development under the General Permitted Development Order.

3.18 A site notice may also be erected for ‘general interest’. This is usually in rural areas where there are no immediate neighbours or where it is difficult to identify adjoining owners/occupiers. There may also be occasions where an officer, using their professional judgement, may consider it appropriate to put up a site notice because they consider that the application may be of a wider public interest.

### **Submission of Comments**

- 3.19 Comments on any application can be forwarded to the Council via the website, email and letter:
- Anyone who has an interest in an application can make representations even though they may not have received a notification letter.
  - Any relevant comments made will be treated as a “material consideration” within the context of national and local policy.
  - The deadline for submitting comments is 21 days from the date stated on the letter and/or site notice and from the publication of the paper advertisement (where advertised). However, bodies such as Historic England will be allowed a longer period of time to comment on applications where this is prescribed by legislation.
  - Comments will be scanned, placed onto the electronic document management system and are made available for public inspection.
  - An acknowledgment letter is sent to those who have made representations.
  - All relevant comments received are taken into account by the case officer when considering the application.
  - The Council will also inform those who have made representations:
    - If the application is due to be considered at an area committee; and
    - If any amended plans are received
  - The Council will not publish or take into account any discriminatory or libellous comments

### **Amendment of Application Details**

3.20 Where an application has been amended, whether to meet changed requirements of the applicant or to respond to issues raised during the consultation process, it may be necessary to re-consult neighbours and other consultees. Where appropriate, this is done in writing, allowing a clearly specified period (generally 14 days) for the receipt of further comments. In accordance with current Government guidance, the period for consultation

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<sup>13</sup> Applications for 10 or more dwellings and 1,000 sq m or more for economic development

would need to balance the need for consultees to be given adequate time to consider the issues raised against the need for efficient decision making.

### **Scheme of Delegation**

- 3.21 The Council operates a scheme of delegation.
- In brief, it gives authority to the Development Manager to issue decisions on the majority of applications without the need to refer the application to the relevant Area Committee.
  - For further information on the scheme of delegation, please see here: [http://www.southsomerset.gov.uk/media/120189/scheme\\_of\\_delegation\\_aug11\\_.pdf](http://www.southsomerset.gov.uk/media/120189/scheme_of_delegation_aug11_.pdf) or contact the Development Management Service on 01935 462462.

### **Area Committee Meetings**

- 3.22 Any application that is referred to Committee will be considered by one of the relevant 4 Area Committees.
- Each Area Committee meets once a month on successive Wednesdays throughout the month.
  - Meetings are usually held either at the Council offices or at local village halls/public buildings within the relevant district area.
  - Committee reports are made publicly available 5 working days before the meeting and are available on the Council's website (please see under agenda/minutes). Paper copies are available at the Council offices and distributed on the day of the meeting.
  - Applicants and persons who have made representations on applications are advised in writing of the time and place of the meeting.

### **Regulation Committee**

- 3.23 A small number of applications may need to be referred from one of the Area Committees to the Regulation Committee for example, a major application that is contrary to the adopted local plan or an application raising controversial issues. Where possible the need for an application to be determined at Regulation Committee will be identified prior to the Area Committee meeting.
- The Regulation Committee is held monthly in the Council Chamber at Brympton Way, Yeovil.
  - Those who have made comments on an application that is being referred to Regulation Committee will be informed of the fact.
  - The committee report will be made available 5 working days before the meeting and can be viewed on the Council's website. Paper copies are available at the Council offices.

### **Public Speaking at all Committee Meetings**

- 3.24 The Council provides an opportunity for a member of the public and/or any other interested person to address the committee -a maximum of 3 minutes is given.

- For larger or more controversial applications where many people may wish to speak, the Chairman will normally ask that a spokesperson be appointed to address the committee.
- Those wishing to speak are advised to fill in a slip and pass to the Committee clerk either at the beginning of the meeting or during the break, which is usually held before consideration of planning applications.

### **Post Decision**

3.25 All planning decisions are available to view on the Council's website.

### **Planning Appeals**

3.26 An applicant has the right of appeal against a refusal of planning permission and against any conditions attached to a permission. The applicant also has the ability to appeal against non-determination if no decision is made within the required time period

- Appeals are lodged with the Planning Inspectorate
- Appeals are considered by an independent Planning Inspector.
- The right of appeal currently only extends to the applicant and not to any third parties.
- The Council will write to those who were originally consulted informing them of the appeal and outlining the appeal process.

3.27 There are 3 types of appeal:

- Written Representations
- Informal Hearing
- Public Inquiry

3.28 Most appeals are considered via written representations. The more complex and controversial applications are usually considered via a hearing or Public Inquiry. Irrespective of the type of appeal, members of the public and any other interested parties are given an opportunity to forward comments to the Planning Inspectorate.

3.29 A time limit of 6 weeks is allowed in which comments can be forwarded to the Planning Inspector. Applicants, agents and third parties are given an opportunity to address the Inspector during an Informal Hearing and Public Inquiry.

3.30 For further information on any aspect of the appeal process please see <http://www.planningportal.gov.uk/planning/planninginspectorate>

### **General**

3.31 The Council operates a Duty Planning Officer system to deal with simple enquiries, as well as offering general planning and procedural advice. This is available Monday to Thursday between 8.45 am and 5.15pm and between 8.45 am and 4.45 pm on Fridays in the reception at the Council Offices, Brympton Way, Yeovil or on the phone: 01935 462462.

- 3.32 A 'Planning Surgery' system (a duty officer) is also available in Wincanton (Churchfields) every Monday morning between 9am and 1 pm; and in Chard (Holyrood Lace Mill) every Tuesday morning between 9.30am and 1pm.

#### **4. Resources Available for Community Involvement**

- 4.1 The Council is committed to effective community engagement and intends to continue this commitment through the Statement of Community Involvement. To assist the Spatial Policy and Development Management Teams, the Council has a number of trained community facilitators in the Area Development Teams who can offer advice and guidance on a range of community related issues including methods of engaging with different groups within South Somerset. These could include:
- Planning for Real<sup>®</sup> exercises
  - Workshops
  - Drop in events
- 4.2 The following staff/teams/services will also provide valuable input in the production of planning documents:
- Economic Development Team;
  - Strategic Housing;
  - Development Management;
  - Environmental Health;
  - Community Health and Leisure Team; and
  - Equalities Officer.
- 4.3 The assistance of Planning Aid South West may be called upon as necessary or appropriate.
- 4.4 The proposed methods of engagement reflect past experience of what has worked well although the SCI provides the opportunity to review the methods of engagement, particularly in reaching and engaging with hard to reach groups. The Council, however, must be realistic in what it can undertake and achieve given the level of staff and economic resources available and the commitment to providing value for money for its residents.
- 4.5 Where planning applications are concerned the onus will be on the applicants and their agents to undertake pre-application consultation activities where appropriate although the Council's advisory role will have resource implications.

## **5. Monitoring and Mechanisms for Review**

- 5.1 The Statement of Community Involvement will be kept under review and revised where necessary following the same procedures. Revisions should only need to be made when significant changes occur in the planning process or the Council wishes to revise how it engages with the community.
- 5.2 In plan making it is intended to continue the practise of asking those who are consulted if they wish to continue being consulted on a particular document to prevent involving those who no longer wish to be. Additionally the Spatial Policy consultation database will be amended and updated as address details change or where an additional consultee asks to be added.
- 5.3 The Council will review the procedures for involving the community in plan-making and planning applications to ensure it achieves a representative level of public involvement.

## Appendix 1: Consultation Bodies

This Appendix lists the Specific Consultation Bodies, General Consultation Bodies and other Consultees the LPA may consult, where applicable, on the preparation of our planning documents. Members of the public and agents and other groups that are on our existing database will also be consulted. **If you want to check that you are on or would like to be added to our database please do not hesitate to contact the Spatial Policy Team: Please also let us know if you no longer wish to be included on our database and do not wish to receive any further letters and/or consultation documents.**

### Specific Consultation Bodies – (these are defined in the Town and Country Planning (Local Planning) (England) Regulations 2012)

- a) The Coal Authority
- b) The Environment Agency
- c) Historic England
- d) The Marine Management Organisation
- e) Natural England
- f) Network Rail Infrastructure Ltd (company number 2904587)
- g) Highways England
- h) A relevant authority any part of whose area is in or adjoins the LPA's area:

Somerset:	South Somerset Town and Parish Councils
	Somerset County Council
	Mendip District Council
	Sedgemoor District Council
	Taunton Deane Borough Council
Dorset:	Dorset County Council
	North Dorset District Council
	West Dorset District Council
Wiltshire	Wiltshire Council
Devon	Devon County Council
	East Devon District Council

Adjoining Parish Councils that fall outside South Somerset District Council's administrative boundaries:

<p>Ashcott Parish Council  Baltonsborough Parish Council  Batcombe Parish Council  Bickenhall Parish Council  Bourton Parish Council  Bradford Abbas Parish Council  Broadwindsor Parish Council  Buckhorn Weston and Kington Magna Parish Council  Burrowbridge Parish Council  Butleigh Parish Council  Chardstock Parish Council  Chedington Parish Council  Churchstanton Parish Council  Clifton Maybank Parish Council  Curland Parish Council  Ditcheat Parish Council  Fifehead Magdalen Parish Meeting  Gillingham Town Council  Goathill Parish Council  Greinton Parish Council  Halstock Parish Council  Hatch Beauchamp Parish Council  Kilmington Parish Council  Lamyatt Parish Meeting  Lydford on Fosse Parish Council  Maiden Bradley with Yarnfield Parish Council  Marnhull Parish Council</p>	<p>Melbury Osmund Parish Council  Membury Parish Council  Milton Clevedon Parish Meeting  Mosterton Parish Council  North Curry Parish Council  Othery Parish Council  Otterford Parish Council  Purse Caundle Parish Council  Queen Thorne Group (Nether Compton, Over Compton, Trent &amp; Sandford Orcas Parish Councils)  Ryme Intrinseca Parish Council  Seaborough Parish Council  Silton Parish Meeting  Stalbridge Town Council  Staple Fitzpaine Parish Council  Stoke St Gregory Parish Council  Stourton with Gasper Parish Council  Street Parish Council  Thornecombe Parish Council  Upton Noble Parish Meeting  Walton Parish Council  West Bradley Parish Meeting  Witham Friary Parish Council  Yarcombe Parish Council  Yeo Head Group (Poyntington &amp; Osborne) Parish Council  Zeals Parish Council</p>
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- i) Any person:
- a. to whom the electronic communications code applies
  - b. who owns or controls electronic communications apparatus in the district

- j) If it operates within the district:
  - a. Clinical Commissioning Groups;
  - b. Electricity licence holder
  - c. Gas licence holder
  - d. Sewerage undertaker
  - e. Water undertaker
- K) Homes and Communities Agency

### **General Consultation Bodies (these are defined in the Town and Country Planning (Local Planning) (England) Regulations 2012)**

General Consultation Bodies are:

- a) Voluntary bodies whose activities benefit any part of the district;
- b) Bodies which represent the interests of different racial, ethnic, or national groups in the district;
- c) Bodies which represent the interests of different religious groups in the district;
- d) Bodies which represent the interests of persons with disabilities in the district; and
- e) Bodies which represent the interests of persons carrying out business in the district.

### **Other consultees**

Other consultees are residents or other persons carrying on business in the district which are considered appropriate to invite to make representations. These are in addition to the specific and general consultation bodies and would be on the Spatial Policy Team's consultation database.

### **Duty to Co-operate Prescribed Bodies (these are defined in the Town and Country Planning (Local Planning) (England) Regulations 2012)**

- a) The Environment Agency;

- b) Historic England;
- c) Natural England;
- d) The Mayor of London (not relevant for South Somerset District Council);
- e) The Civil Aviation Authority;
- f) The Homes and Communities Agency;
- g) Clinical Commissioning Groups (as established by the National Health Service Act 2006);
- h) The Office of Rail & Road
- i) Transport for London (not relevant for South Somerset District Council)
- j) Each Integrated Transport Authority (not relevant for South Somerset District Council)
- k) Highways England
- l) The Marine Management Organisation (not relevant for South Somerset District Council)

The Local Enterprise Partnership (LEP) and Local Nature Partnership (LNP) are not subject to the requirements of the 'duty' but local planning authorities and the public bodies that are subject to the duty must cooperate with LEPs and LNPs and have regard to their activities when they are preparing their Local Plans, so long as those activities are relevant to local plan making.

## Appendix 2: Methods of engagement for development plan documents and supplementary planning documents

Method	What it is	Advantages	Disadvantages
Letter	Written form of communication sent directly to an individual, group or organisation.	<p>Sends information directly to a targeted individual.</p> <p>Can provide users with detailed, comprehensive information. Helps to fulfil the statutory requirement to inform.</p>	<p>Can be seen as impersonal and remote from the community.</p> <p>Letter can be misunderstood.</p> <p>Very large mail shots can be expensive.</p>
Email	Message sent from a computer either directly through the users own email provider or through the Council's website.	<p>Opportunity for distributing information and material quickly and widely at a lower cost. At any time of the day or night.</p> <p>Can be useful for reaching certain groups (e.g. young people) or more remote rural areas.</p>	<p>Access to the internet is variable and can therefore exclude those without access.</p> <p>Technical problems may arise.</p>
Telephone	System that allows you to speak directly to an individual in another place.	<p>Allows for direct, easy dissemination or collection of information.</p> <p>Allows for two-way dialogue, which ensures a better understanding.</p>	<p>Impractical when seeking to contact large numbers of people in terms of time and cost.</p> <p>Difficult to convey large quantities of information.</p>
Meetings	<p>Officer meeting - where a selected group of officers are invited to discuss a particular issue.</p> <p>Public meeting - where the event is held in a public place is publicised and an open</p>	Enables Officers to gain the views of the invited group of people and where it is a steering group to gain an important political steer at an early stage.	May attract only a limited number of people who may be unrepresentative of the local community.

Method	What it is	Advantages	Disadvantages
	invitation to attend given. At the meeting an Officer/Officers from the Council and possibly local Councillors and or developers will be available to answer questions.	Allows the public to give their views to ensure a better understanding in an efficient way.	Can be dominated by activists or those most confident at speaking in public.
	Steering Group – where a selected group of Councillors, with officer support, are invited to discuss a particular issue to provide a political steer.	Can be tailored to large or small audiences.	Issues raised tend to be very local or personal.
Committee Reports and Meetings	Officers of the Council produce committee reports in order to inform Councillors of processes that have been gone through or of representations that have been received on a document. They make a recommendation in that report and Councillors make a decision based on the information and recommendation/s in front of them. Committee meetings are open to the public.	Offers the opportunity for attendees to take part in the formal decision making process by allowing them to speak to local Councillors when they are making decisions.	A formal setting such as this – requires the speaker to be confident making their point in a public meeting.  Participant is limited to 3 minutes in which to make their point.
Public Notice	The Council places public notices in local newspapers at consultation stages of the plan process. The Notice is to let everyone know that a document has been published and that representations can be made on the contents of that document. It also tells you what the document is where you can see it, where and when by representations must be sent.	Provides the opportunity to inform a wide range of local people of the consultation that is taking place.	Formal wording may discourage the community from engaging with or taking part in the process.
Workshops	Where a selected group of people are invited to discuss a particular issue. Usually takes the form of a presentation followed by breaking out into discussion groups in order	Effective for dealing with more complex issues.	Can be resource intensive to run i.e. may require the booking of a hall or the provision of refreshments

Method	What it is	Advantages	Disadvantages
SSDC Website	to try and answer particular questions or to present ideas and options.	<p>Gives the selected attendees an opportunity to discuss different issues and options.</p> <p>Useful for including groups that may often feel excluded i.e. hard to reach groups.</p> <p>Gives Officers the opportunity to learn from those involved.</p>	<p>and multiple officer attendance.</p>
	<p>A way of presenting information about the Council by means of electronic communication (i.e. the computer). Also offers the opportunity to fill in online forms and surveys and in some instances provides the opportunity to use the Council's online consultation software. SSDC's website address is:</p> <p><a href="http://www.southsomerset.gov.uk">www.southsomerset.gov.uk</a></p>	<p>The Council is statutorily required to put Local Plan/ DPD, SPDs and Neighbourhood Plan documents on their website.</p> <p>Opportunity for distributing information and material quickly and widely at a lower cost. At any time of the day or night.</p> <p>Can be useful for reaching certain groups (e.g. young people) or more remote rural areas.</p> <p>Enables information to be managed and update in an efficient way.</p>	<p>Access to the internet is variable and can therefore exclude those without access.</p> <p>Technical problems may arise.</p>
Local Media	Local radio, television or newspapers.	<p>Reaches large audiences.</p> <p>Good for getting a message across quickly in a clear and understandable way.</p>	<p>Could be expensive.</p> <p>Suited to larger scale or more contentious issues in the broader public interest.</p>
Press Release	An information bulletin that is sent to local newspapers, radio and television stations.	Reaches large audiences.	Depends on the newspaper/TV station/radio station being

Method	What it is	Advantages	Disadvantages
Parish/Town Council Newsletters		Good for getting a message across quickly in a clear and understandable way.	interested picking up the story.
	Many parish and town Councils have a newsletter that they distribute to their parishioners advising them of local issues.	Excellent way of engaging Parish Councils and using their local knowledge.  Good for addressing local issues.	Dependent on the Parish Council producing a newsletter and having a particular interest in the subject / issue.
Leaflet/questionnaire	A short paper document containing information sent directly to consultees or interested parties – can also be left in Council Offices and other public places. May also sometimes include a tear off questionnaire.	Sends information directly to an individual in an attractive way.  Can provide users with a summary of the main points in an easy to understand way.  Questionnaire element can provide an efficient way of making a response.	May not always generate a large response rate.  Could be misunderstood or questions could be tailored towards a particular response.
Public Exhibitions / 'drop in' sessions	Plans/text/photographs are displayed on exhibition boards in order to inform and prompt questions. Usually staffed. Can be located in one place or can move around e.g. on exhibition bus. Usually located at village halls or other public places and advertised in advance.	Easy way to publicise issues and provide information.  Gives the opportunity for direct feedback from attendees.  Gives the public the flexibility of when to attend.	Not always representative due to lack of accessibility and the timing of an event.  Can be poorly attended.  Limited feedback.
Planning for Real® exercise	This is where representatives of the community are brought together in a village hall or other public place and issues particular to that neighbourhood are identified (on option cards). A three dimensional map is built of the local area and people can use the option cards to mark on the plan what they want and where	Can reach the parts of the community that do not usually attend meetings e.g. families.  It is a participatory consultation method.	Limited scope in its application – normally used for a site or location specific issue or Neighbourhood Plan.  Can lead to heightened expectations.

Method	What it is	Advantages	Disadvantages
Comments form	they want it. All the options are then prioritised as either 'now'; 'soon' or 'later' and this information can then be fed into the document.	<p>Raises issues in a non-confrontational way.</p> <p>Does not require those who participate to be experienced or articulate speakers.</p>	
	If you want to make a representation on a document you can use a comments form. These are produced at the formal stages of consultation and will ask for comments relating to the consultation matter and specific information that is required by the Council and the Inspectorate to ensure that the representation is properly considered and assessed.	<p>It is mobile and flexible.</p> <p>Provides a structure for the respondent to put down his/her comments in a considered structured way.</p> <p>Provides the Council &amp; Inspectorate with the information they need in a structured way.</p>	Forms may be filled in incorrectly or questions missed out or misunderstood.
Visits to exemplar projects	Would involve inviting selected stakeholders to visit to a particularly successful project.	Will help to inform attendees on a particular issue e.g. a visit to a scheme where the use of renewable energy has been particularly successful.	<p>Only feasible for small groups of people.</p> <p>Limited number of opportunities to be used.</p>

### Appendix 3: Acronyms

The following is a list of acronyms used in this document:

Acronym	Meaning
The Council	South Somerset District Council
SSDC	South Somerset District Council
iNovem	South Somerset District Council's on line software package which allows response to consultations to be made online.
SCI	Statement of Community Involvement
NPPF	National Planning Policy Framework (CLG, March 2012)
NPPG	National Planning Practice Guidance
CIL	Community Infrastructure Levy
DPD	Development Plan Document
SPD	Supplementary Planning Document
LDS	Local Development Scheme
AMR	Authority's Monitoring Report
SA	Sustainability Appraisal
LLFA	Lead Local Flood Authority
SRA	Somerset Rivers Authority
EqA	Equality Analysis
BME	Black and Minority Ethnic
LEP	Local Enterprise Partnership
LNP	Local Nature Partnership

# Agenda Item 8

## **The 'Making' of the South Petherton Neighbourhood Plan**

*Executive Portfolio Holder:* Angie Singleton, Strategic Planning (Place Making)  
*Ward Member(s)* South Petherton; Adam Dance; Crispin Raikes  
*Director:* Netta Meadows; Strategy and Commissioning  
*Service Manager:* Jan Gamon; Lead Specialist - Strategic Planning  
*Lead Officer:* David Clews, Spatial Planner  
*Contact Details:* david.clews@southsomerset.gov.uk or 01935 462054

### **Purpose of the Report**

1. To note the result of the Referendum in relation to the South Petherton Neighbourhood Plan and to confirm that the Plan be 'made' (or adopted).

### **Forward Plan**

- 2 This report appeared on the District Executive Forward Plan with an anticipated Committee date of September 2018.

### **Public Interest**

- 3 The Neighbourhood Plan represents the views of South Petherton Parish Council and other stakeholders on the preferred approach to future development in the settlement. This has been the subject of Independent Examination by a qualified person and proceeded to a Referendum by the local electorate, with the result being one in favour of the Plan. Once the making of the Plan is confirmed by the District Council, it will become part of the Statutory Development Plan with equal status to the Local Plan and will be used in the determination of planning applications.

