

South Somerset District Council

Minutes of a meeting of the **District Executive** held in the **Council Chamber, Council Offices, Brympton Way, Yeovil on Thursday 3 November 2022.**

(9.30 am - 11.36 am)

Present:

Councillor Val Keitch (Chairman)

Jason Baker

Mike Best

John Clark

Nicola Clark (on-line)

Adam Dance (on-line)

Sarah Dyke

Tony Lock



Also Present:

Henry Hobhouse

Sue Osborne

Andy Soughton

Mike Stanton

Officers:

Jane Portman

Kirsty Larkins

Jill Byron

Karen Watling

Robert Orrett

John Hammond

Stephanie Gold

Angela Cox

Becky Sanders

Chief Executive

Director (Service Delivery)

Monitoring Officer

Chief Finance Officer (S151 Officer)

Commercial Property, Land & Development Manager

Lead Specialist (Built Environment)

Specialist (Scrutiny & Member Development)

Specialist (Democratic Services)

Case Officer (Strategy & Support Services)

Note: All decisions were approved without dissent unless shown otherwise.

72. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the previous meeting held on Thursday 6th October 2022 were approved as a correct record and were signed by the Chairman.

73. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Peter Gubbins and Peter Seib. It was noted that Councillors Nicola Clark and Adam Dance joined the meeting remotely (non-voting).

74. Declarations of Interest (Agenda Item 3)

Councillor Mike Best declared a personal interest in Agenda item 6: Millers Garage Car Park Project, East Street, Crewkerne, as a member of Crewkerne Town Council.

75. Public Question Time (Agenda Item 4)

The Executive were addressed by 3 residents of Crewkerne regarding agenda item 6: Millers Garage Car Park, East Street, Crewkerne. Their comments included:-

- The Scrutiny Committee had received representations from the owner and proposed developer of the site adjacent to the car park site regarding unlocking the site for development.
- The intention was to provide additional long stay car parking but how would the proposal avoid becoming a rat-run?
- The report mentioned advantages of the proposed scheme but did not mention possible disadvantages like the loss of open space close to the town centre which could be developed to a range of amenities to benefit the town.
- Option A the direct delivery by SSDC of the car park had been the option residents of Crewkerne had been expecting for many years now, and multiple times they had asked for updates on the long overdue car park.
- The land adjoining the consented car park site, (the Orchard) was subject to a Landscape Capacity study, Policy CR2 by SSDC, as part of the emerging Local Plan. Figure 5 of that study identified the piece of land involved in the swap as a Buffer Zone, and highlighted that any development should be northwards and uphill of the important line of trees, and said this section was “important as part of the wider green corridor running east/west into the centre of town.”
- Did officers at SSDC purchase the Millers Garage site in 2014, with public money, to provide a much-needed car park for the town, or simply to “open up” the adjoining land for a developer?
- In 2007 SSDC had first discussed the possibility of purchasing land to enhance the proposed car park at Millers Garage. They had purchased the site in 2014 but could not reach an agreement with Wyvern Court to provide the access to meet the Highway Authority criteria.
- Earlier in the year an agreement was reached between the family owning the adjacent land, Wyvern Court and SSDC, resulting in draft Heads of Terms.
- Do not understand why the original report was removed from the District Executive agenda in June 2022 resulting in further delay.

76. Chairman's Announcements (Agenda Item 5)

The Chairman paid tribute to staff member Ollie Reid, who had tragically lost his life in a car accident the previous month at the age of 21. She asked that Members join her for a minute of silence in his memory.

77. Millers Garage Car Park Project, East Street, Crewkerne (Agenda Item 6)

The Portfolio Holder for Economic Development introduced the report and noted that Option B described in the report appeared to provide a saving to the taxpayer however, the balance of the saving to the benefit to the town was a matter for the local representatives and not an economic development issue.

