



West Somerset Local Plan to 2032

Matter 7: Changes to submitted policies proposed for soundness

February 2016

This document represents West Somerset Council's response to the Inspector's Matter 7. It should be read alongside the Council's submissions in respect to other Matters and also presented to the Examination. West Somerset Council responses to the Inspector's Matters 1 – 8 can be found at the Examination Latest News webpage: <http://www.westsomersetonline.gov.uk/Planning---Building/Planning-Policy/Local-Plan-to-2032/Latest-Examination-news>

The paragraph numbering used in this response relates to the matters identified by the Inspector and his issues identified against each matter.

Matter 7.1: Changes to submitted policies proposed for soundness

- 7.1.1 The Council has set out a number of proposed potential changes to policies set out in the West Somerset Local Plan to 2032 as submitted. These changes were considered by Officers as necessary to address some of the issues outlined in the Inspector's letter dated 28 August 2015 (**ED3**). The Inspector's letter identified several areas in which, the Plan could fail to meet the tests of soundness and as such, the Council thought it helpful to the Examination process to consider potential amendments to the policies as submitted which would address the concerns raised.
- 7.1.2 The proposed potential changes were considered by both the West Somerset Local Development Panel on Wednesday 25 November 2015 and were subsequently endorsed by West Somerset Council on Wednesday 16 December 2015. Following the endorsement Full Council, officers wrote to the Inspector (**ED10**) confirming the suggested amendments to policies which the Council would request that the Inspector considers.
- 7.1.3 It should be noted that because these suggested amendments to policy wording are put forward to address matters of soundness identified by both the Inspector and other parties, the Council would consider that in the event they were to be accepted by the Inspector, they should be treated as 'main modifications' to the Plan. The practical implication of such changes being treated as main modifications is that through the examination process they should be subject to a six week consultation period and, that where applicable, the Council's Sustainability Appraisal underpinning the Plan should be updated to reflect changes in any sustainability implications associated with such amendments.
- 7.1.4 Whilst the Report of the Lead Member for Housing, Health & Well-being to Full Council on 16 December (**ED15**) sets out the justification for the changes put forward, Table 7.1 summarises the nature of changes and the justification for the change.

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Table 7.1:

Policy Area	Proposed Change	Justification/Commentary
Wind energy (Policies EN2 and CC1)	Explicit exclusion of wind energy from the terms of the policies.	Following the Ministerial Statement of 18 June 2015 it is clear that areas considered suitable for wind power should be identified on Local Plan Proposals Maps. Since no areas have been identified in West Somerset to-date it is considered proposals should be judged against The Framework rather than Local Policy.
Heritage assets (Policies EN2, MD1, MD2, WA1, WA2, WI1, LT1, CC1, NH1 and NH4)	Series of amendments proposed inserting specific reference to the historic environment and heritage assets.	Changes follow extensive discussions with the statutory consultee on such matters: Historic England and ensure policy more adequately reflects legislation and The Framework.
Gypsy and travellers (Policy GT1)	The policy has been re-framed to provide a criteria-based approach against which applications for gypsy and traveller pitches can be assessed.	The revised policy more closely reflects the latest Government Policy / Guidance on gypsy and travellers.
Community facilities (Policy CF1)	The change introduces a new test to prevent unnecessary loss of valued services and facilities.	The revised policy more closely reflects The Framework and in-particular paragraph 70.
Areas of Outstanding Natural Beauty (New policy)	This new policy provides an additional level of policy protection to development within the Quantock Hills Area of Outstanding Natural Beauty.	Representations from the Quantock Hills AONB and subsequent correspondence from the Inspector highlighted this policy as being necessary for compliance with The Framework.

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Best and Most Versatile Agricultural Land (Policy NH5)	The change removes the 10ha threshold below which BMV would otherwise not have been protected against policy NH5 as set out at Publication / Submission stage.	The revised policy more closely reflects The Framework and in-particular paragraph 112, the Inspector questioned the evidence base to justify imposition of a 10ha threshold.
Settlement hierarchy (Policies SC1, OC1 and SV1)	Changes clarify the relationship between policy SC1 and OC1 and SV1 respectively.	The proposed changes will aid the effectiveness of the policies as drafted.
Local economy (Policy EC1)	Change to second paragraph of the policy.	The proposed change will aid the effectiveness of the policy as drafted.
Flood risk management (Policy CC2)	Changes to clarify that the first part of the policy essentially relates to locational factors associated with a development and the second part on design matters.	The proposed change will aid the effectiveness of the policy as drafted.

Matter 7.2: Policy NH7

- 7.2.1 Following the Fukushima incident the Office for Nuclear Regulation (ONR) requested that a policy be included in the West Somerset Local Plan to 2032 dealing with nuclear safeguarding consultation zones. A policy (NH7) was subsequently included in the Council's Revised Preferred Strategy.
- 7.2.2 Over the course of the Revised Preferred Strategy consultation EDF objected to the proposed new policy, arguing that it duplicated health and safety requirements and consequently should be deleted. No representation was received by ONR over the consultation period, or following it, despite the Council attempting to seek further clarification on the matter.
- 7.2.3 In the absence of any further view being expressed the policy was deleted from the Publication version of the Local Plan. It was at this point, EDF objected to the deletion of the policy they had previously considered unnecessary. Again, no further representations were made by ONR.
- 7.2.4 Since submitting the Plan for examination, the Council has been contacted by both ONR and EDF seeking the reintroduction of the policy into the Local Plan.