### **Recommendations**

5. That the District Executive agrees to the making of the South Petherton Neighbourhood Plan.

### **Background**

6. Neighbourhood planning aims to help local communities play a direct role in planning the areas in which they live and work. The plan can show how the community wants land to be used and developed in its area.
7. The South Petherton Neighbourhood Area designation was approved by the District Council in April 2015. Since then, the Neighbourhood Plan for the area was prepared and a 'Pre-Submission' Plan consulted upon in May/June 2017 (Regulation 14). This was followed by formal submission of the Plan in October 2017 and the District Council carried out consultation in line with procedures set out in the relevant Regulations (Regulation 16). The Plan was then the subject of independent examination and the District Council agreed on the 3<sup>rd</sup> May 2018 with the Examiner's recommendations for Proposed Modifications and that the next step should be a local referendum.
8. The Referendum took place on 12<sup>th</sup> July 2018, with 642 votes cast. Of these, 547 voted in favour of the Plan, with 94 against and one 'spoilt'. The Plan can therefore now be 'made' (or adopted). Once confirmed, it will have equal status to the Local Plan and be part of the Statutory Development Plan. Planning applications are determined by local planning authorities in accordance with the adopted development plan, unless material considerations indicate otherwise. A development plan sets out the planning policies for the development and use of land.

## The South Petherton Neighbourhood Plan

9. The South Petherton Neighbourhood Plan sets out a vision for the Parish and the Plan's main aims and objectives; and includes a short summary of the settlement's physical, demographic and historic context. A Parish Design Statement forms part of the Neighbourhood Plan. The Plan summarises the consultation process and evidence base informing its preparation; and policies seeking to guide future development in the town, protecting and enhancing the natural environment, retaining the character of the settlement, setting design and space standards, seeking to ensure that new housing meets local needs, strengthening the local economy, seeking to reduce the impact of traffic and improving parking; and providing a wide range of community facilities.
10. The main objectives within the Neighbourhood Plan are stated to be the following:
- Protect the land we value locally from inappropriate development and set parameters for new development to be found acceptable.
  - Designate and protect green spaces of importance to the Parish and Protect and Create Natural Habitats
  - Protect important views (including those of Ham Hill)
  - Limit development in the countryside
  
  - Produce a Parish Design Guide to ensure quality & design of new development
  - Set up list of local heritage 'assets' to be protected
  - Reduce flood risk
  - Improve and extend network of local rights of way and footpaths, cycle paths and bridleways
  - Provide footpath links to and from new development
  
  - Establish and monitor scale and nature of local housing need
  - Ensure that new housing increases options
  - Provide some bungalows and lifetime homes
  - Provide dwellings suitable for single person households
  
  - Support the local village and wider rural economy through the creation of small and medium business units and by enabling the organic growth of local businesses
  
  - Provide new parking spaces/areas to serve key locations and facilities
  - Increase car parking opportunities
  - Ensure there is sufficient off-road parking per dwelling
  
  - Protect community and social spaces and buildings from change of use
  - Redevelop pavilion with sports facilities, toilets and changing rooms
  - Expand into new Rec. space when it's made available
  - Enable new leisure and recreation activity
  - Enable increase in local health and welfare services
  - Provide public toilets
11. The Design Statement seeks to ensure that the unique visual character of the village and its surroundings is preserved.
12. On receipt of the original Submission Documents, the Council carried out the required public consultation for a period of six weeks under Regulation 16; this included a notice in the press and writing to all authorities, utility providers, a wide range of stakeholders and other bodies considered to have an interest in the Plan, including those that the Neighbourhood Plan Steering

Group had consulted itself. The submission documentation was made available on the Council's website and hard copies were made available at South Petherton Library.

13. A total of five responses were received and the District Council also presented its own comments; these were all sent to the Examiner.
14. The Examiner's Report concluded that the correct procedure for the preparation and submission of the South Petherton Neighbourhood Plan was followed and that it meets the 'Basic Conditions', subject to several Proposed Modifications being made. The Plan, supporting documents and representations received are all available on the District Council's website - [South Somerset District Council - South Petherton Neighbourhood Area Designation](#)
15. The District Council has accepted the Examiner's recommendations and a local Referendum was held on 12<sup>th</sup> July 2018. The prescribed question that was asked was

*"Do you want South Somerset District Council to use the Neighbourhood Plan for South Petherton to help it decide planning applications in the neighbourhood area".*

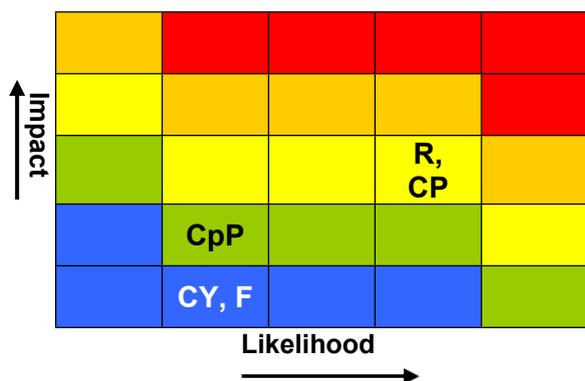
More than 50% of those who voted said 'Yes', so the Neighbourhood Plan can now be 'made'.

### Financial Implications

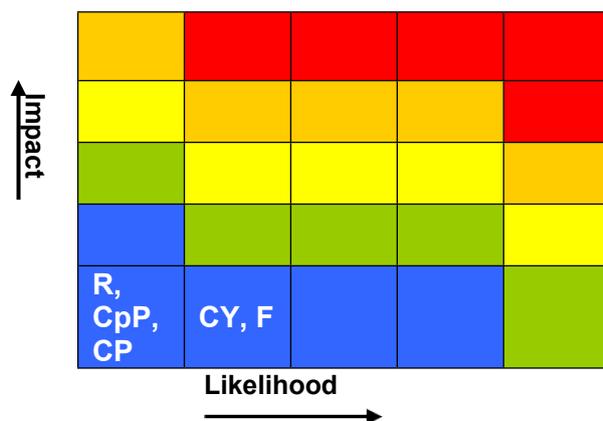
16. Under the Community Infrastructure Levy Regulations, 15% of Community Infrastructure Levy receipts are generally passed directly to those parish and town councils (in England) where development has taken place. In England, communities that draw up a neighbourhood plan and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area.
17. The Council is able to claim a grant of up to £20,000 from the Department for Housing Communities and Local Government towards the costs of progressing the Neighbourhood Plan once the date of the Referendum had been set; and this claim has been made.
18. There is no SSDC funding involved in the recommendation specifically referred to in this report.

### Risk Matrix

**Risk Profile before officer recommendations**



**Risk Profile after officer recommendations**



Key

<b>Categories</b>	<b>Colours</b> <i>(for further detail please refer to Risk management strategy)</i>
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

### **Council Plan Implications**

18 The Neighbourhood Plan accords with the Council's aims to increase the focus on jobs and economic development, protect and enhance the quality of our environment; and to enable housing to meet all needs. The District Council's values include supporting people and communities, enabling them to help themselves; and the Neighbourhood Plan has been prepared by the local community who wish to have an influence on future development in the town. The Council Plan states that it will focus on supporting communities to develop local, parish and neighbourhood plans.

### **Carbon Emissions and Climate Change Implications**

19 The South Petherton Neighbourhood Plan does not directly address carbon emissions or climate change and no such issues arise.

### **Equality and Diversity Implications**

20 No significant changes to a Service, Policy or Strategy are proposed directly and it is therefore not necessary that an Equality Assessment is undertaken.

### **Privacy Impact Assessment**

21 No personal data handling is involved.

### **Background Papers**

The Plan, supporting documents and representations received are all available on the District Council's website - [South Somerset District Council - South Petherton Neighbourhood Area Designation](#)

# Agenda Item 9

## **The East Coker Neighbourhood Plan Referendum**

*Executive Portfolio Holder:* Angie Singleton, Strategic Planning (Place Making)  
*Ward Member(s)* Coker - Cathy Bakewell; Gina Seaton  
*Director:* Netta Meadows; Director, Strategy and Commissioning  
*Service Manager:* Jan Gamon; Lead Specialist – Strategic Planning  
*Lead Officer:* David Clews, Spatial Planner  
*Contact Details:* david.clews@southsomerset.gov.uk or 01935 462054

### **Purpose of the Report**

1. To note the progress that has been made on the preparation of the East Coker Neighbourhood Plan; to agree the independent Examiner's report and recommendations for Proposed Modifications; and to set out the process for 'making' the plan following a favourable local referendum to be organised by the District Council.

### **Forward Plan**

- 2 This report appeared on the District Executive Forward Plan with an anticipated Committee date of September 2018.

### **Public Interest**

- 3 The Neighbourhood Plan represents the views of East Coker Parish Council and other stakeholders on the preferred approach to future development in the Parish. This has been the subject of Independent Examination by a qualified person and if the Council agrees with the Examiner's report and recommendations for Proposed Modifications, the Plan will then be subject to a referendum of all those in the community on the Electoral Register. The referendum will be on whether they agree with the modified Plan's content and if it should be used in the determination of planning applications.
- 4 The Neighbourhood Plan has been the subject of resident surveys, public meetings and consultation events; and the Parish Council have a dedicated section on its website in association with this process. [Neighbourhood Plan | East Coker Parish Council](#)

### **Recommendations**

- 5 That the District Executive
  - a. agrees to the Examiner's report and recommendations for Proposed Modifications to the East Coker Neighbourhood Plan.
  - b. agrees to the Council organising a referendum for local people on the Electoral Register as to whether they want South Somerset District Council to use the Neighbourhood Plan for East Coker to help it decide planning applications in the neighbourhood area.
  - c. delegates responsibility to the Director for Strategy and Commissioning in consultation with the Portfolio Holder for Strategic Planning to make any final minor text amendments to the Neighbourhood Plan, in agreement with East Coker Parish Council and the Neighbourhood Plan Steering Group.

## Background

- 6 Neighbourhood planning aims to help local communities play a direct role in planning the areas in which they live and work. The plan can show how the community wants land to be used and developed in its area. If a plan is 'made' following a successful referendum, it becomes part of the development plan for that area. Planning applications are determined by local planning authorities in accordance with the adopted development plan, unless material considerations indicate otherwise. A development plan sets out the planning policies for the development and use of land.
- 7 The East Coker Neighbourhood Area designation was approved by the District Council in September 2013. Since then, the Neighbourhood Plan for the area has been prepared and a 'Pre-Submission' Plan was consulted upon by the local Steering Group in January – March 2017 (Regulation 14). This was followed by formal submission of the Plan in March 2018 and the District Council carried out formal consultation in line with procedures set out in the relevant Regulations (Regulation 16). The Plan has now been the subject of independent examination and this report relates to the District Council's decision on the Examiner's recommendations and the next step of a local referendum.

## The East Coker Neighbourhood Plan

8. The East Coker Neighbourhood Plan sets out a vision for the Parish and the Plan's main objectives. The Plan summarises the consultation process and evidence base informing its preparation; and policies seeking to guide future development in the Parish relating to Housing, Employment and Business, Traffic Transport and Infrastructure, Community Services and facilities; and Built and Natural Environment. It also covers Implementation, Monitoring and Review.

9. The Neighbourhood Plan's objectives are set out follows~;

Housing Objective - To encourage the delivery of housing which meets local need, including affordable housing, and provide everyone in the community with the opportunity to live in an appropriate home.

Employment Objective - To support the retention, improvement and expansion of existing employment space and encourage a range of further businesses, including home-working.

Transport Objective - To work with the Highway Authority to ensure that transport and movement within the Parish is appropriate and safe and to retain, promote and improve the network of footpaths, bridleways and cycle paths.

Community Objective - To provide and support the retention of a range of service and community facilities supporting sustainable growth.

Recreation Objective - To protect open space, sport and recreation facilities to promote healthy lifestyles and the well-being of residents in the Parish.

Conservation Objective - To support the retention and enhancement of the existing Conservation Areas in East & North Coker.

Design Objective - To secure good design in new development, and to protect, enhance and invest in the natural and built environment through a range of local projects and improvements.

Landscape Objective - To secure the protection, enhancement and interpretation of the distinctive rural landscape, settlement pattern, historical assets, natural environment and biodiversity of the Parish.

Agricultural Objective - Protect high grade agricultural land in order to increase sustainability of food supplies

- 10 Alongside the Neighbourhood Plan itself, the Regulations require that a statement is submitted which states how the Plan meets the specified 'Basic Conditions', a Consultation Statement; and confirmation that the Plan meets the Strategic Environmental Assessment and Habitats Regulations and other European legislation.
- 11 On receipt of the Submission Documents, the District Council carried out the required public consultation for a period of six weeks under Regulation 16 in April/ May 2018; this included a notice in the press; and hard copies of the Submission documents were made available at the village café in East Coker. The District Council also wrote to all authorities, utility providers, a wide range of stakeholders and other bodies considered to have an interest in the Plan, including those that the Neighbourhood Plan Steering Group had consulted itself. The submission documentation was made available on the Council's website.
- 12 A total of 29 responses were received and the District Council also presented its own comments; these were all sent to the Examiner.
- 13 The Examiner's Report concludes that the correct procedure for the preparation and submission of the East Coker Neighbourhood Plan was followed and that it meets the 'Basic Conditions', subject to several Proposed Modifications being made. The amended document in accordance with these proposed changes is appended to this report, together with the Examiner's Report. The original Submission Plan, supporting documents and summary of representations received are all available on the District Council's website [South Somerset District Council - East Coker Parish Neighbourhood Area Designation](#)
- 14 If the District Council accepts the Examiner's recommendations, the next stage would be to hold a local referendum in East Coker. The prescribed question that needs to be asked is:

*"Do you want South Somerset District Council to use the Neighbourhood Plan for East Coker to help it decide planning applications in the neighbourhood area"*.

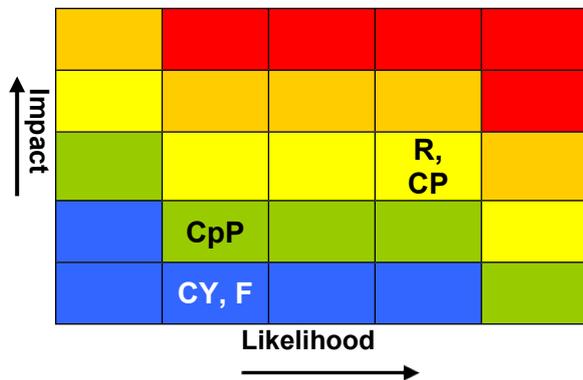
If more than 50% of those who vote say Yes, the Neighbourhood Plan is 'made' (or adopted); and it becomes part of the statutory Development Plan for the District Council and needs to be taken account in the determination of planning applications.

## **Financial Implications**

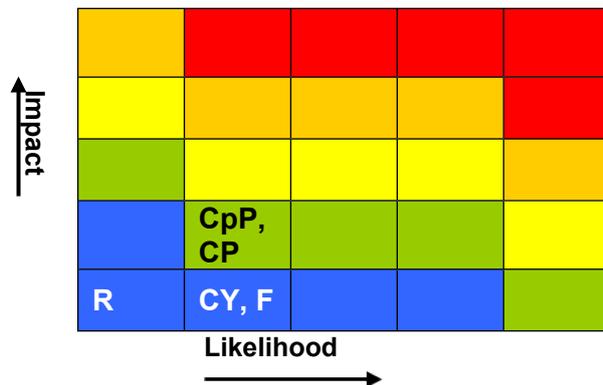
- 15 Under the Community Infrastructure Levy Regulations, 15% of Community Infrastructure Levy receipts are generally passed directly to those parish and town councils (in England) where development has taken place. In England, communities that draw up a neighbourhood plan and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area.
- 16 The District Council does not have the option to decline to hold the Referendum as this is required by legislation; and the associated costs will need to be absorbed into existing budgetary arrangements. However, the Council is able to claim a grant of up to £20,000 towards the costs of progressing the Neighbourhood Plan from the Department for Communities and Local Government once the date of the Referendum has been set.

## Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



### Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

## Council Plan Implications

- 17 The East Coker Neighbourhood Plan accords with the Council's aims to increase the focus on jobs and economic development, protect and enhance the quality of our environment; and to enable housing to meet all needs. The District Council's values include supporting people and communities, enabling them to help themselves; and the Neighbourhood Plan has been prepared by the local community who wish to have an influence on future development in the town. The Council Plan states that it will focus on supporting communities to develop local, parish and neighbourhood plans.

## Carbon Emissions and Climate Change Implications

- 18 The East Coker Neighbourhood Plan does not directly address carbon emissions or climate change and no such issues arise.

## Equality and Diversity Implications

- 19 No significant changes to a Service, Policy or Strategy are proposed directly and it is therefore not necessary that an Equality Assessment is undertaken.

## Privacy Impact Assessment

- 20 No personal data handling is involved.

## Background Papers

Appendix A – Examiner's Report

Appendix B – East Coker Neighbourhood Plan (including Proposed Modifications)

(produced as a separate supplement due to its size)



**Intelligent Plans**  
and examinations

# **Report on East Coker Neighbourhood Plan 2018 - 2028**

**An Examination undertaken for South Somerset District Council with the support of the East Coker Parish Council on the April 2018 submission version of the Plan.**

Independent Examiner: Mary O'Rourke BA (Hons) DipTP MRTPI

Date of Report: 10 August 2018

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## **Main Findings - Executive Summary**

From my examination of the East Coker Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the East Coker Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area as shown on the map on page 4;
- The Plan specifies the period to which it is to take effect – 2018 to 2028; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *East Coker Neighbourhood Plan 2018 - 2028*

- 1.1 The rural parish of East Coker lies to the south west of Yeovil, close to the Somerset/Dorset border. With the A30 to the north, it is criss-crossed by a number of small roads and lanes that connect the villages of East Coker and North Coker to the smaller settlements of Burton, Nash, Holywell and Lyatts. The rural landscape is defined by the historic parkland of Coker Court and the Coker ridge to the south whilst, to the north, open farmland gently rises towards the built edge of Yeovil and the crest of the dip-slope at Keyford. In 2011, the Census data showed a resident population of just under 1,700 people in the parish of which just over 30% are aged over 65 years, higher than the national average.
- 1.2 There is evidence of a strong Roman influence in the area with the remains of two villas and Roman roads, including the A37 bounding the parish on its eastern side. The Exeter Domesday Book notes a Manor of Cochra and the thirteenth century Parish Church is known to be sited on earlier Saxon foundations. There are more than 90 listed buildings in the parish, many dating from the 16<sup>th</sup> and 17<sup>th</sup> centuries. The 20<sup>th</sup> century American poet T S Eliot felt a strong connection with the area, choosing to have his ashes

interred in the village church, and the second poem of his Four Quartets is named 'East Coker'.

- 1.3 The decision to prepare a Neighbourhood Plan was taken in 2013 and the formal application for designation as a Neighbourhood Plan Area was approved by South Somerset District Council in September 2013. The Plan has been prepared by a Steering Group, comprising parish councillors and other interested local people, with input from various consultants to assist the Group with particular tasks. The Consultation Statement, which accompanied the submitted Plan, details the consultation strategy, the evidence gathering and community engagement exercises undertaken and discussions held with key stakeholders over the 4-year period since the Plan's inception.
- 1.4 The Vision for the Plan, set out in Chapter 4, reflects public consultation and provides for an appropriate level of development and growth to meet local needs, whilst maintaining an attractive environment with a strong sense of community that continues to protect its heritage. This is refined in nine Objectives that include encouraging housing delivery to meet local needs, supporting existing and future businesses, and protecting high grade agricultural land to increase food supply sustainability. Beginning with General policies, the Plan addresses a number of relevant topics, putting forward planning policies designed to achieve the underlying Vision and Objectives. Generally, the Plan has a clear structure and is easy to navigate and read.

#### *The Independent Examiner*

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the East Coker Neighbourhood Plan by South Somerset District Council, with the agreement of the East Coker Parish Council.
- 1.6 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, most recently determining major planning appeals and examining development plans and national infrastructure projects. I have previous experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

#### *The Scope of the Examination*

- 1.7 As the independent examiner I am required to produce this report and recommend either:
  - (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

#### *The Basic Conditions*

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;

- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of South Somerset District Council, not including documents relating to excluded minerals and waste development, is the South Somerset Local Plan 2006-2028 (SSLP), adopted in March 2015. Appendix 2 of the Plan lists 3 policies, relating to hazardous installations and disused railway lines, that continue to be saved from the earlier Local Plan but none is relevant to the examination of this Neighbourhood Plan. The SSLP provides the relevant strategic background for assessing general conformity. The District Council is progressing a Local Plan Review. It is at an early stage in the process with an Issues Paper published in October 2017.
- 2.2 Yeovil is identified in the Local Plan as the principal settlement in the district, a Strategically Significant Town and the prime focus for development. At the heart of the Local Plan's settlement strategy is the identification of two Sustainable Urban Extensions (SUE) to Yeovil, and that to the south of the town at Keyford, for approximately 800 dwellings, includes land within the Neighbourhood Plan Area.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF<sup>1</sup> was published during this examination on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans,

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
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'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The East Coker Neighbourhood Plan was submitted to South Somerset District Council by letter dated 7 December 2017. Thus, I have used the policies in the previous NPPF in my examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft East Coker Neighbourhood Plan 2018-2028, [April 2018];
  - the map on page 4 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, [April 2018];
  - the Basic Conditions Statement, [December 2017];
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the Strategic Environmental Assessment (SEA) and Habitats Regulations Screening Report (HRA) prepared by South Somerset District Council [April 2016].

### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 20 June 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The East Coker Neighbourhood Plan has been prepared and submitted for examination by East Coker Parish Council, which is a qualifying body for an area designated by South Somerset District Council in September 2013.
- 3.2 It is the only Neighbourhood Plan for the Parish of East Coker and does not relate to land outside the designated Neighbourhood Plan Area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2018 to 2028, to align with the end date of the Local Plan.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement (April 2018) provides full details of the public engagement that has taken place in the evolution of the Plan. The Parish Council decided to prepare a Neighbourhood Plan early in 2013 and, following designation of the Neighbourhood Plan Area, established a Steering Group of councillors and local people. The composition of the Steering Group has understandably changed over the 4-year period of Plan preparation during which time the Parish Council and residents have also been involved in the examination of the South Somerset Local Plan and the proposal within the parish for the major growth area at Keyford on the southern fringe of Yeovil.
- 3.5 The Plan at page 12 sets out details of community engagement in the planning process and the key themes and issues that emerged. To engage with local residents and businesses, the preparation of the Plan was widely publicised through exhibitions and open meetings, postal information, newsletters and through a dedicated and updated page on the Parish Council's website. An initial Parish Survey was distributed to every household between October 2013 and January 2014 and an Evidence Base report prepared. During 2014 work proceeded on the development of the draft Vision and Objectives and in June 2015 the District Council was informally consulted on 'policy intents'.
- 3.6 Subsequently, due to the time lapse since the first detailed survey and questionnaire and the appointment of new consultants, a second survey was carried out in September 2015 to ascertain if local opinions had changed. A major consultation open day event was held in October 2015 attended by more than 150 local people, including local District Councillors and the local MP, with positive feedback on the suggested issues and Vision and Objectives. There was a similar response to the separate questionnaire sent out to 38 local businesses. A further 'drop in' consultation event in March 2016 was also well attended.
- 3.7 Throughout 2016, the Steering Group continued to work up the Plan and the Pre-Submission Plan was agreed by the Parish Council in December 2016. It was widely publicised in the area through a newsletter delivered free to all households, posters displayed at key locations, and downloads of

all the documents on the Neighbourhood Plan website with hard copies available at local community venues, including the local public houses and the Village Café. A further public consultation event was held in March 2017. Some 100 responses were received to the Regulation 14 consultation from the public and statutory consultees.

- 3.8 Those consultation responses were taken into account, where appropriate, in revising the submitted Plan which was subject to a further 6-week consultation in April and May 2018 under Regulation 16. I have taken account of the 29 responses received in writing this report, as well as the earlier Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan, having due regard to the advice in the PPG on plan preparation and in procedural compliance with the legal requirements.

#### *Development and Use of Land*

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. However, parts of policy ECT2 do not relate to the development or use of land and I have recommended modifications in paragraph 4.68 to make it legally compliant.

#### *Excluded Development*

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.11 The Basic Conditions Statement at section 6 states that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. Neither South Somerset District Council nor any other interested party has alleged that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998). I have considered this matter independently and I have found no reason to disagree with that position.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Plan was screened for SEA by South Somerset District Council. This is a legal requirement and accords with Regulation 15(e)(1) of the 2012 Regulations. The Council found it was unnecessary to undertake SEA and neither Natural England nor Historic England have disagreed with that assessment. Having read the SEA Screening Opinion and considered the matter independently, I agree with that conclusion.

4.2 The Plan was further screened by the District Council for HRA. Whilst there is no European or nationally designated nature conservation site in the Plan area, the Bracket's Coppice Special Area of Conservation (SAC) lies some 6 to 8 miles to the south west. The Neighbourhood Plan does not propose any development allocations. The Local Plan allocates land within the Parish for a SUE, and the Screening Report notes that the effects of that on the SAC were assessed as part of the HRA of the Local Plan. The conclusion of the District Council in the Screening Report is that the Neighbourhood Plan is unlikely to have a significant adverse effect on the environment or on the integrity of any European site. Having reviewed the Pre-Submission Plan, National England concurred that HRA was not required. On the basis of the information provided and my independent consideration, I agree that HRA is not necessary.

### *Main Issues*

4.3 Having regard for the Submission Version of the East Coker Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are 4 main issues relating to the Basic Conditions for this examination. These are:

- whether the overarching, housing, employment and community services and facilities policies in the Neighbourhood Plan provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance, and are in general conformity with the strategic policies in the Local Plan;
- whether the policies for the built and natural environment will secure high standards of design and protect heritage and environmental assets in line with national policy and are in general conformity with the strategic policies in the Local Plan;
- whether the Plan appropriately provides for the designation and protection of local green spaces, having regard to national planning policy and the need to be consistent with the local planning of sustainable development; and
- whether the traffic, transport and infrastructure policies in the Plan meet the Basic Conditions, particularly in relation to having regard to national policy and guidance.

### *Introduction*

4.4 The Neighbourhood Plan for East Coker begins with the background and an introduction to the Plan, setting it in the national and district policy context. Section 3 describes the area and local engagement in the plan making process before setting out in Section 4 the Vision and Objectives for the area to 2028, which emerged from the consultation exercises and from

which the policies have been developed. These introductory sections set out a clear structure for the planning of the area over the next 10 years, based on consultation with the local community and due regard to national and local policy.

- 4.5 Before turning to address each of my four main issues, I have considered those representations made both at the Regulation 14 and Regulation 16 consultation stages that the general decision to proceed with the Neighbourhood Plan should be reviewed and that it would be prudent to consider a pause in the process to await the outcome of the recent Local Plan Review Issues and Options consultation and proposed changes to the NPPF. However, I am not persuaded that such a delay is necessary or desirable. It has taken the local community some years to get to the current stage, during which time the Parish Council was also engaged with the Local Plan process and the allocation of land in the parish as a SUE. There is now a strong impetus in the community to complete the Neighbourhood Plan. Although the District Council is committed to an early review of the Local Plan, and has made some progress with consultation between October 2017 and January 2018 on Issues and Options, its Local Development Scheme 2017-2020 (LDS) recognises that it is a challenging programme of work. It seems to me that there is considerable potential for the suggested adoption date of late 2020 to slip back.
- 4.6 It is clear from the LDS that the District Council is fully aware of the implications for Neighbourhood Plans of progressing an early Local Plan review. Paragraph 5.7 confirms that should a Neighbourhood Plan be made prior to adoption of the reviewed Local Plan, the Council will take it into account in its strategic policies and avoid duplicating policies that are in the Neighbourhood Plan. I accept that a new Local Plan might well look very different to the 2015 Local Plan, having regard also to proposed changes to national policy. However, I see no advantage to either the District Council, undertaking its Local Plan review, or to the Parish Council and the local community in delaying the examination of the East Coker Neighbourhood Plan. Although the Plan does not allocate specific sites for development, it may be that the Parish Council decide, at the time of the Local Plan Review, to undertake its own review. The circumstances where this might be necessary are discussed at paragraph 2.18 of the Plan and Section 11 of the Plan deals with implementation, monitoring and review. Therefore, I am not persuaded that the possibility of an early review is, of itself, reason to pause the plan process now.
- 4.7 Representations have been made about various factual errors in the Plan. I do not address these in my report but leave them for subsequent consideration when the Plan is updated, should it proceed to referendum. The Proposals Map would be easier to read if it were on one page only and had a title and in the interests of clarity, I am making a modification accordingly (**PM1**). I now turn, in the following paragraphs, to address each of my four main issues.

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Overarching policy

- 4.8 The Vision for the Parish of East Coker is to make provision for an appropriate level of housing and employment growth, together with community facilities to meet local needs, whilst maintaining an attractive environment with a strong sense of community that continues to protect and celebrate its unique history and heritage and will seek to pursue developments that contribute to the health and wellbeing of the community. Objectives of the Plan include encouraging the delivery of housing to meet local need, supporting the retention, improvement and expansion of existing employment space and encouraging further businesses, and retaining a range of service and community facilities to support sustainable growth.
- 4.9 Overarching policy EC1 sets out the presumption in favour of sustainable development and adds local specific detail to Local Plan policy SD1. In requiring applicants to demonstrate how they have proactively engaged and consulted the Parish Council and local community, it accords with the NPPF and with Local Plan policy SS2 on development in rural settlements, which requires that proposals should be consistent with relevant community led plans and should generally have the support of the local community following robust engagement and consultation. I see no need for there to be further definition in the Plan on the form this engagement might take, by either party, which will depend on the scale and type of scheme.
- 4.10 Policy EC2 deals with contributions secured through the Community Infrastructure Levy and/or Section 106 agreements and is in general conformity with Local Plan policy SS6 on infrastructure delivery providing locally specific detail on potential future projects that are seen as capable of providing community benefits. However, I have concerns at the inclusion in the policy of what is in effect a *'wish list'* of projects. Some detail is provided in Appendix 1. However, the projects are not prioritised, do not appear to have been costed and it is not clear as to how and when they might be delivered. Having regard to the advice in the PPG<sup>2</sup>, I am therefore proposing to modify policy EC2 by deleting the list of potential future projects and instead refer in the first sentence to contributions being used *'to improve or provide community infrastructure requirements or improvements, examples of which are identified in Appendix 1'* (**PM2**). This will still provide useful information to developers as to community issues, whilst giving flexibility in the event other needs are identified during the Plan period. In respect of the Tellis Cross play area, this land is privately owned and any discussions about its future should include the landowner and the District Council as lessee (**PM3**). Subject to these modifications, I

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<sup>2</sup> PPG Reference ID: 41-045-20140306.

am satisfied that overarching policies EC1 and EC2 have regard to national policy and guidance, are in general conformity with strategic policies in the Local Plan and would contribute to the achievement of sustainable development.

- 4.11 Representation has been made that the Plan should include a policy on flood risk. Paragraph 5.4 notes that this was considered but it was concluded that existing policy addressed the community's concerns. I agree. The PPG is clear that neighbourhood plans are not obliged to contain policies addressing all types of development<sup>3</sup>. In respect of flood risk, Section 10 of the NPPF sets out policy on meeting the challenge of climate change, flooding and coastal change. Along with Local Plan policy SD1 on sustainable development, policy EQ1 addresses climate change and refers to the South Somerset Strategic Flood Risk Assessment as the basis for applying the Sequential Test to new development. I am not persuaded that a case has been made in respect of local circumstances to warrant me recommending a modification to the Plan to include a policy on flood risk.

### Housing

- 4.12 The settlement strategy for South Somerset is set out in Local Plan policy SS1 which identifies Yeovil as a Strategically Significant Town and the prime focus for development. The Local Plan identifies the north east corner of East Coker parish, at Keyford, as the location for the southern Yeovil SUE where policy YV2 provides for approximately 800 new dwellings and around 2.5 hectares of land for economic development, to be developed on garden city principles. Other than named Market Towns and Rural Centres, none of which are in East Coker parish, paragraph 5.11 of the Local Plan identifies all other settlements as 'Rural Settlements' which policy SS1 advises '*will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)*'. Whilst the parish extends to the urban edge of Yeovil, the Local Plan is clear that, outside of the designated SUE, the appropriate framework for the consideration of development in East Coker is provided by policy SS2.
- 4.13 There is a presumption in the Local Plan against development in the Rural Settlements unless key sustainability criteria can be met<sup>4</sup>. However, paragraph 5.24 clarifies that '*this approach does not preclude development; indeed the NPPF promotes sustainable development in rural areas, with housing and employment to be located where it enhances or maintains the vitality of rural communities.*' More particularly, Local Plan policy SS2 limits housing development to that which meets identified housing need, particularly for affordable housing, and where the Rural Settlement has access to two or more key services listed at paragraph 5.41 of the Local

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<sup>3</sup> PPG Reference ID: 41-040-20160211.

<sup>4</sup> Paragraph 5.23 of the South Somerset Local Plan.

Plan. In that regard, key services in East Coker include the primary school, village hall, play area/sports pitch, a pub and the church.

- 4.14 In terms of delivering new housing growth, policy SS5 of the Local Plan provides for at least 15,950 dwellings in the Plan period 2006-2028 of which around 14% (2,242 dwellings) are expected to be built in the Rural Settlements, with decisions on how much, and where to be determined in conjunction with the aims of policy SS2<sup>5</sup>. This figure has been used in the East Coker Parish Housing Technical Paper<sup>6</sup>, along with Office of National Statistics 2014 projections and the District Council's 2016 Annual Monitoring Report and 2016 Strategic Housing Market Assessment, to arrive at a housing requirement for East Coker of at least 54 additional new dwellings in the Plan area, outside of the SUE, over the period April 2011 to March 2028. Of these 54 dwellings, 44 units already have permission.
- 4.15 In arriving at this figure, the Technical Paper makes some general assumptions on the apportionment of district growth and extrapolates household change and migration trends down to parish level. It implies that further growth should be restrained within the Plan area, even though East Coker abuts Yeovil, the largest and most strategically important town in the District. Having said that, in the absence of any evidence to support an alternative housing provision, the Plan's figure is the best available and being expressed as a minimum, the policy does offer some flexibility to allow for more development to come forward in accord with strategic Local Plan policy SS2. The policy also refers to the housing provision figure being subject to any change in higher level policies as a result of the Local Plan Review, which when adopted will take precedence as the more recent plan policy<sup>7</sup>. In that the development plan, which will include both the Local Plan and the Neighbourhood Plan, when made, should be read as a whole, the final sentence of policy ECH1 is unnecessary and, as written, inadequately summarises the nuanced approach to development in the Rural Settlements set out in Local Plan policy SS2 and in housing policy HG5.
- 4.16 I conclude that policy ECH1 by providing for a minimum housing provision is in general conformity with the strategic policies of the Local Plan, has regard to national policy and guidance and would contribute to the achievement of sustainable development. Subject to the deletion of the last sentence (**PM4**), I am satisfied that policy ECH1 would meet the Basic Conditions.
- 4.17 General housing considerations are set out in policy ECH2. In referring to the provision of a mix of housing types, size and tenure and providing for housing for older people, the policy accords with national policy, in

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<sup>5</sup> South Somerset Local Plan paragraph 5.64.

<sup>6</sup> Version 5.1 dated 2 May 2017.

<sup>7</sup> PPG Reference ID: 41-084-20160519.

particular paragraphs 50 and 54 of the NPPF. In requiring a high quality of design compatible with the character of East Coker, and the use of materials and detailing to reflect local distinctiveness, policy ECH2 reflects the great importance attached by the Government to the design of the built environment<sup>8</sup> and to conserving and enhancing the historic environment<sup>9</sup>. However, in order not to preclude innovative designs coming forward both within and outside the Conservations Areas, I propose to modify the third bullet point by the inclusion of the words '*where appropriate*' (**PM5**). As modified, the policy will be in general conformity with Local Plan policies HG5, EQ2 and EQ3 which seek to achieve a mix of housing types and sizes that contribute to the provision of sustainable, balanced communities, promote a high quality of design which promotes local distinctiveness, and make a positive contribution to the character of the historic environment. Subject to the minor modification outlined above, I am satisfied that policy ECH2 meets the Basic Conditions.

- 4.18 Policy ECH3 of the Neighbourhood Plan is headed provision of amenity space, but as drafted it also deals with internal space standards and public open space. Dealing first with part 1, it requires that all new development meets nationally described internal space standards. Whilst the PPG advises that local planning authorities have the option to set additional technical requirements and an optional nationally described space standard, this will need to be supported by evidence and justification provided for requiring internal space policies, taking into account the implications in terms of need, viability and timing. I have not found any evidence to indicate that these matters were considered in the preparation of the Neighbourhood Plan and in the drafting of policy ECH3. In the absence of any specific local justification for the imposition of internal space standards for all new housing development in East Coker, the first part of the policy fails to have regard to advice contained in guidance issued by the Secretary of State and should be deleted.
- 4.19 As to part 2 of policy ECH3, it requires all new development to provide for 'an appropriate level' of external amenity space. In the absence of any explanation as to what would be 'appropriate', this part of the policy lacks the necessary clarity and should be deleted. However, I consider that it is reasonable to require that account is taken of the accessibility, orientation, functional shape and context of any external amenity space.
- 4.20 Dealing finally with the provision of public open space, part 3 of the policy is unacceptably vague, referring to '*different types of open space*' being provided based on '*local need*'. With no explanation as to what is meant by these terms such that a developer would know what was required of them, it is unduly onerous. In the absence of any specific local justification, the policy is unclear, adds nothing of value to the District Council's agreed

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<sup>8</sup> NPPF paragraph 56.

<sup>9</sup> NPPF paragraph 131.

strategy and standards set out in the Local Plan, and I am recommending the Plan is modified to delete the whole of part 3. Subject to the modifications set out in the Appendix, I am satisfied that policy ECH3 complies with the Basic Conditions (**PM6**).

- 4.21 Work on the evidence underpinning the affordable housing policies in the Local Plan predated the Written Ministerial Statement of 28 November 2014, which advised that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). Paragraph 10.24 of the Local Plan noted the change in national policy and commented that this may result in the Council needing to raise the threshold from which to seek affordable housing contributions. I understand that the District Council has not been seeking to secure affordable housing contributions from sites of 10 dwellings or less, and thus has been abiding with the Ministerial statement.
- 4.22 Work on the evidence underpinning the affordable housing policies in the Local Plan predated the Written Ministerial Statement of 28 November 2014, which advised that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)<sup>10</sup>.
- 4.23 Policy ECH4 of the Neighbourhood Plan deals with affordable housing. Paragraph 6.26 of the Plan refers to the recent Government changes in policy and the Basic Conditions Statement gives as the reason for policy ECH4 that it *'adds up to date targets against Local Plan housing policies which are considered to be out of date'*. The local community when consulted wanted more affordable housing provided in the parish
- 4.24 However, as drafted, parts of the policy are unclear. The first part is ambiguous in its use of the word *'or'* implying that affordable housing should be provided if either criteria is met. Yet the Ministerial Statement used the word *'and'*, implying that schemes should meet both criteria. I understand that the District Council has been applying the former threshold since May 2016, and also asked for a third criterion to be included in policy ECH4 on site area. However, given that the Local Plan affordable housing policy is accepted to be out of date and the Local Plan Review is at an early stage, I consider that it is more appropriate for the Neighbourhood Plan policy to follow the most recent national policy. The second sentence of policy ECH4 refers to development providing *'affordable housing in accordance with the target levels as set out in the Development Plan'*. Yet the Neighbourhood Plan, when made, would itself be part of the development plan. If the reference is meant to be to target levels in the Local Plan, it is those policies and targets that are said in the Basic

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<sup>10</sup> PPG Reference ID: 23b-012020141128.

Conditions Statement to be out of date. The PPG<sup>11</sup> requires that a policy in a Neighbourhood Plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. This part of the policy is unclear and confusing, contrary to advice in the PPG, and I am recommending its deletion.

- 4.25 The policy refers to the mix of affordable housing varying through negotiation. However, it does set out typical tenure proportions which are within the ranges for intermediate, affordable rented and social rented housing suggested in the latest Strategic Housing Market Assessment (SHMA)<sup>12</sup>. Housing is intended to be allocated in accordance with the District Council's Local Connections Policy. Starter Homes may also be provided. In the interests of clarity, I am recommending that the policy is modified to include the word that is missing between 'As and when' and 'by the Housing and Planning Act'.
- 4.26 As I have concluded that policy ECH4 has had regard to the most recent national policy and guidance on affordable housing issued by the Secretary of State and is in general conformity with strategic housing policies in the development plan for the area, subject to the modifications set out above, I conclude that it meets the Basic Conditions (**PM7**).
- 4.27 Policy ECH5 deals with the conversion of rural buildings in the countryside. Although it is within the Housing section in a part entitled 'conversion of rural buildings for housing', as drafted the policy would also apply to conversions for tourism and employment uses. No explanation is given in the supporting text as to the reason for this, indeed all the references in paragraphs 6.34, 6.35 and 6.36 are to meeting housing need. In that both national<sup>13</sup> and local policy<sup>14</sup> support sustainable business and tourism development in rural areas, and do not limit it to the re-use of redundant or disused rural buildings, it is inappropriate to apply policy ECH5 to employment or tourism uses. Indeed, in the employment and business chapter of the Plan at paragraph 7.9, the conversion of old barns and farm buildings is recognised as providing opportunities for new business space and development and that it can be a valuable and appropriate re-use of buildings.
- 4.28 In respect of the residential conversion of buildings in the countryside, the NPPF at paragraph 55 is supportive where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In setting out criteria for development to require suitable access to be in place, no significant rebuilding, retention of the

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<sup>11</sup> PPG Reference ID: 41-041-20140306.

<sup>12</sup> Local Plan Review: Issues and Options paragraph 10.20.

<sup>13</sup> NPPF paragraph 28.

<sup>14</sup> Local Plan policies EP4, EP5 and EP8.

building's original character, and provision of net gains in biodiversity, policy ECH5 would contribute towards the achievement of sustainable development and accords with national policy. Subject to modifications to delete the words tourism or employment uses, I am satisfied that policy ECH5 meets the Basic Conditions (**PM8**).