The Ward Member, Councillor Mike Best, advised Members of the history of the site and the reason for additional long-stay car parking in the town. He noted the 3 options listed in the officers report and that Option B would provide additional car parking with the required space for access in and out onto East Street. The adjacent landowner had confirmed that planning permission for the car park would be submitted separately to the proposed housing. He asked that if Members were minded to agree Option B that the £203,000 previously allocated from the Corporate Capital Contingency Fund towards the Project, be retained in an appropriate reserve to safeguard the project should the Option B approach fail.

During discussion the following points were made:-

- Officers had spent a great deal of time negotiating with the owners of Wyvern Court over many years.
- Option B would provide more car parking spaces for less cost.
- The Scrutiny Committee had called in the original Executive decision to just provide the car park as a value for money project.
- Option B was a risk that the car park may not be built for some time.
- The adjacent site was without access without the land owned by SSDC.

In response to questions from Members, the Commercial Property, Land & Development Manager and the Monitoring Officer confirmed that:-

- There were no signed Heads of Terms.
- A planning application would have to be submitted and the outcome of that was uncertain.
- There would be an option agreement or conditional contract with the owner of the adjacent land with conditions to include timescale obligations to deliver the car park.
- Draft Heads of Terms would not fetter the discretion of Members on any subsequent decision on the land and would not affect any future planning application.

At the conclusion of the debate, Councillor Mike Best proposed that Option B be agreed as the way forward. However, he asked that £203,000 previously allocated from the Corporate Capital Contingency Fund towards the Project as an

addition to the budget approved by Full Council in February 2022, be retained in an appropriate reserve to safeguard the project should the Option B approach fail. This was seconded by Councillor Jason Baker and unanimously agreed by Members.

RESOLVED: That District Executive:-

- a. Noted the call-in request by the Scrutiny Committee to re-consider the decision taken by District Executive on 04 August 2022 with reference to value for money;
- b. Confirmed that Option B – agree to the proposed land swap and delivery of a car park on adjoining land at no cost to the Council, be adopted;
- c. Confirmed that £203,000 previously allocated from the Corporate Capital Contingency Fund towards the Project as an addition to the budget approved by Full Council in February 2022, be retained in an appropriate reserve to safeguard the project should the Option B approach fail.

Reason:

To re-consider options for the delivery of a new car park using land owned by the council, responding to the decision of SSDC Scrutiny Committee that District Executive reconsider the matter with reference to value for money.

78. Planning to support the release of phosphate credits within the Somerset Levels and Moors Ramsar catchment to unlock stalled housing developments (Agenda Item 7)

The Portfolio Holder for Protecting Core Services introduced the report and noted that the report had been deferred from the previous Executive meeting in October for further information which had now been provided. He also reminded Members that the new Unitary Authority would be looking for phosphate solutions for the whole county.

The Lead Specialist for Built Environment advised that his report proposed a solution to allow housing developments to be built rather than a solution to the phosphate issue. He provided Members with a powerpoint presentation (published as a supplement to the agenda) to explain the range of proposed schemes.

In response to questions from Members, the Lead Specialist for Built Environment, the Director for Service Delivery and the Monitoring Officer advised:

- The developers who would buy the credits were those who were unable to provide a self-contained on-site solution to phosphates.

- The credits were a way forward for small developers and it was likely they would be sold as soon as January 2023.
- After vesting day the new Somerset Council could progress a different solution to the phosphate issue.
- By comparison with district council's Unitary Councils generally had more land within their control to provide phosphate solutions
- Farmers would take commercial decisions to decommission from animal production and use their land for other purposes.
- En Trade fell within the co-ordinator of solutions category, acting on behalf of other phosphate mitigation providers.
- The best intervention was the creation of wetlands and the most immediate intervention was fallow land.
- Somerset West and Taunton Council had approved a 4.8ha wetland that would allow the building of 700 houses.
- Buffer planting strips were also a solution to phosphate mitigation.
- The wetland solution would be more attractive if Natural England allowed the stacking of credits with biodiversity net gain and carbon credit within one wetland area.
- Biodiversity net gain was being dealt with by the policy planners.
- Ecologists were in great demand and SSDC were using the services of an external ecology practice.
- Delivering affordable housing in areas where water treatment works had not been upgraded would be challenging until 2030; the date the Government had said Water Companies must complete all upgradings.
- Developers would pay up-front for the installation and monitoring of the phosphate solutions.
- Section 106 agreements were entered into under the law at that time and they were binding when they were agreed. Sometimes circumstances changed which was why the District Valuer could be asked to review them.

