

West Somerset Council
Local Plan to 2032 Examination

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Dear Mr Clempson,

WEST SOMERSET LOCAL PLAN TO 2032

1. Thank you for your letter dated 16 September (ED5) and the attachment to it (ED4) and the generally positive and constructive way in which the Council has responded to my initial observations (ED3) on the submitted Plan. I am confident that the same approach during the hearing sessions will enable me to recommend the main modifications necessary to ensure that the Plan meets the tests of soundness. However, for the reasons that I set out below, I believe that some additional response from the Council is required before the matters and issues to be discussed at the hearing sessions can be finally determined and the hearing sessions programme arranged.

The Nature of the Plan (ED 4 section 1)

2. This part of the response raises several issues upon which the Council's further observations are necessary.
3. ED4 paragraph 1.1 is quite clear that in 2009 when work commenced on the Core Strategy, it was the Council's intention to prepare both a Development Management Policies DPD and a Site Specific Allocations DPD. The current Local Development Scheme (SD16) was adopted in June 2013; neither of these DPDs is carried forward for preparation. I note that SD16 was subject to revision in January 2015 but it is not clear what that revision amounted to. It seems therefore that ED4 paragraph 1.4 is slightly misleading. There is no stated intention to prepare any further local plans to support the submitted Plan and that has been the position since June 2013.
4. It follows therefore that the submitted Plan is the local plan for the area as envisaged by National Planning Policy Framework (the Framework) paragraph 153. I have already noted that the Plan identifies sites to accommodate only 50% of the housing need (ED3 paragraphs 34 and 37) and ED4 paragraph 1.2 appears to suggest that the Plan is focussed only on the identification of a number of key strategic sites critical to the delivery of the housing strategy.

5. It is not my understanding that the remaining 50% is intended to come forward from windfall sites in the context of Framework paragraph 48. Indeed, the Council's acknowledgment that the Plan does not provide the full range of housing sites to meet the strategic housing target and the consequent proposal to identify a number of interim release housing sites (ED4 paragraph 1.7) is confirmation that my understanding is correct.
6. This approach does not appear to be consistent with Framework paragraph 47 which requires the housing needs to be met in full, including identifying key sites critical to the delivery of the housing strategy (my emphasis). It also appears to be flawed in a number of respects.
7. First, until the second Update commissioned in August 2015 has been completed the implications for the objectively assessed housing need of the DCLG 2012-based household projections issued in February 2015 will not be known. The Council confirms at several points (for example, ED4 paragraph 3.9) that the results of this work are awaited. It seems to me that the housing required to come from the interim release sites cannot be determined until that work is complete. The Council should state when this will be as previously requested (ED3 paragraph 66).
8. Second, there is no indication as yet which sites the Council has in mind for interim release. A number of sites were considered but rejected as part of the Sustainability Appraisal (SA) as explained in section 4 of SD14. I am not aware from the evidence base of any others being considered and subject to the required SA. If any of those previously rejected are now to be brought forward, the evidence for doing so will need to be clear.
9. Third, the purpose of the local plan is to set out the Council's proposals so that they may be subject to comment and, ultimately, examination. ED4 paragraph 1.8 sets out the Council's intention to consult upon '...the principle of a number of potential interim release sites before Christmas' prior to endorsement by the Council as the means for bringing these sites forward for development to '...provide a substantial boost to the five year deliverable supply of housing land'.
10. Since it appears highly likely that this examination will still be in progress at that time the Council will need to explain what purpose the 'endorsement' is intended to serve. Potentially there is the wholly unsatisfactory prospect of the development sites necessary to deliver the Plan's housing strategy being considered through two parallel processes; one being the statutory local plan process for strategic sites, the other a Council-run process for other sites. It is not clear to me what weight, if any, could be given to the outcome of the latter process if it was outside the examination of the Plan. In the alternative, it may be that these additional sites will be endorsed for consideration through the examination. That will inevitably entail some delay to the examination timetable.
11. The Council will wish to consider how it proposes to address these issues. One option could be to bring forward an early review of the Plan as indicated

in ED4 paragraph 1.4. The Council will however have to be very clear about the timescale of such a review and how a deliverable supply of housing land would be demonstrated in the interim period.