#### Employment and business

- 4.29 East Coker is a rural parish where the economy over the last 70 years has moved away from being farming dominated. Government policy supports a prosperous rural economy and planning policies that take a positive approach to sustainable new development. Businesses in the area were surveyed as part of the consultation on the Neighbourhood Plan and no outstanding issues were raised. Whilst further employment land is planned as part of the SUE, policies in the Neighbourhood Plan are concerned with existing employment land and premises in the parish, in particular the business units at Halves Lane, and their retention in employment uses. Policy ECEM1 requires proposals that would result in the loss of employment land and premises to be subject to a marketing exercise, to demonstrate that consideration has been given to the potential for mixed use development, and that they are no longer suitable to continue in business use.
- 4.30 Employment land and premises in South Somerset are already safeguarded through Local Plan policy EP3 which states that planning permission will not be granted for development to alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement's supply of employment land/premises and/or job opportunities. It requires marketing to be carried out for a maximum of 18 months and changes of use will only be permitted where certain criteria can be met.
- 4.31 The PPG in advising on how Neighbourhood Plan policy should be drafted is clear that it should be locally distinctive to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. However, there is nothing in the Plan, the Basic Conditions Statement, or the written evidence that gives an expressly local dimension or an explanation as to what makes policy ECEM1 distinct. Moreover, I am concerned that as drafted the Neighbourhood Plan policy is unclear and ambiguous as to how it is intended that the 3 bullet points would be applied. If the intent of the policy is to deal with the safeguarding of employment land and premises, then I consider that the Local Plan policies provide sufficient guidance. I am not satisfied that policy ECEM1 has had adequate regard to advice on policy drafting contained in national guidance and so fails to meet the Basic Conditions and I am modifying the Plan to delete it (**PM9**).
- 4.32 Where land in East Coker is already in employment use, policy ECEM2 supports new business development. I am satisfied that it would contribute

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towards the achievement of sustainable development and is compliant with the Basic Conditions without modification.

- 4.33 Policy ECEM3 supports proposals for *'the development of small scale social enterprise and other businesses that meet the needs of the community'*. This accords with national policy in the NPPF which supports a prosperous rural economy and advises that neighbourhood plans should promote the retention and development of local services and community facilities in villages<sup>15</sup>. Local Plan policy EP15 supports the provision of new community facilities and services and resists their loss unless alternative provision of equivalent or better quality can be made. Whilst Local Plan policy EP3 resists new build live/work units in locations where residential development would not normally be permitted, policy ECEM3 refers specifically to their creation within established villages and settlements where residential development would otherwise be acceptable in accord with Local Plan policy SS2. In encouraging the provision of appropriate economic activity in the area, policy ECEM3 would contribute towards the achievement of sustainable development, is in general conformity with the Local Plan and has regard to national policy, and thus meets the Basic Conditions.

#### Community services and facilities

- 4.34 Parish surveys in 2013 and 2015 indicate that local people enjoy a full range of community activities and want community facilities to be maintained and enhanced for all ages. The NPPF at paragraph 73 refers to the important contribution that high quality open spaces and opportunities for sport and recreation can make to the health and well-being of communities. It is Government policy that existing open space, sports and recreational buildings, including playing fields, should not be built on unless surplus to requirements, equivalent or better provision would be made, or the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss<sup>16</sup>.
- 4.35 Local Plan policy HW1 requires provision to be made for open space, outdoor playing space, sports, cultural and community facilities in new development, whilst policy HW3 resists the loss of play spaces and youth provision unless alternative provision of equivalent community benefit of a similar nature which is accessible can be made available locally. Proposals that would result in the total or partial loss of a local shop, community or cultural facility or other service that contributes towards the sustainability of a local settlement are resisted by Local Plan policy EP15 subject to criteria relating to viability, need and impact.
- 4.36 East Coker benefits from a range of local sports, leisure and recreational facilities which are listed in policy ECCF1. Modifications are recommended

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<sup>15</sup> NPPF paragraphs 28 and 70.

<sup>16</sup> NPPF paragraph 74.

to the policy to delete the reference to the Proposals Map, as it does not show the facilities, and to make explicit that those listed will be protected from built development (**PM10**). With that modification, there is no need for the last part of the policy. I am not persuaded that the play area at Tellis Cross should be removed from policy ECCF1. Whilst it is privately owned, it is currently leased to the District Council for recreational purposes and any application for development will still fall to be determined against established policy in the NPPF and Local Plan policy HW3.

4.37 In addition to sports facilities, East Coker has a Village Hall and The Pavilion which are used for a wide range of community activities. There is now no local shop, but there is a village café in East Coker as well as the primary school, the parish church, three public houses and hotel. Policy ECCF2 seeks to prevent the loss of these valued community assets and facilities and sets out criteria relating to alternative provision, accessibility, marketing and viability. As not all the assets have an economic function, I am modifying the wording of part b) to refer to an economic or social justification to protect the asset (**PM11**). Subject to these modifications, policies ECCF1 and ECCF2 would contribute towards the achievement of sustainable development and meet the Basic Conditions.

4.38 Providing that the recommended modifications are made, I am satisfied that the Plan's overarching policies and those for housing, employment and business and community facilities, will meet the Basic Conditions.

#### *Issue 2 – the built and natural environment*

4.39 Objectives in the Neighbourhood Plan cover conservation, design and landscape and Section 10 of the Plan includes policies on the built and natural environment.

#### The historic environment

4.40 The East and North Coker Conservation Areas were designated in 1975 and 1978 and there are over 90 listed buildings in the Parish as well as designated Ancient Monuments. The NPPF sets out the Government's objective for the planning system to contribute to the achievement of sustainable development by conserving the historic environment and its assets in a manner appropriate to their significance. National policy for conserving and enhancing the historic environment is set out in the NPPF at paragraphs 126 to 141 and in the Local Plan at policy EQ3. In introducing a further layer of policy, which effectively seeks to summarise the NPPF, policy ECCN1 on development affecting heritage assets risks confusing and diluting national and local heritage policy. The intention of the Plan, set out at paragraph 2.10, is to add value to the policies in the Local Plan, however, for a developer or decision maker to have a further layer of policy on heritage assets in the terms as drafted would be more likely lead to

ambiguity and confusion. I am therefore recommending modification of the Plan to delete policy ECCN1 (**PM12**).

- 4.41 Not all heritage assets are designated and paragraph 135 of the NPPF deals with the approach to be taken to weighing applications that affect directly or indirectly non-designated heritage assets. Paragraph 13.40 of the Local Plan sets out the District Council's intention to identify locally significant assets and to prepare a district-wide list as well as to support local communities to identify locally significant historic buildings as part of their Neighbourhood Plan preparation. Paragraph 10.8 of the Neighbourhood Plan describes the lengthy process of preparing a local list and no local list has yet been prepared for South Somerset or East Coker. Yet policy ECCN2 on non-designated heritage assets, by including four areas as examples of non-designated assets in East Coker, appears to be an attempt to circumvent this process. Not only are the site descriptions vague and unspecific, there is no justification in the Plan for their inclusion in the policy or evidence as to their heritage significance. Moreover, as drafted policy ECCN2 fails to have adequate regard to the detailed nuances of national policy as set out in paragraph 135. For these reasons, I am modifying the Plan to delete policy ECCN2 (**PM13**).
- 4.42 The Neighbourhood Plan lists key characteristics of the two Conservation Areas and local interest in extending both areas. Whilst I would expect the Parish Council to be actively involved in such discussions, as any extension to the Conservation Areas would have to be formally progressed by the District Council, no modification is proposed to paragraph 10.12.
- 4.43 It is a core planning principle in the NPPF to always seek to secure high quality design and paragraph 58 requires local and neighbourhood plans to develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Policy ECCN3 addresses design in the Conservation Areas and I agree with the District Council it would be more appropriate if it echoed the language of the Planning (Conservation Areas and Listed Buildings) Act 1990 by replacing '*maintain*' with '*preserve or enhance*' (**PM14**).
- 4.44 The NPPF at paragraphs 128, 129 and 132 emphasises the need to consider the impact of any development proposed on the setting of a Conservation Area, as a heritage asset, and Local Plan policy EQ3 expects all new development proposals relating to the historic environment to, amongst others, safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage asset. I am therefore modifying policy ECCN3 to include the requirement that consideration will be given to the impact of development on the setting, including views into and out, of the Conservation Areas (**PM15**).

### General design

- 4.45 Paragraph 60 of the NPPF advises that it is proper, in policies and decisions, to seek to promote or reinforce local distinctiveness. However as drafted, policy ECCN4 on general design sets a more stringent test than that for design in the Conservation Areas in requiring that development must maintain and enhance East Coker Parish's distinctive natural and historic character. In the absence of any guidance by way of a Design Guide or Conservation Area Appraisals as to what is distinctive to East Coker, the first part of the policy imposes an onerous burden on applicants. It fails to provide sufficient clarity for a developer to know what is expected of them and for a decision maker to apply it consistently. For these reasons, I am recommending the deletion of the first part of policy ECCN4 (**PM16**).
- 4.46 More detail is provided in the main part of the policy which sets out 9 fundamental design principles that development will be expected to demonstrate have been considered in the design process. I am satisfied that, subject to the recommended modification, policy ECCN4 would help deliver high quality outcomes, would contribute towards the achievement of sustainable development and would complement Local Plan policy EQ2 on general development, thus meeting the Basic Conditions.

#### The natural environment

- 4.47 It is Government policy to conserve and enhance the natural environment. Paragraph 114 of the NPPF requires that local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The Local Plan through policies EQ2, EQ4 and EQ5 provides for development that conserves and enhances the landscape character of the area, promotes biodiversity and encourages green infrastructure through the development of a network of connected and multifunctional open spaces.
- 4.48 East Coker is a rural parish, characterised by a dispersed settlement pattern and open farmland with strong hedgerows and banks, together with blocks of woodland. The landscape character assessment of the area is of some age. The more recent Yeovil Peripheral Landscape Study, prepared to inform the Local Plan, identifies that where urban presence is not pervasive, the larger part of the Coker dip slope is of high landscape sensitivity. Policy ECCN5 requires that development, including the SUE at Keyford, should respect, conserve and enhance, wherever possible, the rural nature and existing visual landscape quality of the area. It also seeks to maintain an open rural gap between the villages of East and North Coker and Keyford to retain their separate identities. How this will be achieved will depend on the layout, scale and landscaping of any new development. In requiring that new development wherever possible maintains existing hedgerows and trees and provides for new planting of native species, it encourages biodiversity and green corridors for wildlife. I am satisfied that policy ECCN5 has regard to national policy, is in general conformity with strategic

policies of the Local Plan and would contribute to the achievement of sustainable development. Subject to modification to add the missing word 'to' before 'retain their separate identities' (**PM17**), the policy meets the Basic Conditions.

- 4.49 It is Government policy that the planning system should contribute to and enhance the natural and local environment, amongst other things, by protecting and enhancing valued landscapes<sup>17</sup>. Paragraph 113 of the NPPF requires local planning authorities to set criteria-based policies against which development proposals on or affecting landscape areas will be judged. Within South Somerset, Local Plan policy EQ2 requires that development proposals are considered, amongst other things, against the conservation and enhancement of the landscape character of the area.
- 4.50 One of the characteristics of the area, which I saw on my site visit, is the public views into and out of the villages and, whilst not a designated landscape area, local residents clearly value East Coker's landscape character and the surrounding countryside. However, I was not referred to any parish level landscape assessment justifying the 17 key views and vistas identified as the subject of policy ECCN7, and it seems to me that it would be very difficult to assess development against the policy, as it stands.
- 4.51 I can appreciate that local people place a high value on the surrounding countryside that they see every day. However, to be valued, in NPPF terms, it is not enough for a landscape to have some valued elements but it should have something that lifts it above the ordinary. In that respect, there are some views that warrant careful consideration, in particular views 7, 8, 9, 10 and 16 which include the Church of St Michael and All Angels and the surrounding historic parkland and provide the setting for the Conservation Area. Since policy ECCN3, as proposed to be modified, would require consideration to be given to the impact of development on the setting, including views into and out, of the Conservation Areas, these key views are already protected in the Plan.
- 4.52 As to the other 12 views, the photographs in the Plan show similar views across open farmland. There is no information on their scope, width or distance and the reasons given for their identification do not refer to any noteworthy visual or landscape attributes. For example, view 1 is described as being a rural setting, but it is one that can be found in many places elsewhere in the parish, district and indeed county. Similarly, the description of view 2 does not refer to any particular landscape attribute whilst views 3, 4 and 11 are of open fields with no obvious noteworthy features. The accompanying text to policy ECCN7 refers to recent appeal decisions where the impact of development on longer distance views was a factor in their dismissal. However, I am not persuaded that this alone

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<sup>17</sup> NPPF paragraph 109 1<sup>st</sup> bullet point.

justifies the Neighbourhood Plan protecting so many 'key views', which would be in effect a near blanket coverage of this small parish.

- 4.53 Policy ECCN5 of the Plan already requires that development should respect the important contribution the open countryside makes to the setting and visual quality of the villages. In the absence of sufficient evidence to demonstrate what makes the views special, policy ECCN7 lacks the necessary clarity for a decision maker to be able to apply it consistently and with confidence in determining planning applications. I conclude that policy ECCN7, its supporting text and the schedule of key views, should be deleted from the Plan in that it fails to have sufficient regard to the advice contained in the Secretary of State's guidance and would not contribute to the achievement of sustainable development (**PM18**).
- 4.54 It is Government policy that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land<sup>18</sup>. The PPG advises that this is particularly important in plan making when decisions are made on which land should be allocated for development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality<sup>19</sup>.
- 4.55 East Coker is an agricultural parish with a high proportion of Grade 1 agricultural land. The Plan notes that as the Yeovil SUE is largely on Grade 1 land which will be lost to food production, there is even more reason to protect the remaining Grade 1 land, wherever possible. Whilst the Plan has a legitimate objective to resist the development of such land, I am not satisfied that, as drafted, policy ECCN8 has sufficient regard to national policy and that it would not constrain the delivery of national policy objectives for sustainable development. In resisting 'the irreversible loss' of Grade 1 land unless 'there is no practicable alternative', it seeks to impose a more stringent test than the more measured approach set out at paragraph 112 of the NPPF. Moreover, the ambition of the neighbourhood, to protect Grade 1 agricultural land, does not appear to align well with the strategic needs and priorities of the wider local area, contrary to the NPPF at paragraphs 16 and 184. For these reasons, I conclude that policy ECCN8 fails to meet the Basic Conditions and I am recommending its deletion (**PM19**).
- 4.56 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making<sup>20</sup>. The NPPF is clear that pursuing sustainable

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<sup>18</sup> NPPF paragraph 112.

<sup>19</sup> PPG Reference ID: 8-026-20140306.

<sup>20</sup> PPG Reference ID: 8-007-20140306.

development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution<sup>21</sup>. Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure<sup>22</sup>.

- 4.57 The Local Plan includes policies EQ4 and EQ5 which promote biodiversity and encourage green infrastructure through the development of a network of connected and multifunctional open spaces. Whilst paragraph 10.19 of the Neighbourhood Plan refers to the rich natural and cultural environment as being a highly valued asset to East Coker, there are no national or internationally designated nature conservation sites in East Coker, and the Hardington Moor Site of Special Scientific Interest and National Nature Reserve lies outside the parish boundary. However, there are a small number of local wildlife sites and an area of historic parkland.
- 4.58 Having regard to national policy guidance and Local Plan policy, I am satisfied that there is a case to be made for policy ECCN9 and that all new development proposals should consider potential ecological impacts at an early stage in their design and be required to demonstrate how existing ecological features can be protected, enhancements made and any necessary mitigation secured, so as to deliver a net gain in biodiversity where possible. However, in the absence of any information as to how it is proposed that the Plan, through land use-based policies, could protect Water Voles or the Sandy Skilt (sic)<sup>23</sup>, I am modifying policy ECCN9 to delete the last sentence (**PM20**). Subject to that modification, the policy is in general conformity with the Local Plan, has regard to national policy and guidance and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.
- 4.59 Providing the modifications set out above are made, I conclude that the built and natural environment policies of the Plan would be in accordance with national policy and guidance, in general conformity with the strategic policies of the Local Plan and consistent with the local planning of sustainable development. Accordingly, they would be compliant with the Basic Conditions.

### *Issue 3 – local green spaces*

- 4.60 Section 8 of the NPPF addresses the way planning can promote healthy communities and Chapter 12 of the Local Plan deals with health and wellbeing. Paragraph 76 of the NPPF enables local communities through

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<sup>21</sup> NPPF paragraphs 17, 109, 113, 114, 118, and 119.

<sup>22</sup> NPPF paragraph 114.

<sup>23</sup> I understand from SSDC that its correct name is the Sandy Stilit.

local and neighbourhood plans to identify for special protection green areas of particular importance to them. By designating land as Local Green Space (LGS), local communities are able to rule out new development other than in very special circumstances. Thus, policies identifying LGSs must be consistent with planning for sustainable development and must complement investment in sufficient homes, jobs and other essential services. They should be capable of enduring beyond the end of the Plan period.

4.61 Stringent criteria on LGSs are set out in the NPPF at paragraph 77 and there is further advice in the PPG. Policy ECCN6 designates 5 open spaces in the parish as LGSs and they are identified on the Proposals Map as well as on a larger scale plan on pages 46 and 47. The only descriptions and assessments of the spaces are in the schedule on page 45 of the Plan. Despite the limited evidence, having regard to what I saw on my site visit, I am satisfied that the following spaces are local in character, not extensive tracts of land, are demonstrably special and in close proximity to the community they serve. They should therefore be listed in policy ECCN6. They are the playing fields at Long Furlong (site 1), the small area at the junction of Mill Close and Long Furlong (site 2), and The Paddock (site 5). Sites 2 and 5 are already protected by their designation as being within, or partially within, a Conservation Area. However, both clearly hold a particular local significance, are demonstrably special to the local community and I agree warrant the additional local benefit that would be gained by LGS designation.

4.62 The NPPF cautions that LGS designation will not be appropriate for most green areas or open space. I have carefully considered the case for including in policy ECCN6, the playing fields of the East Coker primary school (site 4), which sit behind the school buildings, contained by other built development. The NPPF is clear at paragraph 74 that school playing fields should not be built on unless rigorous tests are met and Local Plan policy HW3 protects play spaces and youth facilities. Having regard to the advice in the PPG, I am not satisfied that any additional local benefit would be gained by their designation as LGS (**PM21**).

4.63 As to the land at Tellis Cross (site 3), objection has been made to the LGS designation on the grounds that this land is privately owned, only leased to the District Council until 2019 and subject to a proposal for development. That outline proposal, which had not been determined at the time of writing this report, provides for up to 3 dwellings as well as the continued use of the land as open space and retention of the play area equipment. Whilst private ownership and the existence of a planning application are in themselves no bar to LGS designation, the NPPF and PPG are clear that designating any LGS needs to be consistent with local planning for sustainable development in the area and complement investment in sufficient homes. Designation as LGS should not be used in a way that undermines this aim of plan making. Any proposal for development will be considered against Local Plan policy and Neighbourhood Plan policy ECCF2,

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as proposed to be modified. In these circumstances, I do not consider it appropriate to include site 3 in policy ECCN6 (**PM22**).

- 4.64 The NPPF advises at paragraph 78 that local policy for managing development within a LGS should be consistent with policy for Green Belts. I am not satisfied that policy ECCN6 as drafted, in requiring compensation of an equivalent or replacement green space or funding of an alternative community facility if development of a LGS is permitted, is consistent with that guidance or national Green Belt policy. I am therefore modifying policy ECCN6 to delete the third sentence (**PM23**).
- 4.65 Providing the modifications set out above are made, I conclude that policy ECCN6 will appropriately provide for the designation and protection of LGSs, in accordance with national policy and guidance and the need to be consistent with the local planning of sustainable development, and in general conformity with strategic policies of the Local Plan. Accordingly, the Basic Conditions will be met.

#### *Issue 4 – traffic, transport and infrastructure*

- 4.66 South Somerset is a predominantly rural district with subsequent diverse travel patterns and the Local Plan recognises that the car will remain an essential mode of travel. Chapter 8 of the Plan deals with traffic and transport issues in East Coker and describes pedestrian safety, school parking, traffic speeds and the hazards of driving along the narrow sunken lanes as particular concerns of local residents.
- 4.67 The Plan through policy ECT1 supports proposals that enhance existing walking and cycle routes and bridleways, provide new provision and connect with existing networks within the parish. Any enhancement of the existing network and new routes should be well designed, safe, secure, appropriately surfaced, accessible, suitably lit and kept car free. This policy is in accord with national policy in the NPPF which promotes sustainable transport and healthy communities and with Local Plan policies TA1 and TA5 that encourage cycling and walking through the provision of new routes and improvements to existing routes. It will contribute to the achievement of sustainable development.
- 4.68 Policy ECT3 encourages the provision of safe and suitable access and car parking in designated areas whilst discouraging on-street parking. Parking problems and congestion associated with drop off and pick up at the Primary School are highlighted in the Plan as a major local concern and policy ECT2 supports proposals to improve access and car parking as part of any redevelopment of the existing School and Village Hall site. However, the other proposed highway safety improvements projects are not land use planning matters and I am modifying the policy to delete them (**PM24**).

4.69 Subject to that modification, I am satisfied that the traffic and transport policies in the Plan are in general conformity with the Local Plan, have regard to national policy and are compliant with the Basic Conditions.

## **5. Conclusions**

### *Summary*

- 5.1 The East Coker Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The East Coker Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

- 5.4 I recognise that the Plan is the product of a lot of hard work by the Steering Group and Parish Council over a considerable period of time, when the local community was also engaged in consultation on the then emerging Local Plan and involved in the subsequent examination. In the process, there has been engagement with a large number of local people and businesses. The output is a Plan which should help guide the area's future development in a positive way, with the support of the local community. I commend the Parish Council and Steering Group for persevering and producing this Plan which, subject to some modifications, will influence development management decisions for the next 10 years or until it is reviewed.