During discussion, the following points were made:

- The new Somerset Council were looking at ways to mitigate the phosphate issue.
- Need assurance that the monitoring of the phosphate mitigation solutions were funded.
- Castle Cary water treatment works were being upgraded that year to remove phosphate pollution.
- Mitigation by credits did not stop the phosphate pollution.
- This would be a trial for 5 months before the Unitary Council took over.
- Commend the officer for the detail provided in the report.

The Chairman noted that full responses had been provided by officers to the questions raised at the Scrutiny Committee the previous month.

At the conclusion of the debate, the Portfolio Holder thanked the officer for his comprehensive report and he proposed that the recommendations be agreed.

They were seconded by Councillor Sarah Dyke and unanimously agreed by Members.

RESOLVED: That District Executive agreed:-

- a. the structure that would be required to ensure any third-party nutrient neutrality credit market will provide appropriate safeguards to both the Council (as the Competent Authority) and Natural England as the relevant adviser, to ensure land use projects are designed to an appropriate specification, and provide certainty of delivery of the agreed P credits and ensuring:
 - the co-ordination of land use management projects that result in phosphate use reduction or phosphate removal,
 - the methodology for agreeing the level of P credits derived from each land use project,
 - the mechanisms for the marketing of credits, including the retention of any buffer, and;
 - the mechanisms and funding arrangements to ensure ongoing project monitoring and compliance over the “in perpetuity” term and the management arrangements for selling credits to developers.
- b. to delegate to lead officers (Director of Service Delivery and Lead Specialist Built Environment) authority to confirm to landowners who can demonstrate that they can meet the provisions set out in this report that their credit sales will be accepted as providing an appropriate solution to securing nutrient neutrality, and
- c. to advise the relevant land owners bringing forward P credits that securing a solution to phosphate mitigation alone, where the consequences of any such credit acquisition will result in the applicant seeking to re-visit issues of viability, or otherwise seek to diverge away from the other obligations normally sought by way of S.106 (A-C) will require the Council to assess (or re-assess) whether, the application proposal remains one that delivers a sustainable form of development, when considered against the provisions of the Development Plan as a whole.

Reason: To update members on work that has been undertaken between South Somerset District Council, Natural England and landowners and their agents within the River Parrett catchment of the Somerset Levels and Moors (SLAM) Ramsar site specifically to enable a credit market to be offered to developers of sites within this catchment and to set out recommendations that will allow for the sale of such third party credits (i.e. credits being presented to the market by private landowners rather than directly delivered by the Council) to be made available to applicants seeking planning permission, reserved matters consent and certain discharge of condition applications for which nutrient neutrality is a requirement to allow development to proceed.

79. District Executive Forward Plan (Agenda Item 8)

The following addition to the Forward Plan was noted:

- Play Area and Youth Facilities Strategy – January 2023

RESOLVED: That the District Executive:-

1. approved the updated Executive Forward Plan for publication as attached at Appendix A, with the following addition;
 - Play Area and Youth Facilities Strategy – January 2023
2. noted the contents of the Consultation Database as shown at Appendix B.

Reason: The Forward Plan is a statutory document.

80. Date of Next Meeting (Agenda Item 9)

Members noted that the next scheduled meeting of the District Executive would take place on Thursday 01 December 2022 in the Council Chamber, Council Offices, Brympton Way, Yeovil commencing at 9.30 a.m.

81. Exclusion of Press and Public (Agenda Item 10)

The Chairman asked Members to agree that the press and public be excluded from the following item and this was agreed without dissent.

RESOLVED: That the following item 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).

82. Briefing on Local Government Reorganisation (Confidential) (Agenda Item 11)

The Chief Executive provided members with a brief verbal update on the progress of Local Government Reorganisation in Somerset and answered their questions on points of clarification.

The report was NOTED

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Chairman

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Date