12. Another option might be to request a formal suspension of the examination. This could allow time for the outcome of the Update to be considered and the interim release sites to be subject to SA and public consultation. Any implications arising from that process could then be considered as part of the examination. The Council will need to consider the appropriate period of any suspension if it chooses this route.

Other matters for the evidence at the hearing sessions as appropriate

13. I do not find ED4 section 3 particularly clear. Is the Council saying that the local planning authority area of West Somerset equates to the SHMA for the purposes of Framework paragraph 47?
14. ED4 paragraph 6.1 does not address the question posed in ED3 paragraph 41. The Council was asked how it intended to address what is a clear conflict with current national planning policy regarding on-shore wind turbine proposals. In view of the comments in paragraphs 2 to 12 of this letter there would appear to be at least two options available to the Council; proceed as outlined in ED3 or develop the work in the Renewable and Low Carbon Energy Study to formulate a specific on-shore wind turbine policy. How does the Council intend to proceed?
15. The responses in ED4 section 6 raise a general issue. In most cases there is no indication that my understanding as set out in ED3 is incorrect. The offer therefore to make the relevant policy compliant is welcome. While the formal position is that the main modification that will be recommended to do so will be included in my report to the Council, in practice the necessary form of words should be proposed by the Council. This should be done as part of its hearing statement for the relevant hearing session so that participants can debate the new wording which can then be reviewed as appropriate by the Council before formally seeking further comments through public consultation following SA as required.
16. The Council's responses to my general points about policy wording (ED4 section 7) are noted and can be discussed during the hearing sessions. I would however make two observations at this stage to assist the Council in the preparation of the necessary hearing statement.
17. The wording of the first bullet of policy OC1 is so firmly rooted in the now replaced PPS7 that the impression given is that what is a clear national planning policy change has simply not been considered. The response in ED4 paragraph 7.3 seeks to couch the justification in terms of sustainability considerations. Does this mean that the Council sees a functional and financial test and a permission being given on a temporary basis as equating to the economic, social and environmental dimensions set out in Framework

paragraph 7? If so, the Council will need to develop its thinking for the relevant hearing session.

18. What is said in ED4 paragraph 7.10 in relation to policy ID1 appears to further confuse rather than clarify matters. It would be helpful if the Council's position regarding a Community Infrastructure Levy could be confirmed by the time of the hearing sessions. In that respect, a timescale needs to be put on the work that is about to be commissioned. Moreover, the policy is in the form of a statement and perhaps needs review if it is to be effective?

Documents

19. ED4 contains 30 footnote references to other documents. Where these are to documents included within the evidence base the document number (SD, EB or ED as appropriate) that the Council has kindly given to each following my earlier request should be given. The Council will need to consider carefully the contents of ED4 paragraph 2.1. The short point is that if a document is essential to an understanding of the Plan the Council will have to make it available on the examination web site and in the examination library.

Conclusion

20. In responding to this letter the Council needs to consider the period that will be required to undertake any work that is required which may include a period of public consultation. The Council should proceed on the basis that all of the necessary work must be completed so that it can be set out in the Council's hearing statements. In the circumstances, these are likely to be required in advance of those prepared by others so that they have an opportunity to consider the Council's position before preparing their own statements.
21. I would be grateful if you could respond to this letter via the Programme Officer not later than noon on 8 October setting out how you intend to proceed and in what timescale. I may then be able to prepare the matters and issues for discussion at the hearing sessions and ask the Programme Officer to make arrangements for them to be held. More likely however is that we will need to discuss and agree the period of a pause in or a formal suspension of the examination while the Council carries out the additional work necessary to address the issues that I have raised. As before, I would be grateful if you could place this letter and the Council's response to it on the examination web site.

Yours sincerely,

Brian Cook

Appointed Inspector