*Mary O'Rourke*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Pages 52 and 53	Give the Proposals Map a title and reformat it to fit on a single page.
PM2	Page17	<p>Modify policy EC2 by deleting '<b>identified</b>' in line 4 and add after '<b>improvements</b>' new text as follows: '<b>examples of which are identified in Appendix 1</b>'.</p> <p>Delete the heading Potential Future Projects and all the text below.</p>
PM3	Page 59	In Appendix 1 Row 8 Columns 2 and 3 add in references to the landowner and District Council as lessee.
PM4	Page 24	Delete the last sentence of policy ECH1 from ' <b>Applications will only be ..</b> ' to ' <b>policies</b> '.
PM5	Page 24	In Policy ECH2 in the third bullet point, add ' <b>Where appropriate</b> ' before ' <b>they use ....</b> '.
PM6	Page 24	<p>In policy ECH3, lines 1 and 2, delete '<b>to achieve the provision of the following:</b>' and replace with '<b>to provide for:</b>'</p> <p>Delete part 1.</p> <p>In part 2, delete the first two lines and replace with '<b>External amenity space that takes into account:</b>'</p> <p>In part 2, renumber e) as d).</p> <p>Delete part 3. Renumber accordingly. In part 2, renumber e) as d).</p> <p>Delete part 3.</p>
PM7	Page 25	<p>In policy ECH4:</p> <ul style="list-style-type: none"> <li>-In line 3, delete '<b>or</b>' and replace with '<b>and</b>'</li> <li>-delete the second sentence</li> <li>-add the missing word/s <b>between 'As and when'</b> and '<b>by the Housing and Planning Act ...</b>'.</li> </ul>

PM8	Page 26	In policy ECH5 line 3 delete the words ' <b>tourism or employment</b> '.
PM9	Page 29	Delete policy ECEM1 and supporting text in paragraph 7.7.
PM10	Page 38	In Policy ECCF1 line 2 after ' <b>protected</b> ' add ' <b>from built development</b> ' then delete ' <b>as identified on the Proposals Map</b> '  Delete the last sentence from ' <b>Any proposals</b> ' to the end.
PM11	Page 38	In policy ECCF2 part b) line 2 add ' <b>or social</b> ' after ' <b>economic</b> '.
PM12	Page 40	Delete policy ECCN1.
PM13	Page 40	Delete policy ECCN2.
PM14	Page 42	In Policy ECCN3 line 1 replace ' <b>maintain</b> ' with ' <b>preserve or enhance</b> '.
PM15	Page 42	In Policy ECCN3 after ' <b>Conservation Area Appraisal</b> ', add the following: ' <b>Consideration will be given to the impact of development on the setting of the Conservation Areas, including views into and out of the villages</b> '.
PM16	Page 42	Delete the first sentence of policy ECCN4.
PM17	Page 43	Amend policy ECCN5 by the addition of the word ' <b>to</b> ' between ' <b>Keyford</b> ' and ' <b>retain their separate identities</b> '.
PM18	Page 48	Delete policy ECCN7, its supporting text and the schedule of key views on pages 48-51 and identified on the Proposals Map.  Delete the words '-Views and Vistas' from Section 10 in the list of Contents following the Foreword to the Plan.
PM19	Page 54	Delete policy ECCN8.
PM20	Page 54	Delete the last sentence of policy ECCN9.
PM21	Page 45	Delete Site 4 from the Local Green Space table.
PM22	Page 45	Delete site 3 from the Local Green Space Table.
PM23	Page 44	Delete the third sentence of policy ECCN6.
PM24	Page 34	Modify policy ECT2 by deleting the first sentence and the first two bullet points and retaining the text of the third bullet point as policy.

# Agenda Item 10

## Update on Superfast Broadband for Rural Businesses

*Executive Portfolio Holder:* Cllr Jo Roundell Greene, Environment & Economic Development  
*Director:* Martin Woods, Service Delivery Director  
*Service Manager:* Peter Paddon, Economy Lead Specialist  
*Lead Officer:* Peter Paddon, Economy Lead Specialist  
*Contact Details:* Peter.paddon@southsomerset.gov.uk or extn 2445

### Purpose of the Report

1. This report provides members with an update on phase 2 of the Superfast Broadband Extension Programme. This aims to extend superfast broadband coverage to areas that were not enabled under phase 1 of the programme. Consequently phase 2 is aimed at some of the 'harder to reach' premises and rural communities of the District.
2. The report also informs members of Broadband Delivery UK's (BDUK) Gigabit Voucher scheme that may be applied for by businesses (and surrounding communities) that are likely to remain unconnected following phase 2 of the programme.

### Forward Plan

3. This report appears on the District Executive Forward Plan with an anticipated Committee date of September 2018.

### Public Interest

4. Many rural businesses, other premises and communities still do not have Superfast Broadband (SFB) and remain unable to realise their full digital on-line potential. Current data reveals that SFB coverage in the SSDC area has now reached 85% of all premises (2018) with planned coverage likely to increase connectivity to around 96% by 2020. This is still likely to leave approximately 3,600 premises (including many rural businesses) unconnected. The exact geographic roll-out and timescales have not yet been clarified by Connecting Devon and Somerset (CDS). CDS is the body responsible for the roll-out of SFB across the two counties.
5. This report provides an update on phase 2 of the programme roll-out and also offers a potential solution for premises that will or might remain unconnected beyond the conclusion of that programme.

### Recommendations

That the District Executive:

- i) Note the content of this report.
- ii) Agree that officer time and resource is allocated to working with Broadband Delivery UK (BDUK) and Connecting Devon and Somerset (CDS) (and other parties as necessary) to clarify and promote their voucher schemes to maximise the coverage of Superfast Broadband across the District.
- iii) Request officers to report back to District Executive and Full Council as soon as sufficient information is available for members to take a decision on committing any SSDC funding to 'top-up' such a superfast broadband voucher scheme.

## **Background**

6. Broadband Delivery UK (BDUK) is the arm of the Government's Department for Digital, Culture, Media and Sport. BDUK was set up to deliver superfast broadband and local full-fibre networks to the nation.
7. In order to facilitate such a large project, BDUK then subdivided the UK into smaller, geographic areas. In our region Connecting Devon and Somerset (CDS) became the 'regional' body that would oversee the project.
8. Phase 1 of the project was due for completion in 2016. The contract for the works in this phase was awarded to BT Openreach. It was anticipated that Phase 1 would provide up to 90% coverage across the U.K. Some parts of the U.K. saw significantly better results than others, with greater coverage achieved in larger urban areas than the more rural and remote areas. In South Somerset 2018 data shows that around 85% coverage has been achieved, although Openreach are still completing a small number of works under the Phase 1 scheme.
9. CDS began their preparations for phase 2 of the project as early as 2014. At that stage they requested that District Councils in Somerset should consider making financial contributions to the scheme to help meet costs and maximise match-funding leverage. The Local Authority contributions were based on the size of the population of the Districts and South Somerset was asked to contribute £640k to the scheme.
10. In June 2014 SSDC's District Executive debated the matter. Whilst an in-principle decision to commit funding to the scheme was made, it was decided that funding could not be allocated until it was known exactly where the money would be spent and approximately how many premises would be connected as a result of the expenditure. Members felt that it was not prudent to commit funding to a scheme where outcomes were not known and where there was no guarantee that all of South Somerset's financial contribution would benefit South Somerset residents and businesses.
11. A lack of clarity over the geographic areas that are likely to be covered by the Phase 2 roll out has been a continual issue at all stages of reporting and this still remains the case.
12. Reports on Phase 2 Superfast Broadband Delivery have been discussed by the District Executive Committee, Full Council and have been subject to a Scrutiny Committee Task and Finish Group. It should be noted that committee reports were discussed in confidential session because the contract bidding process for Phase 2 was active at that stage. Reports were deemed to contain commercially sensitive third-party information and were thus covered by the legal Non-Disclosure Agreement that all of Somerset's Local Authorities were signatory to. However, the decisions of the various committees are publically available on the SSDC website.

## **Report Detail**

### **The Contract for Phase 2**

13. The contract to provide the infrastructure for Phase 2 of the Superfast Broadband Extension Programme was awarded by CDS to Gigaclear and this was reported to the District Executive Committee in January 2017. The contract is for the provision of Superfast Broadband only to those areas that will not be met by the commercial sector. However, between CDS and the commercial sector this will still not deliver 100% coverage in South Somerset. The published decisions made by that committee states that the committee would:

*“await further detail of the geographic coverage and extent of the new programme (including the proposed CDS voucher scheme). This detail is expected from CDS by March/ April 2017 and upon receipt of this information, determine whether SSDC’s potential financial contribution can be incorporated into a voucher scheme for South Somerset Residents and Businesses.”*

14. Whilst ***indicative*** coverage and extent of the programme is currently shown on the CDS website, this information remains indicative rather than definitive. The distinction between indicative and definitive has a critical bearing on our decision making and it has still not been possible to gain clarity on this matter from CDS or Gigaclear. There remains a lack of information and therefore clarity as to what will also be provided by the commercial sector. An example of this is an industrial estate within Area East which was not included in the CDS scheme as the commercial sector had indicated it would provide superfast broadband to these premises, but to date the businesses here do not have superfast provision and there is no indication of when this might come. Until there is clarity, it is difficult to make a decision on how this Council might support the provision of Superfast Broadband in those parts of South Somerset that do not currently have it. This is because it is not possible to tell whether any support would add value and additionality to what is planned or duplicate what is planned by the commercial sector and CDS and therefore represent a waste of this council’s resources. This may also present potential State Aid issues as well.
15. Gigaclear are currently engaged in the Pilot Projects prior to the main programme roll-out.

#### **Superfast Broadband and State Aid.**

16. The provision of Superfast Broadband across the U.K. would not be possible without heavy financial subsidy from the Government. Under E.U. regulations the introduction of such funding is deemed to constitute ‘State Aid’. In order to move the project forward BDUK successfully applied for a State Aid exemption from the European Commission for their *2016 National Broadband Scheme*.
17. As CDS is effectively a sub-division of BDUK, both Somerset and Devon are covered by this State Aid exemption. This means that no other government money can be introduced into the Phase 2 roll-out unless there is a mechanism for introducing it through the BDUK 2016 National Broadband Scheme. This does however offer the possibilities outlined in paragraphs 18 -20 below. It also means that at this stage SSDC is not able to provide funding for any scheme that is external to the Phase 2 BDUK programme without risking being found to be in breach of State Aid rules.

#### **Moving Forward**

There are ways in which rural businesses and communities can currently move forward.

18. BDUK has recently introduced its ‘Gigabit Voucher’ scheme that allows rural business to claim £3,000 for SFB connections and their neighbouring residential properties an additional £500 each. Such work would need to be undertaken by an appointed supplier. This voucher scheme also enables communities to ‘pool’ vouchers to help meet broadband costs. These vouchers are allocated by BDUK (who have State Aid exemption), but any shortfall in costs currently have to be met by the businesses and communities themselves.
19. SSDC has received legal advice that the principle of Local Authorities providing additional funding through the BDUK voucher scheme may be permissible, subject to BDUK agreement. Whilst, it is not clear whether BDUK would provide this approval, the terms of the 2016 State Aid exemption appear to be broad enough to permit additional funding where this is necessary in order to stimulate private SFB infrastructure providers.

20. As BDUK have been approached by several local authorities with similar requests they will consider the possibility of 'top-up' funding. We are advised that their decision is likely in their September review of the Gigabit Voucher scheme.
21. A disadvantage of businesses applying for Gigabit Vouchers at this stage, is that they may not necessarily know whether their premises might have been covered by the roll-out programme anyway.
22. At this stage, the legal advice we have taken tells us that the simplest way to move forward and exclude State Aid issues would be to work with BDUK to deliver a project that is compliant with their 2016 National Broadband Scheme. In practice this would best take the form of the Gigabit Voucher Scheme, with the potential for top-up contributions (if approved by BDUK).

### 23. **Summary**

- Definitive information on the coverage of the planned commercial roll out of Superfast Broadband and the CDS Phase 2 roll-out programme is still not available in the CDS Area (this includes South Somerset).
- SSDC is advised to operate within the current BDUK/CDS State Aid Exempt roll-out programme to avoid state-aid issues. In practice the most suitable way forward is to work with the BDUK Gigabit Voucher scheme.
- We await a decision from BDUK on whether Local Authorities can provide a 'financial top-up' for businesses applying for Gigabit Vouchers.
- Pending a decision from BDUK, SSDC officers would work with BDUK to either promote the existing voucher scheme or an 'enhanced' voucher scheme for South Somerset.
- A report and a business case would be prepared for members to consider, this would include detail of the likely financial commitment required.
- Members would be asked to re-affirm their commitment to such a scheme.

### **Council Plan Implications**

24. Priority project 7 (2018/19) – To support our small and medium sized businesses across the District, including internet access, to meet their needs.

### **Carbon Emissions and Climate Change Implications**

25. None at this stage

### **Equality and Diversity Implications**

26. None at this stage.

### **Privacy Impact Assessment**

27. None at this stage

### **Background Papers**

Superfast Broadband Reports to District Executive – June 2014, November 2014, June 2015  
Superfast Broadband reports to full Council - May 2016, February 2017

# Agenda Item 11

## **Financial Strategy and Draft Medium Term Financial Plan 2019/20**

*Executive Portfolio Holder:* Peter Seib, Finance and Legal Services  
*Director:* Netta Meadows, Strategy and Commissioning  
*Service Manager:* Paul Fitzgerald, S151 Officer  
*Lead Officer:* Paul Fitzgerald, S151 Officer  
*Contact Details:* Paul.Fitzgerald@southsomerset.gov.uk or 01935 462226

### **Purpose of the Report**

1. The purpose of this report is to seek Executive support for the updated Financial Strategy and provide Members with information regarding the initial Medium Term Financial Plan estimates for the period 2019/20 to 2022/24.

### **Forward Plan**

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of September 2018.

### **Public Interest**

3. This report outlines South Somerset District Council's overall budget strategy setting out how the Council proposes to manage its financial position over the medium term (three to five years) and beyond. It also provides an up to date set of estimates and assumptions regarding service costs and income, the funding available and the savings required each year to 'balance the books' over the same period.

### **Recommendations**

4. That the District Executive:
  - a. Approve the Financial Strategy.
  - b. Note the current position and timetable for the Medium Term Financial Plan and Budget estimates.

### **Background**

5. This report provides an update to the Financial Strategy agreed by the Executive in 2017, and latest Medium Term Financial Plan (MTFP) estimates that includes projections of the Council's costs and funding for the foreseeable future. This report updates members of the current position with regard to meeting savings targets and the continued approach for achieving a balanced budget over the medium term.
6. The Financial Strategy outlines how the Council proposes to produce a balanced Medium Term Financial Plan over the medium to long-term. The context for the Financial Strategy and MTFP is one of significant cuts in funding for Councils since 2010 and considerable uncertainty around government funding going forward together with significant changes in customer demands and expectations. The MTFP at South Somerset spans three years with a further two years added to show the likely longer-term scenario. The Financial Strategy links the resources required to deliver the Council Plan, the Capital Strategy and the Council's other strategies and priorities as set out in the Council Plan agreed at Full Council in April 2018.

7. Providing an update of the MTFP estimates at this stage is important in providing a realistic and up to date assessment of the Council's financial forecasts to underpin important decisions in progressing the transformation of the council and other actions to 'balance the books' on an ongoing basis.
8. The forecasts have been reviewed and updated since February, reflecting as much as possible what is "known", and providing "best estimates" on areas of uncertainty. These will continue to be updated as new information emerges and further updates shared with Members at key points in the budget process.
9. A key context for our current financial planning is dealing with significant uncertainty beyond 2019/20, which is the final year of the current Spending Review period. Government have previously consulted, and will consult further next year, on various matters including the Fair Funding Review, Business Rates Retention system including moves to 75% and later 100% Retention for local government; New Homes Bonus. There will be changes to the funding of local government from 2020 onwards, the outcome of which is still to be determined. There are also factors arising from accounting changes that could impact, particularly around the treatment of valuation changes in investments and treatment of leases. We need to undertake further analysis to determine the potential impact and risks these changes may bring.
10. In summary, the Council agreed a new Financial Strategy in September 2017 and is making good progress in delivering that strategy. The actions taken by the Council to manage the financial position of the authority remain on track. The indicative budget position for next financial year – 2019/20 – is positive, giving a strong indication that the planned savings and income generation will enable the Council to set a balanced budget. However, there remains a funding gap in future years budgets and in addition, the Council has ambitions for the communities of South Somerset as set out in the Council Plan, the delivery of which will require significant funding. Therefore it is important that Members and Leadership team continue to drive the delivery of the agreed strategy forward, and manage financial risks effectively, to ensure long term financial sustainability for the local authority.

### **Financial Strategy – Summary**

11. The overall proposed financial strategy agreed in 2017 remains relevant and sets out to provide Members with options to respond to the ongoing financial challenges within the local government sector. This strategy builds on previous approaches agreed including the Efficiency Strategy agreed in 2016.
12. The key themes to the strategy are:
  - a) **Challenging existing costs and income** estimates and assumed "unavoidable" cost increases
  - b) Ensuring **clear service priorities** that demonstrably align with corporate strategy and plans
  - c) Maximising operational efficiency through **transformation** of services and ways of working
  - d) Taking a more **commercial approach** and increasing income yield by 5% per year
  - e) Increasing the **income yield from financial investments** as part of a prudent treasury management approach
  - f) **Investing in property, energy and new services to generate additional income** that can be reinvested to maintain and improve services to our community
13. Given the significant reductions in government funding and the uncertainties that are ahead in this as set out in paragraph 64, it is proposed to add a further key theme of:
  - g) Reduce reliance on government grants for the funding of ongoing services

14. The financial strategy seeks to deliver savings of £6m per year by 2022/23 (reduced costs and increased income). In September 2017 the forecast annual budget gap in 2022/23 – before transformation savings – was £5.2m. The Target of £6m included a further £0.8m to provide resources to respond to risk of further funding reductions and contribute towards the Council’s future ambitions. The Council has made good progress towards this target, with a significant proportion of these savings built into financial plans when Council approved the Budget and MTFP in February 2018 – as explained later in this report. Since February, further updates have been included in financial plans and a number of key assumptions and estimates have been updated.

## Medium Term Financial Plan – Summary

15. The following chart and table sets out a summary of the council’s latest forecasts of costs and funding. This has been updated since Council approved the 2018/19 Budget in February 2018, to reflect subsequent decisions by the Council and updated financial planning assumptions. The table provides a summary of the MTFP showing forecast costs and funding. The chart shows pictorially the trend of forecast net costs and the funding available to meet those costs – the difference being the “budget gap” i.e. the scale of the financial challenge to ensure ongoing sustainable services.

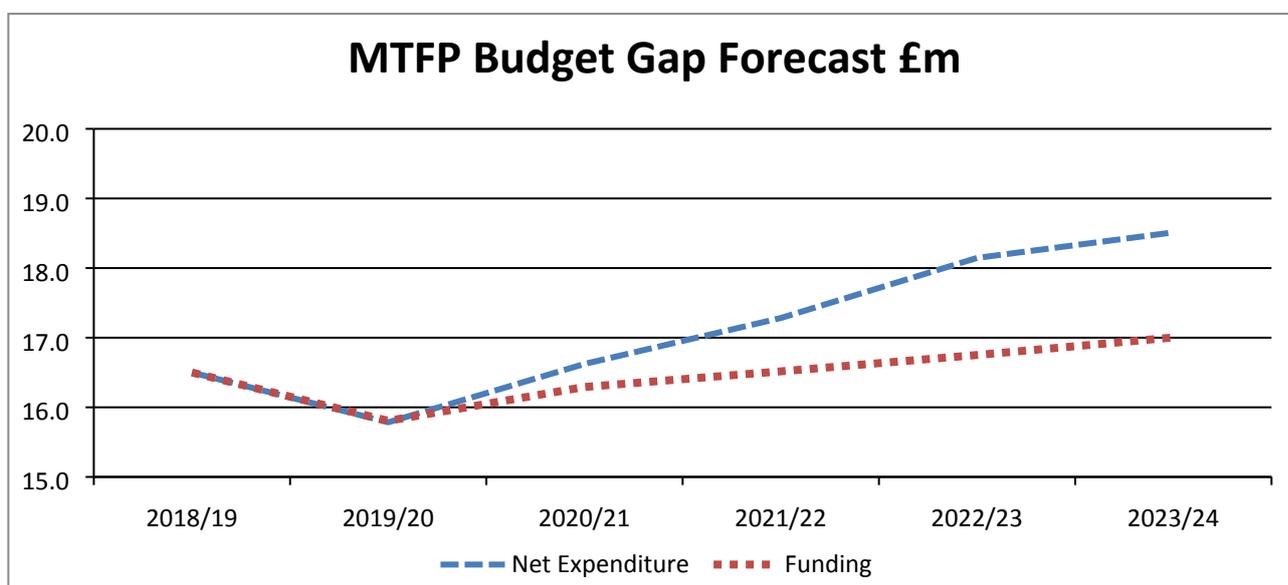


Table 1 – Draft Medium Term Financial Plan High Level Summary

	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k	2023/24 £k
<b>Net Expenditure (Budget Requirement)</b>	<b>15,785</b>	<b>16,623</b>	<b>17,283</b>	<b>18,146</b>	<b>18,512</b>
<i>Funded By:</i>					
Government Grants	-133	194	194	194	194
New Homes Bonus Grant	-2,034	-1,846	-1,756	-2,085	-2,218
Business Rates	-4,746	-4,137	-4,223	-4,309	-4,396
Council Tax	-10,042	-10,487	-10,938	-11,386	-11,851
Earmarked Reserves	1,150	-15	206	835	1,268
General Reserves	0	0	0	0	0
<b>Total Funding</b>	<b>-15,806</b>	<b>-16,292</b>	<b>-16,517</b>	<b>-16,751</b>	<b>-17,003</b>
<b>Budget Gap</b>	<b>-21</b>	<b>331</b>	<b>766</b>	<b>1,395</b>	<b>1,509</b>
<b>Budget Gap Increase on Prior Year</b>		352	435	629	114

16. This high level summary indicates the short term financial position is positive, reflecting the impact of transformation savings and commercial income generation, however the budget gap grows from 2020 onwards, reaching a projected £1.5m by 2023/24. It is therefore very important that Members and the Leadership Team continue to focus on long term financial sustainability and resilience through financial planning and decision process. As explained later in this report there is significant uncertainty in our funding projections from 2020 onwards.

