

## West Somerset District Council Local Plan Examination

### Matters and Issues Statement made by Savills on behalf of the Trustees of The Wyndham Estate

#### Matter 1: Legal Compliance and the Duty to Co-operate

1. The Council has been asked to publish a self-assessment document showing how it considers it has met the legal requirements. Other than with regard to the Duty to Co-operate (dealt with separately), if it has not, in what way has it failed and what now needs to be done by way of correction?

1.1. No comment

2. SD17 sets out how the Council considers it has met the Duty to Co-operate. However, this is dated December 2014 and cannot take into account what may have been continuing activity up to the submission of the Plan in July 2015 or, at the very least, the finalisation of that document. Would it be reasonable for me to conclude from the evidence in that document and any further evidence that the Council wishes to provide that the Council had engaged constructively, actively and on an ongoing basis with those prescribed in statute in maximising the effectiveness with which the preparation of the Plan has been undertaken? If not, in what specific ways has the Council failed to meet the Duty?

2.1. The evidence in the December 2014 Duty to Co-operate Statement indicates that there has been constructive engagement with the various statutory agencies and neighbouring local planning authorities on strategic planning matters. However the Wyndham Estate advises that it would not be reasonable for the Inspector to conclude that the Council has engaged actively and on an ongoing basis if the evidence, from December 2014 to July 2015, to support such a conclusion is unclear.

2.2. The Inspector's observation that the Duty to Co-operate Statement is dated December 2014, and that the submission of the Plan occurred in July 2015, is pertinent. The Estate is unclear about whether the process of engagement can be described as maximising the effectiveness with which the preparation of the Plan has been undertaken. To 'maximise' suggests 'to take full advantage of' and it is considered that the Council should perhaps demonstrate that the preparation of the Local Plan took full advantage of opportunities to engage with statutory agencies up until July 2015.

2.3. The Duty to Co-operate identifies that housing provision is one of the main duty to co-operate issues relevant to the area. The Statement explains that there are unmet affordable housing needs in West Somerset and unmet market housing needs in Exmoor National Park. An inability to resolve these unmet needs, despite meetings and discussion with neighbouring local planning authorities, has the potential to undermine the soundness of the Local Plan.