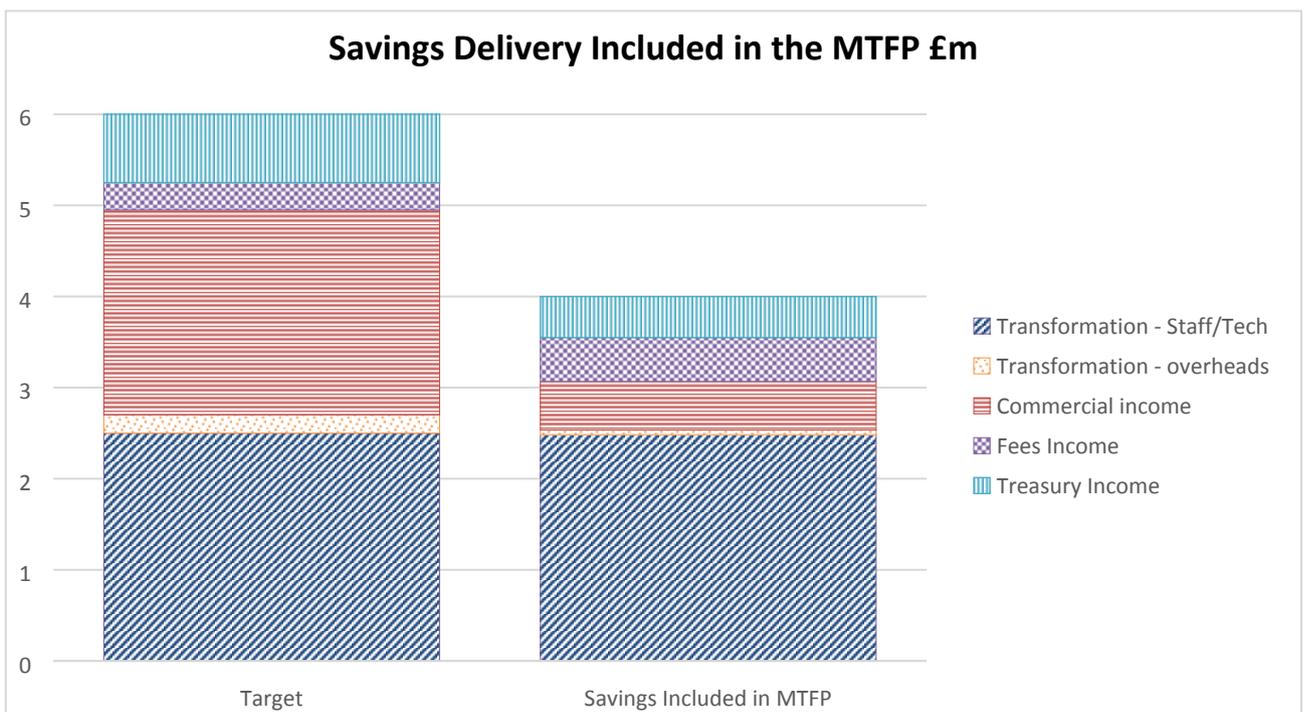
**Financial Strategy – Further Information**

**Savings Targets**

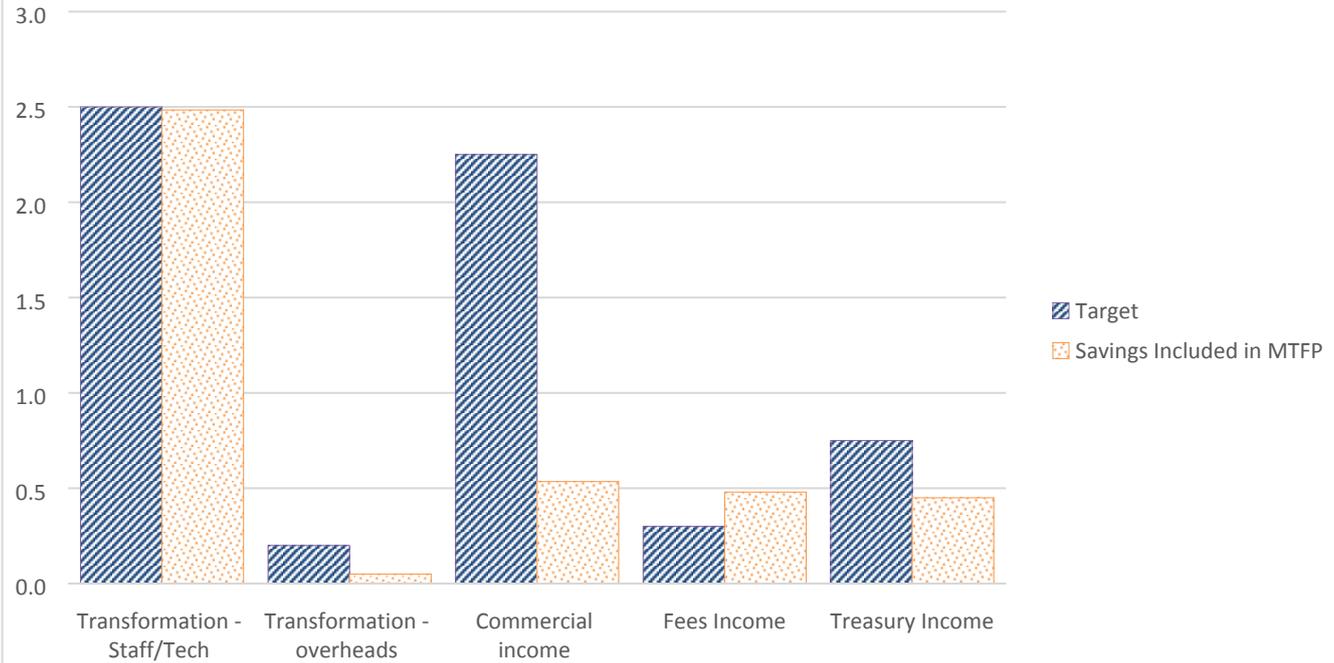
17. The approach to building in savings to the MTFP is based on savings that have already been delivered or there is a high degree of confidence that the target is achievable both in terms of timing and amount. The updated MTFP estimates included in this report include £4m of savings built in. This demonstrates significant progress towards the £6m target. The table and graphs below provide a high level view of the targets and progress to date.

Table 2 – Savings Target Delivery

	Savings Target 2022/23 £k	Included in MTFP Feb 2018 £k	Added to MTFP Sep 2018 £k	Balance to be delivered £k
Transformation: Staffing/Technology	2,500	2,484	0	16
Transformation: Non-staff efficiency savings	200	0	50	150
Commercial Investment Net Income	2,250	107	428	1,715
Services Income (Fees and Charges)	300	255	225	-180
Treasury investment income	750	250	200	300
<b>Sub-Total: Financial Strategy Savings</b>	<b>6,000</b>	<b>3,096</b>	<b>903</b>	<b>2,001</b>



### Savings Delivery Included in the MTFP £m - By Type



### Transformation – Operational Efficiency

18. As reported in the previous financial strategy, organisational development through transformation also delivers significant savings. The MTFP incorporates savings that all-but meets the £2.5m target in full by 2019/20 in line with the business case, with the following savings built into the base budget and MTFP:

Table 3 – Transformation Savings (Staffing and Technology)

	2016/17 £	2017/18 £	2018/19 £	2019/20 £
Cumulative Annual Savings Per Business Case	59,975	-565,025	-1,787,760	-2,483,925

(Negative figures = savings)

19. The Transformation Business Case focusses on staff and IT costs and continues to be closely managed with robust governance and regular reporting to Members. There is a high degree of confidence the full year savings in 2019/20 will be achieved.
20. In addition, as previously reported in the financial strategy, it is anticipated there will be further efficiency savings over and above the business case in respect of non-staff budgets as a related benefit to new ways of working. A detailed and robust review of base budgets is required to deliver this additional saving, and at this stage the draft MTFP includes a target of £50k in 2019/20. With further detailed analysis and review of budgets during 2019 the aim is to increase this target to £200k. This increase is not yet reflected in the MTFP, taking a prudent budget approach pending the completion of the review.

Table 4 – Transformation Savings – Additional Non-Staff Base Budget Review

	2019/20 £	2020/21 £	Cumulative £
Additional Efficiency Savings – Included in MTFP	-50,000		-50,000
Further Target Not Included Pending Base Budget Review		-150,000	-150,000
Updated Cumulative Savings Target	-50,000	-150,000	-200,000

(Negative figures = savings)

21. The Transformation Programme Budget is now fully funded. When the updated Transformation Business Case was approved by Council in April 2017 it was recognised at that stage there was funding gap of £1.1m for the up-front costs i.e. the Council still needed to agree where all of the agreed costs were to be funded from. Various funding allocations have since been made with the final funding requirement met through the 2017/18 Revenue Budget Outturn report to District Executive in July 2018.

### Commercial Strategy and Income Generation

22. As part of the wider transformation agenda the Council is taking a more commercial approach, which includes being more business-like across all services and seeking to generate increased income through commercial investment. This commercial approach is designed to respond to cuts in central government funding and replace this with other income to maintain and enhance local services and investment in our communities.
23. The Council (August 2017) approved a new Commercial Strategy for 2017 to 2021 supplemented with a Land and Property Strategy. The aim is to manage our assets and investments well, with:-
- Clear policies on property asset classification and purpose – income generating, strategic value, operational need
  - Achieving a balanced portfolio with risks effectively managed
  - A significant investment fund supported by effective governance and appraisal processes
  - Appetite to support capital investment through borrowing with the principle that investment returns fund the financing costs and provide a net return after borrowing costs for reinvestment in services
  - Invest in operational capacity to deliver the strategy
24. Good progress has been made with acquisition of commercial investments since the strategy was approved, as most recently reported to District Executive in June 2018. The MTFP income target from commercial investment is £2.25m, net of all costs. Our prudent budget approach in respect of these investments is to only build into the budget / financial plans once acquisitions are completed and as such the additional income can be relied upon to fund service investment. Therefore the current draft MTFP includes net investment income of £535k (see Table 1 above). The aim is therefore to acquire further investments that bring additional net income of £1.715m in addition to those already completed. This budget estimate will be updated to reflect any further completed investments before the final budget is presented for approval in February 2019.

### Strategy for Service Income (Fees and Charges)

25. The agreed strategy for service income seeks to increase net income for services through being more commercial and efficient, increasing fees and charges income, and pursuing new income opportunities. There is an overall target to increase income yield by 5% per year, which includes a presumption of increasing locally set fees at least in line with inflation.

26. Care will need to be taken as certain services can only seek to recover costs under regulations (e.g. licensing), and it is feasible that in cases where operational efficiencies are delivered then fees will potential stand still or reduce, rather than increase. The approach will ensure compliance with the relevant regulations.
27. The MTFP has been updated to reflect an incremental increase in net income of £75k per year over the next three years, giving a cumulative ongoing benefit of £225k per year in addition to net income that was included in the approved budget for 2018/19. This would exceed the financial strategy target of £300k if delivered in full. Commercial services teams are developing business plans to meet these targets.

## **Treasury Strategy**

28. The Council updates its Treasury Management Strategy annually, with the current TMS approved at Full Council in February 2018 alongside the Budget. It is important to recognise that the financial strategies for revenue and capital resources and treasury management are intrinsically linked. The strategies reflect the ongoing challenging and uncertain economic times. Of course, there remains uncertainty regarding the future implications of Brexit, not just on treasury performance but on wider service implications too. The current economic outlook has several key treasury management implications:
  - Short term investment returns are likely to remain relatively low
  - Borrowing interest rates are currently attractive and are likely to remain low for some time, despite some anticipated increases in base rate
  - Approaches to financing capital investment plans should consider the economic outlook e.g. any potential advantages in borrowing “in advance of need” (i.e. before planned capital spending is actually incurred).
29. The Council has a good record of treasury performance. The financial strategy anticipates this performance will improve during the current and next financial year, through greater use of strategic investments that are intended to be held for the long term. This is a risk-managed approach that aims to increase annual investment income whilst accepting more risk of volatility (up and down) on capital values.
30. The S151 Officer and Finance Support Service continues to work with our treasury advisors – Arlingclose – to effectively manage opportunities and risks in line with the Prudential Code and statutory Investment Guidance.
31. The financial strategy savings target includes an additional £750k per year in treasury investment income. The S151 Officer has included an additional £200k of investment income in the budget estimates for 2019/20, based on planned increases to sums held in strategic investments. This brings the cumulative annual savings through treasury investment income growth to £450k per year therefore delivering good progress towards the overall target.

## **Service Prioritisation and Costs**

32. The overarching aim of the financial strategy is to protect services in the face of reductions in government funding. Transformation seeks to ensure the cost of delivering services is more efficient and customer focussed. It remains important that prioritisation of spending and investment in services reflects current and future Council priorities. Such prioritisation is secured through ensuring budget decisions are clearly linked to the Corporate Strategy and Council Plan.

33. Currently the estimates for service costs and income are based on using the current base budget, adjusted incrementally for:
- Inflationary pressures on employment and contract costs
  - “Unavoidable” cost increases (incremental c£300k+ per year)
  - Cost efficiency through transformation and other savings plans
  - Investment income
  - Revenue costs of capital investment
34. As we move through Transformation, and we make improvements to performance management, we will be getting a richer set of data on services, costs, users of services and the outcomes delivered for the costs. Whilst it will be useful to have an initial set of service priorities, we can use this process to challenge the services being provided, their priority and the required service level.
35. Currently no savings target is identified for services, with the assumption that overall resources will be refocussed / reprioritised in line with priorities each year with some tolerance for unavoidable cost increases.

## **Funding Strategy**

### **Strategy for Business Rates Retention (BRR)**

36. Under the Business Rates Retention system the Government seeks to incentivise business growth by enabling local authorities to keep a share of growth in business rates above funding baseline set by Government. The most prudent budget approach would be to set the budget and MTFP estimates at the “safety net” level, being the minimum level of income each authority can expect to retain. However this could lead to the true business rates funding position being understated and place greater pressure than necessary to make savings in services. The strategy for business rates funding is therefore to make a prudent but realistic estimate of projected income taking into account anticipated inflation, growth, reductions, appeals and refunds to provide a best estimate of a realistic budget forecast, and to set aside appropriate provisions and reserves to mitigate potential funding volatility.
37. Due to the significant uncertainty from 2020 onwards (see para 35 above), the forecast of retained business rates funding for 2020/21 onwards has been reduced by £0.7m from 2020. This is the S151 Officer’s “best guess” of the potential loss of funding. It is not known at this stage how the reset of business rates funding will operate or the extent of the impact in practice – therefore the risk of error in the forecast is high at this stage. Currently our BRR budget is £1m above the Baseline target therefore it is possible the reduction could reach this level. The Government has indicated it will provide early indicative 2020 Finance Settlement figures in the summer 2019. In the meantime, we are maintaining a prudent balance in the Business Rates Volatility Reserve to mitigate budget risk for the next 2-3 years.

Table 5 – Business Rates Retention Funding Estimates

	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k	2023/24
BRR Estimates September 2018	4,746	4,136	4,223	4,309	4,396
Memo: Difference to Feb 2018 Estimates	20	-680	-693	-707	N/A

38. We also maintain a BRR Volatility Reserve to help “smooth” any impact on the budget of reductions in net BRR funding as well as manage accounting timing differences within the BRR system. The financial strategy seeks to maintain a minimum balance in this reserve of £2.7m based on two times

the difference between our BRR Budget and the Safety Net. The balance in this reserve at April 2018 was £3.9m.

### **Business Rates Pooling**

39. A Somerset Business Rates Pool was established from April 2018 comprising the County Council and all five Districts within Somerset. The Pooling arrangement is predicted to enable the Councils to keep a greater share of business rates income locally (initial estimates indicate an additional £5.1m across Somerset, with the SSDC share approximately £0.7m). The councils share the risk of income volatility across the whole pooling area. The financial strategy is not to rely on this additional income for the annual budget as it will not be confirmed as 'real' income until the end of the financial year. However, the intention is to utilise any pooling gains to invest in regeneration and financial sustainability initiatives. The Council agreed at its Full Council meeting in May 2018 that the first £0.5m of pooling gains will go towards funding the Regeneration Programmes in Yeovil and Chard.
40. The risks and rewards of pooling are kept under review by the Business Rates Pool Board, comprising the S151 Officers of the Somerset councils.

### **75% Business Rates Retention**

41. In July 2018 Government launched a consultation invited bids from local authority pools to pilot arrangements for 75% Business Rates Retention in 2019/20, which is expected to be implemented for all authorities in 2020/21. This opportunity is currently being explored by the S151 Officers of the Somerset councils to assess the potential opportunities and risks, with a bid deadline of 25 September 2018 and successful bids announced December 2018. The financial plan does not currently assume any financial implications of a successful bid for 2019/20.
42. The Government has indicated it maintains the intention longer term to implement 100% Business Rates Retention, although at this stage it is not clear when this will be.

### **Strategy for New Homes Bonus**

43. New Homes Bonus (NHB) is a non-ring-fenced grant funding mechanism designed to incentivise housing growth. SSDC receives the equivalent of 80% of the national average annual council tax for every new home (or long-term empty home brought back into use) once occupied. A further £280 (80% of £350) is granted for every affordable home occupied. Annual growth is rewarded with grant allocation for 4 years. Growth data is taken from the Council Tax Base each year.
44. Since 2018/19 a growth 'baseline' has been included in the grant calculation. Grant is only provided for growth above this baseline, which was set at 0.4% Band D Equivalent (c.285 Band D equivalent in 2018/19). Through the 2019/20 Finance Settlement Technical Consultation in July 2018, Government has indicated this baseline is likely to increase in 2019/20, and at this stage our financial estimates assume the baseline will be 0.5% (c360 Band D). The actual grant award will be announced with the Provisional Settlement in December 2018.
45. With the expected reduction in NHB grant, it is proposed to reduce the reliance on this income as mainstream funding for annual service costs. The draft MTFP has been updated to use £2.1m NHB funding in 2019/20 (previously £2.75m) reducing to £1.0m (previously £2m) by 2023/24. Differences between the annual grant and the NHB budget requirement are offset with transfers to/from the MTFP Support Fund earmarked reserve, which aims to protect the budget from short term implications of grant volatility.

46. As indicated in para 64 below, the NHB scheme is likely to be reviewed during 2019 with changes (unknown at this stage) potentially implemented from 2020/21. Any changes will be reflected in future financial plans.
47. Further detail regarding New Homes Bonus is included in Appendix A, part 3.

## **Council Tax**

48. The setting of Council Tax is determined each year at Full Council. In 2018/19 the Council utilised the option given to shire districts of increasing Band D council tax by £5 (3.18%). The Technical Consultation for the 2019/20 Finance Settlement indicates the Government's intention to allow Districts to increase 2019/20 council tax by the higher of 2.99% or £5 (which is 3.08% for SSDC) in 2019/20. The S151 Officer's financial planning assumption is that the limit will be 2.99% per year thereafter. This is updated from previous assumptions assuming the recent increases in the core assumption of "excessive" increases set by the Secretary of State continues beyond next year.
49. The basic annual Band D tax rate set by SSDC for 2018/19 is £162.48 per year, raising £9.474m in Council Tax income.
50. Included in the above Band D tax rate is £1.85 which is collected by SSDC on behalf of the Somerset Rivers Authority (SRA), resulting in £111k of Council Tax in 2018/19 being paid over to the SRA towards funding the 20 Year Flood Action Plan that was developed following the severe flooding experienced in Somerset in early 2014. The intention is for the Government to establish primary legislation to allow the SRA to raise funds via a council tax precept in its own right – at this stage the timing is uncertain and the MTFP assumes the current arrangement will continue for the foreseeable future.
51. The Executive will recommend future council tax rates in February each year.
52. Further details regarding Council Tax and Somerset Rivers Authority are included in Appendix A, parts 4 and 5 respectively.

## **Strategy for Reserves and Balances**

53. The approach to general reserves includes a regular review to ensure the level of reserves held are adequate in the context of the financial risks faced and other mitigations in place (e.g. provisions, earmarked reserves, insurances). We will maintain reserves at or above the assessed minimum requirement, and generally any planned use of reserves above the minimum will support one-off expenditure or "bridge" a gap for timing differences on planned delivery of savings / commercial income.
54. The current assessed minimum General Reserves requirement is between £2.8m to £3.1m. This will be reviewed regularly to ensure the minimum balance reflects up to date and future risks. A significant element of this current minimum relates to contingency for transformation costs and business rates volatility. The uncommitted reserve balance is currently £4m (July 2018). With the level of uncertainty in future funding it is advisable to hold adequate 'head room' in our general balances to protect against unplanned financial pressures and allow longer term plans to be developed.
55. The council also holds earmarked reserves for specific purposes such as planned spending in future years and contingencies not included in general reserves. These will also be reviewed annually to ensure the requirement for the funds remains, and re-prioritise or release any surplus balances to general reserves.

56. Further information on reserves and balances is included in Appendix A, parts 6 and 7.

### **Regeneration Programmes**

57. In February 2018 Full Council set out five areas of focus for the Council, and agreed 8 priority projects aligned to these. The projects included:

- To complete the Yeovil Refresh for Yeovil Town Centre and progress implementation
- To develop proposals for the regeneration of Chard and progress implementation
- To create a town centre action plan for Wincanton and progress implementation
- To facilitate appropriate local development to ensure that local housing and infrastructure needs are met
- To support our small and medium sized businesses across the District, including internet access, to meet their needs

58. In May 2018 Full Council approved new governance arrangements and a new financial approach for strategic development and regeneration. This included the Council approving Gross Budgets and Net Budgets for each Programme. The costs are likely to be largely in the form of capital expenditure and the funding approach recognises this will require a combination of short term and longer term borrowing, according to the nature of individual projects and schemes ultimately delivered through the Programmes. Prudential borrowing limits have been revised to provide the necessary flexibility in this regard. In addition, Members were advised of the option to redirect a proportion of New Homes Bonus funding towards regeneration, and Council also supported the principle of using gains from business rates pooling for this purpose, and one-off commercial investment income. Details of financial approvals were included in confidential reports, and therefore not disclosed here. Budget consequences of individual projects/schemes within the Programmes will be added to the MTFP as they are approved under the agreed governance arrangements.

59. As indicated in para 45 above, our initial MTFP estimates include a reduction in use of NHB resources for annual service delivery costs. This has provided the opportunity to include an allocation of £500,000 to a Regeneration Fund earmarked reserve in 2019/20 draft budget. This will add to the pot of available resources to fund the Programmes. This area will continue to be reviewed as the budget process progresses, with final proposals included in recommended budgets in February 2019. It is likely that funding from various sources, including external funding bids, will accumulate over time.

### **Medium Term Financial Plan and Annual Budget Strategy 2019/20**

60. A high level summary of the MTFP and chart showing the projected budget gap is shown earlier in this report (para 15). The tables below show the Net Budget Requirement and the MTFP in more detail.

Table 6a – Net Budget Requirement Estimates 2019/20 to 2023/24

Budget Requirement	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k	2023/24 £k
<b>Base Requirement B/F</b>	16,484	15,785	16,618	17,226	18,037
Inflation – Staffing	363	384	392	399	401
Inflation – Other Costs / Contracts	162	167	172	177	178
Cost pressures	250	250	200	200	200
Planned savings	-972	-140	-95	0	-135
Investment Income	-503	63	64	63	-317
Capital Programme implications	2	115	-11	25	40
Other	0	0	-62	0	0
<b>Budget Requirement C/F</b>	<b>15,785</b>	<b>16,623</b>	<b>17,283</b>	<b>18,146</b>	<b>18,512</b>

Table 6b – Draft Medium Term Financial Plan 2019/20 to 2023/24

	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k	2023/24 £k
<b>Budget Requirement (Table 6a)</b>	<b>15,785</b>	<b>16,623</b>	<b>17,283</b>	<b>18,146</b>	<b>18,512</b>
<i>Funded by:</i>					
Revenue Support Grant	0	327	327	327	327
Rural Services Delivery Grant	-133	-133	-133	-133	-133
New Homes Bonus Grant	-2,034	-1,846	-1,756	-2,085	-2,218
Business Rates Retention (BRR)	-4,746	-4,137	-4,223	-4,309	-4,396
Collection Fund Surplus (BRR)	0	0	0	0	0
Council Tax	-10,154	-10,601	-11,053	-11,502	-11,969
Less: Council Tax Paid to SRA	112	114	115	116	118
Collection Fund Surplus - Council Tax	0	0	0	0	0
<b>Sub-total: Funding</b>	<b>-16,956</b>	<b>-16,276</b>	<b>-16,723</b>	<b>-17,586</b>	<b>-18,271</b>
<i>Reserve Transfers:</i>					
MTFP Support Fund Reserve	-66	-4	156	785	1,218
BRR Volatility Reserve	0	0	0	0	0
Other Earmarked Reserves	1,216	-12	50	50	50
General Reserves	0	0	0	0	0
<b>Sub-total: Net Reserve Transfers</b>	<b>1,150</b>	<b>-15</b>	<b>206</b>	<b>835</b>	<b>1,268</b>
<b>Total Funding</b>	<b>-15,806</b>	<b>-16,292</b>	<b>-16,517</b>	<b>-16,751</b>	<b>-17,003</b>
<b>Budget Gap</b>	<b>-21</b>	<b>331</b>	<b>766</b>	<b>1,395</b>	<b>1,509</b>
Budget Gap Increase on Prior Year		353	435	629	114

61. The initial MTFP estimates show that costs and funding are closely aligned in 2019/20, with a budget gap that steadily rises year on year to c£1.5m by 2023/24. Base costs in 2019/20 have reduced significantly compared to previous years reflecting the transformation savings and early progress with generating commercial investment income. Despite this, ongoing inflation and other cost pressures see costs increasing. Additionally, a more prudent approach to use of New Homes Bonus shows funding is not expected to keep pace with costs.
62. Members therefore need to continue to support action to address the Gap. Delivering the residual balance of £2m additional income (see para 17 above) provides the opportunity to address this Gap, therefore it is important that Members continue to focus on and keep the momentum with the savings strategy to avoid further pressure on service delivery. As explained later this report, budget risk and uncertainty means medium to longer terms forecasts are likely to change, and this will be carefully monitored on an ongoing basis.

## Key Assumptions

63. The MTFP is based on reasonable estimates of costs and income over the period of the plan. These include:

### *Service Costs and Income Assumptions*

- Staff pay awards are estimated at 2% annually.
- Inflation increases incorporated for main contractual arrangements (Waste partnership) and other smaller cost items.
- “Unavoidable” costs allowance included for items such as demographic growth reflected in demand for waste services, increased supported housing costs, etc. No allowance is included currently for potential material increases in the Waste Contract which is subject to procurement for 2020.
- Employers pension contributions based on 16.1% of pay, based on the latest (2016) actuarial valuation.
- Pension Fund deficit recovery lump sum costs rising from £1.6m in 2018/19 to £1.9m in 2023/24, based on the most recent 2016 actuarial valuation.
- Transformation savings of £0.565m included in 2017/18, rising to £1.84m in 2018/19 then £2.48m per year by 2019/20.
- Other savings included in line with targets, as set out in para 16 – Table 2.

### *Funding Assumptions*

- Business Rates Retention (BRR) will be set in line with annual rating income forecasts, projected to grow in line with inflation, with a large reduction expected from the 2020/21 Reset.
- No impact identified in respect of implementation of 75% Business Rates Retention, anticipated to be implemented in 2020/21.
- General Government Grant – Revenue Support Grant, Rural Services Delivery Grant remains in line with the four year settlement agreed with Government in 2016, except for the “Negative RSG” assumption has been updated. Government Consultation on the 2019/20 Settlement sets out Government plans to mitigate the impact of Negative RSG – £327k in 2019/20. The MTFP therefore defers this reduction to 2020/21. A contingency transfer to earmarked reserves is currently included pending confirmation of the Settlement in December.
- NHB grant projections assume a 0.5% housing growth baseline, with grant income expected to reduce. Use of NHB for the annual budget proposed to reduce compared to earlier financial plans (see para 45).
- Council tax is forecast based on an assumed £5 increase in 2019/20 then 2.99% increases thereafter. Government has indicated all shire districts will have the option to increase Band D tax by £5 per year in 2019/20 however this is subject to annual announcement by the Secretary of State.

## Financial Planning Risks and Uncertainty

64. The funding projections within the financial plan are based on the current multi-year Finance Settlement which covers the four year period to 2019/20. There is significant uncertainty beyond then:

- a) **Spending Review 2019 (SR19)** – the Government will undertake its next Spending Review next year, which will influence future funding made available to local government. It is not known at this stage whether SR19 will cover one or more years, but will be reflected in the

**2020/21 Finance Settlement.** An important context for the review is the recent projections for public finances by the Office of Budget Responsibility which show a growing deficit over the next decade as service demand increases are not matched by increasing tax revenues, together with the currently unfunded commitment to increase spending on the NHS by £20 billion per year.

- b) **Fair Funding Review** – identifying the “need” for funding that will influence the distribution of funds between authorities in the **2020/21 Finance Settlement**.
- c) **Business Rates Retention Reset** – the Business Rates Retention system is due to be “Reset” in 2020, so that growth in business rates is redistributed between local authorities through the target, baseline and tariff mechanism. This will be included in the **2020/21 Finance Settlement**.
- d) **Business Rates Revaluations** – indications are the next Revaluation will be implemented in 2021, then be undertaken every three years rather current arrangement every five years.
- e) **75% Business Rates Retention** – recent consultation indicates that Government propose to “roll in” or devolve Revenue Support Grant (RSG), Rural Services Delivery Grant (RSDG), the Greater London Authority (GLA) Transport Grant and the Public Health Grant (PHG) to local government when the new system commences. The scheme design for 75% BRR remains under development, and this is planned to be implemented within the **2020/21 Finance Settlement**.
- f) **New Homes Bonus** – the housing growth baseline (the rate of housing growth that does not attract NHB Grant) is currently 0.4% but is expected to increase in 2019/20. The increase will be set out in the **2019/20 Finance Settlement**. In addition, in respect of 2020 onwards the Government has indicated its intention to “explore how to incentivise housing growth most effectively, for example by using the Housing Delivery Test results to reward delivery or incentivising plans that meet or exceed local housing need.” Government will consult widely on any changes prior to implementation, and it is assumed this will be implemented within the **2020/21 Finance Settlement**.

65. All of the above indicates that the Council’s funding position in 2020/21 and beyond is impossible to predict with certainty, which brings added risk to our financial planning. The financial strategy addresses this uncertainty by:

- a) Prudent assumptions used for future funding forecasts
- b) The savings target builds in an element of savings to mitigate unplanned funding reductions and/or additional unforeseen costs

66. Other main areas of risk and uncertainty within the financial plan are:

- a) Inflation – rising inflation could place additional pressure on pay settlements and prices for purchases of goods and services
- b) Demand volatility – fluctuation in costs and income as a result of changes in demand led services and usage (e.g. planning, building control, parking, garden waste)
- c) Delivery of savings – the MTFP includes transformation savings rising to £2.5m+ per year by 2019/20. Confidence is high that these savings will be delivered but this remains a risk at this stage. If these savings are not realised either in total and/or within the planned timescales this will increase the budget gap
- d) Business Rates Retention – forecasts under BRR are notoriously difficult to predict with accuracy and can therefore change from year to year (e.g. for appeals, reliefs, etc.)
- e) Economic slowdown – impact on business rates and NHB as well as income from fees and charges
- f) Brexit – impact on services, investment performance, funding, etc.

## **Council Tax Reduction Scheme and Funding Passported to Town and Parish Councils**

67. Members approved the current Council Tax Reduction Scheme in January 2018. The Finance and Legal Portfolio Holder will make recommendations to District Executive and Full Council of any proposed amendments to the 2019/20 scheme by the statutory deadline of the 31 January 2019.
68. The 'cost' of the Council Tax Reduction Scheme is reflected in the calculation of the Council Tax Base each year, with current costs estimated at approximately £8.5m per year for 2018/19. This cost is shared by the preceptors in proportion to their elements of the total council tax bills (so c£0.8m for SSDC). Fluctuations in costs will influence the Collection Fund Surplus/Deficit estimates which will be reflected in the MTFP through the budget estimates process, and will also affect future tax base calculations.
69. Since the Government announced that all Revenue Support Grant (RSG) will cease a letter has previously been sent to all of the Town and Parish Councils outlining that their grant will reduce to zero by 2019/20 to enable them to plan ahead for their budgets. This reflects the fact that no RSG is available to pass on.

## **Capital Strategy**

70. This Capital Strategy outlines how SSDC will utilise its capital resources to deliver the Council Plan and key strategies. Resources to fund capital investment comes from a variety of sources, including:
  - Capital receipts reserves
  - Capital grants and contributions
  - Planning obligations (e.g. S106 receipts)
  - Community Infrastructure Levy
  - Other reserves (e.g. Internal Loans Fund)
  - Borrowing
  - Revenue budget contributions to capital
71. SSDC continues to hold significant funds in capital receipts reserves - £24.6million as at 31 March 2018. Of this balance, £11.2m is committed to fund the current approved Capital Programme (previously reported) leaving £13.4m available to invest in commercial investment and/or new schemes. Council has delegated responsibility to the S151 Officer to determine the most appropriate ways to fund commercial investment. The aim is to preserve capital reserves and prioritise borrowing for this purpose. Capital bids will be developed during the autumn to determine an approximate need for future investment.
72. The Capital Programme will be developed during the autumn for consideration by Members in January/February 2019. This will reflect planned investment in service related schemes and transformation, and available costed information in respect of regeneration programmes. In addition, significant funding has been approved to support the acquisition of investment properties – aiming to meet the revenue budget savings target – and the development of regeneration schemes. The current strategy is:
  - Each project will be reviewed initially on a commercial basis so that schemes will be considered utilising "Internal Borrowing" (from £1m internal borrowing reserve) where bids can be made for loans that repay both capital and interest at PWLB rates.

- External borrowing will be considered on a project by project basis for commercial projects so they can in effect be “stand alone” repaying the capital sum and surplus return to SSDC that can be reinvested in services.
- SSDC will utilise the flexibility in the period to 2021/22 to use new receipts from property, plant and equipment disposals for one-off revenue expenditure if required in delivering the Council’s approved Efficiency Plan (this flexibility does not apply to ongoing service delivery costs).
- The level of capital receipts will be monitored to ensure that community and non-commercial projects that benefit residents and businesses can continue to be funded from available resources.

73. As reported to Audit Committee in June 2018, important updates have been published by CIPFA in December 2017 (Prudential Code and Treasury Management Code) and by MHCLG in February (Investment Guidance and Minimum Revenue Provision Guidance). It is planned to develop a new Capital Strategy in the coming months, which Council will be requested to consider for approval in February 2019.

74. District Executive has delegated authority to approve the use of up to 5% of capital receipts in any one year (approx. £700k). Approvals beyond this sum must be agreed through full Council.

### Summary Budget Timetable

75. Below is a summary outline of the key budget reporting dates to Members.

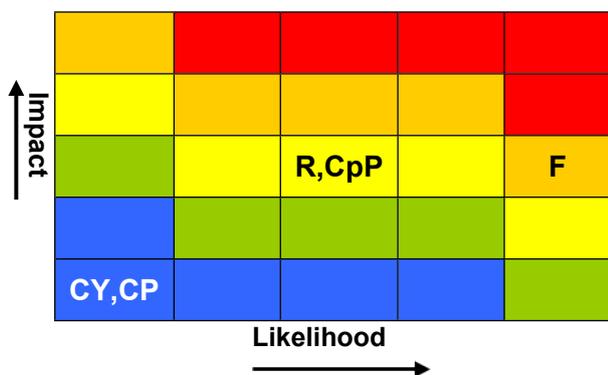
4 September 2018	Scrutiny	Financial Strategy and Initial MTFP Estimates
6 September 2018	District Executive	Financial Strategy and Initial MTFP Estimates
4 December 2018	Scrutiny	MTFP Update
6 December 2018	District Executive	MTFP Update
24 January 2019	Audit Committee	Treasury Management Strategy and Capital Strategy
5 February 2019	Scrutiny	Draft 2019/20 Revenue and Capital Budgets
7 February 2019	District Executive	Draft 2019/20 Revenue and Capital Budgets
26 February 2019	Council	2019/20 Revenue and Capital Budgets Council Tax Setting Treasury Management Strategy and Capital Strategy

### Financial Implications

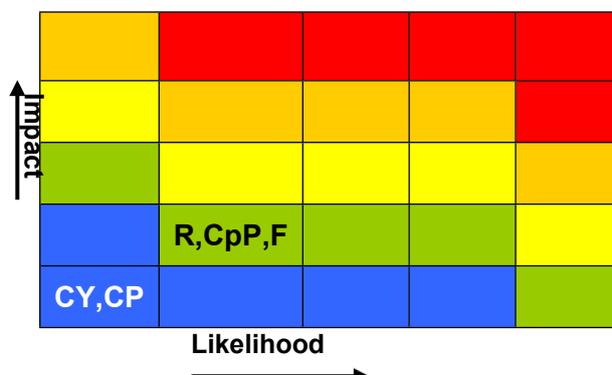
76. This is a finance focussed report with financial implications covered throughout.

## Risk Matrix

**Risk Profile before officer recommendations**



**Risk Profile after officer recommendations**



### Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

## Council Plan Implications

77. The MTFs and MTFP incorporate costs, income and funding implications directly related to the delivery the Council's aims and priorities.

## Carbon Emissions and Climate Change Implications

78. Not applicable within this report.

## Equality and Diversity Implications

79. Not applicable within this report.

## Privacy Impact Assessment

80. There are no specific privacy impacts in respect of this report. Individual budget changes will be assessed and salient comments included in budget update reports through the budget setting process.

## Background Papers

81. The following reports may provide helpful background information in support of this report:
- Medium Term Financial Plan – 4 Year Settlement (Council 13 October 2016)
  - Revenue Budget 2018/19 – Medium Term Financial Plan and Capital Programme (Council 22 February 2018)
  - SSDC Transformation Programme (Council 20 April 2017)

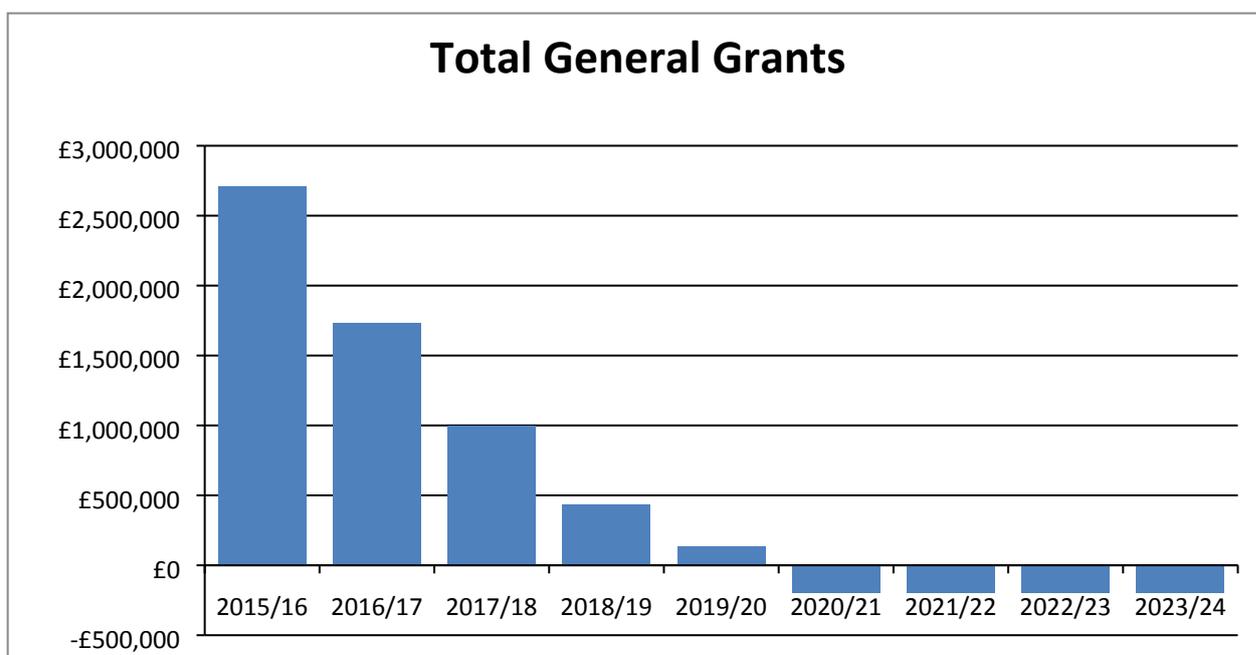
## Appendix A – Additional Funding Information

### 1 General Government Grant

- 1.1 Included within the four year funding settlement offered by government, commencing in 2016/17, are three general revenue grants. The table and chart below show the reduction in this grants year on year. The figures assume Government will mitigate negative RSG in 2019/20 (assumed one-year only) however this won't be confirmed until the Provisional Settlement in published in December 2018.

#### General Revenue Grants

	2015/16 Actual £k	2016/17 Actual £k	2017/18 Actual £k	2018/19 Estimate £k	2019/20 Estimate £k
Revenue Support Grant	2,709.4	1,675.5	802.6	268.9	0.0
Transitional Grant	0.0	57.2	57.0	0.0	0.0
Rural Services Delivery Grant	0.0	165.3	133.4	166.2	133.4
Total General Grant Funding	2,709.4	1,898.0	993.0	371.5	133.4



### 2 Business Rates Retention (BRR)

- 2.1 The approach to funding for local authorities changed in April 2013 with a move away from needs-based formula grant to a system that incentivises growth. This included the introduction of Business Rates Retention (BRR). The BRR scheme is based on 50% of business rates collected in the local area being retained by the Local Authorities (40% District, 9% County, 1% Fire).
- 2.2 Each Local Authority was allocated a Business Rates Funding Baseline by the Government based on the level of funding needed under the previous formula scheme. Under BRR, SSDC receives a “standard share” of 40% of business rates collected. However, because this a greater amount than the Baseline “need” we pay a Tariff to redistribute part of the funds to Top Up authorities whose standard share is below the Baseline “need”. Any income collected over and above the baseline figure has a levy of 50% which is paid to Government with the other 50%

retained by SSDC.

- 2.3 The BRR system is quite complex, and is susceptible to volatility and fluctuation based on inflation, rate of growth, appeals and refunds, bad debt, and changes in Government policy. Since the inception of the scheme the biggest area of risk, uncertainty and volatility relates to appeals and refunds. The Council mitigates this risk through a combination of:
- prudent forecasting through analysis of past trends, and future risks and opportunities
  - budgeting for a provision for funding reductions in respect of appeals and refunds
  - maintaining an earmarked “BRR Volatility” reserve to guard against large reductions in funding for services and also address accounting timing differences.
- 2.4 The initial BRR estimates for 2019/20 assume net funding growth is in line with inflation, with growth in rating income being offset by appeals and other reductions. These assumptions will be reviewed during the budget process in the autumn and reflected in budget estimates around October/November.
- 2.5 In addition, there is significant budget risk regarding the impact of the planned Reset of the rating income target, baseline and tariff which is due to be implemented in April 2020. This will be the first Reset under the BRR system, and it is not known at this stage what the true impact will be. A prudent contingency for a reduction in business rates from April 2020 has been included in the MTFP estimates pending further information being issued by Government.

#### Business Rates Retention Estimates

	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k	2023/24 £k
40% Share of BR Income	17,056	17,368	17,715	18,061	18,408
100% Renewable Energy BR Income	281	286	292	297	303
S31 Grant Income for Government-funded reliefs	2,095	2,137	2,183	2,230	2,276
Tariff	-13,632	-13,881	-14,158	-14,435	-14,712
Levy cost	-1,054	-1,073	-1,094	-1,116	-1,137
Safety Net income	0	0	0	0	0
Contingency for Reset impact	0	-700	-714	-728	-742
<b>Net Retained Business Rates Funding</b>	<b>4,746</b>	<b>4,137</b>	<b>4,223</b>	<b>4,309</b>	<b>4,396</b>

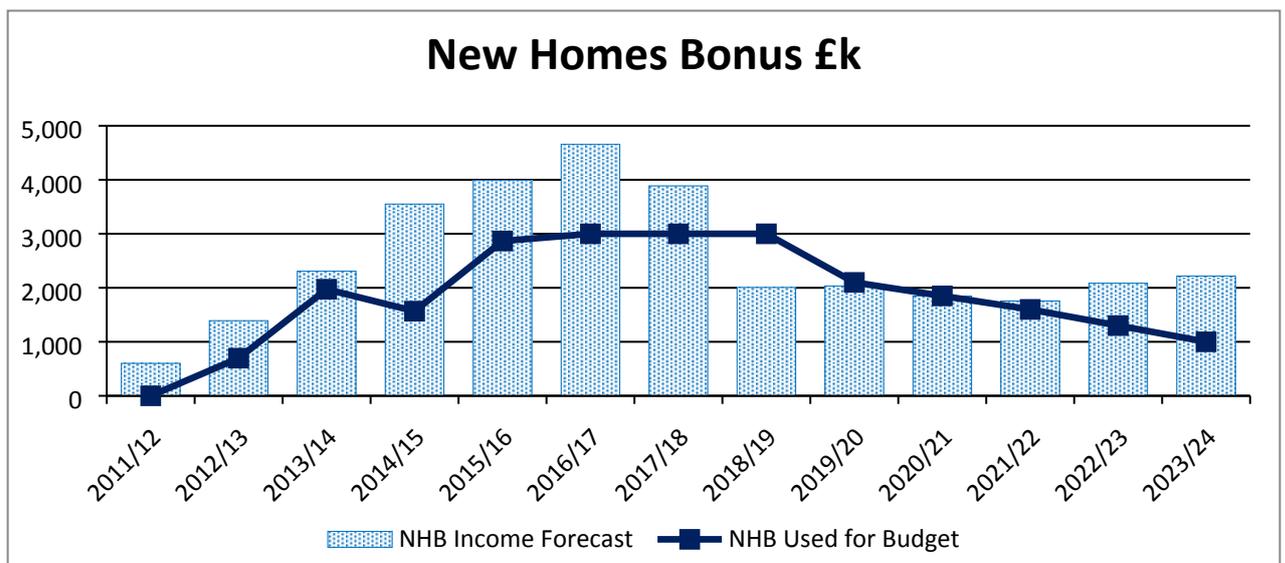
### 3 New Homes Bonus

- 3.1 The New Homes Bonus (NHB) Grant is a grant from the Government which ‘rewards’ housing growth. The NHB Grant is not ring-fenced, which means the Council is free to decide how to use it based on local priorities.
- 3.2 The calculation of the grant has changed from 2017/18 onwards, as the government has redirected funding available under NHB to the Better Care Fund in support of social care funding pressures. The scheme was originally designed such that each year of housing growth attracted funding for 6 years; therefore in 2016/17 we received 6 years’ worth of grants. As part of the Finance Settlement for 2017/18 the Government confirmed this would reduce to 5 years’ worth in 2017/18 and then 4 years’ worth from 2018/19. In addition, a new growth baseline was introduced in 2018/19 with no grant due on the first 0.4% of Band D equivalent growth. Our estimates assume this baseline will increase in 2019/20 to 0.5%.
- 3.3 The table below summarises the grant calculations and estimates from 2016/17 onwards, and the following graph also includes the total grant received since the NHB grant was introduced in 2011/12. This is then shown in graph format, followed by a projection of the MTFP Support Fund

balances.

### New Homes Bonus Projection

Allocations in respect of:	Actuals		Estimates					
	2016/17 £k	2017/18 £k	2018/19 £k	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k	2023/24 £k
2011/12	601.1							
2012/13	790.3							
2013/14	915.9	915.9						
2014/15	1,243.7	1,243.7						
2015/16	440.1	440.1	440.1					
2016/17	667.1	667.1	667.1	667.1				
2017/18		621.1	621.1	621.1	621.1			
2018/19			278.9	278.9	278.9	278.9		
2019/20				467.0	467.0	467.0	467.0	
2020/21					479.3	479.3	479.3	479.3
2021/22						530.7	530.7	530.7
2022/23							607.6	607.6
2023/24								600.0
<b>Total</b>	<b>4,658.2</b>	<b>3,887.9</b>	<b>2,007.2</b>	<b>2,034.1</b>	<b>1,846.3</b>	<b>1,755.9</b>	<b>2,084.6</b>	<b>2,217.6</b>
<b>NHB in MTFP</b>	<b>3,000.0</b>	<b>3,000.0</b>	<b>3,000.0</b>	<b>2,100.0</b>	<b>1,850.0</b>	<b>1,600.0</b>	<b>1,300.0</b>	<b>1,000.0</b>



### MTFP Support Fund Forecast

	2018/19 £k	2019/20 £k	2020/21 £k	2021/22 £k	2022/23 £k	2023/24 £k
Balance Brought Forward	5,776	4,783	4,717	4,713	4,869	5,654
To/From Annual Budget	-993	-66	-4	156	785	1,217
Balance Carried Forward	4,783	4,717	4,713	4,869	5,654	6,871

3.4 Based on the current strategy the Fund would need to maintain a balance carried forward of at least £2m (2 x £1m) from 2023/24. This would indicate the potential for surplus funds in future years, however this is dependent on several factors and not certain at this stage. Government have indicated an intention to review NHB funding from 2020 onwards therefore future projections beyond 2019/20 are uncertain.

#### 4 Council Tax Base and Council Tax Band D Rate

- 4.1 The Council Tax Base on which the Council generates its local tax revenue is the sum residential properties expressed as Band D equivalents. It reflects adjustments for reductions including Single Person Discount and Local Council Tax Support as well as assumptions around net growth and collection rates. The Tax Base is increasing each year by between approximately 1% and 1½%. The actual tax base for 2019/20 will be determined in December 2018.
- 4.2 The Council Tax Base for 2018/19 is 59,988.3 Band D Equivalent properties. The 2018/19 Band D tax rate is £162.48, which includes £1.85 collected and passed on to the Somerset Rivers Authority.
- 4.3 Each 1% increase equates to approximately £100k additional income.
- 4.4 An assumed £5 increase in 2019/20 equates to 3.08%, and together with the estimated tax base increase has added £407k additional income within the current MTFP estimates for 2019/20.
- 4.5 The following table summarises the projected Council Tax Base and income budget estimates within the Plan (including SRA precept).

	2019/20 Estimate	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate
<b>Council Tax Base</b>					
Increase %	1.1%	1.4%	1.2%	1.0%	1.0%
Increase in Band D Equivalents	641.1	830.0	756.0	651.6	651.6
Tax Base	<b>60,629.4</b>	<b>61,459.3</b>	<b>62,215.3</b>	<b>62,866.9</b>	<b>63,518.5</b>
<b>Council Tax Rate</b>					
Increase % (MTFP assumption)	3.08%	2.99%	2.99%	2.99%	2.99%
Increase £	5.00	5.01	5.16	5.31	5.47
Band D Rate £	<b>167.48</b>	<b>172.49</b>	<b>177.65</b>	<b>182.96</b>	<b>188.43</b>
<b>Council Tax Income</b>					
Increase due to Tax Base £k	-104	-139	-130	-116	-119
Increase due to Tax Rate £k	-303	-308	-321	-334	-347
Total Council Tax Precept £k	<b>-10,154</b>	<b>-10,601</b>	<b>-11,053</b>	<b>-11,502</b>	<b>-11,969</b>

#### 5 Somerset Rivers Authority Precept

- 5.1 The Somerset Rivers Authority (SRA) was created following the severe flooding that hit the area in the winter of 2013/14. It has developed a 20 Year Flood Action Plan which will target long term investment to develop improved flood prevention and resilience when flooding is unavoidable. In 2015/16 through a combination of Government funding and contributions from local authorities in Somerset, the SRA had a budget of £2.7m to progress the Action Plan. In future the SRA will be able to set its own Precept to raise Council Tax income to help deliver the Plan.
- 5.2 In 2016/17 the County Council and the five district Councils in Somerset had the opportunity to raise additional council tax funding, based on 1.25% of the 2015/16 Council Tax rate, to raise funding the Somerset Rivers Authority pending its establishment as a precepting body. For SSDC this equates to £1.85 a year on a Band D. In 2018/19 the Council Tax raised and passed on to the SRA is £111k.
- 5.3 The SRA Board approves its budget in February each year, where the £2.7m is prioritised to progress the five key workstreams within Somerset's 20 Year Flood Action Plan. These are:

- dredging and river management
- land management (including natural flood management)
- urban water management
- resilient infrastructure
- building local resilience

5.4 The Government has previously committed to implementing the necessary legislation to allow the SRA to precept in its own right. The timing of this is uncertain, and the MTFP assumes the current arrangements remain in place for the foreseeable future.

## 6 General Reserves

6.1 The Council's uncommitted General Reserves balance as at 1 April 2018 is £4,043k. This is above the recommended minimum balance provided some resilience to unforeseen costs if required in the short term. The MTFP currently does not rely on the use of general reserves to meet annual costs.

General Reserves	Estimated Balance £k
Balance 1 April 2018	4,361
Area & Economic Development Balances	-121
Budget Carry forwards to 2018/19	-119
Previously approved commitments not yet drawn from reserves	-78
<b>Estimated uncommitted balance April 2018</b>	<b>4,043</b>

## 7 Earmarked Reserves

7.1 In addition to General Reserve balances, the Council holds funds in a range of Capital Reserves and Revenue Earmarked Reserves. These are held for a range of purposes including:

- Grants received in advance of spending
- Capital receipts not yet spent
- Revenue budgets set aside where spending is planned in future years
- Contingencies for specified financial risks (such as business rates volatility)

7.2 The following table summarises the main capital reserves and earmarked reserves held as at 31 March 2018.

Reserves	Balance as at 31/03/18 £k
Usable Capital Receipts	24,611
Internal Borrowing Reserve	657
Capital Reserve	1,274
Cremator Replacement Capital Reserve	549
Internal Borrowing Repayments	59
Election Reserve	190
Risk Management Reserve	0
Wincanton Sports Centre Reserve	21
Local Plan Enquiry Reserve	71
Yeovil Athletic Track Repairs Fund	151
Planning Delivery Reserve	16

Bristol to Weymouth Rail Reserve	26
Local Authority Business Growth Initiative Reserve	14
Yeovil Vision	122
IT Replacement Reserve	10
Insurance Fund	50
Transformation Reserve	2,266
Treasury Management Reserve	100
Local Plan Implementation Fund	125
Revenue Grants Reserve	788
MTFP Support Fund	6,012
Council Tax/Housing Benefits Reserve	625
Closed Churchyards Reserve	-2
Health Inequalities	31
Deposit Guarantee Claims Reserve	4
Park Homes Replacement Reserve	165
Planning Obligations Admin Reserve	35
LSP	8
Artificial Grass Pitch Reserve	108
Business Support Scheme	139
Infrastructure Reserve	803
NNDR Volatility Reserve	3,955
Ticket Levy Reserve	35
Waste Reserve	215
Community Housing Fund	211
<b>Total Usable Reserves</b>	<b>43,444</b>

# Agenda Item 12

## **District Executive Forward Plan**

*Executive Portfolio Holder:* Val Keitch, Leader, Strategy and Policy  
*Lead Officer:* Angela Cox, Democratic Services Specialist  
*Contact Details:* [angela.cox@southsomerset.gov.uk](mailto:angela.cox@southsomerset.gov.uk) or (01935) 462148

### **1. Purpose of the Report**

1.1 This report informs Members of the current Executive Forward Plan, provides information on Portfolio Holder decisions and on consultation documents received by the Council that have been logged on the consultation database.

### **2. Public Interest**

2.1 The District Executive Forward Plan lists the reports due to be discussed and decisions due to be made by the Committee within the next few months. The Consultation Database is a list of topics which the Council's view is currently being consulted upon by various outside organisations.

### **3. Recommendations**

3.1 The District Executive is asked to:-

- I. approve the updated Executive Forward Plan for publication as attached at Appendix A;
- II. note the contents of the Consultation Database as shown at Appendix B.

### **4. Executive Forward Plan**

4.1 The latest Forward Plan is attached at Appendix A. The timings given for reports to come forward are indicative only, and occasionally may be re scheduled and new items added as new circumstances arise.

### **5. Consultation Database**

5.1 The Council has agreed a protocol for processing consultation documents received by the Council. This requires consultation documents received to be logged and the current consultation documents are attached at Appendix B.

### **6. Background Papers**

6.1 None.

## APPENDIX A - SSDC Executive Forward Plan

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
October 2018	Council Plan Priority Setting Workshop	Portfolio Holder for Strategy and Policy	Director Strategy and Commissioning	Netta Meadows, Director (Strategy & Commissioning)	District Executive
October 2018	Transformation Project Progress Report	Portfolio Holder for Strategy and Policy	Chief Executive	Caron Starkey, Strategic Lead for Transformation	District Executive
October 2018	Funding for Pathways Hostel	Portfolio Holder for Strategy and Policy	Director Service Delivery	Alice Knight, Welfare & Careline Manager	District Executive
November 2018	Economic Development Strategy	Portfolio Holder for Environment & Economic Development and Transformation	Director Service Delivery	Peter Paddon, Lead Specialist (Economy)	District Executive
November 2018	Council Plan Agreed Priorities with Outcomes	Portfolio Holder for Strategy and Policy	Director Strategy and Commissioning	Netta Meadows, Director (Strategy & Commissioning)	District Executive
November 2018	Capital & Revenue Budget monitoring reports for Quarter 2	Portfolio Holder for Finance and Legal Services	Director Support Services	Nicola Hix, Lead Specialist (Finance)	District Executive
November 2018	Quarterly Performance and Complaints Monitoring Report	Portfolio Holder for Strategy and Policy	Director Strategy and Commissioning	Zac Tredger, Specialist (Performance)	District Executive

<b>Date of Decision</b>	<b>Decision</b>	<b>Portfolio</b>	<b>Service Director</b>	<b>Contact</b>	<b>Committee(s)</b>
December 2018 December 2018	South Somerset Local Plan Review, approval of Preferred Options for consultation	Portfolio Holder for Strategic Planning (Place Making)	Director Strategy and Commissioning	Jo Wilkins, Acting Principal Spatial Planner	District Executive South Somerset District Council
December 2018	Draft Council Plan 2019/2020	Portfolio Holder for Strategy and Policy	Director Strategy and Commissioning	Netta Meadows, Director (Strategy & Commissioning)	District Executive
December 2018	Commercial Assets and Investments	Portfolio Holder for Property & Climate Change and Income Generation	Director Commercial Services & Income Generation	Commercial Property, Land and Development Manger	District Executive
December 2018	Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA)	Portfolio Holder for Finance and Legal Services	Director Strategy and Commissioning	Paula Goddard, Legal Specialist	District Executive
January 2019	Transformation Project Progress Report	Portfolio Holder for Strategy and Policy	Chief Executive	Caron Starkey, Strategic Lead for Transformation	District Executive
January 2019 February 2019	Approval of Council Plan 2019/2020	Portfolio Holder for Strategy and Policy	Director Strategy and Commissioning	Netta Meadows, Director (Strategy & Commissioning)	District Executive South Somerset District Council

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
February 2019 February 2019	2019/20 Budget and Medium Term Financial Strategy	Portfolio Holder for Finance and Legal Services	Director Support Services	Paul Fitzgerald, Section 151 Officer	District Executive South Somerset District Council
February 2019	Capital & Revenue Budget monitoring reports for Quarter 3	Portfolio Holder for Finance and Legal Services	Director Support Services	Nicola Hix, Lead Specialist (Finance)	District Executive
February 2019	Quarterly Performance and Complaints Monitoring Report	Portfolio Holder for Strategy and Policy	Director Strategy and Commissioning	Zac Tredger, Specialist (Performance)	District Executive
April 2019	Transformation Project Progress Report	Portfolio Holder for Strategy and Policy	Chief Executive	Caron Starkey, Strategic Lead for Transformation	District Executive
TBC	Leisure Contracts	Portfolio Holder Leisure & Culture	Director Service Delivery		District Executive
TBC	Dualling of A303 from Sparkford to Ilchester	Portfolio Holder for Strategic Planning (Place Making)	Director Strategy and Commissioning	Jo Manley, Specialist (Strategic Planning)	District Executive

## APPENDIX B - Current Consultations – September 2018

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
<p><b>Local government finance settlement 2019 to 2020: technical consultation</b></p> <p>The consultation paper sets out the government's intended approach for the final year of the multi-year local government finance settlement.</p> <p>It will be of particular interest to local authorities, and representative bodies for local authorities.</p> <p><a href="https://www.gov.uk/government/consultations/local-government-finance-settlement-2019-to-2020-technical-consultation?utm_source=822c556d-9460-4c37-8494-4de25034f02a&amp;utm_medium=email&amp;utm_campaign=govuk-notifications&amp;utm_content=daily">https://www.gov.uk/government/consultations/local-government-finance-settlement-2019-to-2020-technical-consultation?utm_source=822c556d-9460-4c37-8494-4de25034f02a&amp;utm_medium=email&amp;utm_campaign=govuk-notifications&amp;utm_content=daily</a></p>	Strategy and Policy	Director – Strategy and Commissioning	Officers in consultation with Portfolio Holder	Paul Fitzgerald	18 September 2018
<p><b>Independent review of planning appeal inquiries: call for evidence</b></p> <p>This call for evidence seeks views, particularly from those with direct experience, on the current operation of the planning appeal inquiries process and how it could be improved, so that decisions can be made sooner, but without compromising the quality of the decisions.</p> <p><a href="https://www.gov.uk/government/consultations/independent-review-of-planning-appeal-inquiries-call-for-evidence">https://www.gov.uk/government/consultations/independent-review-of-planning-appeal-inquiries-call-for-evidence</a></p>	Strategic Planning (Place Making)	Director – Service Delivery	Officers in consultation with Portfolio Holder	Simon Fox / Marc Dorfman	18 September 2018
<p><b>Parliamentary Select Committee call for evidence on the Rural Economy</b></p> <p>The focus of the Committee's inquiry will include:</p> <ul style="list-style-type: none"> <li>How the Government is performing on the rural economy</li> </ul>	Environment & Economic Development and Transformation	Director – Strategy and Commissioning	Officers in consultation with Portfolio Holder	Jo Manley	10 September 2018

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
<ul style="list-style-type: none"> <li>• Improving and maintaining provision for essential services such as healthcare, education and banking</li> <li>• Helping rural business to thrive, and supporting investment and new industries</li> <li>• Tackling deprivation and inequality in rural areas</li> <li>• Supporting shops, pubs and other local amenities</li> </ul> <p data-bbox="181 491 999 587"> <a href="https://www.parliament.uk/business/committees/committees-a-z/lords-select/rural-economy/news-parliament-2017/call-evidence-launch/">https://www.parliament.uk/business/committees/committees-a-z/lords-select/rural-economy/news-parliament-2017/call-evidence-launch/</a> </p>					

# Agenda Item 13

## **Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the District Executive will take place on **Thursday, 4<sup>th</sup> October 2018** in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

# Agenda Item 14

## **Exclusion of Press and Public**

The Committee is asked to agree that the following item (agenda item 15) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3:

“Information relating to the financial or business affairs of any particular person (including the authority holding that information).”

It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

# Agenda Item 15

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted